

STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

December 19, 2017 - 1:00 p.m. DAY 69
49 Donovan Street **Afternoon Session ONLY**
Concord, New Hampshire **(No Morning Session held)**

{Electronically filed with SEC 12-28-17}

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

PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:

Chmn. Martin Honigberg <i>(Presiding Officer)</i>	Public Utilities Comm.
Cmsr. Kathryn M. Bailey	Public Utilities Comm.
Dir. Craig Wright, Designee	Dept. of Environ. Serv.
Christopher Way, Designee	Dept. of Business & Economic Affairs.
William Oldenburg, Designee	Dept. of Transportation
Patricia Weathersby	Public Member
Rachel Dandeneau	Alternate Public Member

ALSO PRESENT FOR THE SEC:

Michael J. Iacopino, Esq. Counsel for SEC
(Brennan, Lenehan, Iacopino & Hickey)

Pamela G. Monroe, SEC Administrator

(No Appearances Taken)

COURT REPORTER: Cynthia Foster, LCR No. 14

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PRESIDING OFFICER HONIGBERG: Good

afternoon, everyone. Day 69. Scheduling, we have a change in today's schedule because Steve Judge is sick. Can't be here today. So his client, Ms. Kleindienst isn't going to testify today so we only have Ms. Connors and then the two witnesses from Whitefield who are going to be here today which means we should have a shorter afternoon than I think we'd expected. That should leave people time to work on their exhibits. If you haven't already sorted out all the exhibits, you should have some time this afternoon to do that. And this space, I'm sure, is available. You can work with the Applicant, the Applicant can work with you, and we'll figure out what the disputes are. So more that happens before the end, the less will have to be done at the end.

MR. IACOPINO: And I can hang out to assist anybody that has questions.

PRESIDING OFFICER HONIGBERG: Anything else we need to deal with before the witness is sworn

1 in? Would you do the honors, please.

2 (Whereupon, **Margaret Connors** was
3 duly sworn by the court reporter)

4 **MARGARET CONNORS, DULY SWORN**

5 PRESIDING OFFICER HONIGBERG: Ms. Fillmore.

6 MS. FILLMORE: Thank you, Mr. Chairman.

7 **DIRECT EXAMINATION**

8 **BY MS. FILLMORE:**

9 Q Can you please introduce yourself to the
10 Committee?

11 A Yes. My name is Margaret Connors. I'm a
12 Selectman from Sugar Hill.

13 Q And how long have you been a Selectman?

14 A A little over eight years.

15 Q And you're testifying today on behalf of the
16 Sugar Hill Board of Selectmen?

17 A I'm also on the Conservation Commission, and I'm
18 the Health Officer.

19 Q Thank you. I'd like to ask you a couple of
20 questions about a DOT project that occurred this
21 July. My understanding is that DOT performed
22 some road work this summer in Sugar Hill; is
23 that correct?

24 A Right. They replaced a culvert with a bridge.

1 Q And I'm going to bring up a map here so perhaps
2 you can show us where the construction was.
3 This may not be the correct page. This is
4 Counsel for the Public's Exhibit 133, and I'm
5 looking right now at map 35. Do you see that on
6 your screen right in front of you?

7 A Not yet. No signal.

8 Q Okay. Please let me know when that comes up.
9 One moment. There we go.

10 All right. Is the location on this map
11 that's in front of you? If not, I can go to the
12 next page.

13 A No. It's probably on the next one. Okay. So
14 it's right almost at the intersection of Route
15 18 and Streeter Pond Road. So down on the lower
16 left.

17 Q Near the HDD 11?

18 A Yes. It's actually right about where HDD 11 is.

19 Q Okay. Thank you. And for the record that's map
20 36.

21 And where is the bridge? Can you point out
22 where the bridge was and the culvert that were
23 replaced on here?

24 A It's kind of right under, right about where the

1 arrow is for HDD 11.

2 Q Thank you. How long did this Project last?

3 A It took a month.

4 Q And when did the Board of Selectmen learn about
5 the Project?

6 A We learned about it in the summer of 2016. They
7 told us they were going to, DOT was going to
8 have to do this, but we really only learned when
9 it was going to take place about a month before
10 they were going to start.

11 Q And were there road closures involved?

12 A There was going to be a month or more long road
13 closure.

14 Q And did you personally see or experience the
15 closures?

16 A Yes, and we actually worked with DOT to change
17 the date because we had such a short period of
18 time to prepare that we asked if they could
19 postpone for a month, and they were willing to
20 do that. So they ended up closing the road for
21 about a month starting July 10th. But we were
22 very concerned about a business that was going
23 to be impacted, a floral and nursery business
24 that would have been impacted by the earlier

1 road closure.

2 Q And what business is that?

3 A It's called Heath's Greenhouse.

4 Q And did you talk with the owner/operator of
5 Heath's Greenhouse about this?

6 A Yeah. Well, he contacted us, and then we talked
7 a lot about it. We actually got a legislator to
8 help us change the date with DOT, and we worked
9 with DOT to get better signage for his business.
10 And we actually put up some of our -- DOT let
11 us, the Town, put up some of our own signs to
12 help direct people to his business, but it still
13 was pretty much of a disaster for his business.

14 Q Is there a reason that the time of year was of
15 particular importance?

16 A Yes, because that's when he sells most of his
17 nursery goods. His trees and flowers.

18 Q And what kind of impact did the Project have on
19 access to his business? Can you describe it a
20 little?

21 A Well, the main, it's a funny location because
22 Route 18 is used a lot more than I ever realized
23 by traffic. There's a lot of drive-by traffic
24 that he got. And there's only one, there's no

1 entrance near, there's an exit onto Route 93
2 going north but there's no entrance near the
3 property. So people had to travel a good 15
4 miles or so out of the way to get to his
5 business. And he also explained to me that he
6 gets a lot of drive-by business from people
7 coming from, you know, tourists and from
8 Littleton, the neighboring town, so he didn't
9 get any of that. And his partner in the
10 business told me that in that month they lost
11 \$10,000 worth of business.

12 Q And did you or the Board of Selectmen hear from
13 other citizens about the impact of the road
14 closure?

15 A Yes. Off the hook. People were calling because
16 it's such a well-traveled route, and people were
17 inconvenienced in that they had to go around.
18 Several businesses were also impacted that
19 surprised me that weren't even very close were
20 also impacted.

21 Q And so as you've pointed out here on this map,
22 the proposed Northern Pass route is right in the
23 same area.

24 A Yes.

1 Q In fact, there would be an HDD location right
2 there, correct?

3 A Yes.

4 Q And as a result of experiencing the DOT project
5 this summer, is the Board of Selectmen more
6 concerned, less concerned, same amount?

7 A No, we're much more concerned because of the hue
8 and cry, and it really hit us between the eyes
9 how dramatic and drastic it would be if the road
10 was closed.

11 Q I'm going to shift gears for a moment and talk
12 about a recent change to local permitting in
13 Sugar Hill. What I'm bringing up now is the
14 transcript of Day 10 in the afternoon on page
15 33, and this is a transcript of one of the days
16 that Mr. Bowes appeared. This was the
17 Applicant's Construction Panel.

18 The person questioning him had asked Mr.
19 Bowes to assume that a town had ordinances that
20 regulated, among other things, drilling and
21 blasting, and then asked how the company would
22 take these ordinances into account for the
23 Project. And let's look at just a little bit of
24 this.

1 So here on page 33, Mr. Bowes says you
2 would assume that those ordinances existed.
3 He's asked will preemption be utilized or will
4 you come and discuss with our town ways of
5 working with these ordinances, and Mr. Bowes
6 said we're always willing to talk with the Town
7 about local conditions.

8 And then skipping down a little, the
9 question is you're willing to discuss but if you
10 don't come to an agreement with us how will you
11 then proceed in the face of these ordinances.
12 And Mr. Bowes's response was based on the SEC's
13 jurisdiction and the NH DOT's permit approvals.
14 So are you implying the SEC will formally
15 preempt our local ordinances and use that power,
16 and Mr. Bowes says, again, that's probably a
17 better question for the lawyers to talk about,
18 but that's my understanding, yes.

19 Based on this testimony, do you understand
20 the Applicant's position to be that they are not
21 required to follow local ordinances?

22 A Yes.

23 Q And that the Town can ask the Applicant to
24 follow its ordinances, perhaps through an MOU,

1 but that the Applicant would be free to say no?

2 A Yes.

3 MR. NEEDLEMAN: Objection. These are
4 calling for legal conclusions.

5 PRESIDING OFFICER HONIGBERG: Yes. They
6 are. Would you please wait, Ms. Connors,
7 until -- also don't speak over Ms. Fillmore when
8 she's asking questions. It's hard for the
9 stenographer. But it's also helpful if you
10 could pause just for a moment just in case there
11 is an objection.

12 A Okay.

13 PRESIDING OFFICER HONIGBERG: Off the
14 record.

15 (Discussion off the record)

16 PRESIDING OFFICER HONIGBERG: Back on the
17 record. I have no memory of what the question
18 was. I know that the objection was that it
19 called for a legal conclusion. What was the
20 question, Ms. Fillmore?

21 MS. FILLMORE: The question was whether it
22 was Ms. Connors' understanding that the
23 Applicant's position is that the Town could ask
24 the Applicant to obey its ordinances but the

1 Applicant would be free to say no.

2 PRESIDING OFFICER HONIGBERG: Overruled.

3 You can answer, and I believe she did answer and
4 said yes.

5 A Correct.

6 Q What I'm showing you now is Joint Muni 299, and
7 this is minutes of a Sugar Hill Selectmen's
8 meeting dated July 12th, 2017. Are you familiar
9 with these minutes?

10 A Yes, I am.

11 Q And in the highlighted portion, it says Fire
12 Chief Allan Clark met with the Board to discuss
13 recent Fire Department activity in regard to
14 blasting in Sugar Hill and carbon monoxide
15 levels after this Applicant. The Board will add
16 a blasting requirement to the current building
17 permit process. Blasting is regulated by the
18 State.

19 I'm going to show you one more exhibit and
20 then ask you a question about this. This is
21 marked as Joint Muni 300, and this is a letter
22 from Fire Chief Allan Clark of Sugar Hill to the
23 Sugar Hill Board of Selectmen dated October 6th,
24 2017.

1 Are you familiar with this letter, Ms.
2 Connors?

3 A Yes, I am.

4 Q And can you describe just generally what the
5 situation was that this letter addresses?

6 A Yes. There was some construction that required
7 blasting on a road called Valley Vista Road off
8 of Streeter Pond Road, and after the blasting
9 had finished, the house that was adjacent to the
10 blasting, the carbon monoxide detectors went off
11 in the basement, and there were some young
12 children there and a babysitter and the fire
13 department responded, and it took them quite a
14 while to figure out that the carbon monoxide was
15 coming from the blasting that had been done
16 adjacent to that building. So it took two days
17 for that carbon monoxide to clear. And so we
18 added that as a condition to our building
19 permit; that we are at least notified and that
20 people follow state regulations and that the
21 Fire Chief be notified.

22 Q Is there a reason that the Selectmen were
23 concerned that this sort of thing might happen
24 again?

1 A Well, any blasting now we're concerned about,
2 yeah, because we didn't realize, and it's
3 probably, you know, the benefit people have of
4 carbon monoxide detectors now that we are aware
5 of this issue.

6 Q And who issues building permits in Sugar Hill?

7 A The Selectboard.

8 Q So the Selectmen are now going to ask anyone
9 applying for a building permit whether blasting
10 is planned as part of a project?

11 A Right. It's been added to the building permit.

12 Q What about other kinds of projects that don't
13 require a building permit?

14 A We would assume that, traditionally, anybody who
15 does blasting notifies the Police and the Fire
16 Department, but it hasn't been in writing. So
17 now we're going to request that any blasting
18 we're notified.

19 Q Can you tell us, is the purpose of the blasting
20 notification, is that to prevent people from
21 doing projects that require blasting or just to
22 gather information?

23 A No, it's a safety concern.

24 Q And based on Mr. Bowes's testimony that we just

1 heard a moment ago, is it your understanding
2 that the Applicant's position is that they would
3 not be required to follow that requirement?

4 A That's my understanding. Yes.

5 Q I'd like to ask you now about a recent storm
6 experience that the town had. Sugar Hill
7 experienced a significant electric outage in
8 early November as a result of a strong storm.
9 Is that correct?

10 A That's correct.

11 Q And can you please describe what happened?

12 A Well, with the rain and the wind, I think
13 probably 26 roads in Sugar Hill were closed of
14 our Town roads in addition to route, parts of
15 Route 18 and Route 117, the two State roads.

16 Q And approximately how much of the town had power
17 outages?

18 A About 75 percent of the town.

19 Q How long did it take for it to be restored?

20 A Most -- well, it lasted over almost over a week.
21 About 7 or 8 days. Some people got it back
22 sooner, but the people on the outskirts of the
23 town didn't get it back for about 8 days.

24 Q And is there something about the response to

1 that power outage that you think this Committee
2 should know in regards to the response the
3 Applicant might have to a similar problem in the
4 future?

5 A Well, it was interesting. I think the storm was
6 predicted. I don't know if anyone knew that it
7 would be as powerful as it was, but there was no
8 number that people could reach, Eversource did
9 not have a number that was up and functional for
10 people to call and say that they were out of
11 power. So a lot of the responsibility, I mean,
12 it took a while for them to get that up and
13 running.

14 MR. NEEDLEMAN: Objection, Mr. Chair.
15 Relevance.

16 PRESIDING OFFICER HONIGBERG: Ms. Fillmore.
17 Why is this relevant?

18 MS. FILLMORE: My question was if Ms.
19 Connors had something she thought the Committee
20 would want to know in relation to a response the
21 Applicant might have to a similar outage along
22 the Northern Pass line. Did I forget to say
23 Northern Pass? I'm sorry.

24 PRESIDING OFFICER HONIGBERG: The

1 Applicant, the Northern Pass line doesn't serve
2 customers, ratepayers like that. So I'm not
3 sure what -- this does not sound relevant to me.

4 MS. FILLMORE: We can move on.

5 PRESIDING OFFICER HONIGBERG: All righty
6 then.

7 BY MS. FILLMORE:

8 Q One last topic. What's on the screen now is a
9 comment which has been posted to the SEC website
10 so it is not marked as an exhibit, and it's
11 dated August 17th, 2017, from Richard
12 Bielefield.

13 Ms. Connors, is it fair to summarize this
14 comment that Mr. Bielefield is explaining that
15 the current proposal would involve construction
16 of an underground section within approximately
17 15 feet of his home which was built some time in
18 the 1770s? Is that your understanding?

19 A Correct.

20 Q And that his experience has shown that anyone
21 digging in that area between Route 18 and the
22 Gale River hits water within 4 to 6 feet down?

23 A Correct.

24 Q Can you please read the highlighted sentence.

1 A Okay. This is in the second paragraph.

2 I am also dismayed by the apparent cavalier
3 attitude exhibited by those who seem to feel
4 that any public need, real or imagined, trumps
5 whatever effects may result to an individual
6 landowner who has been unfortunate enough to be
7 affected by damages resulting from meeting that
8 need.

