

1 **STATE OF NEW HAMPSHIRE**

2 **SITE EVALUATION COMMITTEE**

3 **December 18, 2017 - 9:10 a.m.** **DAY 68**
 4 49 Donovan Street **Morning Session ONLY**
 5 Concord, New Hampshire

6 {Electronically filed with SEC on 12-26-17}

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

12 **PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

13 **Chrmn. Martin P. Honigberg** Public Utilities Comm.
 14 *(Presiding as Presiding Officer)*

15 **Cmsr. Kathryn M. Bailey** Public Utilities Comm.
 16 **Dir. Craig Wright, Designee** Dept. of Environ. Serv.
 17 **Christopher Way, Designee** Dept. of Business &
 Economic Affairs

18 **William Oldenburg, Designee** Dept. of Transportation
 19 **Patricia Weathersby** Public Member
 20 **Rachel Dandeneau** Alternate Public Member

21 **ALSO PRESENT FOR THE SEC:**

22 Michael J. Iacopino, Esq., Counsel for SEC
 23 *(Brennan, Lenahan, Iacopino & Hickey)*

24 Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Steven E. Patnaude, LCR No. 052

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P R O C E E D I N G

CHAIRMAN HONIGBERG: Good morning, everyone. It's Day 68. There are some people hung up in traffic, including the witness who was supposed to go first today. But, happily, we have the witness who was scheduled to go second today in position.

Is there anything we need to do before the witness is sworn in?

[No indication given.]

CHAIRMAN HONIGBERG: Mr. Patnaude.

(Whereupon **Eric Meth** was duly sworn by the Court Reporter.)

CHAIRMAN HONIGBERG: Ms. Fillmore.

MS. FILLMORE: Thank you, Mr. Chairman. You can pull that microphone right up in front of you.

WITNESS METH: Okay. Thank you.

MS. FILLMORE: Rest assured, that if it moves too far away from your face, someone will mention it.

WITNESS METH: Thank you. I'll try to stay close.

ERIC METH, SWORN

[WITNESS: Meth]

DIRECT EXAMINATION

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BY MS. FILLMORE:

Q Please introduce yourself to the Committee and spell your last name for the record.

A Surely. My name is Eric Meth. My last name is spelled M-e-t-h. I'm the Chairman of the Select Board of the Town of Franconia.

Q And how long have you been the Chairman?

A I've been the Chairman since March of 2017.

Q And how long have you been on the Board of Selectmen?

A Since March of 2015.

Q And your testifying here today on behalf of the Board of Selectmen?

A Yes, I am.

Q You filed prefiled testimony in this matter dated November 15th, 2016, is that correct?

A That is correct.

MS. FILLMORE: And for the record, that's marked as "Joint Muni 103".

BY MS. FILLMORE:

Q And you also filed supplemental prefiled testimony in this matter dated April 17th, 2017, is that correct?

[WITNESS: Meth]

1 A I have, yes. That is correct.

2 MS. FILLMORE: And that's marked as
3 "Joint Muni 104".

4 BY MS. FILLMORE:

5 Q Do you have any additions or corrections to
6 that testimony?

7 A I do not at this point.

8 Q And do you swear to and adopt both sets of
9 testimony here today?

10 A I do.

11 Q Thank you. I'm going to ask you a few
12 questions about some information that we've
13 learned in the last couple of months regarding
14 the place where the proposed route would cross
15 the Gale River, in Franconia.

16 MS. FILLMORE: Dawn, can I have
17 AppleTV please?

18 BY MS. FILLMORE:

19 Q What I have up on the screen now -- do you see
20 anything in front of you on your screen?

21 A I do.

22 Q Okay.

23 A I do.

24 Q This is the transcript from Day 42, A.M., which

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[WITNESS: Meth]

1 is the recall of the Applicants' Construction
2 panel. And I'm on Page 67. And in this part
3 of the transcript, Mr. Pappas is questioning
4 Mr. Johnson about the exception requests that
5 the Applicants have filed with DOT for that
6 location for the Gale River crossing. And on
7 this page, between Lines 5 and 20, Mr. Johnson
8 agrees that, because the plans have changed
9 since the Application was filed, the
10 construction work at some locations will now
11 take longer than they were -- than the original
12 estimates.

13 And then they took a look at Exception
14 Request Number 108, and Mr. Johnson noted that
15 this request was still pending.

16 Mr. Meth, do you know today whether this
17 crossing is supposed to be a micro tunnel or an
18 HDD?

19 A I think that's one of the concerns of the Town
20 of Franconia, the Board of Selectmen. The
21 Application or the plans in the Application
22 have changed quite a bit. My understanding
23 that they have gone from a micro tunnel to a
24 horizontal directional, or an HDD, process,

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[WITNESS: Meth]

1 back to an exception request for a micro
2 tunnel.

3 So, at this point, I would have to say I'm
4 a little vague, a little unsure on that point
5 in the Application.

6 Q And I'm going to scroll up to Page 68, and here
7 between Lines 10 and 20, Mr. Pappas again was
8 questioning Mr. Johnson and Mr. Bowes about the
9 length of construction time if they used a
10 micro tunnel at this location, and they all
11 agreed that it would essentially take 14 to 20
12 weeks, including the micro tunnel, the entry
13 point and the exit point.

14 What concerns do you have today about the
15 work taking that long in this location?

16 A I would hope that the -- that the Committee is
17 aware that this is the center of Franconia.
18 This is the intersection of two major routes.
19 Route 18, which is Main Street in Franconia,
20 and Route 116, which is, basically, the exit
21 for I-93. So, it really is the main
22 intersection in Franconia.

23 What this does is create a blockage for
24 any type of traffic that's going to come

[WITNESS: Meth]

1 through. Whether it's tourism, whether it's
2 patronizing our business on Main Street. With
3 regards to safety services, it creates a
4 bottleneck, it creates a danger, a detour for
5 our safety services and our Life Squad.

6 If I could make the point that, not only
7 does it -- would it deter our Life Squad
8 getting to an event, but also the volunteers in
9 our town getting to the station. It would be
10 an impediment to them. We service our
11 neighboring -- our neighbor communities of
12 Easton and Sugar Hill. Our Life Squad is
13 charged with that. We have a Mutual Aid
14 Agreement, which would cause a problem for
15 that.

16 Our students on their way to the school,
17 that's quite often a bike route for our
18 students to take 116 down to our regional
19 elementary school, Lafayette Regional School,
20 which is off of 18.

21 So, I could go on and on. But you could
22 see that it really is a -- I'll leave it at
23 this, a real, real concern for our residents
24 and for our town in general.

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[WITNESS: Meth]

1 Q Does the Town have other projects that are
2 underway or planned for this area that you're
3 concerned about conflicts with?

4 A At this point, we do have a number of plans.
5 Since I brought up the safety issue in another
6 context, and this one I'll say that we have
7 plans for a crosswalk right at that
8 intersection is what we refer to as "Dow
9 Field". It's a main recreational area in the
10 Town of Franconia. You could see many, many
11 events taking place on that, from a regional
12 soccer tournament, to local concerts, to a
13 center for our Home Day Celebration. Major
14 fireworks take place in July there.

15 So, with regards to the actual route of
16 the high-voltage DC line, we've attempted to
17 create a little bit more of a safe haven for
18 that area. A crosswalk, which would go across
19 the school's -- go across Route 116 from the
20 church, where most people park when we do have
21 an event on the Dow Field, to the Dow Field.

22 So, my opinion, as I hear from our
23 residents, this causes a major problem for the
24 Dow Field and the recreational activities that

[WITNESS: Meth]

1 go on there.

2 We have a -- we have a planned pavilion on
3 Dow Field for next summer. We're hoping that
4 gets built. We have -- our Recreation
5 Director, who's very involved in the Town, has
6 raised a lot of money, a great amount of money
7 to see that this project is done. And the
8 money is there. We're just planning on
9 building it. That's one.

10 The other one off the top of my head is a
11 bike path. And it's in furtherance of our,
12 again, our continuation to have our safe routes
13 to school for our students.

14 Q If I can interrupt you for a moment, Mr. Meth?

15 A Please.

16 Q I'm going to ask you some questions about the
17 bike path in a few moments.

18 A Thank you.

19 Q I'm going to bring up now what is marked as
20 "Joint Muni 344". I apologize that all of
21 these exhibits are somewhat out of order,
22 but --

23 A That's quite all right.

24 Q -- we are working somewhat out of order this

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[WITNESS: Meth]

1 morning.

2 A Okay.

3 Q And this is Exception Request Number 104 that
4 the Applicants filed with the Department of
5 Transportation.

6 Is it your understanding that in this
7 Exception Request the Applicants are asking
8 here to have some of the work in this Gale
9 River crossing area occur under the pavement?

10 A That's my understanding, yes.

11 Q And does the Town have infrastructure under the
12 pavement in that area?

13 A We do.

14 Q What is that?

15 A This would be our town infrastructure. It
16 would include our water lines, electrical
17 lines, that go under Main Street, which is
18 Route 18, which is our understanding from the
19 Application that the high-voltage DC line would
20 go over our municipal infrastructure.

21 Q And what about that concerns you?

22 A At this point, I think it's a reasonable
23 person would -- I'm not an engineer, but a
24 reasonable person would realize that this would

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[WITNESS: Meth]

1 create an impedent -- impediment to access to
2 our water lines, to our electrical lines. I've
3 talked to our Water Commission. Their concerns
4 seem to be, you know, what happens -- we have a
5 new infrastructure in place right now, we have
6 a new improved water structure. But what
7 happens sometime down the road if our -- if a
8 water line breaks and accessing it?

9 From that Application, and I don't want to
10 get ahead of the question, Ms. Fillmore, but,
11 from what I've seen on the data requests from
12 Municipal Group 2, there doesn't seem to be any
13 mechanism in place for Northern Pass to help us
14 or to maintain this infrastructure. Whether
15 there's continual maintenance needed or whether
16 there's an accident or a disaster, such as a
17 broken water line. And we tend to know in the
18 North Country that tends to happen on occasion.

19 Q You mentioned a data request response, I'm
20 going to bring that up now. That's marked as
21 "Joint Muni 345".

22 A I do see it.

23 Q Okay. And would it be fair to summarize the
24 question here as asking what's the plan for

[WITNESS: Meth]

1 increased municipal expenditures in the future,
2 if things cost more to fix because this Project
3 is in the way, essentially?

4 A That's the way I read the question, yes.

5 Q Okay. And in the response down here, I'm just
6 going to highlight a little bit of it, it says
7 "The Applicants do not expect that there will
8 be any increased costs for municipalities to
9 work around the Project or to relocate existing
10 municipal infrastructure. The Applicants do
11 not anticipate the need to compensate
12 municipalities and private owners for any
13 potential increased expenses" -- I'll slow down
14 -- "related to the construction, operation, and
15 maintenance of the facility." And, finally,
16 "At the appropriate time, the Applicants will
17 work with municipalities, just as Eversource-
18 New Hampshire does today, on new underground
19 infrastructure projects to minimize utility
20 conflicts during the design phase."

21 So, you had mentioned that, to your
22 knowledge, there isn't any process in place to
23 compensate municipalities for increased
24 expenses, is that correct?

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[WITNESS: Meth]

1 A That is correct.

2 Q Okay. And has the Town heard from the
3 Applicants at all about their infrastructure
4 project and coordinating with Northern Pass?

5 A I'm sorry. Could you please repeat the
6 question?

7 Q Sorry.

8 A Thank you.

9 Q The data request says that "at the appropriate
10 time, the Applicants will work with
11 municipalities". To your knowledge, has that
12 happened yet with Franconia, regarding the
13 water line?

14 A It has not, no.

15 Q We've heard a lot in recent weeks about
16 memorandums of understanding -- memoranda of
17 understanding that the Applicants have entered
18 into with other communities. Have you read any
19 of those?

20 A Yes. I've reviewed all the member -- I've
21 reviewed the memorandum of understanding, and
22 my understanding, pardon the repeat, but --

23 Q Uh-huh.

24 A -- my understanding is that there is an MOU

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[WITNESS: Meth]

1 with Franklin, with Berlin, with Thornton,
2 Canterbury, and I believe the Plymouth Water &
3 Sewer Department. So, I've had an opportunity,
4 as Chairman, to take a look at those, since it
5 was asked for Franconia to enter into a
6 memorandum of understanding.

7 Q And particularly with respect to the Plymouth
8 Water & Sewer District, did you see anything in
9 that MOU regarding what would happen in the
10 future, if the -- if the water lines -- the
11 water and sewer lines needed to be repaired?

12 A Again, I don't mean to get ahead of you, but
13 that was one of our grave concerns about, after
14 reading Plymouth Water & Sewer Memorandum of
15 Understanding, there does not seem to be any
16 accountability on behalf of Northern Pass to
17 take care of the water and sewer line in
18 Plymouth.

19 And that, again, since the line is going
20 over Main -- going over our infrastructure in
21 Main Street, that was a great concern. A
22 nonstarter, if I may say.

23 Q I'm going to shift gears for a moment here, and
24 ask you, has there been a change recently in

[WITNESS: Meth]

1 the way that emergency services are provided in
2 your area, and particularly with respect to
3 Sugar Hill? A change that's coming?

4 A There is a change, again, as I had said
5 earlier, our Life Squad is charged with
6 responding to incidents in Sugar Hill. Sugar
7 Hill is accessed most quickly by our Life
8 Squad, our Life Squad is on the southern end of
9 town, in our Safety Services building. The
10 access to Sugar Hill is on Route 117. They
11 would have to go right through the
12 intersection, the Gale River crossing, which is
13 what we're talking about, whether it's going to
14 be a micro tunnel or whether it's going to be
15 HDD. So, that would -- that would be a real
16 problem in terms of servicing our neighbors
17 under our Mutual Aid Pact. That Sugar -- I
18 apologize, Sugar Hill, as well as Easton.

19 Q And is it true that recently the emergency
20 services company that had been servicing Sugar
21 Hill announced that they will no longer be
22 serving Sugar Hill?

23 A That is correct.

24 Q And as a result, will Franconia have to provide

[WITNESS: Meth]

1 additional services to Sugar Hill?

2 A That would -- that would be the case, yes.

3 Q Thank you. It's my understanding, again,
4 shifting gears, that the Applicants have been
5 conducting geotechnical drilling in Franconia,
6 as well as other towns, in connection with
7 further development of the plans.

8 Are you aware of any issues that have
9 arisen regarding the drilling and things that
10 may have been uncovered?

11 A Yes. I've received, specifically, an email and
12 the documentation that would go along with the
13 geotechnical drilling, specifically regarding a
14 bore hole, from, again, I can't remember -- I
15 don't know off the top of my head which
16 exception request that would involve, the
17 number, but it did involve geotechnical boring
18 at the site of the Gale River crossing and what
19 resulted from it.

20 Q And is it your understanding that a -- that
21 information has been requested and a complaint
22 has been filed with DOT about that?

23 A My understanding is that it has. In other
24 words, I believe there were some hydrocarbons

[WITNESS: Meth]

1 detected. And my understanding is that, under
2 best practices, the boring should have stopped
3 at that point. I think that was the nature,
4 that was the gist of the complaint.

5 Q Do you know if any additional information has
6 been provided about what happened there or a
7 resolution to that problem?

8 A No. As far as I know, the person, and I will
9 freely say that the person who alerted me to
10 that has not received a response regarding
11 that, regarding the best practices that should
12 have been used.

13 Q Did the Applicant ever inform the Town about
14 what happened?

15 A The Applicant did not inform the Town, as far
16 as I know.

17 Q I'd like to ask you a couple questions about
18 the Gale River Motel, and the owner and
19 operator. What is on the screen now is Grafton
20 County Exhibit Number 51, which is a letter
21 dated October 19th, 2017, to Jerry Fortier of
22 Northern Pass, and it is from Kevin Johnson.
23 Are you familiar with this letter?

24 A I am.

[WITNESS: Meth]

1 Q And do you know who Kevin Johnson is?

2 A I do. I've recently had a conversation, a
3 sit-down with Mr. Johnson. He's the owner of
4 the Gale River Motel.

5 Q And he also lives next door, is that correct?

6 A That is correct.

7 Q Can you please --

8 A Which may be Sugar Hill, I'm not sure.

9 Q That's what I mean, yes.

10 A It's close.

11 Q It's on the line between Franconia and Sugar
12 Hill. One of the structures is in Sugar Hill,
13 one is in Franconia?

14 A That's correct. Yes.

15 Q Okay. And would it be fair to summarize this
16 letter by saying that Mr. Johnson thanks
17 Northern Pass for sending some representatives
18 to meet with him when he asked for that, but
19 also to express his concerns that those
20 representatives were unable to answer the
21 questions that he had for them?

22 A Through this letter, and through my
23 conversation with Mr. Johnson confirming that,
24 that's correct.

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[WITNESS: Meth]

1 Q And then, on Page 2, he lists his questions.
2 Have you discussed this letter with
3 Mr. Johnson?

4 A I have. In our last meeting, we spoke this
5 past week, and he went into detail. In fact, I
6 don't want to -- he threw a lot of trees, what
7 I call "trees", he through a packet at me,
8 which was supplied to him by Northern Pass.
9 But I think this would represent his position
10 on it, yes.

11 Q Okay. I'm going to show you now what's marked
12 as Applicants Exhibit 407, which is a letter
13 from Jerry Fortier of ForwardNH, to Kevin
14 Johnson, dated October 24th, 2017. Have you
15 read this letter before?

16 A I have. I'm familiar with it.

17 Q And would it be fair to summarize this letter
18 as listing responses to the various questions
19 that Mr. Johnson had asked Northern Pass in his
20 original letter?

21 A That's my understanding. That's how
22 Mr. Johnson explained it to me, in an attempt
23 to answer some of his questions and concerns
24 for the Gale River Motel.

[WITNESS: Meth]

1 Q And you mentioned a few moments ago a packet of
2 information that he talked to you and said that
3 had come from Northern Pass, was it as part of
4 this response letter?

5 A That's correct. And in part of their
6 discussions in trying to allay some of his
7 fears, some of his concerns, and for the
8 nature -- for his business, basically, yes.
9 Yes.

10 Q Thank you. And I'm now bringing up what is
11 marked as "Joint Muni 346". And this is a
12 letter dated December 7th, 2017, to Jerry
13 Fortier. I'll represent that it is from Kevin
14 Johnson. Have you read this letter?

15 A I have. And, again, as I said before, I've
16 discussed this letter in detail with
17 Mr. Johnson.

18 Q Can you read the highlighted portion please?

19 A I may. I can. "Of the questions that I
20 originally posed, nearly all of the responses
21 reflected a failure to demonstrate any detail
22 or sincere consideration for the concerns of
23 myself as a business owner, and the threat that
24 Northern Pass Project poses for the health,

[WITNESS: Meth]

1 safety, and livelihood of our community."

2 Q And I'm not going to have you go through and
3 read the whole thing, because the Committee can
4 read it --

5 A Okay.

6 Q -- at its pleasure.

7 MR. IACOPINO: Do we have it?

8 MS. FILLMORE: I'm sorry?

9 MR. IACOPINO: Do we have it?

10 MS. FILLMORE: You will this morning.

11 BY MS. FILLMORE:

12 Q Would it be fair to say that, based on what's
13 in this letter and your discussion with
14 Mr. Johnson, that he was not satisfied with the
15 response he had received from Northern Pass?

16 A I would agree with that. I think Mr. Johnson
17 was very descriptive in what he felt to be a
18 lack of cooperation and a nonresponse to his
19 concerns over his business. I could go through
20 a couple of them specifically.

21 Q If you'd like to briefly describe. Briefly.

22 A I would do so. I think he is concerned about
23 the claim process for any damages that may --
24 his property may occur during the construction

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[WITNESS: Meth]

1 phase. I think he was really concerned about
2 the lack of response and the lack of a process
3 set up for him to recoup lost business. I
4 think that's a difficult, you know, after
5 talking to some of the business owners in
6 Franconia, it's certainly not an easy task to
7 try to estimate lost income. I think that is
8 probably the case in any situation.

9 But Mr. Johnson, in this particular
10 instance, again, was concerned about that, how
11 to compute that, and the lack of process for
12 getting reimbursed for that, if he has to put
13 in a claim.

14 Q Thank you. I'm now going to bring up what's
15 marked as "Joint Muni 347". And this is a
16 letter dated December 2017. And have you read
17 this letter?

18 A I have read this letter.

19 Q Can you tell us what it is please?

20 A And this is a letter from one of two owners of
21 the Franconia Inn. It's one of the -- I'm not
22 a brochure for Franconia, but it is one of the
23 iconic legendary inns of New England. It's
24 owned by Alec Morris and Richard Morris. This

[WITNESS: Meth]

1 is a letter from Alec Morris. I had a
2 discussion with Mr. Morris a couple of days
3 ago, after he wrote this letter. My
4 understanding is he did email it this weekend
5 to the -- to Ms. Monroe. And again, as
6 Mr. Johnson had done in his letter, it details
7 some of his concerns with Northern Pass, that
8 some of the concerns that -- about the
9 responses he received for the line going, as he
10 would -- I won't go through the letter, as
11 Ms. Monroe had said, you'll have an
12 opportunity, if you so choose, to read it. But
13 he has a lot of concerns over his business and
14 the existence of his business. And I'll leave
15 it at that.

16 Q I'm going to scroll up to the second page. And
17 it says here that Mr. Morris had a phone call
18 last month with two representatives from
19 Northern Pass. And would it be fair to say
20 that Numbers 1 through 5 here are the concerns
21 that he had raised and the responses he had
22 received during that phone call?

23 A Just wanted to review them real quickly.

24 Q Certainly.

[WITNESS: Meth]

1 A Just to make sure.

2 Q Please do.

3 A Yes. His concern that, and the conversation I
4 had with Mr. Morris, highlights -- certainly
5 highlights what he's highlighted in his letter,
6 about the vagueness of how some of his, you
7 know, his concerns would be addressed. And,
8 again, as Mr. Johnson had pointed out in his
9 letter, I'm looking at number (5) in the
10 letter, it says "Does my business qualify for
11 loss of business income due to the line burial
12 construction?" And his answer -- the answer
13 was "unknown" at this point.

14 Q And to your knowledge here today, have any of
15 those concerns been addressed by Northern Pass?

16 A No. They have not been, since my last
17 conversation with Mr. Morris was last night.
18 So, that's it.

19 Q Thank you. I'm going to turn to the new bike
20 trail that you had mentioned a moment ago. And
21 I'm going to bring up Joint Muni 348, which is
22 a plan. Is this the plan for the new bike path
23 to be constructed?

24 A That is correct.

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[WITNESS: Meth]

1 Q And can you just describe that project and what
2 the purpose is?

3 A It ostensibly is a plan by a local community
4 group, and it's actually -- and I won't digress
5 too much, it's part of a master trail plan that
6 a couple of nonprofits in Franconia are looking
7 to do.

8 But, again, to answer your question, it's
9 about a mile long trail, approximately a mile
10 long, with a terminus at Bickford Hill Road.
11 And the other terminus is at -- would lead to
12 the proposed Gale River Bridge, a walking
13 bridge, where it's really part of a "Safe Route
14 To School Initiative, to get students from the
15 suburbs of Franconia, if you can call it that,
16 to the school, which again brings them from
17 Bickford Hill, down to the Gale River --
18 proposed Gale River Bridge. They cross the
19 Gale River. It would put them onto Route 18,
20 which is Main Street in Franconia, which is the
21 proposed route for the high-voltage DC line,
22 and they would have to take a short route down
23 toward the school, Lafayette Regional School,
24 which --

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[WITNESS: Meth]

1 Q Which is up at the top here on this plan?

2 A That's correct.

3 Q Okay.

4 A It's labeled on the top of the map.

5 Q For ease of reference, I am going to bring up a
6 map that we've all seen before.

7 A Yes.

8 Q This is Counsel for the Public's Exhibit 133,
9 and I am looking at Map 36. And is this the
10 right one? This is the right one, correct.

11 Can you confirm for us that the Lafayette
12 School is blue square in the middle of the
13 page?

14 A Yes, it is. Yes.

15 Q Okay. And, so, on this map, the proposed bike
16 route would run from somewhere over here on the
17 right, to the right of the green dot?

18 A I would say a little bit closer than that one.
19 It would come off -- I believe it's the closest
20 road. I'm not -- I'm trying to orient myself
21 right now.

22 Q It's oriented slightly differently than the
23 other one is.

24 A Yes. Okay. But, yes, approximately.

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[WITNESS: Meth]

1 Q Okay.

2 A That's where -- that's where one of the -- the
3 southern terminus would be, yes, or, the west.

4 Q And it runs through the wooded area here across
5 easements on private property, is that correct?

6 A That is correct.

7 Q Over to -- and it would come out somewhere
8 around here, near the HDD-12?

9 A That is correct, between the green triangle,
10 which if -- if the green triangle marks the
11 Besaw Iron Furnace, then that is correct.
12 That's where it would -- it would cross the
13 Gale River at that point.

14 Q Do you know right now when this project is
15 supposed to be constructed and finished, the
16 bike path?

17 A Again, that's -- it's a proposed project. We
18 have applied for a grant. It's -- not
19 ironically, but it is a -- it is a commuter
20 grant, which, depending on the results -- well,
21 I don't want to talk backwards. But we're not
22 sure, it's certainly hoped that we do get the
23 grant.

24 Q And that's to correct the little foot bridge?

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[WITNESS: Meth]

1 A Yes, to construct the foot bridge, to help with
2 the bike path. And if that grant doesn't come,
3 one of our Select Board members, Jill Brewer,
4 who is charged with this, is determined to make
5 this happen. So, I think we're looking at a
6 fundraiser if it doesn't -- if the grant does
7 not happen.

8 Q So, if that path were built and open to use,
9 that would -- am I correct in saying that that
10 would bring the bike traffic of school kids on
11 their way to Lafayette Regional School, out
12 onto or next to Route 18, where the HDD
13 construction is proposed to occur?

14 A That is correct.

15 Q And is the Town concerned about that?

16 A I think we have a lot of concerns. You know,
17 one of the -- the impetuses for this bike path
18 was to get the students off of Route 16, which
19 I live on Route 16 -- I'm sorry, I apologize.
20 I live on Route 116. I see the students biking
21 into school all the time along Route 116. It's
22 a designated state bike route. But,
23 nonetheless, it is a -- it's a dangerous bike
24 in and of itself, it's a dangerous

[WITNESS: Meth]

1 intersection, any intersection is for students
2 biking to school.

3 So, yes. It's a concern for our students.
4 And it's a way to mitigate any damage they may
5 run into on their way to school.

6 Q Thank you. One last topic to ask you about.
7 I'm going to bring up the transcript from Day
8 22, in the morning, on Page 9. And this is the
9 Applicants' tourism witness, Mr. Nichols. And
10 on Page 9, Line 20, and going onto Page 10, I'm
11 going to read, actually, it was my question to
12 Mr. Nichols: "I believe I heard you say
13 yesterday that you did not consider the impacts
14 that the construction or operation phases would
15 have on particular events in host communities
16 or specific events that bring tourists to these
17 areas, is that correct?"

18 A That's correct.

19 Q And the answer is: "I did not specifically
20 analyze the impacts of construction."

21 And now I am going to bring up Joint Muni
22 222, which relates to the transcript we just
23 saw. This is a letter dated July 15th, 2017,
24 from Police Chief Monaghan of Franconia to me.

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[WITNESS: Meth]

1 Are you familiar with this letter?

2 A I am, I am familiar with the letter from Chief
3 Monaghan to you.

4 Q And would it be fair to summarize this letter
5 as describing some of the specific events that
6 take place on a regular basis in Franconia in
7 the area where the proposed Northern Pass route
8 would be?

9 A Yes, I would. I think Chief Monaghan takes a
10 particular pride in being aware of what events,
11 what races, what activities are taking place in
12 Franconia at all times. And, unfortunately,
13 we're due to lose our chief, which is a -- I
14 don't mean to get off topic, but that's a major
15 concern for us right now, in addition to other
16 ones.

17 Q And does this letter include -- list several
18 bike races that occur on the roads through
19 town?

20 A It does. After my review of it, yes.

21 Q Does the Town have concerns about what the
22 impact of the construction phase would be on
23 those and --

24 *[Court reporter interruption.]*

[WITNESS: Meth]

1 BY MS. FILLMORE:

2 Q Does the Town have concerns about the impact
3 that the construction phase would have on those
4 events and other similar events that draw
5 tourists to Franconia?

6 A Oh, absolutely. I know that we have a lot
7 of -- I see right before me now is the Profile
8 High School Road Race. That would definitely,
9 this Project would impact, especially if
10 construction takes place during the warmer
11 months.

12 Again, Ms. Fillmore, I don't want to get
13 ahead of things. But one off the top of my
14 head is, again, the iconic Race to the Face or
15 the Franconia Notch Triathlon, which starts at
16 Lafayette Regional School, which you were just
17 talking about. It would start there, and I'm
18 not sure how we would accommodate or how the
19 race would be accommodated.

20 So, yes. Off the top, I'm familiar with a
21 lot of the events that go on, yes.

22 Q And have you heard or read anything during the
23 course of these hearings, and since this
24 process started, that addresses the Town's

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[WITNESS: Meth]

1 concerns about the impact construction would
2 have on those events?

3 A One of the more troubling -- one of the more
4 troubling statements I read was by the -- as
5 you mentioned earlier, was Mr. Nichols'
6 response on behalf of, again, --

7 CHAIRMAN HONIGBERG: Mr. Meth, that
8 was a "yes" or "no" question.

9 Would you repeat the question,
10 Ms. Fillmore?

11 MS. FILLMORE: Certainly.

12 BY MS. FILLMORE:

13 Q Have you heard or read anything that's occurred
14 during the course of these hearings that
15 addresses those concerns?

16 A No.

17 MS. FILLMORE: Thank you. That's all
18 I have. The witness is available for
19 cross-examination.

20 CHAIRMAN HONIGBERG: Mr. Pappas.

21 MR. PAPPAS: Good morning, Mr. Meth.
22 My name is Tom Pappas, and I represent Counsel
23 for the Public.

24 **CROSS-EXAMINATION**

[WITNESS: Meth]

1 BY MR. PAPPAS:

2 Q I'm going to just ask you just a few questions
3 about that intersection of Route 18 and 116.
4 I'm not going to repeat what Ms. Fillmore just
5 went through. But I want to -- I wonder about
6 detours that you refer to.

7 CHAIRMAN HONIGBERG: Off the record.

8 *[Brief off-the-record discussion*
9 *ensued.]*

10 CHAIRMAN HONIGBERG: Mr. Pappas, you
11 ready?

12 MR. PAPPAS: I think so, yes.

13 BY MR. PAPPAS:

14 Q I'm going to shift gears. I'm going to show
15 you a different exhibit. What's on the screen
16 now -- do you have something on the screen in
17 front of you?

18 A I do.

19 Q This is Counsel for the Public Exhibit 658,
20 which is road map of Franconia, and it includes
21 the intersection you talked about. Do you see
22 that?

23 A I'm just trying to orient myself.

24 Q Sure. If you look right above "Franconia", do

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[WITNESS: Meth]

1 you see 18?

2 A I see that. Yes, I do.

3 Q And then you see that intersection, that's the
4 intersection of Route 18 and 116, correct?

5 A That's correct.

6 Q Okay. And you talked about, first, a crosswalk
7 at the intersection, near this intersection,
8 correct?

9 A That is correct.

10 Q This map doesn't really show it. But if you
11 look right at the left -- where it says "C of
12 C", do you see that?

13 A Yes. Yes, I do. "C of C", yes.

14 Q And right to the left of that C, is that Dow
15 Field?

16 A To the left of it, across the road, I'm just
17 trying to take a look, I want to make sure.
18 Yes, it is.

19 Q Okay. And, so, the crosswalk you're talking
20 about across 116 would go from Dow Field,
21 across 116, is that where -- the location that
22 you're referring to?

23 A That is -- that is correct, yes.

24 Q Okay. Thank you.

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[WITNESS: Meth]

1 A I'm sorry, I'm a little -- I was a little
2 disoriented by the post office and where that's
3 located, that threw me, threw me a little bit
4 there for a second. It's misplaced, that's
5 all.

6 Q Okay.

7 A Sorry.

8 Q That's all right.

9 A Yes.

10 Q And you mentioned that pavilion in Dow Field?

11 A Yes.

12 Q I recognize that the field is not on this
13 exhibit.

14 A That pavilion is -- approximately would be
15 located across from the -- across 18 and the
16 Gale River, it would -- across 18 and the Gale
17 River, that's -- it would be on the Dow Field.

18 Q Okay. Let me ask you this question. You were
19 shown earlier this morning Counsel for the
20 Public's Exhibit 555, which is the exception
21 request for this intersection.

22 A Correct.

23 Q I'll represent to you that part of that
24 exception request includes bringing the

[WITNESS: Meth]

1 transmission line down Route 18, across the
2 intersection, to get to the other side of the
3 intersection in front of the real estate office
4 that's on that corner. Do you understand that?

5 A Yes. I believe the line would take a -- I'm
6 just trying to confirm, Mr. Pappas. The line
7 would take a right turn off of 18, onto 116.

8 Q Okay. Let me do this, because I want to make
9 sure you understand.

10 A Okay.

11 Q Okay. So, what's on the screen in front of you
12 now is a page from Counsel for the Exhibit --
13 Counsel for the Public's Exhibit 555.

14 A Okay.

15 Q And do you see the green line to the left?

16 A Yes, I do.

17 Q That's the proposed request, that the green
18 line come down Route 18, go across the
19 intersection. Do you see where it says
20 "Wallace Hill Road"?

21 A Yes, I do.

22 Q Okay. And then the micro tunnel receiving pit
23 would be on the other side of the intersection
24 in what's shown as "Profile Road", do you see

[WITNESS: Meth]

1 that?

2 A Yes, I do.

3 Q And at that intersection is that real estate
4 office, correct?

5 A That is correct. That would be Peabody & Smith
6 Real Estate Office, correct.

7 Q Right. So, while this work would be done,
8 obviously Wallace Hill Road would be closed for
9 some period of time, so they could bring the
10 line across the street to where it starts the
11 micro tunnel. Do you see that?

12 A Yes. I do.

13 Q Could you tell us what the detour route would
14 be while that Wallace Hill Road is closed?

15 A That would be -- my understanding would be, but
16 mostly I -- that's a new one for me, because
17 mostly I'm concerned with Sugar Hill and
18 Easton, but I should be concerned with
19 Franconia. So, my thought would be that they
20 would have to take it -- take a southern route.
21 So, if it would be a safety service vehicle,
22 our safety service vehicle is located --
23 building is located south of town, they
24 would -- they would have to end up accessing a

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[WITNESS: Meth]

1 parallel road to I-93. They would have to go
2 under I-93 further south, and jump on, I
3 believe it's Lafayette, we have two Lafayettes
4 in Franconia. I think this is Lafayette Drive.
5 And they would have to take a left on Lafayette
6 Drive. So, it would be a little bit
7 circuitous, but -- they could do it, but it
8 would be a detour.

9 Q Yes. Do you have an estimate about how long
10 that detour would take?

11 A As opposed to direct, it could add as much as
12 five, five minutes onto the -- to response
13 time.

14 Q Okay. So, what's on the screen now in front of
15 you is Bates Stamp 45689 from Applicants
16 Exhibit 73. This is the traffic control plan
17 for this intersection we're talking about.
18 Just to orient you, do you see, right at the --
19 sort of the bottom or middle right, that's Dow
20 Field, correct?