9 Q Have you spoken with Mr. Bielefield about his
10 concerns?

11 A Yes.

12 Q And can you summarize that conversation?

13 MR. NEEDLEMAN: Mr. Chair, I'm going to
14 object. This seems like a process where we're
15 now turning comments into evidence which I don't
16 think is appropriate.

17 PRESIDING OFFICER HONIGBERG: Well, the
18 rules of evidence don't apply, but this does
19 seem to be an individual's concerns that you are
20 using a witness to get into testimony. Is that
21 the plan here?

22 MS. FILLMORE: My ultimate question is to
23 ask whether to her knowledge the Applicants have
24 responded to his concerns.

1 PRESIDING OFFICER HONIGBERG: Well, we can
2 all read this so that's great and why don't you
3 ask her the question you just outlined.

4 BY MS. FILLMORE:

5 Q To your knowledge, has the Applicant contacted
6 Mr. Bielefield or discussed his concerns with
7 him?

8 A No. They have not.

9 Q Thank you. I have no further questions. The
10 witness is available.

11 PRESIDING OFFICER HONIGBERG: Mr. Aslin?

12 MR. ASLIN: Thank you, Mr. Chairman.

13 **CROSS-EXAMINATION**

14 **BY MR. ASLIN:**

15 Q Good afternoon, Ms. Connors.

16 A Hi.

17 Q My name is Chris Aslin. I've been designated as
18 Counsel for the Public in this proceeding. I'm
19 going to ask you a few questions about your
20 testimony.

21 I'd like to start with the issue you've
22 raised in your testimony about protecting water
23 and water resources in the town. You referenced
24 in your testimony the commitment that's stated

1 in the Town's Master Plan. Do you recall that?

2 A Yes.

3 Q And in particular, you've raised concern about
4 two important bodies of water, Coffin Pond and
5 the Gale River. Is that correct?

6 A That's correct.

7 Q In a moment you should be seeing a map on the
8 screen. Please let me know when that appears.

9 Do you have a map now on your screen?

10 A Yes.

11 Q Okay. Thank you. So what I'm showing you here
12 is that page out of Applicant's Exhibit 200, and
13 it is Bates stamped APP67518 for the record.

14 Is this Coffin Pond that's shown here on
15 the right-hand side?

16 A Yes.

17 Q And that, and it is more or less adjacent to
18 Route 18?

19 A Yes. It's right next to Route 18.

20 Q Okay. And the road that's coming off of Route
21 18 here is Streeter Pond Road; is that correct?

22 A Yes.

23 Q And then moving further south along the Route 18
24 is the Gale River now shown coming into, along

1 the road?

2 A Yes. That's correct.

3 Q And did that continue along Route 18 for a
4 stretch?

5 A Yes. All the way into Franconia.

6 Q Can you tell from this map or your personal
7 knowledge how close the Project will be to both
8 Coffin Pond and the Gale River?

9 A It's further away from -- I can't tell you the
10 footage. I didn't prepare that. But from the
11 river, it's probably less than 50 feet.

12 Q And do you see in the middle of this page which
13 is APP67519 that the proposed route of the
14 Project crosses from the east side of the road
15 to the west side of the road?

16 A Yes.

17 Q And so --

18 A Where it goes right along the river.

19 Q Yes. And from this point on, is it your
20 understanding that the proposal is to have the
21 trench and the burial up on the side of the road
22 closest to the river?

23 A Yes.

24 Q And your testimony is in places it's as close as

1 50 feet?

2 A Or less. Yes.

3 Q In your testimony you included a copy of the
4 Master Plan, and -- well, let's pull up the
5 page.

6 So you should be seeing now a page out of
7 the Master Plan which is attached as part of
8 your testimony. Is that correct?

9 A Yes.

10 Q All right.

11 A I believe so.

12 Q This is part of Joint Muni Exhibit 99, and it's
13 Bates stamped Joint Muni 004890. And I noted
14 here at the top that the Master Plan indicates
15 that, the last sentence of the first paragraph,
16 that the Town requires a 150-foot setback for
17 most uses and requires a special exception for
18 the cutting of trees and other natural
19 vegetation.

20 And that's, am I correct that that's
21 150-foot setback from bodies of surface water
22 such as the Gale River?

23 A Yes.

24 Q And is that currently a regulation in the town?

1 A Yeah. Well, it depends. It depends where it is
2 and what it is.

3 Q Let me ask it this way. If this Project were
4 within the Town's jurisdiction, and they were
5 coming to the Town for permits, would this
6 restriction apply, this 150-foot setback apply
7 along the Gale River?

8 A Along the Gale River, probably, yes. In some
9 instances, like for a house or something and if
10 it was along like Streeter Pond, it's 75 feet.

11 Q Okay. And if I understand correctly, then under
12 the Town's regulations, a special exception
13 would be required for a project such as this in
14 this location?

15 A Yeah. I don't have my zoning regulations right
16 in front of me so I'd have to double-check that,
17 but we would be particularly cautious about the
18 Gale because it is a water source.

19 Q That's set forth in your testimony. Okay.
20 Thank you.

21 Another area of concern that you raise in
22 your testimony is impact to businesses, and you
23 specifically reference two businesses on
24 Streeter Pond Road and three on Route 18 that

1 you feel could be impacted.

2 A Correct.

3 Q What type of businesses are those?

4 A Well, one is the greenhouse that I mentioned
5 before. There is a kennel and dog boarding
6 business right across from Coffin Pond. There
7 is a construction/excavation business right,
8 almost across from Coffin Pond as well on 18,
9 and then there are two businesses, there's a big
10 farm and a garden nursery on Streeter Pond Road.

11 Q Okay. And all of those businesses use Route 18
12 as part of their business?

13 A Yes, and access to Streeter Pond which is also a
14 very heavily traveled road.

15 Q Is the concern here limited to construction
16 delays and other construction-related impacts?

17 A The concern from construction?

18 Q Well, you've indicated a potential impact for
19 businesses?

20 A Oh, for businesses? I'm sorry. Yes. For
21 business, that would be the main thing is no
22 drive-by traffic for some of those businesses
23 and no access.

24 Q But your concern does not extend beyond the

1 construction period, I'm assuming? Once the
2 project is in the ground this would not be a
3 factor for businesses?

4 A Probably not.

5 Q Okay. Another area of impact that you raised in
6 your testimony was schools and school bus
7 traffic getting students to and from school. Is
8 that correct?

9 A I don't recall that, but if you say so. I don't
10 recall the school bus part.

11 Q You did reference the location of the two
12 schools that serve the town of Sugar Hill and
13 concerns about delays so could we pull up --

14 So you should be seeing now a page out of
15 one of Counsel for the Public's exhibits which
16 is Counsel for the Public Exhibit 133, and this
17 is Bates stamped CFP003261. Do you recognize
18 this as the area between Bethlehem and Sugar
19 Hill?

20 A Yes. I do.

21 Q Do you see the blue square that's on the top
22 right-hand quadrant?

23 A Yes.

24 Q Do you recognize that as --

1 A Profile School.

2 Q Yes. Thank you. And that school serves Sugar
3 Hill for, is it middle and high school?

4 A Yes. And for three other towns.

5 Q Okay. So just to orient us, Sugar Hill is kind
6 of down and to the right of this map?

7 A Correct.

8 Q And you see that the Project runs along Route 18
9 right in front of the Profile School?

10 A Yes.

11 Q And then continues on down 18 all the way past
12 route, it's not shown here, but Route 117 which
13 is the main access to the town of Sugar Hill?

14 A One of the main accesses.

15 Q And I believe your concern was with traffic
16 delays and potential closures of the road
17 impacting school travel?

18 A If it's during the school year. Yes.

19 Q In your testimony you raise concerns about the
20 road being closed. Have you considered
21 construction impacts, if there's one-lane
22 traffic, in other words, alternating one way
23 traffic to around a construction area?

24 A Um-hum. I'm not really an expert in that, but I

1 think any delays would be problematic. And
2 also, I mean, the school is used all year round
3 so it's actually not just during the school year
4 but it is used in the summer as well. Both
5 schools are.

6 Q So just to finish the orientation here in terms
7 of schools, this is the next page of the same
8 exhibit. Counsel for the Public 133. It's
9 Bates stamped 003262. And does this show the
10 rest of the route passing in front of Sugar
11 Hill?

12 A Yes, it does.

13 Q And do you see the blue square that's located in
14 the center of this map?

15 A Yes.

16 Q Is that the Lafayette Regional School?

17 A Yes, that is.

18 Q Do I have that correct that that's K through 6?

19 A K through 6. Yes.

20 Q So both of the Sugar Hill schools are along the
21 Project route.

22 A Yes, they are.

23 Q And you see on this map there are triangles that
24 indicate the location of horizontal directional

1 drilling that's proposed?

2 A Yes.

3 Q And you understand, I assume, that the Project
4 through this, other than those HDDs, the Project
5 is proposed to be buried by trench so they'll
6 dig a trench along the road and drop the cable
7 in?

8 A Yes.

9 Q Have you examined the number of HDDs or other
10 road crossings that could potentially impact
11 school traffic?

12 A Just along this section, you mean?

13 Q Yes.

14 A Well, the intersection of Sugar Hill Road, Route
15 117, is a very well-traveled road, and that is
16 one of the main accesses to the rest of Sugar
17 Hill. But within Sugar Hill those are the two
18 main road crossings are Streeter Pond and 117.

19 Q Do you recall earlier we were looking at a map
20 that showed the trench for the Project crossing
21 from one side of Route 18 to the other side?

22 A Yes.

23 Q And do you have an understanding of the delays
24 during construction that may occur while they're

1 putting the trench across the road?

2 A I don't have a good understanding. I can
3 imagine the worst, and that's one of our main
4 concerns, and I'm curious why it crosses and
5 goes right along the river, too, and right into
6 Mr. Bielefield's porch.

7 Q Are you familiar with the proposal as part of
8 this Project to install what are called splice
9 vaults?

10 A I am.

11 Q Do you have any understanding of the amount of
12 time it takes for a splice vault installation?

13 A Not a hundred percent, no.

14 Q I'll represent to you that there have been
15 testimony that splice vault installations can
16 run about 7 days, and that HDD operations are a
17 three- to five-week operation. If there are --
18 and I'll also represent that between the
19 junction of Route 117 and Route 18, there are,
20 I'm sorry. The junction of Route 117 and Route
21 18 and the Profile School in Bethlehem that
22 there are 7 splice vaults and two HDDs proposed
23 and also five crossings of the road from one
24 side to the other by the trench.

1 Given that magnitude of construction that's
2 proposed, has the town had any discussions with
3 the Applicant about coordinating the timing or
4 the sequencing of that construction to minimize
5 impacts in terms of traffic delays?

6 A At this time we have not. It's -- can I add
7 something?

8 Q Sure.

9 A I mean, it's my understanding that this is not
10 the final definitive route either because it's
11 lacking some detail so we aren't really sure
12 where it's going to go.

13 Q Okay. But at this point you haven't had any
14 discussions to try and understand further with
15 the Applicant just how these various HDDs,
16 splice vault installations, or road crossings
17 might be scheduled?

18 A No.

19 Q And you don't have an understanding of that at
20 this time?

21 A Well, I have, listening and reading testimony I
22 have some understanding, but I don't have a
23 really good grasp of that information.

24 Q Is that the kind of information that would be

1 important to the Town?

2 A At this point, we are in such opposition to the
3 Project that we're hoping that it won't be
4 built. So we're not at that point yet.

5 Q Okay.

6 A And originally we thought that the whole thing
7 was going to go under the pavement. So
8 originally we weren't as upset about it because
9 we thought that the construction was going to be
10 under the road, not right alongside the road and
11 going through so close to the river and along
12 through private property.

13 Q Do you believe that if the Project were placed
14 under the pavement the construction delays would
15 be greater or lesser than currently proposed?

16 A They might be greater actually.

17 Q Okay. You referenced in your testimony as well
18 that you had not, at least at the time of your
19 testimony, had not had any outreach from
20 Mr. Varney about orderly development and local
21 zoning or land use. Since your testimony in
22 April, has there been any further outreach from
23 Mr. Varney?

24 A No. We have not seen or heard from Mr. Varney.

1 Q Okay. Thank you. You also referenced in your
2 testimony the 2011 town meeting where there was
3 an article passed in opposition to the Project.
4 And that article says the Project as presently,
5 as proposed at that time, I guess, and you
6 stated that through 2015 there hadn't been any
7 change to that, despite the fact that the
8 Project's design had changed from aboveground to
9 underground. Has the Town during the, since
10 2011 had any other votes or public discussions
11 about the Northern Pass Project?

12 A We voted to form, to create a Northern Pass
13 legal defense fund and a way to collect monies
14 to replenish that fund, but the town is still
15 100 percent opposed to the Project.

16 Q And that opposition hasn't changed with the
17 change from aboveground to underground?

18 A Not at all.

19 Q Thank you, Ms. Connors. I have no further
20 questions.

21 PRESIDING OFFICER HONIGBERG: What other
22 Intervenor Groups have questions for Ms.
23 Connors? I see Ms. Schibanoff, I see Ms.
24 Menard. Anybody else? Ms. Schibanoff, why

1 don't you go first.

2

CROSS-EXAMINATION

3

BY MS. SCHIBANOFF:

4

Q Good afternoon, Ms. Connors. I'm here. I'm
5 Susan Schibanoff, representing the Non-Abutting
6 Property Owners from Bethlehem to Plymouth, a
7 few of whom actually live in Sugar Hill, and I'd
8 like to ask you one central question about your
9 Town's concern with property value loss.

10

The Applicant has provided tax cards in an
11 Appendix for the buried route through Sugar
12 Hill, and my count shows 41 tax parcels on that
13 route. Does that sound about right to you?

14

A Yes.

15

Q With about 30 homes. Does that sound about
16 right to you?

17

A Yes. I didn't realize there were that many, but
18 some of them are in the woods so probably yes.

19

Q And Sugar Hill has made several filings with the
20 SEC indicating your concern about property value
21 impacts. Do you recall the Petition to
22 Intervene that you filed on February 2nd, 2016,
23 in which you said, and I'm trying to keep this
24 right in front of me here and read through it,

1 "the Town is concerned about the impacts that
2 the Project will have on its citizens, property
3 values, operations, and environment due to the
4 location near to residential properties." Do
5 you recall that?

6 A Yes.

7 Q And then in your Prefiled Testimony, which was
8 filed under your name alone, November 15th,
9 2016, page 4, line 8, quote, "This Project would
10 blight the landscape and devastate the values of
11 properties within its transmission corridor,"
12 end quote. Do you recall writing that?

13 A Yes, and it was the Selectboard. I did it, but
14 it was the Selectboard who --

15 Q Oh, okay. I'm sorry.

16 A Yeah.

17 Q My apologies on that.

18 The Town also hired a consultant who filed
19 on behalf of the town on November 15th, 2016,
20 and there's also a concern with property values
21 in that, but I won't read that since you didn't
22 sign it.