21 A Yes. That is correct, yes.

22 Q Okay. And then, right along Dow Field is what
23 is -- is Academy Street, do you see that?

24 A Yes. That's where I live, yes.

[WITNESS: Meth]

1 Q Okay. And across from Academy, you see the
2 church and the church parking lot, correct?

3 A Yes.

4 Q That you referred to --

5 A That is correct.

6 Q And then, if you look at the top, you can see
7 Route 18 goes across the page, correct?

8 A Route 18 goes across the page, that is correct.

9 Q And then you see Wallace Hill Road, which comes
10 off the intersection, heading towards I-93,
11 which we just talked about, correct?

12 A That is correct.

13 Q Okay. Now, in this area, you can see, on Route
14 116, the arrow going in both directions. Do
15 you see that on the left-hand side?

16 A Yes, I do.

17 Q And you see the same for Route 18, Main Street,
18 that goes in front of the real estate office,
19 correct, in that area?

20 A Yes. I see the arrow going -- an arrow drawn
21 both ways, yes.

22 Q Okay. So, do you understand that, for those
23 two roads in those areas, because of the micro
24 tunneling that's proposed, there will be

[WITNESS: Meth]

1 single-lane alternating traffic going into the
2 intersection. Is that your understanding?

3 A That's my understanding, yes.

4 Q Okay. And then the other part of Route 18,
5 which is heading north, will have two-lane
6 traffic. Do you see that?

7 A I do see that.

8 Q And the same for Wallace Hill Road, once the
9 line gets across the road, it will have
10 two-lane traffic going up. Do you see that?

11 A I do see that.

12 Q Okay. Now, keeping that traffic control in
13 mind, which is alternating traffic for one
14 section of Route 18 and one section of 116, I'm
15 going to now show you back the map, and I just
16 want to ask you a few questions about detour
17 routes that haven't been touched upon, okay?

18 A Okay. Yes.

19 Q Okay. So, back on the screen is Counsel for
20 the Public's Exhibit 658. Do you see that?

21 A Yes.

22 Q And again, this shows the highways and various
23 roads in that area of Franconia, correct?

24 A That is correct.

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[WITNESS: Meth]

1 Q Okay. Now, you testified earlier that that
2 intersection of 116 and 18 has high volume. Is
3 that all year round or is that just certain
4 times of the year?

5 A It's relative. But commuting time, it has --
6 always has high -- most high traffic in
7 Franconia, and more so in tourism months.
8 Especially in the winter, especially in the
9 summer, the leaf-peepers. So, yes. To answer
10 your question, yes.

11 Q Okay. Do you have any sense of the traffic
12 count in that intersection?

13 A I do. Not off the top -- I cannot answer that
14 off the top of my head. But we've had -- I
15 know DOT has done numerous studies on that.
16 It's a problematic intersection. Just as it
17 is, just because of the crown of the Gale River
18 Bridge, it creates a little bit of a hazard.
19 There's a sightline issue. Cars don't always
20 see -- don't always see a car entering. So,
21 we've had a number of accidents in that
22 intersection.

23 Q Given the alternating traffic on two approaches
24 to that intersection, do you believe that, once

[WITNESS: Meth]

1 that's instituted for the 14 to 20 weeks that
2 you saw earlier, that there will be a backup in
3 that intersection during the heavy traffic
4 times?

5 A Oh, absolutely. And I'm just not saying that.
6 Again, I live right off -- I live right around
7 the corner, down the block, in the Dow
8 Academy School -- the old school building. And
9 I see the amount of traffic that passes through
10 that intersection. It's problematic. It's
11 going to cause some issues, some access to our
12 businesses.

13 I apologize, I don't want to go on. But,
14 yes, it would be a real issue.

15 Q Okay. Now, you mentioned earlier some impact
16 to providing vital municipal services. And all
17 I want to do is get a sense of the detours that
18 you indicated would be necessary.

19 So, let's start with the Police Station.
20 Do you see where the Police Station is located?

21 A Yes. Yes, I do.

22 Q Okay. If the police -- if the police need to
23 make a call, and they are blocked or prevented
24 somehow or even delayed going through the

[WITNESS: Meth]

1 intersection, and if they have to get north to
2 Sugar Hill, or -- let's stay with north to
3 Sugar Hill, what detour route would they take?

4 A Well, first of all, normally, they would go --
5 they would take a left there on -- as I look at
6 the map, they would take a left onto Route 18.
7 That would be a normal response time to Sugar
8 Hill -- a normal response route to Sugar Hill.
9 If there was a major detour blockage in that
10 intersection we're discussing right now, --

11 Q Uh-huh.

12 A -- they would have to take a right out of the
13 Police Station, travel -- I'm not sure the
14 mileage, I'm not great with that. They would
15 have to travel probably close to a mile down
16 the road, access -- I could be corrected on
17 this, but I think they would have to access
18 Wells Road, which is not shown on the map, make
19 their way down Wells Road, which is a scenic
20 local road. They would have to access -- then
21 get onto 116.

22 From there, I think they would have to go
23 right, and then travel a little ways down,
24 maybe another mile, and take a left onto -- oh,

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[WITNESS: Meth]

1 this time I can say, Lafayette Drive, and take
2 that up to Sugar Hill.

3 So, whether I got it exactly right or not,
4 it really is a delay.

5 Q Do you have a sense of how much that delay
6 would be?

7 A We've talked about -- in all honesty, yes.
8 We've talked about it in preparation for my
9 testimony. I think it's a real concern for the
10 Board of Selectmen. It's a real concern for
11 our police chief, and all safety services,
12 probably added a good 15 minutes --

13 Q Okay.

14 A -- on to response time.

15 Q And if the call is going into Easton, because
16 we heard earlier testimony that Easton doesn't
17 have a police department, they rely on
18 Franconia's police department. Give us a sense
19 how long you think that detour would take.

20 A Probably, maybe a little bit less, because as
21 you exit Wells Road, onto 116, they'll take a
22 left, and it's a straight shot down to Easton.
23 It would still -- it still would be
24 burdensome -- burdensome, excuse me. And yes,

[WITNESS: Meth]

1 it would potentially add close to 15 minutes
2 onto their response time.

3 Q Okay. It's not shown on this map, but could
4 you tell us where the Franconia Fire Station is
5 located?

6 A Right where the Police Station is. It's in our
7 Safety Services.

8 Q Okay. So, when you spoke earlier about the
9 Safety Services Building, it's all at that
10 location where it says "police station"?

11 A That is -- that's correct. It's our Police
12 station, its our Fire station, and it's our
13 Life Squad headquarters.

14 Q Okay.

15 A Yes.

16 Q So, the detours we just talked about would be
17 equally applicable if the Fire Department was
18 responding to a call in Sugar Hill or Easton,
19 or if the EMT were also doing the same,
20 correct?

21 A Absolutely.

22 Q Okay.

23 A And just to reiterate, because it is an
24 essential service. Our Life Squad, which we're

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[WITNESS: Meth]

1 very proud of, again, is part of a Mutual Aid
2 Agreement, and due to the minimization of
3 services from Littleton. And Calex is one of
4 the private transport services in the area
5 north of -- a little bit north of Littleton,
6 they normally service Sugar Hill. Again I just
7 wanted to reiterate --

8 CHAIRMAN HONIGBERG: We don't need to
9 reiterate.

10 WITNESS METH: Okay.

11 CHAIRMAN HONIGBERG: You've said it
12 once, and maybe even twice now.

13 WITNESS METH: Okay.

14 CHAIRMAN HONIGBERG: And, so, please
15 if you feel compelled to say the words "to
16 reiterate" or "to repeat myself", stop.

17 WITNESS METH: I will.

18 CHAIRMAN HONIGBERG: Mr. Pappas.

19 WITNESS METH: Thank you.

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

21 BY MR. PAPPAS:

22 Q The last topic I briefly want to touch upon is
23 your testimony about various bridges in the
24 area. Do you recall that testimony?

[WITNESS: Meth]

1 A I do.

2 Q Okay. The first one you talk about, we don't
3 have to go over, was the bridge over the Gale
4 River. The second bridge you talked about was
5 the Lafayette Bridge. Do you recall that?

6 A I do. Yes.

7 Q Where is the Lafayette Bridge located?

8 A The Lafayette bridge is a state bridge.

9 Q Uh-huh.

10 A It's on Route 18. It's not shown on this map,
11 it's a little further south. And it's a --
12 I'll be quick, it's a red listed bridge.

13 Q Okay. All right. It's south of 18 shown on
14 this map, so that be down, off the map on the
15 bottom?

16 A That's correct.

17 Q Okay. And that's a red listed bridge?

18 A That's correct.

19 Q Are there any restrictions that you're aware of
20 on this bridge?

21 A There are weight limits on the bridge. I don't
22 think anything at this point that would impede
23 our emergency vehicles. But there are weight
24 limits, yes.

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[WITNESS: Meth]

1 Q Okay.

2 A And it is red listed.

3 Q So, in terms of weight limits, would that only
4 potentially affect construction vehicles, it
5 won't affect police, fire or EMT?

6 A My understanding is it would not. We do have a
7 --

8 Q Okay.

9 A We do have a new ladder truck, which is a large
10 vehicle. And I've inquired about that. I
11 haven't gotten a definite answer as to whether
12 that would be restricted.

13 Q Okay.

14 A Uh-huh.

15 Q The second -- the next bridge you talked about
16 is at the intersection of Route 117 and 18. Do
17 you see that on the map, intersection of Route
18 117 and 18?

19 A I do.

20 Q Okay. And was that -- was that a red listed
21 bridge?

22 A My understanding is, I believe it is.

23 Q Was that recently repaired?

24 A I am not -- I don't have that information.

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[WITNESS: Meth]

1 Q Okay.

2 A Yes.

3 Q Okay.

4 A Yes.

5 Q The next bridge you talked about was the
6 intersection of Bickford Hill Road and Route
7 116. Now, if you look here, you can see
8 Bickford Hill Road. Do you see that?

9 A I do.

10 Q And then there's the Ham Bridge/Gale River
11 running across or underneath Bickford Road, do
12 you see that?

13 A That's correct. Yes. The Ham Branch and the
14 Gale River, yes, that's correct.

15 Q Okay. Is that the location of the bridge?

16 A Yes, it is.

17 Q And is this a municipal red listed bridge?

18 A Yes, that is.

19 Q Okay. And does that bridge have any
20 restrictions?

21 A I believe it's an E-2 bridge. It's an E-2
22 bridge, so it would have some restrictions.

23 Q Do you know if those are weight restrictions?

24 A Again, I don't want to speak to that. I don't

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[WITNESS: Meth]

1 have a definite knowledge of whether it does or
2 not.

3 MR. PAPPAS: Okay. Mr. Chairman, for
4 expediency purposes, I'll just note that we
5 marked Counsel for the Public Exhibit 659,
6 which is a list of the state -- the municipal
7 red listed bridges, and Counsel for the Public
8 Exhibit 660, which is a list of the state owned
9 bridges. I don't think I need to review with
10 the witness. But just so they're in the record
11 and we'll offer them later.

12 CHAIRMAN HONIGBERG: Okay.

13 MR. PAPPAS: Thanks.

14 BY MR. PAPPAS:

15 Q Mr. Meth, my last question is this. You had
16 testified earlier about events in particular
17 using Dow Field, and also some of the bike
18 events and so forth. And you were concerned
19 about the disruption to those events from
20 construction. Do you recall that?

21 A Yes, I do.

22 Q Do you believe that any of those events would
23 need to be canceled during the construction of
24 Northern Pass?

[WITNESS: Meth]

1 A The Board of Franconia -- Board of Selectmen in
2 Franconia have had a -- have continuing
3 conversations with our Rec Director, who
4 sponsors and who creates a lot of the events.
5 And, yes, in a short word, we realize it would
6 have to be postponed, and maybe at best
7 rescheduled, but worst case postponed.

8 Q And you mentioned earlier that many people park
9 in the church parking lot for events on Dow
10 Field. Do you recall that?

11 A That is -- yes, I do.

12 Q Do you believe that the construction activity,
13 in particular, the micro tunneling, would
14 affect parking for events on Dow Field?

15 A A reasonable person would -- commonsense would
16 tell you, yes, it would have to cause a
17 disruption in traffic there, foot traffic.

18 Q And as a result, do you believe that some of
19 the events scheduled for Dow Field would need
20 to be either rescheduled or canceled because of
21 construction?

22 A Yes. And upon your asking the question, I was
23 trying to think if they could be relocated
24 anywhere within Franconia, and that I don't

[WITNESS: Meth]

1 see. So, yes, I think they would have to be
2 canceled and/or rescheduled.

3 MR. PAPPAS: Thank you. I have no
4 other questions.

5 WITNESS METH: Thank you.

6 CHAIRMAN HONIGBERG: Ms. Saffo.

7 MS. SAFFO: So, I think most of my
8 questions have already been asked and answered.
9 So, I'm just kind of going through and
10 canceling some as I go.

11 WITNESS METH: Thank you.

12 MS. SAFFO: But I wanted to focus on
13 two quick points.

14 BY MS. SAFFO:

15 Q We were just talking about the exception
16 request that involved the intersection on Route
17 118 [18?] and 116. Do you recall just
18 discussing that with Attorney Pappas?

19 A I do.

20 Q Now, do you know if that exception request is
21 going to be granted yet? As a member of the
22 Select Board in the Town of Franconia?

23 A I'm not familiar with that directly, but I
24 think it has been granted, yes. Yes.

[WITNESS: Meth]

1 Q And do --

2 A Yes.

3 Q I'm sorry, go ahead.

4 A No. I'm trying to process a little bit. Yes,
5 they -- my understanding is that these
6 exception requests -- there was a number of
7 them on my table. And, yes, they have been
8 granted.

9 Q Are you familiar that some have not been
10 granted already?

11 A That I'm not familiar with, the ones that have
12 not been granted.

13 Q Uh-huh.

14 A I know, and not to digress, I just understand
15 that there was an incomplete survey that was
16 submitted to DOT. And DOT, because it was
17 incomplete, had a problem with it. And just to
18 quickly wrap up, I think we were a little more
19 concerned about the exception requests that
20 were granted, in light of the fact that there
21 was an incomplete survey.

22 Q And you actually foresaw my next question.

23 A Sorry.

24 Q So, has the Town of Franconia seen completed

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[WITNESS: Meth]

1 surveys for the route through the Town of
2 Franconia?

3 A Not that I'm aware of. I believe I haven't --
4 I've seen previous correspondence from BL and
5 Meridian, Meridian Services, the surveyors.
6 And I have not seen a incomplete survey or a
7 indication from New Hampshire DOT that the need
8 for a complete survey or an unambiguous survey
9 has been submitted to DOT.

10 Q And, so, without --

11 MR. WAY: Ms. Saffo?

12 MS. SAFFO: Yes.

13 MR. WAY: Sorry to interrupt you.

14 What is the date of the letter that we're
15 seeing here?

16 MS. SAFFO: This letter, I actually
17 haven't asked him about this yet. I was just
18 setting up before I got to that question. This
19 one is December 18th, 2017. Oh.

20 MR. WAY: Today?

21 CHAIRMAN HONIGBERG: Ripped from the
22 headlines.

23 MS. SAFFO: Right from the headlines.

24 MR. WAY: This is real time.

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[WITNESS: Meth]

1 MS. SAFFO: This is real time. I
2 think that date might be incorrect. I think it
3 was done a couple of days earlier. But in
4 response to -- the Gale River Motel had an
5 earlier letter that was used, and then Northern
6 Pass responded to that earlier letter. And my
7 understanding is this is the response.

8 MR. WAY: So, this is the same letter
9 that, Ms. Fillmore, is this the same letter
10 that you had pulled up earlier?

11 MS. FILLMORE: Yes, it is. I'm
12 trying to find it right now to get you the
13 date. It's marked as "Joint Muni 346". And as
14 soon as I find it, --

15 WITNESS METH: I think it was
16 December 7th. December 7th, Ms. Fillmore?

17 MS. FILLMORE: That sounds right to
18 me.

19 MS. SAFFO: That sounds right as
20 well. I can try to figure out why and compare
21 it. But we'll just use the Joint Muni one, I
22 think would be the easier version.

23 MR. IACOPINO: Lara, just for the
24 record, what everybody is looking at is in

[WITNESS: Meth]

1 Word. You probably have a feature in Word that
2 changes the date to the present date.

3 MS. SAFFO: That's what I'm guessing.
4 That's exactly. So, I apologize profusely.

5 MS. FILLMORE: Mr. Chairman?

6 MS. SAFFO: And I won't mark this one
7 as an exhibit, since you already have it as an
8 exhibit, and it won't confuse things.

9 CHAIRMAN HONIGBERG: Ms. Fillmore.

10 MS. FILLMORE: It is marked as "Joint
11 Muni 346", and the date is December 7th, 2017.

12 CHAIRMAN HONIGBERG: Thank you for
13 sorting that out, Ms. Fillmore.

14 MS. SAFFO: Thank you.

15 BY MS. SAFFO:

16 Q So, you don't have these surveys yet. So, the
17 Town of Franconia hasn't gotten those surveys
18 to clearly indicate, from like a feet-to-feet
19 standpoint, so people can mark it, how far this
20 Project is going into people's property, into a
21 town property and so forth, the business
22 properties and so forth?

23 A That is correct. I've had -- that is correct,
24 yes.

[WITNESS: Meth]

1 Q And as a Select Board member, do you think that
2 uncertainty is causing anxiety in your
3 community?

4 A It's palpable, it is, and I'll answer that
5 question with specifics. There's a couple of
6 exception requests that I've looked at. In
7 particular, one of our residents has asked me
8 to look at an exception request, specifically
9 114, and the fact that it may encroach and
10 will, it's a legal conclusion, but I don't want
11 to say "trespass", but it could encroach upon
12 private property, and there has been an issue
13 regarding land rights. I think that's a major
14 concern for a lot of our -- especially our
15 abutting property owners in Franconia.

16 Q And you've actually anticipated my next
17 question, which was, on that particular issue,
18 has the Select Board member written a letter on
19 July 31st, 2017 to the New Hampshire Department
20 of Transportation on that issue?