23 Have you followed the examination of
24 Dr. James Chalmers who is the Applicant's

1 property values consultant?

2 A I've read some of his testimony.

3 Q Do you recall that on August the 2nd, 2017, in
4 the transcript for Day 26, Morning, on page 119,
5 at approximately line 16, he was asked by me
6 whether he had done any studies on the possible
7 impacts of a buried route in a State road on
8 property values in the Northern Pass Project,
9 and Dr. Chalmers answered, quote -- Dr. Chalmers
10 answered that he hadn't. I asked him why. And
11 he answered, quote, "because I don't see that
12 there are any property value implications," end
13 quote.

14 Given that Dr. Chalmers made this rather
15 late pronouncement on what he saw as the lack of
16 property value impacts, does that change your
17 opinion in any way from what you have stated
18 earlier?

19 MR. NEEDLEMAN: Objection, Mr. Chair. It's
20 an impermissible expansion of the testimony.
21 The only reference in the testimony to property
22 values, as Ms. Schibanoff pointed out, is
23 actually quoting the 2011 warrant article. The
24 witness didn't actually provide property value

1 testimony, and even if she did, this would be an
2 impermissible expansion of it.

3 PRESIDING OFFICER HONIGBERG: Ms.
4 Schibanoff, the section you read from the
5 witness's testimony was an excerpt from a
6 warrant article, if I'm not mistaken. So it's
7 not her personal statement. She was presenting
8 something for the Town, as I read the testimony.

9 MS. SCHIBANOFF: Well, my understanding was
10 because it was in her Prefiled Testimony of
11 November 15th, 2016, she adopted the view that
12 was expressed in that warrant article and
13 subscribes to it. Could we ask her that? Or
14 could I ask her that?

15 PRESIDING OFFICER HONIGBERG: Mr.
16 Needleman?

17 MR. NEEDLEMAN: Well, again, I object for
18 two reasons. First of all, if this is something
19 that relates to new testimony, something
20 Mr. Chalmers raised, it should have been brought
21 up on direct, first of all. Second of all, this
22 warrant is from 2011 and pertains to the
23 overhead Project. There's nothing about the
24 effects of property value from an underground

1 Project. So I don't think this is proper.

2 PRESIDING OFFICER HONIGBERG: Sustained.

3 BY MS. SCHIBANOFF:

4 Q In your Petition to Intervene, you and the
5 Selectboard indicated a concern about property
6 values. May I question Ms. Connors on that?

7 MR. NEEDLEMAN: I'll object to that.

8 PRESIDING OFFICER HONIGBERG: Yes. The
9 subject matter of her testimony is what you
10 should be asking her questions about. She was
11 testifying and she's representing the Town here,
12 so you're to ask questions that are within the
13 scope of her testimony that are, and that to the
14 greatest extent possible, relate to things she's
15 already opined about. Not what's in her
16 Petition to Intervene.

17 BY MS. SCHIBANOFF:

18 Q Ms. Connors, do you have a concern about
19 property value impacts from the varied route?

20 MR. NEEDLEMAN: Same objection.

21 PRESIDING OFFICER HONIGBERG: Sustained.

22 MS. SCHIBANOFF: All right. I'm done.

23 PRESIDING OFFICER HONIGBERG: Ms. Menard?

24 **CROSS-EXAMINATION**

1 **BY MS. MENARD:**

2 Q Ms. Connors, good afternoon. I'm Jeanne Menard
3 from the Deerfield Abutting Group, and I just
4 wanted a followup question from earlier
5 discussion that you had with Ms. Fillmore in
6 your opening testimonies. And you were
7 referencing property along the route that had
8 concerns about the Project impact on their
9 porch, and your Town's testimony did not clarify
10 the number of property impacts.

11 In the recent exchange with Ms. Schibanoff,
12 I believe I have my answer, but I would like to
13 have it confirmed that in your town, you believe
14 the property value impacts may be in the range
15 of plus or minus 30 properties that have homes
16 and potentially some land impacts, raw land
17 parcel impacts. Would that be correct?

18 A I believe that all the properties along 18 where
19 the route would be buried would have some
20 impact.

21 Q Okay. Thank you. That is all.

22 PRESIDING OFFICER HONIGBERG: Did I miss
23 any Intervenor Groups that have questions for
24 Ms. Connors? Mr. Needleman?

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CROSS-EXAMINATION

BY MR. NEEDLEMAN:

Q Hello, Ms. Connor. I'm Barry Needleman. I represent the Applicant in this matter.

Let me start with a question that you were asked earlier about Mr. -- is it Bielefield?

A Correct.

Q Is that his name?

A Yes.

Q He was the Chair of the Board of Selectmen in Sugar Hill; is that correct?

A He still is on the Selectboard.

Q Still is. And are you aware of the fact that he wrote a letter to Northern Pass on, I think it was in March of this year specifically asking about tax impacts from the Project?

A I was not aware of that.

Q Were you aware that Northern Pass actually wrote back to him and answered his questions?

A No. I was not aware of that.

Q So you'd agree that to the extent that Mr. Bielefield wanted to interact with the Project and have his concerns addressed, he knew how to reach them and the Project was willing to engage

1 with him; is that fair to say?

2 A Well, I can't speak for him, but as recently as
3 last evening he told me that he had not heard
4 from Northern Pass.

5 Q So he represented to you he never heard from
6 Northern Pass, even though these letters have
7 been exchanged?

8 A He did.

9 Q Okay. Dawn, could we pull up Applicant 360,
10 please?

11 This is a summary of the interactions that
12 the Project has had in Sugar Hill, and, Dawn, if
13 you could put those side-by-side.

14 I wanted to call your attention in
15 particular to the top of page 2. This is the
16 topic that you talked about a little bit a few
17 minutes ago. On March 14th of this year,
18 Northern Pass sent a letter to the town of Sugar
19 Hill inquiring as to whether the Town would be
20 interested in having a discussion about an MOU.
21 Is that correct?

22 A That's correct.

23 Q And my understanding is that the town of Sugar
24 Hill met shortly after that to consider the

1 request; is that right?

2 A Yes, at our regulatory board meeting.

3 Q And Dawn, if we could pull up Applicant's
4 Exhibit 359? And these are the minutes of that
5 meeting that occurred on March 20th, 2017. Is
6 that right?

7 A Looks like it, yes.

8 Q And were you present at this meeting?

9 A Yes.

10 Q And I would call your attention to about two
11 thirds of the way down the page where there's a
12 paragraph that begins with the words, "after
13 meeting with the town." Do you see that?

14 A Yes.

15 Q And am I correct that at this Board meeting the
16 town voted to not engage in any discussions with
17 Northern Pass about any sort of construction
18 MOU?

19 A At that time, it wasn't a formal vote but it was
20 a discussion, and we decided yes, that we were
21 not ready to have any kind of agreement with
22 Northern Pass.

23 Q And you just said, "at that time." Am I correct
24 in saying that, in fact, that has remained the

1 Town's position right up through today?

2 A Correct.

3 Q And earlier you were talking about the impact
4 that the recent DOT Project had on a business in
5 Sugar Hill. Heath's Greenhouse, I think it was?

6 A Yes.

7 Q And one of the things you said when you were
8 talking about that was you asked DOT if they
9 could move the timing of that project because
10 the particular timing of when they wanted to do
11 it was a special concern to you. Was that
12 correct?

13 A Correct.

14 Q Do you understand that one of the things that
15 Northern Pass hoped to accomplish in an MOU
16 discussion would have been to get the Town's
17 input on construction timing and to understand
18 whether there was a way to time the Project to
19 accommodate concerns like the one you raised
20 with Heath's Greenhouse, for example?

21 A The only problem is that we don't really trust
22 Northern Pass, and we don't want to form any
23 kind of agreement at this time when the Project
24 hasn't been approved. We don't want to give any

1 indication that we are supportive when we're 100
2 percent against the Project as proposed.

3 Q Do you think it would have been possible to have
4 those sort of discussions and explore whether
5 you could have secured some benefits for the
6 Town, at the same time making clear that you
7 weren't doing so in any way endorsing Northern
8 Pass?

9 A I think we felt that would be difficult.

10 Q Let me ask you about the exchange you had a
11 little while ago regarding your Fire Chief in
12 town and these new blasting requirements that
13 you're contemplating. Do you recall that?

14 A Yes.

15 Q And, again, do you understand that that's the
16 sort of thing that also could have been
17 addressed in the context of an MOU?

18 A Yes, but we also, I mean, if someone is coming
19 in to do as large a project and if it were to be
20 approved, we would expect Best Practices to be
21 maintained, and we would expect anybody who's
22 doing construction to follow to the best of
23 their ability our ordinances and that we don't
24 need to have a special meeting to ask for that.

1 And I've also read some testimony that a lot of
2 the agreements that other towns have signed or
3 some of the agreements that other towns have
4 signed with Northern Pass, there's no mandate.
5 It's if possible, where possible, when it's not
6 inconvenient. So it didn't strike us as if it
7 would be something that was necessarily binding.

8 Q Do you understand that the intention of those
9 MOUs is to present them to the Committee, have
10 them attached to the certificate and make them
11 binding as actual conditions of the certificate?

12 A Yes. But in a lot of the language the way that
13 it's written is that they weren't binding. It
14 was if possible, where possible.

15 Q And Sugar Hill never proposed language to
16 Northern Pass that would have been satisfactory
17 to the Town, did it?

18 A No, as I told you before, we didn't really want
19 to go there because we didn't want to show that
20 we were ready to accept the Project.

21 Q Dawn, could we call up Applicant's Exhibit 1,
22 Appendix 44?

23 Ms. Connors, have you seen this exhibit
24 before?

1 A I have.

2 Q I'll take it that you're aware that this comes
3 from the Applicant's materials. It was prepared
4 by one of the Applicant's experts, Lisa Shapiro,
5 and the intention was to estimate the effect of
6 property tax payments in various towns during
7 the first year if the Project were built. Is
8 that your understanding?

9 A Yes.

10 Q And in Sugar Hill, you can see that the increase
11 in the local property tax base according to this
12 document would be 10.8 percent; is that right?

13 A According to this document, yes.

14 Q And in turn the share of the total tax base on
15 the far right would be 9.8 percent. Is that
16 correct?

17 A Yes. That's what it says.

18 Q And the Project is proposed to be entirely
19 buried in Sugar Hill for 1.7 miles; is that
20 right?

21 A Yes.

22 Q So that the taxable investment according to the
23 documents that have been presented is that it
24 would be about \$16 million in Sugar Hill; is

1 that right?

2 A That's what the Applicant has stated, yes.

3 Q And if Dawn, we could go to Applicant's 23705?
4 Oh, we're there. I'm sorry. So when you look
5 across at the right side and you see the roughly
6 ten percent increase in the total tax base of
7 the town, wouldn't you agree with me that if you
8 experienced an increase like that that would be
9 significant?

10 A It would be helpful. Revenue is always helpful.
11 But we are, we think that it's somewhat, it's
12 not 100 percent because there will be local
13 taxes that will be impacted. There will be
14 abatements that will be requested. We have no
15 idea what's going to happen with the proximity
16 of the line close to the river and private
17 property. And it's not worth it to us. We're
18 against the Project.

19 Q When you say that there will be abatements that
20 will be requested, do you have any examples you
21 could show the Committee of a property tax
22 abatement ever being granted to a landowner
23 whose property abutted a State road that had a
24 transmission line in it?

1 A No. I can't give you an example.

2 Q Let me ask you. You testified a little while
3 ago about the businesses that you thought would
4 be affected in Sugar Hill, and you said that
5 there were five of them. And I just want to run
6 through them quickly. My understanding is that
7 the five businesses are Heath's Greenhouse; is
8 that right?

9 A Correct.

10 Q Cavanaugh & Son's Tree Service?

11 A Yes.

12 Q Ski Hearth Farm?

13 A Yes.

14 Q Gale River Co-op Preschool?

15 A Yes. That's actually another business. Part of
16 Streeter Pond -- I mean on Ski Hearth Farm.

17 Q And Dirt Ventures ATV Rental?

18 A Oh, yeah. I forgot about that one. Yeah.

19 Q Okay. So there must be others. Could you tell
20 me --

21 A Well, there's then RW Tarr. And then there's a
22 dog boarding facility. And then actually
23 further up, closer to Franconia there's actually
24 an antique store, too.

1 Q So I can represent to you with respect to the
2 five businesses that I just listed, and I would
3 have to check on the others, that in April and
4 March of this year Northern Pass sent letters to
5 those five businesses asking for them to provide
6 feedback and asking for them to meet with
7 Northern Pass. They again sent letters in
8 October of this year to the same five
9 businesses. Were you aware of that?

10 A I was not aware of that.

11 Q Were you aware of the fact that in both cases
12 none of those businesses took Northern Pass up
13 on the invitation to have these kind of
14 discussions?

15 A I wonder if those businesses though were also on
16 the list of businesses that signed a Petition
17 that they were against Northern Pass.

18 Q They may well have been. Let's assume for the
19 sake of argument they were. Is there any reason
20 that despite their opposition they still would
21 not want to talk to Northern Pass about their
22 concerns and give the Project an opportunity to
23 try to address them?

24 A Some of those businesses, I know that they

1 wouldn't, they just wouldn't talk to anybody,
2 period. It's just not in their nature. And the
3 other ones may be because of lack of trust.

4 Q In your testimony on page 4, line 5, you note
5 that there was a town vote in 2011. Do you
6 recall talking about that?

7 A Do I recall talking about the town vote?

8 Q In your testimony. Do you recall speaking to
9 that?

10 A Yes.

11 Q And this vote was in response to the originally
12 proposed Project which was overhead in Sugar
13 Hill at the time; is that right?

14 A That's correct.

15 Q And on page 4, line 7 through 9, of your
16 testimony, you go through the recitals and you
17 say, quote, "whereas this Project would blight
18 the landscape and devastate the values of
19 properties within its transmission corridor and
20 adversely impact fragile wildlife habitat and
21 wetlands," right? Remember saying that?

22 A Yes.

23 Q Quoting the warrant article. Isn't it true now
24 that the Project has shifted from all overhead

1 to all underground in Sugar Hill that these
2 concerns are no longer at issue?

3 A It has shifted. We have no issues with the
4 underground, as I've stated. And also Sugar
5 Hill is one of a group of towns that have
6 overhead and underhead, and we are standing very
7 firm with all the towns that are opposed to the
8 Project.

9 Q When you say you're a group of towns that has
10 overhead and underhead, just to be clear, the
11 proposed Northern Pass Project is all
12 underground in Sugar Hill, right?

13 A Correct. But Sugar Hill is united with other
14 towns that are opposed.

15 Q And on page 4, lines 9 and 10 of your testimony,
16 you quote another whereas clause which says,
17 "whereas this Project would make the area less
18 attractive for outdoor recreational activities
19 and tourism."

20 So again, now that the Project is all
21 underground, that also has been addressed; is
22 that correct?

23 A I'm not sure because I'm not sure what the
24 landscape is going to look like after if it's

1 buried.