21 A I believe so.

22 Q So, do you feel, even in your community,
23 boundaries have been established of what may
24 arguably be easement rights, but is currently

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[WITNESS: Meth]

1 under dispute in your community?

2 A Yes. That would be correct. Again, I'm not a
3 surveyor, I'm not an engineer. But I hear a
4 lot of concerns from our residents regarding
5 3-rod versus 4-rod roads, and the ambiguity or
6 the incompleteness of the survey, and what that
7 means to our -- the residents, and especially
8 the abutting property owners. You know, does
9 that cause danger, does it cause damage during
10 construction. And then permanently going down
11 what are the implications, basically.

12 Q And there's been a phrase used throughout this
13 process that the plans are "30 percent
14 developed".

15 A That --

16 Q Go ahead.

17 A That's the percentage, again, as best I can
18 tell, and from what I've heard, that -- and
19 that's a source of our town's contention, is
20 that especially in relation to our request, and
21 I don't mean to get off topic, but I think it
22 is part of the topic.

23 Q Uh-huh.

24 A That we've been asked to do a memorandum of

[WITNESS: Meth]

1 understanding, a request by Northern Pass, that
2 what can we do -- you know, the request is,
3 basically, what can we do for Franconia to help
4 grease the wheels to ease this. And I think
5 this is part and parcel of the problem with
6 that Application, is that we don't know. We
7 want to go to the table and we want to make
8 concessions or we want to make a discussion
9 about how this line is going to get
10 constructed, how it's going to be maintained.
11 We don't know.

12 So, I think that's one of our contentions.
13 And to answer your question, yes, I think 30
14 percent comes into mind.

15 Q So, it's hard to do a memorandum of
16 understanding on a project that is unclear and
17 undefined?

18 A Correct.

19 Q And do you, as of right now, know when they
20 plan on having construction go through
21 Franconia?

22 A No.

23 Q We just talked about the ability of the roads
24 to handle the construction. I won't reiterate

[WITNESS: Meth]

1 the points already discussed. However, when
2 you're considering the detours and the ability
3 of the roads to handle construction, this
4 alternating traffic would include construction
5 vehicles needing to go to staging areas,
6 correct?

7 A That would be correct.

8 Q So, on top of having these alternative traffic
9 lanes in downtown Franconia, those alternative
10 traffic you would have to add to to include all
11 the construction vehicles that need to go to a
12 staging area?

13 A That is correct. I'm only hesitating because
14 you use the words "staging area", and that's
15 another one of our concerns. I, personally, as
16 a Chairman of the Board, I've heard a
17 description of 5 to 50-acre staging areas.

18 Q Uh-huh.

19 A Where do they occur and where will they happen?
20 Do they happen in Franconia specifically, which
21 is what I'm concerned about? Yes.

22 Q So, you still don't know where the staging
23 areas are proposed to be?

24 A So, yes. I don't know what the timeline is, I

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[WITNESS: Meth]

1 don't know any specifics that would affect
2 Franconia in that regard.

3 Q And there's really two options. They're either
4 not in Franconia, in which case these vehicles
5 are constantly increasing the traffic volume by
6 traveling through Franconia. Or, it's in
7 Franconia, and you're looking at a 5 to 50
8 area -- staging area, and you haven't even
9 planned for that yet?

10 A We have not. As it is, it's -- as we discussed
11 earlier, it is a -- it can be a congested
12 intersection. We do -- one of the big presence
13 in our town is Presby Construction. They have
14 their headquarters on Main Street, on Route 18.

15 Q Uh-huh.

16 A They have a number of facilities out on 116.
17 So, you see a lot of heavy trucks simply from
18 Presby going through. They happen to own --
19 they also happen to own the gas station at the
20 intersection of 18 and 116. So, that is --
21 that's problematic in and of itself, in
22 addition to the construction vehicles you
23 described.

24 Q So, the traffic volume from the paths that

[WITNESS: Meth]

1 people looked into would be -- the construction
2 vehicles would be an addition to it?

3 A That is correct.

4 Q And then the Dow Field, to make it clearer --
5 make it clear, that field is used as a
6 community point for children to play, correct?

7 A Yes.

8 Q And adjacent to Dow Field, if you go up a few
9 blocks, is there a lot of housing in that area,
10 including some mobile homes and things like
11 that?

12 A Yes. The Dow Field, the road that runs along
13 the Dow strip, which is sometimes referred to
14 as "Academy Street", --

15 Q Uh-huh.

16 A -- we have a large condominium building on
17 Academy Street, directly across Dow Field. Dow
18 Academy Condominiums. There's a row of
19 single-family homes, which run down to Dow
20 Avenue. Which, and then, if you take a right
21 on -- I apologize, if you take a right on Dow
22 Avenue is Fox Hill, which is a mobile home
23 park. So, there are quite a bit of mobile
24 homes down in the area, yes, to answer your

[WITNESS: Meth]

1 question.

2 Q So, this particular park serves all that
3 residential area that's adjacent to this Dow
4 Field, correct?

5 A That is correct.

6 Q So, it really is more than just a field. It's
7 a playground, it's a field used by children in
8 the community, that they can generally just get
9 on their bikes and go there?

10 A Absolutely. We have a -- we have a disc golf
11 course on the field now. So, we're really, you
12 know, I always say that Franconia is going
13 through a transitional period. And I hate to
14 use the word "existential" crisis. But we're
15 trying many ways to try and attract people to
16 make the center of town a little bit more
17 inviting. And I think that the pavilion that
18 we discussed earlier, the disc golf course that
19 offers some other recreational activity, we
20 have a playground on the Dow Field. We have a
21 gazebo, which hosts a lot of concerts --

22 CHAIRMAN HONIGBERG: Mr. Meth, the
23 answer to the question was "yes".

24 WITNESS METH: Yes.

[WITNESS: Meth]

1 MS. SAFFO: Thank you.

2 WITNESS METH: I apologize.

3 MS. SAFFO: That's okay.

4 BY MS. SAFFO:

5 Q And then, lastly, as you're look at the
6 construction around private landowners, again,
7 septic systems are all private in Franconia,
8 correct?

9 A That is correct. There is no -- there is no
10 sewer system in Franconia, downtown Franconia.

11 Q And although downtown Franconia has some public
12 water, all around Franconia it's wells,
13 correct?

14 A Correct. Yes.

15 Q And then my last question, because you've
16 already looked at this letter, I just wanted to
17 point out that is this kind of reflective of
18 the community that you're in, of private
19 citizens concerned about what's going to
20 happen, how it's going to happen, and feeling
21 at a loss?

22 A I think this letter from Mr. -- from Kevin
23 Johnson, the owner of the Gale River Motel
24 correctly reflects the attitude and commitment

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[WITNESS: Meth]

1 and opposition to Northern Pass in the
2 Franconia community.

3 MS. SAFFO: Thank you. No further
4 questions.

5 WITNESS METH: Thank you.

6 CHAIRMAN HONIGBERG: Mr. Grote.

7 MR. GROTE: Peter Grote. I'm a
8 resident of Franconia. And I'd like to
9 continue with the discussion of land rights.
10 And I have several questions for Mr. Meth.

11 CHAIRMAN HONIGBERG: You need to get
12 closer to the microphone.

13 MR. GROTE: Okay. Is that better?

14 CHAIRMAN HONIGBERG: Much.

15 MR. GROTE: Sorry about that. Let me
16 put up an exhibit as a reference.

17 And I'll ask the Applicant, if
18 there's any confusion on this, to pull up the
19 appropriate -- the appropriate document.

20 CHAIRMAN HONIGBERG: Looks like we
21 need ELMO.

22 BY MR. GROTE:

23 Q The top of this diagram is basically one of the
24 areas of exception. I believe it's number 114.

[WITNESS: Meth]

1 That's on the -- what I call the "dangerous
2 curve", some two and a half miles from the
3 center of town. A curve that over the past has
4 had numerous -- has had accidents --

5 CHAIRMAN HONIGBERG: Mr. Grote,
6 what's your question?

7 MR. GROTE: All right.

8 BY MR. GROTE:

9 Q Basically, my question is --

10 MR. GROTE: You're right, actually.
11 I apologize.

12 BY MR. GROTE:

13 Q My question for Mr. Meth is, basically, has the
14 Town -- does the Town own property with land
15 rights that might be in question?

16 A I would answer that "yes". And in addition to
17 that, I believe there are landowners, abutting
18 property owners that also do. Yes.

19 Q Let me ask you, would, just as an ordinary
20 citizen, would it make sense for you -- would
21 it make sense for a project, a large project
22 the size and magnitude and complexity of
23 Northern Pass's proposal, would it make sense
24 for people planning for that to secure land

[WITNESS: Meth]

1 rights before they really got into the
2 nitty-gritty of planning, of engineering, and
3 actually constructing such a project?

4 MR. NEEDLEMAN: Objection.
5 Relevance. Beyond the scope of the testimony.

6 CHAIRMAN HONIGBERG: Mr. Grote.

7 MR. GROTE: Yes?

8 CHAIRMAN HONIGBERG: Mr. Needleman,
9 has objected saying the question is irrelevant
10 and beyond the scope of this witness's
11 testimony. How should I rule on that
12 objection?

13 MR. GROTE: Well, I would like to
14 continue. I would like you -- I would like you
15 not to accept the objection.

16 CHAIRMAN HONIGBERG: Why is it
17 relevant? What this --

18 MR. GROTE: Well, --

19 CHAIRMAN HONIGBERG: What this
20 witness thinks of that, and it does not appear
21 to me to be within the scope of his prefiled
22 testimony. Why should he be allowed to answer
23 the question?

24 MR. GROTE: Well, I think the scope

[WITNESS: Meth]

1 of this Project is so large that an attempt to
2 narrow it, and I'm not contradicting you, Mr.
3 Chairman, but my personal opinion is that these
4 are very relevant questions to this process.

5 CHAIRMAN HONIGBERG: The objection is
6 sustained. Ask your next question.

7 BY MR. GROTE:

8 Q Has the Applicant signed over -- excuse me, has
9 the Applicant acquired any land rights from the
10 Town of property it owns?

11 MR. NEEDLEMAN: Objection. All the
12 land rights are fully described in the
13 Application. And again, it's beyond the scope
14 of the witness's testimony.

15 CHAIRMAN HONIGBERG: Sustained.

16 MR. GROTE: Well, I guess I really
17 have run out of ammunition on this. Thank you.

18 CHAIRMAN HONIGBERG: Ms. Schibanoff.

19 MS. SCHIBANOFF: Good morning, Mr.
20 Meth. Susan Schibanoff, with the Non-Abutting
21 Property Owners Bethlehem to Plymouth. None of
22 us happen to live in Franconia.

23 BY MS. SCHIBANOFF:

24 Q In your supplemental prefiled testimony filed

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[WITNESS: Meth]

1 on April 17th, 2017, Page 2, Line 14, you list
2 or you mention "Businesses will suffer losses.
3 Property values will be adversely impacted."

4 Do you recall that, Mr. Meth?

5 A I do.

6 Q Are you familiar with the testimony of the
7 Applicants' real estate consultant, James
8 Chalmers, who testified here on August the 2nd?

9 A I am. In part, yes.

10 Q Okay. I want to refer you specifically to what
11 he said on Page 117 of that transcript, Day 26,
12 in the morning, down around Line 20. And I
13 will read this very brief snippet for you. I
14 was questioning him. I asked him "Have you in
15 any way addressed other possible impacts of the
16 buried route in a state road on property values
17 in the Northern Pass Project?" Dr. Chalmers
18 said "Not beyond visibility, no."

19 I asked him "Why have you not done that?"
20 Dr. Chalmers answered "Because I don't see that
21 there are any property value implications."

22 Does that change your opinion in any way
23 that property values in Franconia will be
24 adversely impacted?

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[WITNESS: Meth]

1 A I don't see how they would not be impacted. In
2 due deference to Dr. Chalmers, I did read some
3 of his testimony. I believe that he, again, in
4 relation to his commenting on -- or, performing
5 his testimony on views, and since Franconia has
6 a buried part through it, I believe his
7 testimony as an expert wasn't relevant really
8 to how they would affect abutting property
9 owners in a buried portion of the line.

10 So, I think, you know, commonsense says
11 that, one way or the other, Franconia's
12 abutting property owners will be affected and
13 their property values will be affected
14 negatively by the line.

15 Q Could you specify what you think these ways
16 would be?

17 A I'm sorry, if you could --

18 Q Could you specify, you said "in one way or
19 another"?

20 MR. NEEDLEMAN: I'm going to object,
21 Mr. Chair. This is all information that he
22 could have included in his testimony, if he
23 chose to.

24 CHAIRMAN HONIGBERG: Overruled. I'm

[WITNESS: Meth]

1 going to let him answer. Do you understand the
2 question she's asked?

3 WITNESS METH: I do. I think it --
4 and I'll make it quick.

5 **BY THE WITNESS:**

6 A Yes. I believe it would be negatively, just
7 the specter of a high-voltage DC line abutting
8 your property, and the unknown nature of what
9 that line really does pose.

10 MS. SCHIBANOFF: Thank you, Mr. Meth.
11 That's all I have.

12 CHAIRMAN HONIGBERG: Did I miss any
13 intervenor group that has questions for Mr.
14 Meth?

15 *[No indication given.]*

16 CHAIRMAN HONIGBERG: All right.
17 Mr. Needleman.

18 MR. NEEDLEMAN: Good morning, Mr.
19 Meth. I'm Barry Needleman. I represent the
20 Applicants in this matter.

21 WITNESS METH: Good morning, Mr.
22 Needleman.

23 MR. NEEDLEMAN: Dawn, could we pull
24 up Applicant 148 please.

[WITNESS: Meth]

1 BY MR. NEEDLEMAN:

2 Q So, Mr. Meth, while Dawn is pulling this up,
3 this is an exhibit that was previously
4 introduced. It's a summary of the outreach
5 efforts that Northern Pass has engaged in in
6 Franconia.

7 And, in particular, I wanted to call your
8 attention to the notation about the March 14th
9 letter that the Project sent, which we've heard
10 a little bit about, regarding the request for
11 Franconia to consider a memorandum of
12 understanding. Do you see that?

13 A I do, Mr. Needleman.

14 Q And you talked about that a little bit this
15 morning. My understanding is that, after that
16 letter was sent, there was a Select Board
17 meeting in Franconia a few days later to
18 consider that issue. Is that correct?

19 A That is correct.

20 MR. NEEDLEMAN: And, Dawn, if you
21 could put the minutes of that Select Board
22 meeting up please.

23 BY MR. NEEDLEMAN:

24 Q And you were present at that meeting, is that

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[WITNESS: Meth]

1 correct?

2 A That is correct.

3 Q And if we could pull up the highlighted
4 portion. This is the position that the Town
5 chose to take at that meeting with respect to
6 the proposed MOU, is that correct?

7 A That is correct.

8 Q And, so, at that point in town -- at that point
9 in time, the Town declined to engage in any
10 discussions with Northern Pass about pursuing
11 an MOU, is that right?

12 A That is correct.

13 Q And that remained the position of the Town
14 after that point, right up through today, is
15 that correct?

16 A That is correct.

17 Q Now, Ms. Fillmore asked you earlier if the Town
18 had heard from the Project about working to
19 coordinate issues associated with town
20 infrastructure in the streets. Do you remember
21 her asking you that?

22 A I do.

23 Q Do you understand that it was the goal of the
24 Project to do exactly that through the MOU

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[WITNESS: Meth]

1 process?

2 A I understand, I don't know what the specific
3 goal was, I understand that would be the
4 general goal of a memorandum of understanding,
5 especially after reviewing the other five
6 entities that entered into a memorandum of
7 understanding.

8 Q And with respect to that, one of those
9 entities, which you specifically mentioned
10 before, was Plymouth Water & Sewer, is that
11 right?

12 A That is correct.

13 Q And you had the opportunity to look at that
14 MOU, I understand, is that correct?

15 A That is correct.

16 Q And you said that one of your concerns about it
17 was "it didn't address future issues". Do you
18 remember saying that?

19 A You know, I do remember saying that. I
20 remember that more in relation to a data
21 question and a response from Northern Pass.

22 Q Do you understand that it was not the intention
23 of that MOU to address future issues? In fact,
24 Plymouth Water & Sewer was specifically focused

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[WITNESS: Meth]

1 on having that MOU work to coordinate efforts
2 between the Project and town?

3 A I will be honest and say that I don't know what
4 the intent of Plymouth Water & Sewer was. As I
5 read their MOU, I inferred that this really
6 didn't address or see this as a path to
7 allaying any of the fears that our residents
8 have and expressed concerns about.

9 Q Well, and notwithstanding whatever the purpose
10 of that MOU may have been, when you were
11 talking about it earlier, the words you used
12 were "grave concerns" that you had about the
13 MOU.

14 A That is correct.

15 Q Do you recall that?

16 A Yes.

17 Q And, so, to be clear, what happened here is
18 Northern Pass took a draft memorandum of
19 understanding, sent it to the Town as a
20 starting point and asked if the Town was
21 interested in having discussions, and, as we
22 saw, the Town said "no", is that right?

23 A That is correct. Yes.

24 Q So, I understand, and I think everybody

[WITNESS: Meth]

1 understands that Franconia is opposed to the
2 Project. My question is, why didn't Franconia
3 come back to the Northern Pass and say "Look,
4 we oppose this Project. You're not going to do
5 anything to change our minds. No discussions
6 that we engage in with you should in any way be
7 construed as changing that. But
8 notwithstanding any of that, if, for any
9 reason, the Committee decides to approve this
10 Project, then these are the things we would
11 like the Project to consider when it goes
12 through Franconia."

13 Why didn't Franconia ever do that?

14 A You know, a good -- it's a question. I think
15 part of it is that what we saw as some of the
16 responses to addressing our concerns, whether
17 it was Franconia or the individual businesses,
18 the responses seem to be "This will be
19 addressed at the completion of the Project."