2 Q You think that an all underground project in
3 State roads in Sugar Hill would somehow
4 adversely affect recreational opportunities?

5 A I'm not sure how it's going to impact Coffin
6 Pond.

7 Q In your Supplemental Testimony on page 1, line
8 20, you discuss impacts associated with road
9 closures, and you said specifically with regard
10 to the proposed HDD 11, quote, "If the road had
11 to be closed for maybe two weeks there, the
12 impact would be a nightmare," close quote. Do
13 you recall that?

14 A Yes.

15 Q And it sounds to me like when you were talking
16 about Heath's Greenhouse before in relation to
17 the recent DOT project, that was the issue that
18 you had in mind; is that right?

19 A Yes. It was problematic.

20 Q So are you aware of the fact that the Project is
21 not proposing any road closures in Sugar Hill?

22 A It was my understanding that there might have to
23 be some road closures.

24 Q Where did you get that understanding?

1 A I think in some of the testimony that I've read
2 and just throughout the hearings that I thought
3 the Applicant had said at times there will be
4 road closures.

5 Q So if there were no road closures in Sugar Hill
6 or if there were only road closures that were
7 very brief, under 15 minutes, would that address
8 this concern you've raised here?

9 A I guess it depends how much it would impact
10 traffic.

11 Q So it's not a road closure issue; it's a traffic
12 issue?

13 A Well, it's probably both.

14 Q And are you aware of the fact that the
15 Applicants have also committed to ensuring that
16 all businesses will have access during the
17 course of the construction?

18 A I have read that they have said that.

19 Q So that would certainly address the concern you
20 expressed about Heath's, an example you used of
21 the bridge closure; is that right?

22 A Well, there's access and there's access.
23 There's, you know, it would be hard to get even
24 if -- I don't know what access means. Like you

1 can get into their building but will there be
2 construction all around it and, you know, dump
3 trucks and diggers and all kinds of stuff that
4 people might not want to even go there. They
5 might prefer to go to a different business.

6 Q I think I'm all set. Thank you.

7 PRESIDING OFFICER HONIGBERG: Members of
8 the Committee? Who has questions for Ms.
9 Connors? Mr. Oldenburg.

10 MR. OLDENBURG: Thank you, Mr. Chairman.

11 **QUESTIONS BY MR. OLDENBURG:**

12 Q Ms. Connors, Bill Oldenburg from the Department
13 of Transportation.

14 One of the questions I had, was if I heard
15 you right in your going back and forth with
16 Attorney Needleman about the MOU. You said that
17 you didn't want or the town didn't want to talk
18 to Northern Pass until the Project was approved.

19 A Well, not -- I'm sorry. We didn't want to talk
20 to them based on the Project as presented
21 because there's so many unknowns on Route 18.
22 So it would be difficult for us to make any
23 demands if we really don't know exactly how the
24 Project is going to be laid out. There is a

1 map, but I've also read lots of testimony that
2 that map is not necessarily accurate, that the
3 surveys aren't accurate. So we're really
4 hesitant to jump into anything when we're not
5 really sure where it's going to go.

6 Q Okay. Fair enough. That's all I have. Thank
7 you.

8 PRESIDING OFFICER HONIGNER: Mr. Wright.

9 **QUESTIONS BY DIR. WRIGHT:**

10 Q Good afternoon, Ms. Connors. I just wanted to
11 follow up on the CO incident, the carbon
12 monoxide incident from the blasting. It was
13 your Fire Department that concluded that it was
14 CO that migrated underground, I assume, from the
15 blasting?

16 A Yes.

17 Q Into the basement of the home.

18 A Yes.

19 Q What was the distance between the blasting zone
20 and the home?

21 A It was probably about 100 feet.

22 Q A hundred feet.

23 A I'm guessing. I'm just guessing from my memory,
24 but it was, it's why it took them a little while

1 to figure it out.

2 Q And it took up to two days to clear?

3 A From the basement, yes.

4 Q And what exactly is the Town considering doing
5 at this point? I was a little confused as to
6 exactly what the, how the Town planned to
7 address that in the future?

8 A We're going to make sure that if anyone is going
9 to blast it's going to be on their building
10 permit so that the Fire Chief can make sure that
11 residents and people who live in the area are
12 notified about blasting and making sure that
13 they can be, have carbon monoxide detectors and
14 make sure that they aren't impacted.

15 Q So you're going to actually require that private
16 homeowners have CO monitors as part of, in
17 response to that situation?

18 A No. We're not going to require that, but there
19 will have to be some way that we can measure if
20 they're going to be impacted. So maybe the Fire
21 Department would put them in during blasting and
22 then remove them.

23 Q Okay. Thank you.

24 PRESIDING OFFICER HONIGBERG: Mr. Way?

1 **QUESTIONS BY MR. WAY:**

2 Q Good afternoon. Just a followup on what
3 Mr. Wright was asking. The blasting permit.
4 When you were putting that ordinance in place,
5 did you talk with other neighboring communities?
6 Is this something that some of the sister
7 communities are doing as well?

8 A Our Fire Chief is the Building Inspector for
9 several other communities, and we went on his
10 best judgment. He has a lot of experience. And
11 he was quite taken aback and frightened by this.
12 So he wanted to make sure that something went in
13 there right away.

14 Q So he's dealt with several other communities.
15 Do other communities have similar --

16 A I cannot answer that.

17 Q And when you put this into play, it sounds like
18 it was a result of this one incident.

19 A Yes.

20 Q Correct?

21 A Yes.

22 Q All right. And in terms of the MOU that Mr.
23 Oldenburg brought up, and it's a question I had
24 for another community yesterday, when you decide

1 that, and I can understand what you're saying
2 when you decide that you're not going to engage
3 the Applicant because it may appear a sign that
4 you agree, but in your conversations with the
5 Selectboard, was there any concern offered that
6 if you don't do that, then -- and when we go
7 into the decision making process, and we have to
8 consider all the pros and cons and the views of
9 the community, we may have a body of information
10 that we might be lacking, and if we were to
11 decide something, it might be something that may
12 not fit with your community. Did that come up
13 in conversations?

14 A No. I have to say no, because we really feel
15 like it shouldn't be buried along the river.
16 Right where it is. If it was moved, maybe up to
17 93, it would be great.

18 Q And then I just want to understand. When you
19 mentioned the earlier version when you were
20 under the impression that it was going to all be
21 under the State road, there was less of a
22 concern?

23 A Originally, we had less of a concern because we
24 didn't think that so many private properties

1 would be impacted if it was under the road.

2 Q But the traffic concerns --

3 A Traffic concerns were still there but not as
4 much for private property and natural resources.

5 Q All right. Thank you very much.

6 PRESIDING OFFICER HONIGBERG: Any other
7 members of the Committee? Mr. Iacopino?

8 **QUESTIONS BY MR. IACOPINO:**

9 Q Just one question. Have you or your Fire Chief
10 or anybody on behalf of the town researched
11 conditions regarding blasting that the Site
12 Evaluation Committee has imposed in other cases?

13 A I'm not sure. The Fire Chief was also going to
14 use blasting requirements issued by the State of
15 New Hampshire. So he was going to follow those
16 RSAs.

17 Q Thank you.

18 PRESIDING OFFICER HONIGBERG: Ms. Fillmore.
19 Do you have any redirect?

20 MS. FILLMORE: Just briefly.

21 **REDIRECT EXAMINATION**

22 **BY MS. FILLMORE:**

23 Q First is just to clean up an item that I
24 overlooked at the beginning, if I may.

1 You submitted Prefiled Testimony in this
2 matter dated November 15th, 2016; is that
3 correct?

4 A If you say so. I can't remember all the dates.

5 Q Subject to check?

6 A Yes.

7 Q And Supplemental Prefiled Testimony dated April
8 17th, 2017?

9 A Yes.

10 Q And for the record, those are identified as
11 Joint Muni 99 and 100.

12 Do you adopt and swear to that testimony
13 here today?

14 A If that's what I filed, we filed as a
15 Selectboard, yes.

16 Q You've been asked about the Board's decision not
17 to talk with Northern Pass at this time about an
18 MOU. If the Project were approved over your
19 objection, would the Town be willing to talk
20 with Northern Pass about construction conditions
21 at that time?

22 A Yes.

23 Q And regarding the 2011 town meeting vote, are
24 you aware that, has the town of Sugar Hill taken

1 any vote at town meeting to rescind the 2011
2 vote?

3 A No. We have not.

4 Q You were also asked how the Project would affect
5 Sugar Hill if it's buried. Is the Town
6 concerned at all about the impact beyond the
7 borders of Sugar Hill?

8 A I'm not sure I understand your question.

9 Q Are there ways that impacts to other North
10 Country towns might affect Sugar Hill?

11 A If you're saying that how the whole Project will
12 affect Sugar Hill? I think based on many other
13 Towns' testimony that if tourism is impacted,
14 the economy is impacted, Sugar Hill will be
15 impacted.

16 Q Thank you very much. That's all I have.

17 PRESIDING OFFICER HONIGBERG: All right.
18 Thank you, Ms. Connors. You can return to your
19 seat. The next Witness Panel, Ms. Monroe?

20 MS. FILLMORE: I'll need just a moment.

21 PRESIDING OFFICER HONIGBERG: Folks from
22 Whitefield. Why don't we take ten minutes while
23 the next group sets up.

24 (Recess taken 2:13 - 2:22 p.m.)

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PRESIDING OFFICER HONIGBERG: We're back.

{WITNESS PANEL: HERSOM, LOMBARDI}

1 We have witnesses in place. Would you
2 swear them in, please?

3 (Whereupon, **Wendy Hersom** and **Frank Lombardi**
4 were duly sworn by the court reporter)

5 **WENDY HERSOM, DULY SWORN**

6 **FRANK LOMBARDI, DULY SWORN**

7 PRESIDING OFFICER HONIGBERG: Ms. Fillmore.

8 **DIRECT EXAMINATION**

9 **BY MS. FILLMORE:**

10 Q Can you each introduce yourselves to the
11 Committee and spell your last name?

12 A (Hersom) Wendy Hersom. H E R S O M.

13 A Frank Lombardi. L O M B A R D I.

14 Q And Ms. Hersom, you are a Selectman in the Town
15 of Whitefield?

16 A (Hersom) I am.

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

19 A (Hersom) This is my 15th year.

20 Q And you're here testifying on behalf of the
21 Board of Selectmen?

22 A (Hersom) I am.

23 Q Mr. Lombardi, you are a member of the Planning
24 Board in Whitefield?

1 A (Lombardi) Yes.

2 Q And how long have you been on the Planning Board
3 in Whitefield?

4 A (Lombardi) Ten years.

5 Q And you're here testifying on behalf of the
6 Planning Board?

7 A (Lombardi) Yes.

8 Q The two of you submitted Joint Prefiled
9 Testimony dated November 15th, 2016. Is that
10 correct?

11 A (Hersom) Yes, it is.

12 A (Lombardi) Yes.

13 Q That's marked as Joint Muni 95. Do either of
14 you have any corrections or additions to that
15 testimony?

16 A (Hersom) No.

17 A (Lombardi) No.

18 Q And do you both adopt and swear to that
19 testimony here today?

20 A (Hersom) Yes.

21 A (Lombardi) Yes.

22 Q Thank you. Just a few questions. Ms. Hersom,
23 is the Town currently planning a new project to
24 upgrade its water system?

1 A (Hersom) We are.

2 Q And my understanding is that it's a \$10 million
3 project scheduled to start next year; is that
4 correct?

5 A (Hersom) I think it's actually 10.5.

6 Q And was there additional money recently approved
7 for that?

8 A (Hersom) Well, the original project was \$6.5
9 million, and then we received an additional
10 grant of \$4 million. I believe it was July or
11 August of this year.

12 Q And does the construction of the Northern Pass
13 Project cause you any concern regarding the
14 water project?

15 A (Hersom) It does.

16 Q And can you explain why, please?

17 A (Hersom) Yes. Whitefield's water system is very
18 fragile. The reason we received such large
19 grant funding is because of it's very old,
20 there's a lot of clay pipe in the ground, and
21 we've had a number of issues with the water
22 system over the last few years, notably it was
23 last summer. The Mountainview Grand Hotel which
24 is, may be the largest taxpayer in town, was

1 without water for three to four days because of
2 a failure in the water system. And with 10.4
3 miles of construction going on with blastings
4 and footings being proposed by this Project, the
5 concern is what effect that is going to have on
6 our already fragile water system that's
7 currently in place. The \$10.5 million project
8 isn't replacing the entire system. And what is
9 going to be remaining, we just don't know what
10 the impact will be for the town, and, frankly,
11 we are out of money to do anything more than
12 what we are currently planning.

13 Q Would the Town be interested in discussing those
14 issues with the Applicant at the appropriate
15 time?

16 A (Hersom) Absolutely.

17 Q Thank you. I have no further questions.

18 PRESIDING OFFICER HONIGBERG: Mr. Pappas?

19 **CROSS-EXAMINATION**

20 **BY MR. PAPPAS:**

21 Q Good afternoon, folks. My name is Tom Pappas,
22 and I represent Counsel for the Public in this
23 matter.

24 A (Hersom) Good afternoon.

1 A (Lombardi) Good afternoon.

2 Q Let me start by locating the 10.4 miles of the
3 Project through Whitefield.

4 Do you have something on the screens in
5 front of you?

6 A (Hersom) Yes, sir.

7 A (Lombardi) Yes.

8 Q What is on the screen is Counsel for the Public
9 664 which comes from Applicant's Exhibit 1. It
10 shows the route of the Project through
11 Whitefield. Can you see that?

12 A (Hersom) Mine just went out.

13 Q Did your screen go blank?

14 A (Hersom) It did.

15 PRESIDING OFFICER HONIGBERG: Let's go off
16 the record and sort it out.

17 (Discussion off the record)

18 Q Now can you see the map in front you?

19 A (Hersom) I can.

20 Q Okay. Can you see where the Project enters
21 Whitefield up in the north, the border of
22 Lancaster?

23 A (Hersom) Yes, sir.

24 Q And then it goes through town, it looks like it

1 leaves town a little bit into Dalton, and then
2 comes back into Whitefield south of Dalton?

3 A (Hersom) Yes.

4 Q Okay. And it's hard to read on this map, but am
5 I correct that the Project crosses Route 116,
6 Route 3, and Route 142?

7 A (Hersom) Yes.

8 A (Lombardi) Yes.

9 Q And those are the three ways into Whitefield
10 downtown common?

11 A (Hersom) Yes.

12 Q Now, I realize it's a little difficult on this
13 map, but earlier you testified about the water
14 system and the new water system. How close is
15 the water system -- or I should put it this way.
16 How close would the Project come to any part of
17 the Whitefield water system?

18 A (Hersom) So looking at the map, the water system
19 in Whitefield, because the town evolved over
20 many years, it's not a super orderly water
21 system. And for lack of a better way to
22 describe it, it's kind of a bramble bush. It's
23 not really a tree. So in the village district
24 which on this map I'm trying to think of a way

1 to describe it so that you can understand what
2 I'm saying. If you see like where the smaller
3 "Whitefield" word is stated on that map?