20 I'm trying to recall the MOU in my mind as
21 to some of the other troublesome spots that
22 there were. You know, that was a major one. I
23 think a lot of it, and I hate to use the word,
24 it's a catch-all, but I think a lot of it was

[WITNESS: Meth]

1 boilerplate, a lot of it was illusory.

2 Q Oh, I understand that.

3 A Okay.

4 Q Let's assume you didn't like any of it. Let's
5 assume you thought what we gave to you was just
6 a nonstarter.

7 A Assume away.

8 Q Why didn't you just come up with your own list,
9 and say "We don't care what you're offering.
10 Here are all the things we need and want you to
11 give us if, and only if, the SEC approves the
12 Project"?

13 A I think to address that is you have to really
14 understand the nature of the grave concerns
15 that our residents have. Number one, you know,
16 we have a lot of -- we have a lot of -- I
17 always refer to, we have a good human resources
18 in Franconia, we draw on a lot of smart, good
19 people who live there, with second homeowners,
20 people who are residents. They felt that it
21 would give the impression that we're willing to
22 negotiate.

23 Some of the real points that Franconia
24 wanted were dismissed, and the people who --

[WITNESS: Meth]

1 the everyday people in Franconia couldn't
2 understand why certain things couldn't happen.
3 So, why should we, you know, why should we
4 discuss --

5 Q Forgive me, I guess I'm not sure I understand.
6 Let me try to be more concrete.

7 A Okay.

8 Q Earlier, Ms. Fillmore put an exhibit up, which
9 was a letter from the Franconia Inn. And it
10 had a list of complaints. But I noticed that
11 one of the things that letter said was that
12 something to the extent that "if this was going
13 to go forward", or some such thing, "it should
14 happen during this season when it will have the
15 least impact on the Town."

16 So, that was a concern from a business in
17 Franconia about a very specific way to minimize
18 an impact. Why again would the Town not create
19 a list of things like that, and again make it
20 clear for the world "this doesn't mean we're
21 supporting this in any way, but here are the
22 things we have to have if this is going to go
23 forward."

24 Why didn't you ever give us the chance to

[WITNESS: Meth]

1 engage with you like that?

2 A Again, I don't think you're going to like -- I
3 don't think you'll like the answer that I've
4 formulated from discussions with our residents.
5 And even the passage that you discussed from
6 Mr. Morris, I had a discussion with him about
7 the letter that he wrote. Yes, he would like
8 to see, if this -- if the construction does go
9 through. But, I think, in context, there's --
10 he does not want to concede this. He doesn't
11 see how anyway that even that concession in a
12 memorandum of understanding would alleviate any
13 of the problems that this construction or the
14 placement of the line will cause to his
15 business.

16 Q One other question about this topic. Do you
17 think it's fair to criticize the Project for
18 refusing to engage with the Town to address
19 these issues at the same time that it doesn't
20 seem like the Town was willing to engage with
21 the Project?

22 A Is it fair? I think, when you -- when you feel
23 that you have a just cause, that you're
24 confused as to why this high-voltage DC line is

[WITNESS: Meth]

1 running down our Main Street and disrupting our
2 business in our downtown area, when we're
3 having trouble, and throughout our main scenic
4 road, 116, it gets you -- it gets your blood
5 boiling a little bit. I'm sorry to say that.
6 And I really do, I'm speaking on -- I feel like
7 I'm speaking on behalf of our residents. I
8 know I'm speaking before my prefiled testimony,
9 but we've addressed this many, many times, and
10 through passion and commitment that our
11 residents have. We've spent a lot of legal
12 bills on this. Franconia is not a free
13 spending town. We get a lot of people stepping
14 up at town meeting who complain about our
15 budget. And we passed a \$10,000 fund for
16 Northern Pass, and this past town meeting we
17 passed a \$30,000 budget.

18 And also in the course of it, and more
19 relevant to this, is we had passed a warrant
20 article regarding donations. And in the last
21 two months, our new town administer, who's very
22 good, reached out to the community, and we have
23 raised \$22,000 in the last two months. I think
24 that's an indication of where we -- what are

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1 the feelings of Franconia and where we stand on
2 Northern Pass.

3 Q Okay. Let me transition to a new topic. And
4 let me say, as I do that, that I understand
5 that. I don't live there, I'm not living it.
6 But I understand those concerns and I
7 understand the passion, and I respect that.

8 A Thank you.

9 Q And in that context, I want to ask you about a
10 specific issue about a way that we actually
11 could, in a very concrete way, address the town
12 concerns. So, let me look at your testimony on
13 Page 1, your supplemental testimony.

14 You're discussing Franconia's concerns
15 here, which we heard earlier about crossing the
16 Gale River. Do you recall that?

17 A Yes.

18 Q So, I'm going to put up Exhibit 147, which has
19 been previously introduced. It's a screen shot
20 of this crossing of the Gale River. And I
21 assume you've seen this before?

22 A I'm sorry. I just want to get oriented. I
23 apologize.

24 Q This was introduced during the -- when the

[WITNESS: Meth]

1 Construction panel was testifying, and in
2 particular on redirect of the Construction
3 panel, showing the plans at that time.

4 A Yes. I see the orange line of the route of
5 the -- yes, I do.

6 Q So, this is an exhibit that's been in evidence
7 now here for a couple of months, and I was just
8 wondering whether you looked at it in
9 preparation for your testimony today?

10 A Not this. I don't believe this specific panel.
11 But certainly another one that would give me
12 the same point of view.

13 Q Okay.

14 A Yes.

15 Q And in your testimony you said "restricting or
16 preventing access at this intersection will
17 prevent the Town from providing vital municipal
18 services and could result in irreparable harm."
19 Do you remember saying that?

20 A I do.

21 Q So, plainly, I think it's fair to say that this
22 intersection is of significant importance to
23 the Town of Franconia, correct?

24 A Understatement.

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[WITNESS: Meth]

1 Q Good. So, let me pull up trial transcript Day
2 12, in the afternoon. This is June 2nd, 2017.
3 And this is testimony from one of the
4 Applicants' Construction panel witnesses,
5 Mr. Bowes. Did you have the chance to review
6 this testimony?

7 A I will say no. I will say, no, I have not.

8 Q All right. Mr. Bowes was being asked
9 specifically about what could be done to reduce
10 impacts at this intersection in Franconia. And
11 I want to jump to the bottom of Page 92.

12 And if you look at the bottom, this is
13 Mr. Bowes talking, and about halfway down he
14 says "We talked about that at great length",
15 referring to this intersection, and he says
16 "he's not going to go through it all." But
17 then he says, beginning on Line 20, "Because
18 there is town property right about where that
19 116 indicator is just over the Gale River,
20 that's town property there. So, either a
21 temporary construction easement, or even a
22 permanent easement to place the shaft", and go
23 to the next page, "for the micro tunnel would
24 take all of the traffic impacts off this

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1 intersection." And then he says he "realizes
2 it would be a burden to the Town to grant those
3 rights, but it's one example of where
4 cooperation with the Town could greatly reduce
5 these impacts." Do you see that?

6 A Yes, I do.

7 Q Were you ever part of any discussions where the
8 Town considered allowing Northern Pass to
9 approach construction at the intersection in
10 this manner to address the concerns you've
11 raised about this crossing?

12 A Let me make sure I understand the question.
13 So, you're saying that -- or, the expert is
14 saying that the route should go over the Dow
15 Field?

16 Q No.

17 MR. NEEDLEMAN: Let's put the exhibit
18 back up, Dawn, the one before.

19 WITNESS METH: Okay.

20 MR. NEEDLEMAN: The aerial
21 photograph.

22 WITNESS METH: Yes.

23 BY MR. NEEDLEMAN:

24 Q Mr. Bowes was saying that, if the Town granted

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1 a partial easement right off the side of the
2 road through this intersection, and I'm going
3 to let the record speak for itself.

4 A Okay.

5 Q I'm not going to testify for Mr. Bowes.

6 A Fair enough.

7 Q What he's saying is, there's adjacent Town
8 land. And if the Town worked with the Project
9 to gain access to this land, it could really
10 dramatically reduce the impacts at that
11 intersection.

12 And my question to you is, did the Town
13 ever seriously consider granting that access?

14 A I understand -- now I understand what you're
15 asking. My discussions about this, I remember
16 that the land in question you're talking about
17 is at Dow Field, that this would interfere and
18 encroach upon Dow Field. That raised antenna
19 for our Recreation Department, for a number of
20 residents. And we've had extensive discussions
21 in my testimony here this morning about what a
22 vital and vibrant part of Franconia the Dow
23 Field and the Dow strip is. I think you're --
24 I don't -- go ahead, I'm sorry.

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[WITNESS: Meth]

1 Q Let me ask it this way. I'm not quite sure
2 that that's -- that it would have the impact
3 you're talking about, but we can shortcut this.

4 A Okay.

5 Q Understanding how important this is to the Town
6 of Franconia, and understanding the depth of
7 the concerns you expressed about the proposal
8 at the intersection. Would the Town be willing
9 to have a specific discussion with the Project
10 about this issue to see if we can work out an
11 approach to address this specific concern?

12 A I cannot speak on behalf of the Board for this
13 specific concern. From what I've -- we've had
14 past discussions about, I feel like you're
15 asking us to, I finally get to use this, I feel
16 like you're asking us if we're going to get
17 punched in the nose or punched in the mouth and
18 what would we prefer? I don't think we
19 prefer -- we go back to the issue of why we
20 didn't sign or we didn't agree to a memorandum
21 of understanding. We have a problem with any
22 way that this -- in this regard, any way this
23 Project gets constructed. Whether it's
24 impeding our safety -- preventing our safety

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1 services to get to their destination or
2 encroaching upon Town land, in this case,
3 specifically the Dow Field.

4 I'm not sure that entering into these
5 discussions would be anything but self-serving
6 for Northern Pass. I think that's the problem
7 I have.

8 Q Well, based on everything you said before, it
9 sounded to me like actually it could provide a
10 dramatic benefit for the Town, if the Committee
11 said yes, by relieving the problem of this
12 intersection.

13 I understand you can't speak for the
14 Board. So, I will just ask you, take this back
15 to the Board. If you are interested in having
16 this discussion, we will have it with you. If
17 you're not, that's fine. I understand.

18 A Thank you, Mr. Needleman. I appreciate that.
19 And just very quickly, you know, we're open to
20 meaningful and relevant discussions regarding a
21 memorandum of understanding. Unfortunately,
22 after review of the 5 entities' memorandums of
23 understanding, and some of the non-responses
24 we've gotten from Northern Pass, it's -- that's

[WITNESS: Meth]

1 our position.

2 But, yes, I'll certainly take it back to
3 the Board. Yes.

4 Q And this doesn't have to be an MOU. This can
5 be a discussion about a single issue.

6 A Okay.

7 Q In your testimony on Page 2, Line 10, you talk
8 about these impacts to the Dow Field, and
9 you've talked about that extensively this
10 morning. Earlier, you also talked about bike
11 races that occur in this area. Going back to
12 what you said before about having taken the
13 opportunity to look at the various other
14 memorandums of understanding that have been
15 executed, I wanted to ask you specifically
16 about that.

17 I'm going to put up an example of one of
18 them, the Thornton MOU.

19 A Okay.

20 Q And I'm going to look at Section 2.3 of that
21 MOU. One of the concerns -- 2.3. One of the
22 specific concerns that the Town of Thornton had
23 was the impact that the Project was going to
24 have on particular events in town at certain

[WITNESS: Meth]

1 times of the year. Do you recall that?

2 A I'm reading it right now to refresh my memory
3 and recollect.

4 Q And earlier today you testified about a whole
5 range of events that occur in Franconia that
6 you would have concerns about with respect to
7 the Project's impacts. Do you remember that?

8 A Yes, I did.

9 Q And in response to a question that Mr. Pappas
10 asked, you said you "feared that some events
11 might have to be rescheduled or canceled
12 because of the Project's impacts". Do you
13 remember that?

14 A I do.

15 Q So, again, if the Town had taken the
16 opportunity to speak with Northern Pass about
17 this, we could have worked together, like we
18 did with Thornton, to try to coordinate
19 construction around those times, and do what we
20 could to minimize or eliminate those impacts.
21 Is that correct?

22 A That is correct. I'm look at that -- I
23 apologize, I'm reading this a little bit too
24 much. Your question again, I'm sorry? I

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1 apologize.

2 Q Well, I think you answered it. But let me go a
3 step further. Given that we are able to
4 resolve those sorts of issues with Thornton,
5 and, to be honest, I don't understand what the
6 issues are in Franconia, other than what you
7 said in your testimony, because we haven't had
8 the chance to have the discussion. Don't you
9 think, though, that a provision like this in
10 Franconia could help to address the sorts of
11 concerns that you've articulated?

12 MS. FILLMORE: Mr. Chairman, I'm
13 going to object. Calls for speculation.

14 CHAIRMAN HONIGBERG: Overruled. You
15 can answer.

16 **BY THE WITNESS:**

17 A I don't know what the -- I'm not intimately
18 involved with Thornton. I'm not aware of
19 Thornton. I don't know what their town looks
20 like. I've never been to Thornton. So, it's
21 difficult for me to compare their situation to
22 ours.

23 I just see Northern Pass traveling through
24 the -- you know, the nexus, the intersection of

[WITNESS: Meth]

1 Franconia, is untenable. I don't know where --
2 I'm not sure where these activities, you know,
3 I can give you an example, Mr. Needleman, if
4 you're looking for --

5 Q No. I don't need one at this point.

6 A Okay.

7 Q I think you answered my question?

8 A Okay.

9 Q Ms. Schibanoff asked you earlier about your
10 concern about property value impacts. And you
11 gave a general explanation of the source of
12 that concern. Do you have any information from
13 any source anywhere showing that a high-voltage
14 transmission line located in a state highway
15 adversely impacts the value of property
16 adjacent to that highway?

17 A I've been told by a number of people, and told
18 by Northern Pass, that this is a -- this is a
19 unique line. It's a case of first impression.
20 So, I don't know if there are any figures or
21 expert reports on --

22 Q Well, I don't want to cut you off.

23 A Yes.

24 Q It is the first time a line like this has been

[WITNESS: Meth]

1 built in New Hampshire, but there are
2 high-voltage lines located in state roads
3 elsewhere in the country. And my question is,
4 in light of that, do you have any evidence from
5 anyplace showing that it adversely impacted
6 property owners?

7 A I don't -- I'm not an engineer or expert. But
8 I would have to say that a reasonable person
9 and commonsense would tell you that the
10 construction -- I can give you an example of,
11 again, I'm reflecting what one of our residents
12 talks about, who started a farm, which impacts
13 that --

14 Q That's actually -- I appreciate that. I don't
15 want to cut you off. You've answered my
16 question. I guess I'll ask you a second
17 question, and maybe that will provide an
18 answer.

19 Aside from my first question, do you have
20 any studies, any empirical information,
21 anything that you can point the Committee
22 towards to support your concern about this
23 issue?

24 A I'd have to say I do not.

[WITNESS: Meth]

1 Q Okay.

2 A I do not.

3 Q I want to pull up Applicants Exhibit 1, which
4 is Appendix 44. This is a segment of Dr
5 Shapiro's report. I'm not sure you're familiar
6 with Dr. Shapiro. She is one of the experts
7 that the Project introduced, who talks about
8 the impact of property taxes in towns.

9 Is this something that you've seen before,
10 Mr. Meth?

11 A I have not, Mr. Needleman. But if I could back
12 up, if I could address your -- okay.

13 Q Let me ask you some questions and maybe we'll
14 get to it.

15 A Okay.

16 Q Were you familiar with the fact that, according
17 to Dr. Shapiro's estimate, a little over
18 \$46 million of assessed value would occur in
19 Franconia if the Project were built as
20 proposed?

21 A I'm not aware of that figure, no.

22 MR. NEEDLEMAN: And let me go over to
23 APP23705, Dawn.

24 BY MR. NEEDLEMAN:

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[WITNESS: Meth]

1 Q And just above Easton is Franconia. And this
2 shows that, in the first year, if constructed,
3 the local property tax base in Franconia would
4 increase by "15.5 percent". Were you aware of
5 that?

6 A I wasn't -- I am now. But I was not aware of
7 that, of this chart.

8 Q And if you went across to the end of the table,
9 it shows that number of "13.5 percent", which
10 would be Northern Pass's share of the total
11 property tax base in Franconia. Were you aware
12 of that?

13 A Now I am, yes. Now I am.

14 Q So at no point prior to today did you have any
15 familiarity with these numbers?

16 A Not these specific numbers. I know -- no, not
17 these specific numbers. We've been approached
18 by Northern Pass with some percentages, some
19 hard numbers, you know, regarding the
20 property -- the proposed real estate property
21 taxes that would, you know, would be -- would
22 come with the HDD.

23 Q To the best of your knowledge, were any other
24 members of the Select Board in Franconia aware

[WITNESS: Meth]

1 of this information?

2 A Not this particular information.

3 Q In your original prefiled testimony, on Page 1,
4 Line 12, you testified that Franconia approved
5 a warrant article in 2011 opposing the Project.
6 Do you recall that?

7 A It was actually at the Town Meeting in 2012,
8 Mr. Needleman.

9 Q I believe that's right.

10 A Yes. It was Warrant Article 11, that's
11 correct.

12 Q And in your testimony, you listed a whole
13 series of reasons underlying that article.
14 Things like it would make the region less
15 attractive for outdoor recreational activities
16 and tourism, it would negatively impact
17 sightseeing, hiking, skiing, it would blight
18 the landscape, things like that.

19 Isn't it fair to say that, with respect to
20 all of the aesthetic concerns that were raised
21 in that warrant article, they have all been
22 addressed by the Project now being located
23 underground through all of Franconia?

24 A I don't see that. You know, the warrant

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1 article, the one you're referring to, 2012, was
2 prior to the buried line going through
3 Franconia, before it was altered from an
4 overhead line to the buried line in Franconia.

5 Q Correct.

6 A So, I -- and I certainly wasn't as involved in
7 town business at that point. But I'd have to
8 say that, no, I don't think a lot of the --
9 those issues have been addressed, and I think
10 they have even been exacerbated.

11 Q So, the Town still has the same aesthetic
12 concerns as it did at that point, even though
13 the line is all underground?

14 A I think they have different aesthetic concerns
15 now. The aesthetic concerns that come along
16 with a buried line, through -- whether seen or
17 unseen.

18 Q Well, and you did say in your testimony, on
19 Page 2, Lines 8 through 11, that despite the
20 decision to bury the line, Franconia remained
21 opposed to the Project. And, in particular, on
22 Lines 11 through 16, you listed some of those
23 concerns. And a lot of them related to
24 potential impacts to municipal and private

[WITNESS: Meth]

1 infrastructure from undergrounding. Do you
2 recall that?

3 A You're on Page -- I'm sorry, I just want to
4 make sure I'm on --

5 Q I believe it's your testimony on Page 2, Lines
6 11 through 16.

7 A Okay. So, we're looking at "Other numerous
8 activities and events which utilize
9 playgrounds"?

10 Q Well, right. And concerns with interference
11 with Town infrastructure in the roads, do you
12 recall that?

13 A I do, yes.

14 Q Have you had the opportunity to look at the
15 conditions attached to the DOT approvals for
16 this Project from April 3rd?

17 A Off the top of my head, I'm not -- I might have
18 had access to them. I just don't have -- I
19 don't have that information.

20 Q Do you ever recall doing any evaluation of
21 those conditions in relation to the concerns
22 you've expressed in your testimony?

23 A Well, we've certainly discussed them at our
24 regular Board meetings on Mondays. I think

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1 that the concerns that have been expressed in a
2 couple of the workshops and community workshops
3 that we've held hasn't allayed any of the fears
4 and concerns that the citizens do have.

5 MR. NEEDLEMAN: Dawn, could you put
6 up Condition 15 please.

7 BY MR. NEEDLEMAN:

8 Q Is Condition 15 --

9 A Uh-huh.

10 Q -- of the DOT approval one that you've looked
11 at before and considered?

12 A I'm trying -- I apologize. I'm just reading
13 this and trying to get familiar with it.

14 So, I just want to make sure that -- so,
15 this is -- I guess the important part of it is
16 "the top of the proposed facility shall be
17 placed under existing utilities and drainage
18 structures to the maximum extent feasible."

19 Yes.

20 Q I guess my question is, --

21 A Yes.

22 Q -- when you express concerns about potential
23 impacts that the Project might have on
24 underground infrastructure in Franconia, did

[WITNESS: Meth]

1 you have this condition in mind and the
2 requirements that DOT is imposing on the
3 Project?

4 A It certainly would be, except for the fact, I
5 don't think it -- whether it's under or over
6 our existing utilities and drainage structures,
7 I know, from our experts, the people who run
8 our departments, I don't see how that -- we
9 didn't see how this would correct a safety
10 issue for our town and for our infrastructure,
11 again, whether it's under or over.

12 MR. NEEDLEMAN: Let me ask you about
13 Condition 45. Dawn?

14 WITNESS METH: Okay.

15 BY MR. NEEDLEMAN:

16 Q So, Condition 45 requires the Project to fix
17 any damage to drainage structures and to repair
18 it to the Department's satisfaction. Do you
19 see that?

20 A I do. I do.

21 Q And I'm going to, if you hold that in your
22 mind, I'm going to ask you about one other
23 condition, 49.

24 A Okay.

[WITNESS: Meth]

1 Q And then, after completion of the Project, DOT
2 will inspect it. And if the Applicant hasn't
3 done it consistent with what DOT expects, then,
4 from DOT's perspective, that's going to be an
5 issue of concern that will have to be
6 addressed. Do you see that?

7 A I'm just reading that please. I do see that,
8 yes.

9 Q So, it sounds to me like what you're saying is
10 that the three conditions that I've shown you
11 in the DOT approvals specifically, and the DOT
12 approval in general, still don't address the
13 Town's concerns about the Project being in the
14 road, is that correct?

15 A That is correct. I think a lot of these -- a
16 lot of these conditions run opposed to some of
17 the -- just like a lot -- I think that creates
18 a lot of concern that we do have. A lot of
19 these conditions run in opposition to some of
20 the other information that we received. And I
21 specifically, and I don't have it at the ready,
22 but Municipal Group 2 asked as a data request
23 about future maintenance, future
24 construction -- or not, I'm sorry -- future

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1 maintenance, future repairs. And I believe
2 that answer indicated there wouldn't be any
3 need for that. So, to me, that runs counter to
4 a lot of these conditions that you bring up.

5 Q This was issued back in April. Since the time
6 it was issued, and in light of all the concerns
7 that you believe Franconia still has, has the
8 Town at any point come up with additional
9 proposed conditions to address the concerns
10 that you think are not adequately addressed
11 here?

12 A You know, we have had a Northern Pass Advisory
13 Committee, I try to keep abreast of where we're
14 headed. I would have to say, we've thought
15 about it. We haven't -- we just feel we've dug
16 our heels in to take a stand and to reflect how
17 our residents feel.

18 Q You were shown some correspondence earlier from
19 the Gale River Motel. Do you remember that?

20 A Yes. I do remember that, yes.

21 Q I assume you're aware of the fact that the
22 Project has met with the owners of the Gale
23 River Motel?

24 A Yes. I am familiar with that, with my

[WITNESS: Meth]

1 conversations and reading the letters of
2 Mr. Johnson, yes.

3 Q And you're aware that the Project has responded
4 multiple times to the letters that the Gale
5 River Motel has sent regarding their ongoing
6 concerns?

7 A I can just relay my conversations and my
8 impressions from Mr. Johnson, the owner of the
9 Gale River Hotel, that his conversations, his
10 correspondence with Northern Pass, has -- again
11 has not quelled -- has not, you know, done away
12 of any of his fears of what it will do to his
13 business.

14 Q Are you aware of the fact that the Project
15 again sent another response letter to the owner
16 last week trying again to address his concerns?

17 A The last -- the last chain in the -- the last
18 piece I've seen in the chain of correspondence
19 back and forth was -- I'm sorry, is the
20 December 7th letter by Mr. Johnson.

21 Q Do you have any reason to believe that the
22 Project has not made a good faith effort to try
23 to address Mr. Johnson's concerns?

24 A It's not for me -- I don't think it's for me to

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1 put myself in the shoes of Northern Pass,
2 whether they have made a good faith effort or
3 not. Maybe they have tried to. But my
4 conclusion is, and I've -- and I have to agree
5 with Mr. Johnson and Mr. Morris that they don't
6 seem to address any of their concerns, when it
7 comes to loss of business, when it comes to
8 damage to property, as a lot of our residents
9 have indicated.

10 I think, and stop me if I get off topic,
11 I've gone through some of the testimony of
12 Northern Pass's experts, I've gone through
13 their business and their tourism experts. And
14 a lot of what they have come back to the
15 Committee with don't seem to ring true.

16 You know, specifically, in talking with
17 Mr. Johnson, we discussed Mr. -- I believe it's
18 Mitch Nichols, Mr. Nichols' testimony, about
19 how Northern Pass will not have an impact on
20 New Hampshire. With all due respect,
21 Mr. Nichols' standing as an expert on tourism,
22 it doesn't do good, according to Mr. Nichols'
23 words, it doesn't do any good if Mr. Morris's
24 potential business and Mr. Johnson's potential

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1 business goes up the road, it's a little more
2 than 3 miles, up to Littleton and stays in the
3 Hampton Inn. It does have an impact.

4 So, all I'm -- the point I'm trying to
5 make is that, I think that that really does
6 diminish our confidence and the good faith that
7 Northern Pass has.

8 Q Sounds like what you and Mr. Johnson is saying
9 is not that Northern Pass hasn't tried, you
10 just don't agree with what Northern Pass is
11 saying?

12 A Again, I don't want to speak to their efforts,
13 I don't want to speak to whether it's good
14 faith or not. But the results are that they
15 don't seem to address a lot of concerns, in
16 this case, our business community. Again, it
17 doesn't help Mr. Ford, who owns our hardware
18 store, if they can't get to his store, and they
19 run up to Lowes and Home Depot in Littleton, it
20 impacts us locally.

21 MR. NEEDLEMAN: Thank you, Mr. Meth.

22 WITNESS METH: Thank you.

23 CHAIRMAN HONIGBERG: Off the record.

24 *[Brief off-the-record discussion*

[WITNESS: Meth]

1 *ensued.]*

2 CHAIRMAN HONIGBERG: We're going to
3 take a 10-minute break.

4 *(Recess taken at 11:12 a.m. and*
5 *the hearing resumed at 11:22*
6 *a.m.)*

7 CHAIRMAN HONIGBERG: All right.
8 We're going to pick up with questions from the
9 Subcommittee. Mr. Way.

10 MR. WAY: Good morning, Mr. Meth.

11 WITNESS METH: Good morning, Mr. Way.

12 MR. WAY: Just a couple quick
13 questions.

14 BY MR. WAY:

15 Q And we've had quite a bit of testimony on
16 Franconia in the past. But can you refresh my
17 memory, in terms of your employee base in the
18 town, are you an importer of employees or are
19 you an exporter?

20 A It's difficult to -- I'm sorry to say, I
21 apologize, it's difficult to wrap that up in a
22 neat package. Some people say our downtown
23 Main Street is depressed. I prefer to use the
24 word -- or, going through an existential crisis

[WITNESS: Meth]

1 I prefer to say we're in a "transitional
2 crisis", hoping to attract some new business.

3 We do have a couple of large employers.
4 We do have Presby Construction. Their
5 headquarters is on Main Street. We do have
6 Garnet Hill. They are a large employer in
7 Franconia. They have moved some offices down
8 to southern New Hampshire, but they do maintain
9 a sizable workforce in their office. They do
10 have a retail -- a small retail outlet there.
11 We have a variety of -- a couple of real
12 estate, and we have some sole -- some, not sole
13 proprietors, but some small businesses, such as
14 the Backpack Cafe, our Franconia Hardware. So,
15 it's a mixed bag a little bit. And we send a
16 lot of people out of town to work up in
17 Littleton and the surrounding communities.

18 Q And I think, is Garnet Hill your largest
19 employer?

20 A I believe so, yes. I think Garnet Hill is our
21 largest employer.

22 Q Trying to recall, do you know if their
23 employees are local based or are they coming in
24 from outside of the community?

[WITNESS: Meth]

1 A Again, I think it's a mixture. You know, since
2 I've moved to the North Country, it seems like
3 everybody has passed through Garnet Hill at one
4 point or another. So, I think both. I think
5 there's some locals, Sugar Hill and Easton and
6 Franconia, and then I know there are people, in
7 fact, who do travel a ways to come to Garnet
8 Hill.

9 Q And I appreciate the discussion between you and
10 Mr. Needleman, in terms of the position of the
11 community with regards to participating in
12 discussions. Do you have concerns that, when
13 the community takes that position, maybe of no
14 discussion or at least not to go to far down
15 the path of offering conditions, and I
16 understand that's because you don't want to
17 possibly give solutions for a decision for or
18 against. Do you ever have concerns that you're
19 now putting that decision off onto a committee
20 like this, that may have to rule for or against
21 a project, that we're now put in the position
22 of trying to devise what is right for a
23 community or not?

24 A A good question. And when it came to us,

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[WITNESS: Meth]

1 honestly, I don't think it was rejected
2 out-of-hand. But, after discussions amongst
3 the Board members, after discussions, we've had
4 a couple of I want to call them "workshops"
5 that came to Town Hall to discuss this. I just
6 don't think that we saw, especially with the --
7 trying to find the right words for this, where
8 the Application was, whether the SEC deemed it
9 to be a completed Application, I can't remember
10 exactly the month and year when it was deemed
11 to be complete. We looked at the Application,
12 felt there was a lot of deficiencies in the
13 Application, that it wasn't in our interest to
14 come to the table and start a dialogue as to
15 where this could come out well for Franconia in
16 any scenario. And that includes what we saw in
17 the Application, what we saw after the five
18 entities entered into the memorandum of
19 understanding, and our position hasn't changed.

20 MR. WAY: All right. Thank you very
21 much.

22 WITNESS METH: Thank you.

23 CHAIRMAN HONIGBERG: Ms. Weathersby.

24 MS. WEATHERSBY: Good morning. Just

[WITNESS: Meth]

1 one quick question.

2 BY MS. WEATHERSBY:

3 Q I understand from your testimony there's been
4 two town votes on two different warrant
5 articles. Do you happen to know the -- and
6 both of which passed and were anti -- one was
7 an anti-northern trust [Northern Pass?] vote,
8 and I understand the second one was
9 appropriating funds for legal fees to oppose
10 Northern Pass. So, both opposed Northern Pass.

11 Do you happen to know the vote totals for
12 and against each of those warrant articles?

13 A I don't know. But, if I can just correct, I
14 believe there were a total of -- what we're
15 referring to is four. In 2012, before Northern
16 Pass came through Franconia, and before I was
17 involved with the Board, the Town voted, it
18 passed a warrant article, not appropriating any
19 funds, but to take a stand and, could I say,
20 solidarity with our neighboring communities,
21 especially Sugar Hill, to do it.

22 In 2000 -- in the Town Meeting 2015, we
23 had two warrant articles, one where we funded a
24 legal defense fund for \$10,000, and a second

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[WITNESS: Meth]

1 one where, actually patterned after a warrant
2 article passed by Sugar Hill, that allowed,
3 according to RSA, to accept donations from the
4 Town, which we never took to at that time.

5 And last year's Town Meeting 2017, we
6 passed a warrant article which appropriated
7 30,000. Our Town Administrator, as I had
8 indicated earlier, had acted upon the donation
9 warrant article from 2016, which we've now
10 raised another \$22,000.

11 I don't know if any of this has answered
12 your question, but --

13 Q But do you have a sense of the percentages or,
14 you know, ballpark numbers, if you don't have
15 the actual for and against for those articles?

16 A 2000 -- I actually have -- I actually have the
17 books, which won't answer my question -- or
18 your question, but I believe it was hand votes.
19 There wasn't a specific vote taken. It was --
20 I don't have the numbers for you. I don't.

21 Q Do you have a sense, was it 51 percent versus
22 49? Was it a landslide? Or are you unable to
23 tell me?

24 A No. From the 2000 -- most recently, from the

[WITNESS: Meth]

1 2017 meeting, I could say -- I could honestly
2 say, well, obviously, I could say that the only
3 two people who spoke up against the warrant
4 article were people who felt it was -- were a
5 little more concerned about the budget than
6 about Northern Pass. So, they had more of a
7 money concern than Northern Pass going in, and
8 they just thought it was -- they just thought
9 we were David fighting Goliath. So, that's the
10 sense I got from the warrant articles.

11 MS. WEATHERSBY: Okay. Thank you
12 very much.

13 WITNESS METH: Okay. Thank you for
14 your patience.

15 CHAIRMAN HONIGBERG: Mr. Oldenburg.

16 MR. OLDENBURG: Thank you.

17 BY MR. OLDENBURG:

18 Q Just a quick question about the mutual aid that
19 you do with the Fire Department. You had
20 mentioned that you also are going to, in the
21 future, service Sugar Hill. Did I understand
22 that right?

23 A That's correct. Well, we do service Sugar
24 Hill. The amount that we're going to we

[WITNESS: Meth]

1 deemed -- it's going to increase. There's a
2 service -- there are services that are
3 discontinued that normally -- that service
4 Sugar Hill, and they're reducing their amount
5 of service. So, we'll have to step in and take
6 their place. And that does go along with our
7 Mutual Aid Agreement among the three towns.

8 Q Okay. So, if you respond, and under a routine
9 mutual aid, not, you know, if there was a
10 gigantic fire and everybody in the North
11 Country responded, but a routine situation, do
12 you respond? Would your Fire Department go up
13 to, say, Bethlehem?

14 A I believe they're not included in that mutual
15 aid. And you preempted my response, other than
16 being called in the event of a large
17 catastrophe, yes.

18 Q And you had mentioned you go to Easton. Do you
19 go as far south as Woodstock?

20 A My understanding is we do not.

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

23 CHAIRMAN HONIGBERG: Any over
24 questions from the Committee?

[WITNESS: Meth]

1 [No verbal response.]

2 CHAIRMAN HONIGBERG: Ms. Fillmore.

3 MS. FILLMORE: Thank you, Mr.

4 Chairman. I have just a few questions.

5 Dawn, may I have the Apple TV?

6 **REDIRECT EXAMINATION**

7 BY MS. FILLMORE:

8 Q I'm going to bring up Applicants Exhibit 208,
9 which is the MOU with the Town of Thornton that
10 Mr. Needleman brought up earlier. And he was
11 looking at Section 2.3, which we will scroll
12 to, here in the middle of the page. Mr. Meth,
13 you used the word "illusory" earlier in
14 reference to some of the provisions of the
15 MOUs. And do you see anything in this section
16 2.3 that says that Northern Pass will ensure
17 that events are not negatively impacted by the
18 Project?

19 A I do not see that. I see the word "minimize".
20 I guess I don't see that word, to answer your
21 question.

22 Q Mr. Needleman also asked why, essentially, why
23 Franconia didn't take the draft MOU that it had
24 been given and redline it or come up with a new

[WITNESS: Meth]

1 agreement. Is it your understanding that, if
2 you had submitted your own agreement or a
3 redline version, that Northern Pass would have
4 agreed to all of your requests?