4 Q I'm going to blow up just Whitefield for you.

5 A (Hersom) Okay.

6 Q There we go.

7 A (Hersom) Okay. So, again, where the smaller
8 "Whitefield" word is, like the water system is
9 all through there, and it goes out to Bray Hill
10 which is going out towards, out on 116 where it
11 crosses again. So it's close to a significant
12 portion of the water system.

13 A (Lombardi) Can I add to that, Wendy?

14 A (Hersom) Sure.

15 A (Lombardi) 116, Lancaster Road, and 142 would
16 all cross where the water line is because it
17 even goes into Dalton.

18 A (Hersom) It does go into Dalton. We have --

19 A (Lombardi) So each of those roads --

20 A (Hersom) Right.

21 A (Lombardi) -- would be impacted if the water
22 line is below it.

23 A (Hersom) Right. We do have a, we have a mobile
24 home park that's actually in Dalton that's on

1 the water system. And we also have another
2 group of residents that actually we're just in
3 the process of replacing that water line because
4 it's failed out on 142 where it crosses, right
5 where it crosses into Dalton and goes across
6 that 142 section in Dalton. That's part of the
7 Whitefield water system.

8 Q Do I hear you correctly that the Northern Pass
9 Project will cross the water system in several
10 places?

11 A (Hersom) Yes.

12 Q Do you know how deep the water system is, how
13 deep your pipes are?

14 A (Hersom) Depends on what part of the water
15 system we're talking about. It's at varying
16 depths unfortunately. I think the part by that
17 142 crossing is actually fairly close to the
18 surface.

19 Q Is the proposed work on the water system to
20 replace the pipes?

21 A (Hersom) Yes.

22 Q Are you going to replace all the pipes in town?

23 A (Hersom) No. God, no.

24 Q Are you going to replace pipes that the Project

1 proposes to go across, either over or under?

2 A (Hersom) Yes.

3 Q Okay.

4 A (Hersom) And just for clarification, the
5 additional \$4 million grant that we received
6 this summer, we have a work session scheduled
7 for this Thursday night to review with our
8 engineering firm exactly where we're going to be
9 spending that money. The study that was done a
10 few years ago that identified the needs, the six
11 and a half million dollars that we were able to
12 obtain funding for did not address all of the
13 issues, just like we had to prioritize them. So
14 now the other \$4 million is going to go to some
15 of the things that were not at the highest
16 priority, but it's not even close to replacing
17 the entire system.

18 Q Has the Board of Selectmen discussed with the
19 Town's engineers for the water project the
20 potential impact of Northern Pass to the water
21 Project?

22 A (Hersom) Not specifically, to my recollection.
23 I know that that's been a concern. We've had a
24 lot of, like, flux in our Water -- we just lost

1 the head of our Water Department. So we've been
2 contracting with an outside agency, and I think
3 that that's going to be a conversation that has
4 brought forward this Thursday night.

5 Q Do you know if anybody from the Town of
6 Whitefield for the Board of Selectmen or your
7 consultants or your engineers have spoken with
8 anybody from Northern Pass about the potential
9 impact to the water works you're going to do and
10 how Northern Pass might impact that?

11 A (Hersom) I don't think specifically for that
12 other than like letters that have been sent.

13 Q Okay. Am I correct that the Whitefield town
14 common that you talk about in your Prefiled
15 Testimony is right at the intersection of the
16 three roads, if you will?

17 A (Hersom) Yes.

18 Q Do you know approximately how far it is from the
19 town common to the, where the Northern Pass
20 Project is proposed to be built?

21 A (Lombardi) Two fifths of a mile.

22 Q Two fifths of a mile?

23 A (Hersom) Well, I guess it depends on which part
24 of the Project you're asking.

1 Q Well, the closest part.

2 A (Hersom) The closest part?

3 A (Lombardi) On Route 3. Actually less than half
4 a mile from the --

5 A (Hersom) I was going to say, it's walking
6 distance, I can tell you that. Like walking up
7 a hill.

8 Q Would I be in saying that the Northern Pass line
9 is within an existing right-of-way, correct?

10 A (Hersom) Yes.

11 Q And within that existing right-of-way, for a
12 portion of it, there's one transmission line in
13 the right-of-way; is that correct?

14 A (Hersom) Yes.

15 Q And then for a second portion of it, somewhere
16 in the 116 area a second transmission line goes
17 into the right-of-way; is that right?

18 A (Hersom) I think so.

19 Q Well --

20 A (Hersom) I should know because I drive under it
21 every day.

22 Q That's all right. There are Project maps that
23 are already in evidence, and the Committee can
24 parcel that out.

1 What I, is it your understanding that the
2 existing transmission line within the
3 right-of-way are on 55-foot wooden poles?

4 A (Hersom) I believe there are some metal poles in
5 some places, but primarily it's wooden poles.

6 Q And is it your understanding that the Northern
7 Pass transmission line will be mostly on lattice
8 towers that are in the range of 80 to 90 feet
9 tall?

10 A (Hersom) Yes.

11 Q So let me just ask you a few questions about
12 your testimony regarding orderly development in
13 Whitefield's economy. You testified that
14 Whitefield's economy is dependent on tourism; is
15 that right?

16 A (Hersom) Yes.

17 Q Could you tell us briefly what is the mix of
18 businesses in Whitefield that depend on tourism?

19 A (Hersom) Well, the Mountain View Grand for one.
20 There is a couple of smaller restaurants. There
21 is a helicopter scenic ride outfit that is based
22 at the airport. Just, you know, convenience
23 stores rely on the tourism for people stopping,
24 buying gas. There is an art gallery.

1 A (Lombardi) I would say many inns.

2 A (Hersom) Right. I mean, like I said, there's
3 restaurants, the Weathervane Theater. And then,
4 you know, by expansion, the town sort of relies
5 on some of the more like not necessarily inside
6 the town but also the tourism in the region to
7 keep people coming to Whitefield as well.

8 Q Okay. And you expressed concern about
9 visibility of the Project from the town common.
10 Do you recall that?

11 A (Hersom) Yes.

12 Q Currently, are the existing transmission line
13 within the right-of-way visible from the town
14 common?

15 A (Hersom) No.

16 Q You also testified that the Northern Pass
17 transmission line and towers would be visible
18 through every significant viewpoint entering or
19 exiting the village. Do you recall that?

20 A (Hersom) Yes.

21 Q And you testified that the Northern Pass Project
22 would scar every scenic vista in Whitefield. Do
23 you recall that?

24 A (Hersom) Yes.

1 Q Briefly, could you just identify what scenic
2 vistas that you're referring to?

3 A (Lombardi) Can I answer this one?

4 A (Hersom) Okay.

5 A (Lombardi) If you can refer to our Master Plan
6 of 2008, on pages 14 and 16, since actually it's
7 about 30 years' worth of the Master Plan. It
8 was done in 1989 and then it was done again in
9 2008. And so since that time period, the
10 surveys have been done, and it points out on
11 these pages some of the vistas. Can I refer to
12 those?

13 Q Sure.

14 A (Lombardi) So on page 14, and this is in quotes,
15 "The town of Whitefield has a variety of scenic
16 resources ranging from panoramic mountain views,
17 open fields, lakes, ponds and streams to the
18 common area with its historic buildings. The
19 responses to the 2007 Master Plan Survey show
20 that these views, especially along main roads
21 such as Route 3, 116, and 142 are important to
22 the town by offering tourists, visitors and
23 members of the community scenic vistas of
24 Whitefield's natural and historic resources."

1 And if we want to skip to page 16, which I
2 don't, not everybody has this available, it
3 refers back, there's a Section 3.3 of Cultural
4 and Historic Resources, and it discusses the
5 Master Plan that was in 1989 which had also
6 brought up, in quotation, "The special way in
7 which people have interacted with the natural
8 environment over time has resulted in
9 complicated cultural layering that reflects the
10 styles, concerns, livelihoods and ideologies of
11 many eras." And this is the part here. "The
12 resulting cultural environment -- the historic
13 buildings, sites, landscapes and scenic
14 vistas -- work together to evoke a sense of
15 place that gives a community its identity."

16 Just a few times in here talks about the
17 village atmosphere and those aesthetic values to
18 give residents to an area. So --

19 A (Hersom) And I guess just to follow up to give
20 like sort of a more practical view, the town
21 common is really at the bottom of the hill. As
22 you come into Whitefield from Route 3, you start
23 at a high point and you go down into the
24 village. The same thing out of 116 and the

1 same, well, 142 isn't quite as much but 116 both
2 going from like the Littleton side of 116 goes
3 down a big hill into the town village. Route 3
4 coming from Interstate 93 is a downward slope
5 into the village. Route 3 going out towards
6 Lancaster is an upward slope.

7 So you're at a hill and from all of those
8 hills you will be able to see the towers, and if
9 they're at 80, 90 feet, they're just going to be
10 visible, and it's just not going to have the
11 same effect. Because right now, in particular
12 like if you come on Route 3 by what's known as
13 the Bean farm, you're just surrounded by just
14 beautiful mountain vistas and coming into the
15 village, and it's just not going to have the
16 same dramatic impact once there's giant power
17 lines in the way.

18 Q So do I understand your position is that because
19 the size and scale of the proposed towers is so
20 different than what it is now that that's your
21 concern, it's visibility of the towers?

22 A (Hersom) Yes. Very much so.

23 Q And you believe that visibility will impact the
24 Town's tourism, and, therefore, affect orderly

1 development different than the existing towers
2 that can't be see?

3 A (Hersom) Correct. I mean, our town slogan is
4 the town with the beautiful point of view.

5 A (Lombardi) Friendly town.

6 A (Hersom) Friendly town with a beautiful point of
7 view.

8 Q Okay. Is there anything other than the view of
9 the towers, their size, their scale, their
10 dominance, is there anything else that you think
11 will interfere with orderly development or the
12 economics of the town?

13 A (Hersom) Well, there's obviously concerns with
14 the construction and how that's going to affect
15 the environment. I mean, we also have a large
16 wildlife reserve in our town called Pondicherry,
17 and with the construction of 10.4 miles of
18 towers that, how that's going to impact the flow
19 of ground water, how it's going to impact the
20 environment is a concern because we do have a
21 fair amount of recreational tourism in terms of
22 outdoor activities, where people come and visit
23 Pondicherry, and there are trails along like we
24 have snow machiners, we have not so much ATVs

1 because there aren't trails in town, but
2 certainly the snow machiners who like to come
3 through and see the unspoiled beauty of the
4 town. So how the construction phase affects and
5 impacts all of the animals, the wildlife, the
6 vegetation certainly is another concern.

7 Q Okay.

8 A (Lombardi) Can I add to that?

9 Q Yes.

10 A (Lombardi) As a Planning Board member, I mean,
11 it's in my Prefiled Testimony that the code that
12 we have which we've had for 25 years flatly
13 prohibits this Project coming through, and our
14 goal in our town is to develop and do it
15 properly. But as stated within the criteria, as
16 proposed, there's multiple criteria that would
17 not be satisfied, and that's the answer that I
18 would have to if it would affect the orderly
19 development.

20 Q Okay. Thank you. In your Prefiled Testimony,
21 you set forth several concerns the Project
22 wouldn't meet Whitefield's comprehensive guide,
23 and I don't need to go through those. I just
24 want to ask you about one issue with respect to

1 your concerns, and that deals with the impact of
2 traffic and traffic during construction.

3 A (Hersom) So, again --

4 Q Let me get to the question.

5 A (Hersom) Okay. Sorry.

6 Q That's okay. Do you have something on the
7 screen in front of you?

8 A (Hersom) I do.

9 Q What's on the screen in front of you is Map 29
10 from Counsel for the Public's Exhibit 129, and
11 this is Bates stamped 2880, and this shows where
12 the proposed Project will enter Whitefield at
13 the border of Lancaster. Do you see that? You
14 see the orange line?

15 A (Hersom) I do.

16 Q That's the proposed Northern Pass Project. You
17 understand that?

18 A (Lombardi) Yes.

19 A (Hersom) Yes.

20 Q Okay. And if you see little red dots at roads,
21 those are proposed access points where the
22 Project proposes to access the right-of-way on
23 those public roads in order to have construction
24 vehicles go on and off the right-of-way to

1 construct the Project; do you understand that?

2 A (Hersom) Yes.

3 A (Lombardi) Yes.

4 Q So what I want to do is briefly review with you
5 the access points in Whitefield and then I'm
6 going to ask you --

7 A (Hersom) Well, these are not access points in
8 Whitefield. Weston Road is not in Whitefield.
9 That's the Lancaster Road. And Route 2 is also
10 in Lancaster.

11 Q Yes. Thank you. I'm going to -- I started here
12 purposely because I want to make sure I get to
13 the beginning.

14 A (Hersom) Okay. Sorry.

15 Q That was going to be my first question was
16 looking at Weston Road, that's in Lancaster?

17 A Correct.

18 Q Okay. What's on the screen now is Map 30 of
19 Counsel for the Public's Exhibit 129, and do you
20 see the two red dots middle of the top page?

21 A (Hersom) Yes.

22 Q Those are in Whitefield. Are they not?

23 A (Hersom) Correct.

24 Q Now, those are on Route 116. Do you see that?

1 A (Hersom) Yes.

2 Q Okay. And it looks like there's also some
3 access from what's labeled here as East
4 Whitefield Road, do you see that?

5 A (Hersom) Yes.

6 Q Is East Whitefield Road a town road?

7 A (Hersom) It is.

8 Q Could you briefly describe for us the condition
9 of that road?

10 A (Hersom) Horrible. It's in, it's in really bad
11 disrepair. We have issues with it. We've been
12 discussing reclaiming the road and putting it
13 back to a gravel road because there's issues
14 with the plowing of that road already. They
15 have done some patch work on it. It's probably
16 one of the roads that's in the worst shape in
17 town.

18 Q Approximately how wide is that road?

19 A (Hersom) Two car -- I mean, it's basically you
20 can get two cars on it, that's it, and there's
21 not a lot of shoulder. It's a very kind of
22 country road where there are woods on either
23 side, and you can see a few of the houses, but a
24 lot of the houses are pretty much covered by

1 trees. So you see a driveway and that's about
2 it.

3 Q Okay. On the screen now is Map 31 from Counsel
4 for the Public's Exhibit 129. And do you see
5 the access point on Route 116?

6 A (Hersom) Yes.

7 Q And then later on there is another access point
8 on Lancaster Road; do you see that?

9 A (Hersom) Yes. That's actually Route 3 as well.

10 Q And both of those are State-maintained roads?

11 A (Hersom) They are.

12 Q Now, if you also look, you can see access from
13 Mirror Lake Road; do you see that?

14 A (Hersom) Yes, I do.

15 Q Is that in Whitefield?

16 A (Hersom) It is.

17 Q Is that a town road?

18 A (Hersom) It is.

19 Q What's the condition of that road?

20 A (Lombardi) Gravel.

21 A (Hersom) Yes. I believe that's a gravel road.
22 It's not heavily traveled. I don't really hear
23 a lot of people complaining about that one so I
24 think it's probably okay.

1 Q Is that open year-round?

2 A (Hersom) Yes.

3 Q Okay. Do you know approximately how wide that
4 road is?

5 A (Hersom) Again, it's a narrow road. I mean,
6 it's just really a residential access road.

7 Q Okay. Do you see access from Route 142 as well?

8 A (Hersom) Yes, I do.

9 Q That's a State-maintained road in Whitefield?

10 A (Hersom) Part of it is in Whitefield, part of it
11 is in Dalton but yes.

12 Q And then Faraway Road on this map, is that in
13 Dalton?

14 A (Hersom) I believe that's past the Whitefield
15 town line. So yes, I think so.

16 Q Do you know if that's a town road?

17 A (Hersom) It is a town road.

18 Q And if you look at it, it looks like that road
19 goes down to the center of Whitefield. Do you
20 see that?

21 A (Hersom) Yes.

22 Q Is that used for residents to go in and out of
23 center of Whitefield?

24 A (Hersom) Yes.

1 Q What's the condition of Fairway Road, if you
2 know?

3 A (Hersom) It's a dirt road.

4 Q A narrow dirt road?

5 A (Hersom) Pretty narrow, yes.

6 Q Okay. Now, what's on the screen now is Counsel
7 for the Public Exhibit 663. Do you see that?

8 A (Hersom) Yes.

9 Q And this is the Town of Whitefield Driveway
10 Permit Application. Do you see that?

11 A (Hersom) Yes.

12 Q And for all cuts on town roads, is a driveway
13 permit required?

14 A (Hersom) Yes.

15 Q Okay. And who reviews the application and
16 approves these permits?

17 A (Hersom) The Planning Board and the Director of
18 Public Works.

19 Q If this Project receives a permit, would you
20 like to see the Project comply with whatever
21 requirements Whitefield has for driveway permits
22 and cuts to roads?

23 A (Hersom) Very much so.

24 A (Lombardi) One of the things we ask of any

1 developer if they were going to add onto a road
2 they follow our town standards that we've
3 adopted from the New Hampshire Technical
4 Standards. So any time if someone were to add
5 on to a road it would upgrade it to what it
6 needs to be. I just wanted to point that out,
7 depending on the usage of the road, some things
8 would need to be upgraded possibly.

9 Q And you would expect the Project to do that in
10 this case?

11 A (Lombardi) Well, any applicant for the Town, I
12 would hope so, yes.

13 Q Okay. Now, we reviewed just a moment ago the
14 various access points both on town roads and
15 state highways through Whitefield, and the
16 Project is scheduled to work Monday through
17 Saturday, 7 a.m. to 7 p.m. And in your Prefiled
18 Testimony, you talked about impact to traffic.
19 So I just want to ask you, could you describe
20 for us your concern about the impact to traffic
21 in town during those work hours and with
22 construction vehicles entering and exiting the
23 right-of-way at the various access points that
24 we just reviewed?

1 A (Hersom) Well, with respect to the Lancaster
2 Road/Route 3 access, I mean, that's the main
3 corridor for people traveling through
4 Whitefield. And that is, so the village
5 district or the common, as we call it, I mean,
6 and Frank may have the numbers better if it's
7 two fifths of a mile.

8 A (Lombardi) Two fifths, yes.

9 A (Hersom) And there's a hill. I mean, the way
10 the power lines cross is right by the State
11 Liquor Store which is kind of at the crest of
12 the hill, and there's a hill right there that, I
13 mean, that is like the major place that where
14 traffic is coming and going through town. So
15 that certainly is going to back up, and we've
16 had issues in the past with trucks having issues
17 going up and down that hill. Mostly up the
18 hill.

19 So having construction vehicles there is
20 going to certainly impact those vehicles having
21 to stop and slow down. It's a very steep hill.
22 And there's residents all along that as well.
23 So there's, and there's also an animal hospital
24 on that same road where there's traffic coming

1 in and out. So, honestly, that seems sort of
2 like a traffic nightmare for the town between
3 the hours of 7 a.m. and 7 p.m.

4 On 116, that's the main road to get to and
5 out of Jefferson and to head north up to say
6 like Berlin, lots of people go up that way to go
7 shopping. So that's another problematic place
8 for it to be, especially where it crosses in two
9 separate places, and they're two points of
10 access on 116.

11 A (Lombardi) Can I add to this, Wendy? Well,
12 sorry. I didn't mean to cut you off.

13 A (Hersom) So the traffic, and the other thing is
14 as I understand they're going to be working, but
15 one of other concerns and this might be a little
16 off, is the way the village district is laid out
17 it's kind of a star shape and Route 3 and 116
18 intersect and 142 all kind of come together.
19 But coming north on Route 3, a lot of trucks
20 divert across Colby Road and Airport Road, and
21 that road is not in great shape either.

22 But if you look at where it crosses the
23 first crossing on 116, and going up 3, there is
24 a crossover road between 3 and 116 so you don't

1 even go into the village district, but
2 construction trucks on that road are really
3 problematic because that's another road that's
4 in really poor condition. So I don't know if
5 that would be part of their plan or not, but
6 that's problematic for us as well.

7 And really the two major places that I
8 think are going to be, especially the Route 3
9 crossing is going to be very problematic for the
10 Town, you know, and it's going to back up into
11 the village district, and there's also a
12 blinking light at the intersection of 3 and 116
13 which is already not a great traffic area for
14 the town so having trucks backed up or traffic
15 backed up down the hill is going to make that
16 even like much worse.

17 A (Lombardi) I can add real quick, sight distance
18 is the key, and the town, the DOT has already
19 not allowed many private driveways permission
20 within each of these corridors. So it's very
21 challenging to get anybody -- we just had an
22 applicant come in that wants to put a driveway
23 permit in right along 116, and it's very close
24 to that power line comes through and the sight

1 distance is not there. So there's an issue with
2 sight distance, and the Dollar Tree which is
3 located on Route 3, Dollar General, sorry, had
4 complications with getting their approval as
5 well with the DOT because of that sight
6 distance.

7 A (Hersom) Right, and they have actually placed
8 their driveway north of the store because of
9 that. Like significantly north.

10 Q Okay. How close your fire and police stations
11 to the problem areas you just described?

12 A (Hersom) So if you're looking where sort of the
13 intersection is on this map --

14 Q Which intersection?

15 A (Hersom) The one where all three kind of come
16 together, where you see like Route 3 and 116 and
17 142, they're up the hill on 116. So if you look
18 at, it's sort of on this map, the 116 where it
19 crosses into Route 3, if you go up that to
20 towards the bottom left-hand corner it's
21 probably from the common or are you saying from
22 the crossing or the common?

23 Q Well, what I want to know is the location of
24 police and fire vis-a-vis the problem access

1 point you were describing on the --

2 A (Hersom) God, I'm really bad at distance.

3 Q Which side of the right-of-way are they? North
4 or south?

5 A (Lombardi) South.

6 A (Hersom) South. Well, I mean, 116 is a, isn't
7 that, it's not a north/south road? It's an
8 east/west road. So, again, if you just follow
9 116, the easy way to describe it is if you look
10 at 116 where it crosses and then it starts going
11 down towards the left-hand corner, the fire
12 station and the police station are just up that
13 portion of, there's a hill there that it's just
14 up there.

15 Q Okay. So would I be correct in saying that fire
16 and police responding to calls, if they had to
17 go through one of these problem areas you
18 describe, that could be, that could cause some
19 delay.

20 A (Hersom) Oh, absolutely.

21 Q Let me ask you just one issue on, in your
22 Prefiled Testimony you discuss the Project's
23 inconsistency with the Master Plan, and you
24 described it well so I only want to discuss

1 about one issue, and that's regarding the tax
2 rate. You indicated that you expect residents
3 along the 10.4 miles of the project route
4 throughout Whitefield to seek tax abatements; do
5 you recall that?

6 A (Hersom) I do.

7 Q Do you know what percentage of the town
8 residents live along the 10.4 miles of the
9 Project route? Do you have a sense?

10 A (Hersom) Boy, I really don't. I will say this
11 though. I think that the homes that are, the
12 higher value homes live along that 10.4 miles.
13 The village homes tend to be the ones that are
14 on the lower end of the assessed values. The
15 ones that are going out of town with the great
16 views are the ones that have the higher values.

17 Q And those are the ones that tend to be close to
18 the right-of-way?

19 A (Hersom) Yes.

20 Q And will the Northern Pass Project proposed
21 towers be visible from many of those homes?

22 A (Hersom) Oh, yeah.

23 Q Let me ask you about one last area. Attached to
24 your Prefiled Testimony was a letter and a

1 Petition signed by residents. Do you recall
2 that?

3 A (Hersom) Yes.

4 Q And looked like those signatures were collected
5 in August and early September of 2015. Is that
6 correct?

7 A (Hersom) Yes.

8 Q Could you tell us how those, how were those
9 signatures collected?

10 A (Lombardi) Private citizens.

11 A (Hersom) Private citizens, taxpayers, got
12 together and started a Petition and went around
13 town asking people their opinions, and I think
14 it was done in fairly short order and then
15 presented.

16 A (Lombardi) Within two weeks, there was 500
17 signatures.

18 A (Hersom) And we're a town of 2000 people.

19 Q I was going to ask you. It indicates that there
20 are 535 registered voters. Do you know how many
21 registered voters there are in town? Or could
22 you tell me how many people live in town?

23 A (Hersom) The last census, I believe, we're at
24 2034. Registered voters I want to say is 990?

1 Q 990 registered voters?

2 A (Hersom) I believe so.

3 Q Okay. So this is a majority, if there are 990
4 registered voters, 535 would be a majority of
5 the registered voters?

6 A (Hersom) Correct.

7 Q Is it your opinion that a majority of the
8 residents in Whitefield oppose Northern Pass
9 Project?

10 A (Hersom) Yes.

11 A (Lombardi) Yes.

12 A (Hersom) Absolutely.

13 Q Thank you. I have no other questions.

14 PRESIDING OFFICER HONIGBERG: Who else has
15 questions for the Panel?

16 A (Lombardi) I just wanted to say -- sorry.

17 PRESIDING OFFICER HONIGBERG: There's no
18 pending question. What is it you want to do?

19 A (Lombardi) He said as, I wanted to make sure it
20 was as proposed. They weren't against the
21 Project. It was as proposed. They requested it
22 buried. So I just want to make sure that was --

23 PRESIDING OFFICER HONIGBERG: Okay. I
24 don't see anyone with their hands up. So

1 Mr. Walker?

2 **CROSS-EXAMINATION**

3 **BY MR. WALKER:**

4 Q Good afternoon.

5 A (Hersom) Good afternoon.

6 Q My name is Jeremy Walker. I'm counsel for the
7 Applicant. We've met previously. Nice to see
8 you again.

9 I wondered, Dawn, if you could bring up
10 Exhibit 497, please.

11 And Ms. Hersom and Mr. Lombardi, I assume
12 you're aware of efforts that the Project has
13 made to enter into discussions with the Town of
14 Whitefield regarding the Project and the Town's
15 concerns about the Project. Are you aware of
16 that?

17 A (Hersom) I'm aware that there have been some.

18 A (Lombardi) Generally.

19 Q What I'm showing you for your information is an
20 exhibit which we've marked as Exhibit 497 which
21 is just a summary of the communications, the
22 different outreach efforts by the Project with
23 the Town of Whitefield.

24 And, Dawn, actually if you could bring up

1 pages 2 and 3 side-by-side, please.

2 On page 2, which is on the left side, I
3 want to focus your attention on some of the
4 correspondence which is at the bottom of the
5 screen. And particularly, back starting in
6 March of this year, you'll see there's a
7 reference to Project attorney conferring with
8 the Town attorney regarding the Town's interest
9 in discussing a construction Memorandum of
10 Understanding. Are both of you familiar with
11 those discussions?

12 A (Hersom) I am.

13 Q I'm sorry. You are?

14 A (Hersom) I am.

15 Q And eventually a draft memorandum of
16 understanding was presented to the Town; is that
17 right?

18 A (Hersom) I believe so.

19 Q And in that there was, there were different
20 topics discussed including construction
21 schedule, restoration of roads, things like
22 that, correct?

23 A (Hersom) I don't specifically recall the
24 contents of the letter, but I'll accept your

1 representation.

2 Q And did you, were you involved in reviewing the
3 letter, Ms. Hersom, on behalf of the Town?

4 A (Hersom) I'm sure I was.

5 Q And if you see then in July of 2017, there was
6 a, the Project sent a revised draft back to the
7 Town's attorney.

8 A (Hersom) Yes.

9 Q And that reflected actually some of the Town's
10 comments to the earlier draft; is that right?

11 A (Hersom) I believe so.

12 Q Do you recall seeing that July 2017 version?

13 A (Hersom) Vaguely but yes.

14 Q Are you aware that since then there has been no
15 further red lines or proposed changes from the
16 Town back to the Project?

17 A (Hersom) What I'm aware of is that we have
18 conferred with our attorney and have been
19 discussing potential resolutions and ways to
20 reach an agreement. Whether or not that has
21 gotten to back and forth I don't know, but I'm
22 not really quite sure why we would be discussing
23 negotiations in here. I can say the Town has
24 been open to negotiating, but the Applicant has

1 not met with the things that the Town is most
2 concerned with.

3 Q So since July of 2017, you're not aware of any
4 communications back to the Project with
5 additional concerns by the Town, are you?

6 A (Hersom) Again, I'm not entirely sure that this
7 is an appropriate forum to be discussing
8 negotiations between the Town and the Applicant.

9 Q Well, I'm not asking you about the substance of
10 any negotiations. I'm just asking you if you're
11 aware that since July of 2017, July 24, 2017,
12 are you aware of any communications back to the
13 Project by the Town?

14 A (Hersom) I am.

15 Q Okay. In writing?

16 A (Hersom) Not specifically, not in writing, no.

17 Q And you mentioned earlier some of the concerns
18 that you had with regard to the upgrades to the
19 water system, and I think I heard you say that
20 there were some letters sent to the Project by
21 the Town, but you didn't seem to be sure.

22 A (Hersom) I don't believe I said there were
23 letters sent from the town to the Project about
24 the upgrades. In fact, I think I said just the

1 opposite.

2 Q Okay. Sorry. I misheard you. But that's
3 something, obviously, that when you voiced
4 concerns, it sounds like you're interested in
5 continued discussions with the Project and to
6 bring up those concerns with regard to the water
7 system upgrades?

8 A (Hersom) The Town's position is and has been we
9 are certainly interested in reaching an
10 agreement between the Applicant and the Town and
11 as Mr. Lombardi said, we're not necessarily
12 opposed to the Project in its entirety, just as
13 proposed. So we have had, I know that there has
14 been discussions about ways in which the town
15 would be willing to not oppose the Project, but
16 again, as proposed it's opposed. Does that
17 answer the question?

18 Q But even as proposed, am I correct that you're
19 willing to continue with ongoing discussions
20 with your concerns about with the Project as
21 proposed?