5 MR. NEEDLEMAN: Objection. Calls for
6 speculation.

7 CHAIRMAN HONIGBERG: Ms. Fillmore.

8 MS. FILLMORE: I'll rephrase the
9 question.

10 BY MS. FILLMORE:

11 Q Were you ever told that Northern Pass would
12 accommodate requests that you came up with?

13 MR. NEEDLEMAN: Same objection.

14 MS. FILLMORE: I'm asking him if he
15 was ever told something.

16 CHAIRMAN HONIGBERG: Overruled. You
17 can answer that.

18 **BY THE WITNESS:**

19 A No.

20 BY MS. FILLMORE:

21 Q And is it your understanding that, aside from
22 the five towns that have entered MOUs, four
23 towns/one city, that there are no other -- none
24 of the other towns involved in this matter or

[WITNESS: Meth]

1 on the route have entered one of those
2 agreements?

3 A Yes. I am not aware of any other towns that
4 have entered into a memorandum of
5 understanding.

6 Q Mr. Needleman also asked you if you thought it
7 was fair for the Town to refuse to negotiate
8 and talk about construction conditions. Does
9 the Town of Franconia think it's fair for this
10 Project to be imposed upon the Town?

11 A In a short word, no. No.

12 Q Would the Selectmen be willing to talk with
13 Northern Pass and the Applicants, perhaps at a
14 time when the plans are more complete?

15 A I think we would, if we saw an application that
16 was, say, close to, you know, 90 percent
17 complete, then we would have a little bit more
18 to work with, and a little bit more to bargain
19 with. As it is, I think at this point with the
20 Application process, I think we feel like we'd
21 be negotiating/bargaining with ourselves.

22 Q Mr. Needleman also showed you some of the DOT
23 approval conditions. Is one of your concerns,
24 one of Franconia's concerns, that DOT has

[WITNESS: Meth]

1 issued its approval without an acceptable
2 survey yet?

3 A Absolutely. That is a major concern of ours.
4 It's come up time and again in our discussions.

5 Q And, finally, property taxes. Have you seen a
6 letter from February 2017 to the Town of
7 Franconia regarding the property taxes?

8 A I have. I don't have it here in front me,
9 but --

10 Q That's okay.

11 A I do, yes.

12 Q Is it your recollection that that letter
13 included a figure that was an estimate of the
14 first year property taxes that the Project
15 would pay?

16 A Yes. That one was approximately I believe it
17 was \$574,000, approximately.

18 Q And Mr. Needleman also showed you a chart that
19 showed the percentage of tax increase that the
20 Town might experience?

21 A Yes. He did.

22 Q So, does either that chart or the letter that
23 you saw earlier from February, do either of
24 those resolve the Town's concerns or change the

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[WITNESS: Meth]

1 Town's opinion about what -- about the Project?

2 MR. NEEDLEMAN: Objection, Mr. Chair.

3 Mr. Meth testified that neither he nor the
4 Select Board saw that information. So, I'm not
5 sure how he can answer the question.

6 CHAIRMAN HONIGBERG: Ms. Fillmore.

7 MS. FILLMORE: I can rephrase that
8 question.

9 BY MS. FILLMORE:

10 Q Does the chart that you saw earlier today
11 change your opinion?

12 A Does it change my opinion?

13 Q About the Project.

14 A About the Project? It does not. It does not.

15 Q And did the letter from February of 2017 change
16 the Select Board's opinion about the Project?

17 A No, we took a look at the letter. We examined
18 it. We saw that the percentages that go to the
19 Town, to the County, to the school, simply does
20 not meet our -- the smell test. So, yes, I
21 would say that it didn't change our minds.

22 MS. FILLMORE: Thank you. That's all
23 I have.

24 CHAIRMAN HONIGBERG: Thank you, Mr.

[WITNESS: Coates]

1 Meth. You can return to your seat then.

2 WITNESS METH: Thank you. Thank you,
3 Board. I appreciate your time.

4 CHAIRMAN HONIGBERG: Off the record.

5 *[Off-the-record discussion*
6 *ensued.]*

7 CHAIRMAN HONIGBERG: While the
8 changeover is happening, there are orders in
9 the works on four pending motions. Those are
10 the motion of the Forest Society for rehearing;
11 the order regarding the Motion to Compel; the
12 Massachusetts RFP proposals; the Motion for
13 Declaratory Ruling, that only -- that only
14 hydro -- only the hydroelectricity passing
15 along the line can be considered. It's a
16 filing by the NGOs. The motion of the Forest
17 Society for rehearing of rulings from the
18 Bench, and the Grafton County Commissioners'
19 motion for new public hearings and a new
20 application.

21 Those four motions are all being
22 denied. Orders will come out soon. But, for
23 planning purposes, you work on getting ready
24 for the discussion of exhibits and for

[WITNESS: Coates]

1 briefing.

2 I thought you should know that all
3 those motions are being denied.

4 CHAIRMAN HONIGBERG: Mr. Patnaude,
5 would you do the honors please.

6 (Whereupon **Nicholas Coates** was
7 duly sworn by the Court
8 Reporter.)

9 CHAIRMAN HONIGBERG: Ms. Fillmore.

10 **NICHOLAS COATES, SWORN**

11 **DIRECT EXAMINATION**

12 BY MS. FILLMORE:

13 Q Can you introduce yourself to the Committee
14 please, and spell your last name?

15 A Yes. My last name is Nick Coates, C-o-a-t-e-s.
16 I'm the Town Administrator for the Town of
17 Bristol.

18 Q And how long have you been the Town
19 Administrator?

20 A Just about two years.

21 Q You submitted prefiled testimony in this matter
22 dated November 15th, 2016, is that correct?

23 A Yes.

24 Q And supplemental prefiled testimony dated

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[WITNESS: Coates]

1 April 17th, 2017?

2 A Yes.

3 MS. FILLMORE: And for the record,
4 the November 15th, 2016 testimony is "Joint
5 Muni 115", and the supplemental testimony is
6 "Joint Muni 116", "117", and "118".

7 BY MS. FILLMORE:

8 Q Do you have any additions or corrections to
9 that testimony here today?

10 A Not today, no.

11 Q And do adopt and square to that testimony?

12 A Yes.

13 Q I'm going to ask you a few questions. Are you
14 aware that one of the Applicants' witnesses,
15 Mr. Bowes, stated earlier in these hearings
16 that the Applicants' intent is to have the SEC
17 grant permission for the Project to use local
18 roads, and then delegate oversight to DOT,
19 because they have expertise?

20 A Yes.

21 Q And are you aware that Mr. Bowes also said
22 that, if a town decided it didn't want to play,
23 "I don't want to play", then they could delay
24 the Project unduly?

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[WITNESS: Coates]

1 A I am.

2 Q Does Bristol have a road agent?

3 A Yes.

4 Q Has the town ever dealt with construction
5 projects or large vehicles and equipment that
6 damaged or impacted town roads?

7 A Yes. We've done numerous projects with the
8 Department of Transportation.

9 Q Do you believe that the road agent would be
10 able to handle whatever might come up as a
11 result of this Project?

12 A Yes. He's been a road agent for 30 years. He
13 has a pretty good idea of what he's doing.

14 Q And you said that there have been some
15 projects. Has the Town had experience in the
16 past working with projects that involved both
17 state and town roads?

18 A Yes. Central square. We redid our central
19 square about 5-6 years ago, I believe it was.

20 Q And does the Town -- how does the Town
21 generally handle those kinds of projects?

22 A So, we have -- we have a staff of five. We
23 have a foreman, a superintendent, who is the
24 road agent, and then three operators, as well

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[WITNESS: Coates]

1 as we have an on-call engineer. And so the
2 road agent or Highway Superintendent, as well
3 as the engineer, oversee project management of
4 those projects.

5 Q And as to Mr. Bowes's statement that a town
6 could decide "I don't want to play", what is
7 your reaction to that statement?

8 A It's not true. I think we would work with any
9 Applicant with a permitted project. So, we
10 treat everybody fairly, just as anyone else
11 would.

12 Q One last thing on a slightly different topic.

13 MS. FILLMORE: Dawn, may I have the
14 Apple TV please.

15 BY MS. FILLMORE:

16 Q What will be coming up on the screen now is
17 marked as "Joint Muni 349". This is the
18 business directory that the Applicant released
19 recently. And if we scroll down a little bit
20 on the first page, you can see there are
21 several -- several businesses in Bristol. Have
22 you spoken with, and we can just use one, the
23 Park N Go Market, have you spoken with to
24 anyone from there?

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[WITNESS: Coates]

1 A Yes. I have spoken to two off the businesses.
2 Park N Go was one of them.

3 Q And what was their reaction to finding out they
4 were on the list?

5 A They had no idea.

6 MS. FILLMORE: Thank you. The
7 witness is available for questioning.

8 CHAIRMAN HONIGBERG: Mr. Pappas.

9 MR. PAPPAS: Thank you, Mr. Chairman.
10 Good morning, Mr. Coates.

11 WITNESS COATES: Good morning.

12 MR. PAPPAS: I'm Tom Pappas. I
13 represent Counsel for the Public in this
14 matter. I want to ask you questions on one
15 topic, and that's orderly development.

16 WITNESS COATES: Sure.

17 **CROSS-EXAMINATION**

18 BY MR. PAPPAS:

19 Q In your prefiled testimony, you stated that the
20 Town of Bristol, its Board of Selectmen, and
21 other boards and commissions believe that the
22 Project would unduly interfere with the orderly
23 development of the region around Bristol. Do
24 you recall that?

[WITNESS: Coates]

1 A Yes.

2 Q Okay. Now, you also testified that Bristol's
3 economy is a tourist-based economy. Do you
4 recall that?

5 A Yes.

6 Q Do you believe that the region around Bristol
7 is also a tourist-based economy?

8 A Bristol is the hub of probably about a
9 nine-community region. And people use Bristol
10 for the services and for groceries, to
11 everything else in between.

12 Q Are many of Bristol's businesses small
13 businesses?

14 A We do have one major employer, and then we have
15 a couple other sort of middle-sized, but
16 predominantly smaller employers, yes.

17 Q Okay. And would those businesses be a mix of,
18 for instance, you mentioned shopping,
19 restaurants and shops?

20 A Correct.

21 Q And then, in addition, do you have businesses
22 that cater specifically to tourists,
23 Bed&Breakfasts, recreational type businesses?

24 A That's correct.

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[WITNESS: Coates]

1 Q Okay. Does Bristol's business community also
2 rely on second homes, people who own second
3 homes?

4 A Yes, absolutely. Without our second homes, we
5 would be in pretty tough shape.

6 Q Okay. And I assume that part of Bristol's
7 attraction is things like Newfound Lake and the
8 Pemi River, and the mountains and so forth?

9 A Absolutely.

10 Q Okay. Now, the Project is going to go
11 approximately 2.5 miles through Bristol, is
12 that your understanding?

13 A Yes.

14 Q Currently, there is one transmission line in
15 the right-of-way through Bristol, is that
16 right?

17 A Yes.

18 Q And that transmission line is on 50-foot wooden
19 poles or towers?

20 A That's right.

21 Q And the Northern Pass Project will construct a
22 new transmission line on steel lattice towers,
23 is that correct?

24 A Yes.

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[WITNESS: Coates]

1 Q And those towers will range anywhere from 70 to
2 one as high as 125 feet?

3 A That's my understanding, yes.

4 Q Okay. And do you also understand the
5 existing wooden towers will be relocated to
6 steel towers that are approximately 70 feet
7 tall?

8 A Yes.

9 Q Okay. During the past 20 years or so, and I
10 understand you've only been Town Manager for
11 two years, but do you have an understanding of
12 Bristol's development in the past before you
13 got there?

14 A Well, Bristol was traditionally a rail town.
15 And it was served by a railroad, which then
16 sort of grew its central square, which then all
17 the service industry grew out of this, which is
18 what became our tourist industry.

19 Q Okay. Now, the current Bristol development
20 that we talked about just a moment ago has
21 occurred with the existence of the current
22 50-foot wood transmission poles in the
23 right-of-way, correct?

24 A Yes.

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[WITNESS: Coates]

1 Q And could you tell me why you believe that the
2 construction of the Northern Pass lattice
3 towers within the same right-of-way would
4 unduly interfere with the orderly development
5 in that region?

6 MR. NEEDLEMAN: Objection, Mr. Chair.
7 This is just calling for repetition and
8 elaboration on testimony.

9 CHAIRMAN HONIGBERG: Mr. Pappas.

10 MR. PAPPAS: I don't think it's
11 repetition. I think I've laid the groundwork
12 of what the businesses are, how they developed,
13 and the fact that they developed with the
14 existing right-of-way. And I want to dig a
15 little deeper as to why he thinks the new
16 Northern Pass in the same right-of-way would
17 impede. That's his testimony. It's the only
18 topic. I just want to have an opportunity to
19 drill down a little bit --

20 CHAIRMAN HONIGBERG: Overruled. Keep
21 it focused.

22 MR. PAPPAS: I will.

23 BY MR. PAPPAS:

24 Q So, do you recall my question or do you want me

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[WITNESS: Coates]

1 to repeat it?

2 A I believe the question was "why do we think
3 that taller towers would be problematic in the
4 existing right-of-way?"

5 Q Correct.

6 A Because they're taller. They would be more
7 visible. The numbers that I've looked at would
8 potentially double the size of the currently
9 existing, which would be more visible, we
10 believe, from a number of locations, especially
11 Inspiration Point, which is one of our primary
12 tourist areas.

13 Intensity of use. We think that it's akin
14 to a cell tower. And we -- our Master Plan and
15 our Zoning speaks to cell towers, and cell
16 towers are equal or higher in height. And we
17 have rules about cell towers. So, this would
18 be a similar use, and, in fact, I think a more
19 intense use.

20 Q Okay. So, the first thing you mentioned was
21 the height. So, I take it scale. You think
22 that the increased size of the towers has an
23 impact, is that right?

24 A Correct.

[WITNESS: Coates]

1 Q And when you talk about "intensity of use", do
2 you mind the fact that there will now be two
3 transmission lines within the same
4 right-of-way?

5 A Yes.

6 Q Is that what you're referring to?

7 A Yes.

8 Q Okay. And you mentioned also a view from a
9 specific point. Is it your view that the new
10 towers and the relocated towers, given their
11 size and height, not wooden but steel, would
12 have more prominence or more dominance of the
13 landscape than the current?

14 A Yes. I've reviewed the photo simulations that
15 Northern Pass has put out. And you can see the
16 towers from the right-of-way.

17 Q Okay. So, are those the three reasons why the
18 Town of Bristol believes that locating a new
19 transmission line within the same right-of-way
20 and relocating the existing transmission line
21 in that same right-of-way would impede orderly
22 development? Did I just cover the basis?

23 A Yes. That's part it. There's other aspects
24 that we're concerned about as well.

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[WITNESS: Coates]

1 Q What are those?

2 A So, we have a -- the right-of-way would include
3 an area that has an historic site or
4 historically significant from a local
5 perspective. It was a barn that was built in
6 1790. Those folks that own that barn are
7 looking to create more business for themselves,
8 tourism-based business, like weddings and what
9 have you. So, that's a concern for us.

10 We have concerns about just the neighbors
11 and being able to -- the aesthetics of seeing
12 larger towers in their backyards. And that's
13 what -- we have heard that from the residents
14 of Peaked Hill. We also have heard concerns
15 about the water quality and the wetlands that
16 are impacted. I think I counted 26 wetlands
17 that would be impacted by the right-of-way.
18 So, that's a concern for water quality
19 perspective.

20 And just generally, people who come to the
21 community to spend their time and spend their
22 monies, we think would be impacted heavily from
23 a tourism perspective.

24 Q Do you think that tourists would go elsewhere

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[WITNESS: Coates]

1 other than Bristol?

2 A Well, we heard from one of our bed & breakfast
3 owners who has been speaking to her people who
4 come to visit. And she has some concerns that
5 they already compete with Vermont and Maine.
6 This would potentially impact future visitors.

7 Q Which bed & breakfast is that?

8 A It's the Henry Whipple House.

9 MR. PAPPAS: Thank you, Mr. Chairman.
10 I have no other questions.

11 CHAIRMAN HONIGBERG: Who else has
12 questions for this witness?

13 *[No indication given.]*

14 CHAIRMAN HONIGBERG: I see no hands.
15 Mr. Needleman. Oh, wait. Mr. Stamp, do you
16 have questions?

17 MR. STAMP: Yes, I do. I'm Max
18 Stamp. I'm with the Pemi River Local Advisory
19 Committee, Mr. Coates. A couple of questions.

20 BY MR. STAMP:

21 Q Could you comment at all on the number of
22 people who have talked to you about what the
23 future might bring with this thing,
24 particularly in the abatement area of property

[WITNESS: Coates]

1 taxes, assessments and so forth? Could you
2 flesh that out a little bit?

3 A Yes. I did speak to the Worthens, Mary Worthen
4 and Nick Jenkins, who own that barn that I had
5 spoken about earlier. They're concern is that,
6 if that tower does come through, that their
7 property value would be decreased. They're
8 viability as a business would be negated. And
9 they said certainly they will be coming in to
10 talk about an abatement if the Project does
11 happen.

12 We have talked to other property owners
13 along that neighborhood. And that's been our
14 primary concern, from the aesthetics and from
15 the property tax value, is that neighborhood.

16 And we've had most of the residents come
17 up. I believe that the Committee took a visit
18 out there as well, and had a chance to see the
19 neighborhood and what the impacts would be.
20 But we have heard from the neighbors about
21 their concerns relating to property value.

22 Q Second question would be, there's a lot of
23 activity, I know, in the Pemi corridor dealing
24 with rights-based ordinances. And there's

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1 activity in Plymouth, there's activity in
2 Ashland, Bridgewater. Are you seeing any of
3 this interest? You're kind of a magnet for
4 those kind of criticisms?

5 A Yes.

6 MR. NEEDLEMAN: Objection. Relevance
7 and beyond the scope of his testimony.

8 CHAIRMAN HONIGBERG: Mr. Stamp.

9 MR. STAMP: I would think it would be
10 appropriate for the Committee to hear about
11 very strong sentiments that seem to be
12 generated by --

13 CHAIRMAN HONIGBERG: Just in case
14 we've missed them to date? Do we expect --

15 MR. STAMP: I think, at this level,
16 when people are starting to get so concerned
17 about being told what is supposedly good for
18 them and good for their community and so forth,
19 where they are trying to take some more of this
20 as their own responsibility and act on it.