22 A (Lombardi) Can I ask a question?

23 A (Hersom) I mean, our position is always we're
24 always trying to reach some kind of consensus.

1 Fighting the Northern Pass and fighting
2 Eversource, we are a small town. The amount of
3 money that is expended by our citizens to, like,
4 deal with this is always a concern, and we would
5 much rather not be involved in litigation. Does
6 that answer your question?

7 A (Lombardi) Mr. Walker, have you read our
8 Prefiled Testimonies? You have.

9 Q I have.

10 A (Lombardi) So I just was wondering how come
11 there's no talk about some of the major concerns
12 we have. Seems like it's here's the concerns we
13 have of what -- I've read the MOUs of Lancaster,
14 Thornton, Plymouth, and they're not addressing
15 our concerns. And I don't understand why we're
16 still having this discussion. I'm here. I
17 mean, I've taken my day off from school which I
18 have to take a personal day, and I came down
19 here, you've heard the story, at 9 a.m., and I'm
20 here to make this work. And nobody's talking to
21 me about our Comprehensive Development Code
22 that's been in place for 25 years, and I don't
23 want to set a precedent for something when we
24 can talk about things that would be consistent

1 with our code that would work. And, obviously,
2 in my own personal opinion, burial would be one
3 of those options, and it's the next town from
4 Bethlehem. It's another 10 miles, and I don't
5 understand why we haven't had that discussion.

6 Q Short of burial though, Mr. Lombardi, I hear
7 that the town is continuing to or is willing to
8 continue to discuss any concerns that it has
9 with the Project. Am I right about that?

10 A (Lombardi) We've always been willing to talk
11 about these concerns.

12 Q And that was really that was the nature of that
13 I question. There was the last draft that went
14 back was in July of 2017 to the town. And my
15 understanding is there has not been a version
16 sent back to the Project with red lines or
17 comments or any concerns.

18 A (Hersom) But the memorandum, that draft that
19 you're talking about doesn't address a lot of
20 the Town's concerns. So, I mean, it's like the
21 Project says we want to address what we want to
22 address but not necessarily what the Town wants
23 to address. So I guess I'm not really entirely
24 sure what the point of this question is. I

1 mean, a lot of the Memorandum of Understanding
2 is just like, oh, we'll try to agree to do this
3 or that, but there's no real teeth to anything
4 in the Memorandum of Understanding that the
5 Applicant is willing to provide to the town. So
6 that's a problem.

7 A (Lombardi) In my own personal opinion, our water
8 line and sewer line, we need to have it
9 replaced. If there was discussion about burial
10 through this Route 3 like in Alternative 4,
11 maybe we could compromise on working together,
12 having it buried, getting our line straightened
13 out and everybody getting this job done, and we
14 don't have to be wasting our time here. That's
15 just my own personal feeling that we can move on
16 with this if we just make these adjustments like
17 I don't understand Bethlehem, the hotel where
18 the transfer station was going to be to
19 underground. There's still conflicts there, and
20 if we just continue it the next 10 miles,
21 Whitefield and everybody is going be happy, and
22 we don't have to worry about -- I mean, my own
23 personal opinion, that's --

24 Q And I understand your opinion with regard to

1 burial, Mr. Lombardi.

2 Let me ask you this. With regard to your
3 Prefiled Testimony, and even today, you've
4 raised a number of times your concerns about the
5 economic challenges that Whitefield is facing
6 and in your Prefiled Testimony you mention the
7 loss of paper mills, furniture mills and you've
8 raised concerns in your Prefiled Testimony with
9 regard to the impact on property values that you
10 feel that the Project will have. Is that right?

11 A (Hersom) That's fair to say.

12 Q And have you reviewed the Applicant's estimate
13 of the impact on Whitefield's tax base if the
14 Project were to be built?

15 A (Hersom) Yes.

16 A (Lombardi) Is that Chalmers?

17 A (Hersom) Yes.

18 Q And, Dawn, if you could pull up Exhibit 498,
19 please. And this is actually a two-page
20 exhibit, I think, Dawn. If you could pull up
21 both pages? I'll give you a moment to look at
22 that. But I'll represent to you that this is
23 information that we've collected from the Town
24 Clerk with regard to the top 10 properties, as

1 far as the assessed value, top 10 properties in
2 Whitefield. I'll give you a minute to look at
3 that.

4 And do you have any reason in glancing
5 through this to dispute the fact that these are
6 the top 10 property taxpayers?

7 A (Hersom) I'm a little surprised by the hotel
8 value. That doesn't seem right to me.

9 A (Lombardi) The hotel owns many properties, and I
10 think there must be one there that's worth more.

11 A (Hersom) I mean, the idea that the Mountain View
12 Grand Hotel is worth about like ten percent more
13 than the house that it sits across the street
14 from I don't think is correct.

15 Q And I don't know which ones of these all apply
16 to the Mountain View Grand.

17 A (Hersom) Well, I'm just telling you that the
18 Mountain View Grand is the --

19 A (Lombardi) Great American one.

20 A (Hersom) -- fifth property down. I don't
21 believe that's a correct number.

22 Q Okay. As far as the others, anything look to
23 you like it's not in the top 10?

24 A (Hersom) Well, D.G. Whitefield is a wood chip

1 power plant, and they do not, they have a
2 payment in lieu of taxes. So I don't believe
3 that's correct either. I mean, that assessed
4 value. That may be the assessed value, but I
5 can tell you that's not what, their property
6 taxes is not based upon that.

7 Q Let me ask you this. I will represent to you
8 that that list in front of you totals about
9 \$11.6 million.

10 A (Hersom) Oh. Let me just say one more. The
11 Weeks Medical Center also does a payment in lieu
12 of taxes.

13 Q It does not pay it on that value. Is that what
14 you said?

15 A (Hersom) That's correct. And I'm just trying to
16 think, I don't know what DG Strategic is at all.
17 117 Lancaster Road.

18 A (Lombardi) Dollar General?

19 A (Hersom) That could be Dollar General.

20 Q Now that you've seen that, I want to show you.
21 Have you reviewed the estimated property tax
22 payments report that was prepared by the
23 Applicant's consultant, Lisa Shapiro?

24 A (Hersom) I have seen that.

1 Q Dawn, if you could pull up, it's attached as
2 Appendix 44 to the Application, and I want to
3 refer you to the figure 2 which shows the
4 estimated value of the Northern Pass
5 infrastructure in Whitefield, and if you see
6 Whitefield on the list, you'll see it's at
7 approximately \$39.7 million. Do you see that?

8 A (Hersom) I see that.

9 Q Do you have any basis to dispute that figure?

10 A (Hersom) And I'm a little fuzzy on this, but I
11 believe that there was an issue with the
12 valuation and how it was determined. That I
13 don't know that the Town necessarily was in
14 agreement with that. And with respect to the
15 value, the other part of the problem with this
16 is that this is going to change over time. So
17 it may provide very temporary relief, but
18 long-term, I mean, we just can't look for
19 tomorrow or the next year but it needs to be
20 over the course of a longer term for the town.
21 So, you know, it's nice to say that, but we're
22 going to get to a point where it's zero.

23 Q But assuming that that figure of \$39.71 million,
24 you would agree with me that that figure is

1 substantially higher than any of the other
2 assessed property values --

3 A (Hersom) Well, it's a number of course it's
4 higher.

5 COURT REPORTER: I'm sorry. You have to
6 wait until he finishes.

7 A (Hersom) I'm sorry. I apologize.

8 Q In fact, that other list that I showed you, it
9 is actually three times as high as those ten
10 combined.

11 A (Hersom) And that --

12 MS. FILLMORE: Mr. Chairman, I'm going to
13 object here. The witness has disputed the
14 numbers on the other list. So to the extent
15 that the question is based on a comparison of
16 those numbers and this one, I object.

17 PRESIDING OFFICER HONIGBERG: Mr. Walker?

18 MR. WALKER: Well, I understand the
19 objection, but I'm just asking based on -- I
20 understand these objects to those numbers. I'm
21 asking her if she agrees with me that assuming
22 that figure totaled to approximately 11 million,
23 11.6 million, this number is over three times
24 that.

1 A (Hersom) Sure. 39 is three times 11.

2 PRESIDING OFFICER HONIGBERG: Hang on.

3 Hang on. Hang on.

4 A (Hersom) Sorry.

5 PRESIDING OFFICER HONIGBERG: I think he
6 was trying to clarify what he wanted to get a
7 resolution to the objection.

8 A (Hersom) Okay. Sorry.

9 PRESIDING OFFICER HONIGBERG: I think as
10 you clarified it, I think they can answer.

11 A (Hersom) Okay. Yes. I agree that 39 million is
12 more than 3 times 11 million.

13 Q And Dawn, if you could pull up figure 6, please,
14 which is APP23705.

15 Before you blow it up, Dawn, have you seen
16 this figure before, Ms. Hersom or Mr. Lombardi?

17 A (Lombardi) No.

18 A (Hersom) Not in this format, I don't believe.

19 Q This is from that same report, and it shows that
20 if you look at Whitefield, it shows that the
21 property tax base would increase by about 21.4
22 percent in Year 1, and that the Northern Pass
23 would have approximately 17.6 percent of that
24 tax base.

1 And assuming these figures, you would agree
2 with me that the Project would substantially
3 increase the tax revenue of Whitefield, right?

4 A (Hersom) In Year 1.

5 A (Lombardi) Mr. Walker -- sorry.

6 Q I want to ask you about your Prefiled Testimony.
7 And particularly page 13 of your Prefiled
8 Testimony. Do you have that in front of you?

9 A (Hersom) I do.

10 Q And beginning with lines 12 and on, and, Dawn,
11 if I could pull that up, please? Joint Muni 95?
12 And you're talking in your Prefiled Testimony
13 that the negative, where it starts with second,
14 it says the negative tax impacts on surrounding
15 properties would likely offset any additional
16 Northern Pass tax payments as loss in tax value
17 from properties along the route would decrease
18 the tax revenue for the town.

19 So you're suggesting that even though
20 there's an increase in tax from the Project,
21 being paid by the Project, that's going to be
22 completely offset by the tax loss from the
23 decrease in value of any abutting properties?
24 Is that what you're saying?

1 A (Hersom) What I'm saying here is that, again, if
2 you look at it in a bubble over one year, no.
3 If you look at it for a long-term impact, yes.

4 Q Did you present any evidence to support that
5 contention as far as the reduction in property
6 value that you are assuming?

7 A (Lombardi) Can I touch on this, Wendy? If you
8 look at Varney's testimony and as well as
9 Chalmers, both of their testimonies are kind of
10 irrelevant to this Project when they're not,
11 it's like we talked about this earlier between
12 apples and oranges. It's apples and zucchinis
13 or pumpkins. Like for the example that Varney
14 talks about going along the existing
15 right-of-way, we're trying to, all these numbers
16 are coming at us with of how the value is going
17 to be, it doesn't even make any sense. As a
18 town if we allowed a 25-foot-tall building and
19 next to it we put a 100-foot building, that's
20 going to be invasive. That's going to be
21 detrimental to the character of the town.

22 So when you're talking about all these
23 numbers, this is imaginary land of how much
24 we're going to get, but in time like Ms. Hersom

1 is talking, of course it's our common sense,
2 it's our own testimony that it's going to
3 devalue, not just those top 10 list of
4 properties, but we are the longest, we have the
5 longest run through our town. We have 10.4
6 miles and your comparing it to other towns is
7 unfair. It's not reasonable.

8 Q Mr. Lombardi, my question was have you presented
9 any evidence to establish this contention that
10 the property values in Whitefield will reduce
11 significantly as a result of the Project? That
12 was my question.

13 A (Hersom) Okay. So I think that what evidence if
14 you're talking about like did the town go out
15 and spend thousands and thousands of dollars on
16 an expert to do a study, no, we did not. What
17 evidence we have is common sense that says if
18 you have, for example, especially in like
19 tourism is a great example because that's
20 largely what our economies revolve around is if
21 you have an oceanfront room you pay a lot more
22 for that room than you do for a room that
23 overlooks the parking lot. If you have, you
24 know, a house with a view, it's pretty common

1 that you hear/see things all over New Hampshire
2 about the view tax. A house with a pristine
3 view sells for more than a house with a
4 viewpoint of the dump. And it would certainly
5 impact those taxpayers. And I read
6 Mr. Chalmers' report about how it doesn't
7 impact, and he used towns like Portsmouth which
8 the power lines in Portsmouth, my understanding,
9 don't, aren't houses and property that is
10 adjacent. I'm not talking about properties that
11 are adjacent. I'm talking about properties that
12 sit on hilltops that overlook mountain views
13 with pristine vistas and valleys that are just
14 absolutely gorgeous that now you're going to be
15 looking at a giant power line which completely
16 interrupts that view, and that is going to have
17 a decrease in value.

18 Q Ms. Hersom. I understand. That's your point of
19 view. You've read Dr. Chalmers' report. You
20 disagree with it. But I'm asking you, you have
21 not presented any evidence supporting that --

22 A (Hersom) Define evidence. Evidence is, I mean,
23 I think evidence is to say you pay more for a
24 view of like in a hotel room, in a theater, on a

1 piece of property than you do for a piece of
2 property that doesn't have it or something with
3 obstruction. That is evidence.

4 Q That's your evidence.

5 A (Lombardi) Some of the evidence.

6 Q And also you mention in your Prefiled Testimony
7 that revenue from the Project would immediately
8 be offset by the reductions because people would
9 seek abatements. So, again, you're surmising
10 that that's the case, correct?

11 A (Hersom) I know that's the case. People have
12 already talked about it.

13 Q Well, is it because people along the corridor,
14 the existing corridor, have already sought
15 abatements?

16 A (Hersom) Well, they can't seek something that
17 doesn't exist yet.

18 Q I'm talking about with regard to the existing
19 corridor and the existing transmission lines.

20 A (Hersom) You can't -- most of the properties
21 that we're talking about can't see the lines
22 that are existing because they're below the tree
23 lines.

24 A (Lombardi) They're 40 feet, I think. Somebody

1 said 50 before, but I believe they're around 40
2 feet.

3 A (Hersom) I mean, you see the lines where you
4 literally cross the roads, but once you get past
5 those crossings, you don't see the lines. Like
6 116 is a prime example. It crosses the road.
7 You don't see it except for a couple of houses
8 and their abatements, their property values are
9 significantly lower than the ones that are down
10 the road that don't have the sight of the lines.

11 Q Have you presented that evidence to this
12 Committee?

13 A (Hersom) Specifically that? I suppose I did
14 not.

15 A (Lombardi) But I think we explained that the
16 other evidence that you have isn't backed by the
17 fact --

18 Q I understand you disagree with Dr. Chalmers.

19 A (Lombardi) Well, I'm just saying that's our
20 evidence against your evidence. If that makes
21 any sense.

22 Q All right. Thank you very much.

23 PRESIDING OFFICER HONIGBERG: Members of
24 the Committee have questions for the Panel? Ms.

1 Weathersby.

2 **QUESTIONS BY MS. WEATHERSBY:**

3 Q Good afternoon.

4 A (Hersom) Good afternoon.

5 Q Couple followup questions to your Prefiled
6 Testimony. You had indicated there was going to
7 be a 1000-foot additional to the airport runway?

8 A (Hersom) There's a potential for that in the
9 future.

10 Q How close, if that goes through, how close will
11 the towers be to the airport runway?

12 A (Hersom) I'm really bad at distance. The way
13 the airport is situated, the towers, can you
14 have a map? That might be easier. Is it
15 possible to pull up one of the maps along the
16 116 corridor?

17 MS. WEATHERSBY: Can somebody help me with
18 that?

19 A (Hersom) Is that possible? Sorry. I need, can
20 we get closer? Like to the 116, is it possible
21 to kind of blow that up. That's smaller. Where
22 the words "Coos County" is?

23 A (Lombardi) The words "Coos County" are blocking
24 it.

1 A (Hersom) Well, if you see on the map where the
2 rail line is, the airport is right next to that.
3 I mean, it literally is directly next to it. So
4 where its says Daniel Webster Highway and Route
5 116? If you follow that rail line out, probably
6 to be about where the "E" is is where the
7 airport is. And that's not a great, that's not
8 a great distance.

9 Q I see the rail line. Is it near the "C" in
10 "county"?

11 A (Hersom) No. It's, it is further, so Colby and
12 Hazen Road crosses 116. It's hard for me to
13 tell on this. It cuts across 3 and 116, and the
14 airport is just adjacent to that. So kind of
15 where that, where it looks like the railway
16 starts being straight. I would say that's about
17 where the airport is.

18 Q So near the intersection of 3 and 116 and the
19 railroad?

20 A (Hersom) No. No. Further out. Going to the
21 right. Where the line crosses 116, it's
22 probably just straight down from there is where
23 the airport is.

24 Q So as the crow flies, is that a mile?

1 A (Hersom) I don't think so. I would say more
2 like half a mile at most. But again, this is a
3 really, guesstimate.

4 Q Has anyone at the airport expressed concerns
5 about the height of the towers in relation to
6 the planes coming in?

7 A (Hersom) Well, considering I'm on the Airport
8 Commission, yes. I mean, in terms of the
9 interference with the airplanes, I don't think
10 that that's going to be an issue, in fairness,
11 but I will say it's, again, if you fly into the
12 Whitefield Airport or Mt. Washington Regional
13 Airport, it's really, really pretty, and you're
14 certainly going to see them a lot more than you
15 do now.

16 Q Okay. It's my understanding that the Coos Loop
17 also connects in Whitefield. The electric
18 transmission lines?

19 A (Hersom) I believe that's the case.

20 Q Are you aware of any upgrades to the loop in the
21 Whitefield area?

22 A (Hersom) I don't recall honestly. I'm sorry.

23 Q That's fine. At one point there were plans for
24 the Scenic Railroad, I think, to come through

1 Whitefield. Is that still alive?

2 A (Hersom) There has been discussion about that.
3 I know that the Conway Scenic Railway has come
4 out that way a couple of times. There was some
5 discussion of another company coming in and
6 doing something. I don't think it's dead, but I
7 can't say that it's, you know, like percolating
8 along in any kind of strong manner at this
9 point.

10 Q Okay. And is there still the biomass plant in
11 Whitefield?

12 A (Hersom) That would be the DG Power & Light that
13 is a wood chip plant.

14 Q And that contributes power to the area electric
15 grid?

16 A (Hersom) I don't believe so. I think that DG,
17 they are in the REC credit where they're putting
18 power on the grid and shipping it to other
19 locations. I don't believe -- it doesn't power
20 Whitefield.

21 Q Do you know if they have any issues getting
22 their power on to the grid?

23 A (Hersom) Not that I know of. I think the
24 biggest issue that they have is the cost of wood

1 chips.

2 Q Okay.

3 A (Hersom) But there is, my understanding is that
4 there's some negotiations with another company
5 potentially interested in purchasing DG Power.

6 Q Okay. Thank you. I have nothing further.

7 PRESIDING OFFICER HONIGBERG: Mr.
8 Oldenburg?

9 **QUESTIONS BY MR. OLDENBURG:**

10 Q Thank you. Good afternoon. I have a question
11 about the MOU that you received. So you
12 received the MOU and sort of discounted it and
13 didn't respond. Did the Town ever consider, if
14 I remember right you said that the language
15 wasn't very specific.

16 A (Hersom) Well, I mean, I've read the MOUs there
17 in other towns, and they're all just kind of
18 like we'll try to do this and we'll comply with
19 this permit, and it's kind of like stuff that
20 the Applicant already has to do. It's not
21 really anything that -- and, see, I'm not sure
22 how much I can talk about negotiations because
23 there have been some other things that have
24 occurred that I'm just not comfortable

1 discussing at this point.

2 Q So I guess my question is, did you ever consider
3 just X'ing those things out and say you "shall"
4 do this in the town of Whitefield and sending it
5 back? Or was it just you didn't think that it
6 would go anywhere?

7 A (Hersom) I don't think it's going to go
8 anywhere. But, again, I mean, there have been
9 other discussions more than just like, you know,
10 we won't have a truck, we'll let you know when
11 the trucks are going to be on the road kind of
12 stuff in that MOU. The MOUs are really all
13 around the construction schedule, but that's not
14 necessarily our biggest issue.

15 Q Okay. So you --

16 A (Hersom) I mean, again, that's, I mean, in the
17 grand scheme of the Project, the construction
18 schedule is not the Town's primary concern, and
19 that's what my recollection of the MOU primarily
20 dealt with. So there have been other
21 communications regarding the Town's primary
22 issues.

23 A (Lombardi) Mr. Oldenburg, my personal opinion,
24 again, we're asking for something I think that's

1 pretty reasonable. If you looked at the Town of
2 Dalton, they only own a little bit that's coming
3 through. Would it be reasonable for them to ask
4 to bury it along that little stretch? It would
5 be way too much money. You know what I mean?
6 But we're talking, we abut the town right next
7 to us that is where it's buried, and we're just
8 asking to continue it, and it would alleviate a
9 lot of these problems. So that's why I think
10 it's so common sense like it makes sense. Let's
11 just do it right and then we don't have to --
12 and then even in Lancaster they could possibly
13 do the transfer station of energy and not have
14 the problem with Bethlehem and the hotel.

15 And so just to me, I think that's what we'd
16 probably be expecting to maybe have this talk
17 today and kind of see if they would discuss some
18 of those things. I mean, that's just --

19 Q I was just --

20 A (Hersom) No, that's fine.

21 Q Knowing whether or not there was a back and
22 forth, an exchange --

23 A (Hersom) Well, I consider that there was a
24 communication as recently within the last two

1 weeks.

2 PRESIDING OFFICER HONGIBERG: Hang on one
3 second. Off the record.

4 (Discussion off the record)

5 MR. OLDENBURG: That's all the questions I
6 have. Thank you.

7 PRESIDING OFFICER HONIGBERG: Mr. Way?

8 **QUESTIONS BY MR. WAY:**

9 Q Good afternoon. So, Mr. Lombardi, in terms of
10 your opinion on the burial and given the earlier
11 testimony about the improvements to the water
12 system, how much back and forth has there been
13 with the Applicant about the improvements to the
14 water system? Doesn't sound like there's been
15 much.

16 A (Lombardi) Again, that wouldn't be me. That
17 would be Ms. Hersom on the communications.

18 A (Hersom) I don't believe that there's been a lot
19 because of the way the Project's moving forward.
20 We don't really know exactly what is -- I mean,
21 number one, the engineering firm that we have
22 working on the water system, this has been an
23 ongoing project over like several years where
24 they were looking at the water system and what

1 upgrades needs to be made and where we were
2 under Administrative Order at one point because
3 of deficiencies. So we were primarily concerned
4 with getting those deficiencies into a plan.

5 And there hasn't been, we've just started
6 the engineering, the actual engineering of the
7 project. It was sort of a concept. So at this
8 point, they're starting to look at doing
9 construction in the next year, and I believe
10 we're at the point where that's going to have to
11 be included in terms of how the Project is going
12 to impact, but it's certainly a concern.

13 Q You anticipated my next question which was the
14 time frame. And is this a drinking water grant
15 that you just got?

16 A (Hersom) It is.

17 Q The four million. And that's from the State.

18 A (Hersom) We received like -- it's kind of a
19 hodgepodge of different grants, but the total
20 package, I believe, is 7 million-ish. In that
21 area.

22 Q Seven million?

23 A (Hersom) Yes.

24 Q What's the final time frame here? You mentioned

1 that construction was going to be beginning, did
2 I hear you say within the year?

3 A (Hersom) Yes.

4 Q When is the completion date, would you say?

5 A (Hersom) Again, I apologize for this, but we,
6 there was an additional grant that we received
7 this summer that we had not planned on
8 receiving. We just got really lucky. And as a
9 result of that, we are, we just scheduled a
10 meeting with our engineer that's happening this
11 Thursday for additions to the Project. So I
12 can't answer that because we're really still in
13 the planning stage for that portion of the
14 project. The six and a half million dollars
15 that got bonded at last town meeting, and we
16 were approved for the grants in June. I know
17 that they're talking, there are some issues
18 because there's some land that had to be
19 acquired and different pump station.

20 And so I think they want to start
21 construction on that part this year. The other
22 project isn't even completely scoped yet so I
23 can't answer what the completion date for that
24 is.

1 Q Very good. Thank you.

2 A (Lombardi) But now would be the time to discuss
3 if burial was an option to work together and get
4 the lines, the water lines, all the engineering,
5 get it done. So it's really perfect timing for
6 that.

7 Q It's true. It's back to that original point
8 that was made about the communication back and
9 forth and red lining and giving input.

10 A (Hersom) But I can tell you the Memorandum of
11 Understanding, again, has really been primarily
12 about construction schedules, not, you know,
13 just not these kinds of issues.

14 Q Fair enough. All right. Thank you.

15 PRESIDING OFFICER HONIGBERG: Mr. Wright.

16 **QUESTIONS BY DIR. WRIGHT:**

17 Q Just a followup to Mr. Way's questions.

18 Is there anything about the Project that
19 jeopardizes any of the grant funding you
20 received for the water line upgrade?

21 A (Hersom) Not that I'm aware of. I just, I think
22 the issue for the Town is just the concerns
23 about what the construction is going to do to
24 the already existing water line because, keep in

1 mind, there's the Project and then there's the
2 water line that's already in the ground that a
3 lot of which is not going to be replaced or
4 addressed, and we're talking about clay pipe
5 that's kind of fragile.

6 Q So most of your concerns relate to the pipes
7 that are not being replaced and where the line
8 intersects those pipes?

9 A (Hersom) I don't think it's that simple. I
10 think it's a matter of when you start blasting,
11 and you have some existing pipes and you're
12 putting new pipes in the ground how it's all
13 going go to be impacted.

14 Q Okay. Thank you.

15 PRESIDING OFFICER HONIGBERG: Mr. Iacopino?

16 **QUESTIONS BY MR. IACOPINO:**

17 Q I just have a couple questions following up on
18 Mr. Pappas's question to you about access from
19 the roads to the existing right-of-way.

20 You have a rather large substation in
21 Whitefield on Route 3, correct?

22 A (Hersom) Correct.

23 Q On the westerly side. And if I'm correct, there
24 are five or six lines between transmission lines

1 and distribution lines that feed into that. And
2 I understand that there's an existing driveway
3 there. Is that correct, Mr. Lombardi?

4 A (Lombardi) Yes.

5 Q And that's one that's approved by the Town and
6 currently exists?

7 A (Lombardi) That would have been since the 1940s
8 when that was probably put in. So yes.

9 Q An you have 10.4 miles of existing right-of-way
10 in the town, correct, that's servicing the
11 transmission line?

12 A (Hersom) Correct.

13 Q I'm sure there are other access points where
14 the, where the owner of those transmission lines
15 accesses those lines for maintenance, isn't
16 there? Do you know?

17 A (Hersom) Well, between Route 3 and the crossing
18 at 116, I can't think of anywhere they could
19 possibly go in. There's --

20 A (Lombardi) They take their skidders in there and
21 they do maintenance, but there's no roads for
22 that. They just go right through. So it's
23 possibly how they get through. I'm not sure.

24 A (Hersom) I can't think of a point between the

1 Route 3 --

2 A (Lombardi) There's some small trails that go
3 underneath one of the lines. Maybe they use
4 that during the summertime or whatnot. But --

5 Q Okay. Thank you.

6 A (Hersom) The way the village is set up, I can't
7 think of another road that they could go in
8 through.

9 PRESIDING OFFICER HONIGBERG: Anything else
10 from the Committee?

11 Ms. Fillmore, do you have redirect? Looks
12 like the answer is yes.

13 **REDIRECT EXAMINATION**

14 **BY MS. FILLMORE:**

15 Q I have just a few questions.

16 Mr. Walker asked about the Town's evidence
17 regarding property values and impact that the
18 Project might have on property values. Mr.
19 Sansoucy is the expert hired and paid by the
20 Town of Whitefield in this matter, correct?

21 A (Hersom) Correct.

22 Q And he submitted his expert opinion to this
23 Committee regarding the impact that the overhead
24 portion of the Project would have on property

1 values, correct?

2 A (Hersom) Yes, he did. I don't know why I didn't
3 think of that.

4 Q You were also asked, there's been some back and
5 forth also with Mr. Walker about the MOU and
6 discussions back and forth with the Applicant.

7 Ms. Hersom, can you confirm that earlier
8 this year the Board of Selectmen authorized me
9 to discuss particular issues with the
10 Applicant's attorney and proposals aside from an
11 MOU and that I was authorized to talk about
12 those things verbally with the Applicant?

13 A (Hersom) Absolutely.

14 Q And that the Board is still interested in that?

15 A (Hersom) Absolutely.

16 Q And finally on taxes. Regardless of whether
17 there is a decrease in property value as a
18 result of this Project, is the property tax
19 revenue that the Northern Pass Project would
20 bring in enough to change the Board's concerns
21 about the Project?

22 A (Hersom) No.

23 Q Thank you. That's all I have.

24 PRESIDING OFFICER HONIGBERG: All right.

1 Thank you. You can return to your seats or
2 leave which is what I assume you'd like to do.

3 I don't think there's anything else we're
4 going to be able to do today because we've run
5 out of witnesses for the day. But there are
6 things that you all can do with exhibits if you
7 haven't already done so. Work through the list
8 of exhibits that you have and figure out what it
9 is you're planning on offering or not offering.
10 Work with the Applicant or in the Applicant's
11 case, work with the Intervenors whose exhibits
12 you have identified as something you want to
13 challenge, and let's get as much of that
14 resolved as we can before the end of the
15 proceeding.

16 Is there anything else we need to do?

17 All right. We are adjourned until Thursday
18 morning at 9 o'clock.

19 A (Lombardi) Thank all of you guys for being
20 patient with all of us. Appreciate it.

21 (Hearing recessed at 3:41 p.m.)

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23

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C E R T I F I C A T E

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 26th day of December, 2017.

Cynthia Foster, LCR