21 CHAIRMAN HONIGBERG: Sustained.

22 What's your next question?

23 BY MR. STAMP:

24 Q I know there's activity along the river on a

[WITNESS: Coates]

1 new waterfront park, a path, a hiking path,
2 down to Profile Falls and things like that.
3 Could you tell us what's going on there, and
4 how maybe this Project would affect that?

5 A Yes. Just I guess for context perspective,
6 during the height of the recession, the Town of
7 Bristol had 14 empty storefronts. We now have
8 one empty storefronts. So, we've invested in
9 ourselves heavily to really try to grow our
10 economy locally. And we've had numerous small
11 businesses coming in, which is good to see,
12 especially in our downtown.

13 And, so, we're looking at the natural
14 progression of our -- for economic growth in
15 our downtown, as an extension into the river.
16 So, we have some abandoned right-of-way that we
17 are going to be extending. We received a
18 \$153,000 grant from Land and Water Conservation
19 Fund to do Phase I of a rail -- a trail project
20 that would connect our downtown to the
21 confluence of our two rivers, which is the Pemi
22 and the Newfound.

23 From there, we would -- Phase II would
24 extend into a rail trail into Franklin, over

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1 Army Corps of Engineers land along the Pemi
2 River. So, we're really looking at that. We
3 also have met with the owner of a white water
4 park who is interested in building a white
5 water park along that area, and looked at that
6 area as a critical piece of opportunity for
7 Bristol.

8 So, our economic development is tied to
9 our tourism, and specifically it's tied to our
10 river. We want to make sure that it's kept
11 protected.

12 MR. STAMP: That completes my
13 questions. That's it for the River. Thank
14 you.

15 CHAIRMAN HONIGBERG: All right. I
16 didn't miss anybody else, did I?

17 *[No indication given.]*

18 CHAIRMAN HONIGBERG: Now,
19 Ms. Walkley.

20 MS. WALKLEY: Good morning, Mr.
21 Coates.

22 WITNESS COATES: Good morning.

23 MS. WALKLEY: My name is Rebecca
24 Walkley. I'm an attorney for the Applicants in

[WITNESS: Coates]

1 this matter.

2 Dawn, I'd like to pull up what's been
3 marked as "Applicants Exhibit 488". And you
4 can just pull up both pages at the same time,
5 Dawn.

6 BY MS. WALKLEY:

7 Q And, Mr. Coates, this is a summary exhibit that
8 was prepared by the Project Team that just
9 summarizes the correspondences that the Project
10 has had with the Town of Bristol. And I wanted
11 to ask you about a couple of the entries in
12 particular. The first one is the March 14th,
13 2017 correspondence regarding the construction
14 MOU. Were you aware of that correspondence?

15 A Yes.

16 Q And as you can see, further down in the
17 Outreach Summary there was correspondence from
18 the Town's attorney in this case, noting that
19 the Town was interested in pursuing discussions
20 related to the possibility of entering into a
21 construction MOU. Were you aware of that
22 exchange as well?

23 A Yes.

24 Q And I understand that there was some back and

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1 forth with the Town with respect to the
2 possibility of this MOU and discussions about
3 possible terms. Were you aware of those
4 discussions as well?

5 A Yes.

6 Q And my understanding is that following some of
7 these discussions and meetings with the Project
8 relating to the MOU, the Town felt that it
9 couldn't move forward with finalizing any MOU
10 with the Project at that time. Is that correct
11 as well?

12 A I don't think it was a matter of "couldn't move
13 forward". I think it was just that we felt
14 that the terms weren't agreeable. We didn't
15 feel that the Northern Pass was interested in
16 meeting any of the conditions that we were
17 looking at.

18 Q I understand that the Town of Bristol did
19 actually provide the Project with redline
20 copies of the MOU to address some of these
21 concerns. Do you feel that those weren't
22 adequately addressed? And my understanding is
23 that the correspondence from the Project was
24 following up on those redline comments.

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1 A Yes. There were comments back and forth. And,
2 ultimately, we looked at comments, and we just
3 felt a lot of the MOU was pretty wishy-washy.

4 Q And it's not clear to me, has the Town
5 presented those specific concerns to the
6 Project to potentially address them?

7 A It's my understanding, yes.

8 Q And you feel that the Project hasn't adequately
9 responded to those specific concerns?

10 A No. I think a lot of the comments in the MOU
11 were "if practical", "if feasible". And who
12 defines "practical" and "feasible" is one of
13 our major questions.

14 Q Okay. So, at this time is the ongoing
15 discussions regarding the MOU something that
16 the Town of Bristol is interested in continuing
17 to pursue with the Project?

18 A Yes. I think the Town would be interested in
19 having a conversation again, if the Project is
20 willing to meet some of our concerns more --
21 meet some more of our concerns.

22 Q I'd like to ask you about some environmental
23 issues that you raised in your prefiled
24 testimony, your initial prefiled testimony,

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1 final approval with conditions?

2 A I'm looking at it now. It seems about
3 reasonable, yes.

4 Q So, have you reviewed this specific provision
5 before today?

6 A I don't recall seeing it. But it's possible
7 that I have.

8 Q And just looking at the document that's before
9 you, were you aware beforehand or would you
10 agree now looking at it, that this approval is
11 conditioned on certain requirements being met
12 with respect to construction-related activities
13 along the Pemigewasset River, in Bristol?

14 A Okay. Yes.

15 Q And would you agree, I think you expressed
16 earlier, I think in response to Mr. Stamp's
17 questions, that the Town of Bristol is
18 obviously concerned about protecting the Pemi,
19 and that's one of the top concerns. Would you
20 agree that the purpose for this particular
21 condition is to ensure the protection of the
22 Pemi River in this particular area around
23 Bristol?

24 A I think it's a condition of the permit. It

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1 doesn't necessarily appear to me that it's
2 focused on protection.

3 Q Okay. So, you wouldn't agree that this
4 condition on certain requirements for
5 construction-related activities is intended to
6 protect the Pemi in Bristol?

7 A I guess, are you referring to number 2?

8 Q Yes.

9 A I don't know if I would necessarily -- I
10 don't -- I guess maybe I have a different
11 definition of protection. But, I would say,
12 from this perspective, this is a condition of
13 the permit, to ensure that nothing more gets --
14 or, nothing gets unduly damaged.

15 Q Mr. Coates, as you sit here today, are there
16 other concerns related to the Pemi that you
17 feel weren't adequately addressed in the final
18 decision by DES?

19 A Yes. I mean, we have our Pemi overlay
20 district. So, I'm not seeing anything
21 regarding provisions of following the Pemi
22 overlay district. So, in particular, it
23 prohibits structures on slopes which exceed 15
24 percent. And I don't see that in here.

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1 Q Okay. So, with respect to what DES has done
2 here, you feel that that was inadequate?

3 A At this time, yes.

4 Q I wanted to ask you a couple of questions about
5 orderly development of the region, which
6 Mr. Pappas asked you about as well. On Page 3,
7 Lines 18 through 20 of your prefiled testimony
8 you conclude that the Project as proposed in
9 Bristol would unduly interfere with the orderly
10 development of the region. And I believe you
11 had a similar sentiment in your supplemental
12 testimony, is that correct?

13 A Yes.

14 Q And it appears to me that your testimony and
15 your supplemental testimony primarily focused
16 on the Bristol Zoning Ordinance and the Bristol
17 Master Plan, is that correct?

18 A Yes.

19 Q Have you had a chance to review the SEC's
20 rules, specifically Site 301.15 that relates to
21 orderly development of the region?

22 A I don't have that memorized, sorry.

23 Q Were you aware that that particular rule
24 requires the Committee to consider various

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1 aspects of orderly development, such as land
2 use, employment, and the economy of the region?

3 A I would imagine that it would, yes.

4 Q As a component of that discussion, I wanted to
5 ask you a couple of questions about tax
6 benefits in your community. I didn't see a
7 discussion of tax benefits in your testimony.
8 Is that something that you considered at all
9 when you were drafting your prefiled or
10 supplemental testimony?

11 A We've talked about it, more recently we've
12 talked about it.

13 Q Okay. I'd like to pull up Applicants Exhibit
14 486. And this is a letter that was also noted
15 on the outreach summary that we went over
16 earlier. Have you seen this letter before?

17 A Yes.

18 Q And based on the estimates that are provided by
19 the Applicants' expert, Dr. Shapiro,
20 Dr. Shapiro has estimated that the first year
21 tax payments for Bristol is \$158,457. Do you
22 see that?

23 A Yes.

24 MS. WALKLEY: And I'd like to pull up

[WITNESS: Coates]

1 Applicants Exhibit 487 please, Dawn.

2 BY MS. WALKLEY:

3 Q And I will represent to you that this sheet
4 that we've just put up is from the Town's
5 website and is publicly available information.
6 Would you agree, looking at this exhibit, that
7 currently Eversource Energy is the highest
8 taxpayer in the Town of Bristol at \$326,171?

9 A Yes.

10 Q And going back to that figure that we don't
11 actually have to pull it back up, but the last
12 figure that was just provided to you was
13 \$158,457 for first year taxes for Northern
14 Pass. Do you recall that as well?

15 A Uh-huh. Yes.

16 Q So, would you agree, based on the projections
17 that at least the Project has come up with, and
18 the document that we're looking at now, that
19 Northern Pass would become the second highest
20 taxpayer in the Town of Bristol?

21 A Could I see the second page of that letter?

22 Q Sure.

23 A Because I saw an asterisk on the first page.

24 So, the thing that the Board saw that was

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1 concerning for us is that second line, where
2 it's "and your local spending decisions over
3 time, and may be substantially different --

4 CHAIRMAN HONIGBERG: Slow down. Slow
5 down.

6 WITNESS COATES: Sorry.

7 **BY THE WITNESS:**

8 A So, the asterisk was a concern to the Board,
9 and in particular the second line, "your local
10 spending decisions over time may be
11 substantially different from the scenario
12 modeled here." So, to me, there's no
13 commitment there from Eversource. That's one
14 concern.

15 It's my understanding as well that that's
16 a first year payment, in that the Project plans
17 on 40 years straight line depreciation of the
18 appraised value. So, we don't expect that
19 we'll be seeing that number in year 2 through
20 40.

21 Q Okay. Just going back to my question, though,
22 I think my question was just specifically
23 related to the figure we provided for the first
24 year.

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1 A Uh-huh.

2 Q And you would agree that, with respect to that
3 number, that would put Northern Pass as the
4 second highest taxpayer in the Town of Bristol,
5 correct?

6 A To the Town, yes.

7 Q Okay. And have you actually reviewed Dr.
8 Shapiro's report that was submitted in this
9 docket, which is Applicants exhibit -- Exhibit
10 1, Appendix 44 related to taxes?

11 A I just saw it just now in the previous
12 testimony.

13 Q So, with respect to that asterisk, were you
14 aware that, in that report, we won't pull it up
15 here, but in that report Dr. Shapiro does
16 provide a range. And it's my understanding
17 that that number that she's provided in this
18 letter to the Town is actually the median
19 number. So, that's where that asterisk is
20 coming from. Were you aware of that?

21 A No. I guess the other part of the number
22 that's concerning is that I believe it to be
23 more than just the municipal Chair. That it
24 would be actually all taxpayers. So, school

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1 district as well, I'm looking from -- something
2 off of your website that talks about municipal
3 and local education. So that number to me
4 doesn't seem to be completely true.

5 Q Okay. I'm not exactly sure what you're
6 referring to. But, with respect to the number
7 that was provided to the Town, the 156,000 or
8 so, --

9 A Uh-huh.

10 Q -- would you agree that that's a significant
11 tax payment to the Town of Bristol?

12 A I would say that it's -- we will certainly
13 welcome any additional revenue if the Project
14 were to get permitted. However, we feel that
15 the costs outweigh the benefits.

16 MS. WALKLEY: Okay. Thank you. I
17 have no other questions.

18 CHAIRMAN HONIGBERG: Members of the
19 Committee, questions?

20 Mr. Wright.

21 DIR. WRIGHT: Good morning, Mr.
22 Coates.

23 WITNESS COATES: Good morning.

24 DIR. WRIGHT: Craig Wright, with DES.

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1 BY DIR. WRIGHT:

2 Q You mentioned the Pemigewasset overlay
3 district.

4 A Uh-huh.

5 Q And the restriction of construction on slopes
6 of 15 degrees or more and -- 15 percent or
7 more, sorry.

8 A Yes.

9 Q Do you know how many structures would not meet
10 that requirement in Bristol?

11 A How many structures would not meet that
12 requirement right now, in Bristol, in terms of
13 --

14 Q Or, how many of the proposed Northern Pass
15 structures would -- do you have a count as to
16 how many you believe that might not meet that
17 requirement?

18 A I don't have a count, no. I don't have the map
19 in front of me.

20 Q Okay. It's more than one, though, or is it
21 one, do you know?

22 A I don't have the map in front of me.

23 Q Does the Town ever grant exceptions to that
24 requirement?

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1 A Well, it's on a ZBA basis. So, --

2 DIR. WRIGHT: Okay. Thank you.

3 WITNESS COATES: Uh-uh.

4 CHAIRMAN HONIGBERG: Mr. Oldenburg.

5 MR. OLDENBURG: Thank you. Hey, good
6 morning.

7 WITNESS COATES: Good morning.

8 BY MR. OLDENBURG:

9 Q I think Bristol is in a pretty unique
10 situation, because there's a hydro dam in
11 Bristol, --

12 A Yes.

13 Q -- on the Pemi, correct, that generates power.

14 A Yes.

15 Q And if I remember right, we stopped, I think it
16 was on Route 104, and looked down the corridor,
17 and there's either a switching station, I don't
18 know if it's a substation, something that you
19 can actually see down the corridor.

20 So, is Bristol's main concern the height
21 of the towers? If they were lower, would it, I
22 don't want to say in favor of it, but that
23 would be a mitigation effort?

24 A Yes. The prevailing comment that I've heard in

[WITNESS: Coates]

1 town is, if we bury the lines or the Project
2 runs along 93, the opposition stops.

3 MR. OLDENBURG: All right. Thank
4 you. That's all I have.

5 CHAIRMAN HONIGBERG: Mr. Iacopino.

6 BY MR. IACOPINO:

7 Q You were asked at the beginning of your
8 testimony -- during your direct testimony about
9 your road agent. Do you recall that testimony?

10 A Yes.

11 Q All of the Project is above ground in Bristol,
12 correct?

13 A Yes.

14 Q Okay. Where is it that you would want your
15 road agent to have some kind of control or
16 delegation over the Project?

17 A Well, I think every time, if there's going to
18 be traffic pattern changes or there's going to
19 be any road closures or any impact to --
20 whether there's damage to the road, we'd
21 certainly want the road agent to be overseeing
22 that, making sure that there isn't damage being
23 done to the road from construction vehicles
24 going back and forth.

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1 MR. IACOPINO: Okay. Thank you.

2 CHAIRMAN HONIGBERG: Anything else
3 from the Committee?

4 *[No indication given.]*

5 CHAIRMAN HONIGBERG: Ms. Fillmore, do
6 you have any redirect?

7 MS. FILLMORE: I do. Just a few
8 things, if I could do it from here.

9 **REDIRECT EXAMINATION**

10 BY MS. FILLMORE:

11 Q You were just asked about the roads and the
12 road agent. Is it your understanding that the
13 Project in Bristol is proposed to cross some
14 local roads?

15 A Yes.

16 Q That --

17 A Peaked Hill.

18 Q Thank you. And just a few questions about the
19 MOU. Attorney Walkley asked you about the
20 status of MOU discussions, and you explained
21 that the Town of Bristol wasn't satisfied with
22 the terms, despite attempts to negotiate the
23 language. The Town did notify Northern Pass of
24 its proposal, correct?

[WITNESS: Coates]

1 A Yes.

2 Q And it's your understanding that Northern Pass
3 refused most of those requests?

4 A Correct.

5 Q And for that reason negotiations broke down?

6 A I think we would like -- we're always open to
7 talking, but we'd like to see somewhat we feel
8 is a better effort.

9 Q And, so, as you sit here today, based on the
10 previous discussions that you've had and
11 everything you've heard today, what level of
12 confidence do you have that Northern Pass would
13 agree to modify the MOU to meet any of the
14 requests that the Town has?

15 A I can go only on the past, and I haven't seen
16 it yet. But we're open to talking.

17 MS. FILLMORE: Thank you. That's all
18 I have.

19 CHAIRMAN HONIGBERG: Thank you, Mr.
20 Coates. You can return to your seat.

21 WITNESS COATES: Thank you.

22 CHAIRMAN HONIGBERG: We're going to
23 break for lunch in a few minutes. I am told
24 that Mr. Murphy can't be here today. So, when

[WITNESS: Coates]

1 we come back from lunch we're going to be
2 hearing from the Bethlehem-Plymouth abutters.
3 Given the way their testimony is set up, it
4 really makes little sense for them to go up as
5 a group, a large group, and then have some of
6 them come back individually. So, once they're
7 up there, we're just going to keep them up
8 there and do all the questioning.

9 We do want to get a sense of how long
10 they're going to be testifying, because that
11 will tell us whether to have the last potential
12 witness of the day drive here. So, we're going
13 to go off the record and have that
14 conversation.

15 *[Off-the-record discussion ensued.]*

16 CHAIRMAN HONIGBERG: So, now we'll
17 break for lunch and break for about an hour.

18 (Lunch recess taken at 12:19

19 p.m. and concludes the **Day 68**

20 **Morning Session.** The hearing

21 continues under separate cover

22 in the transcript noted as

23 **Day 68 Afternoon Session ONLY.**)

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C E R T I F I C A T E

I, **Steven. E. Patnaude**, a Licensed Shorthand Court Reporter, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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

Steven E. Patnaude, LCR
Licensed Court Reporter
N.H. LCR No. 52
(RSA 310-A:173)

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