EVERSOURCE SEACOAST RELIABILITY PROJECT

Madbury to Portsmouth Transmission LIne

NH SITE EVALUATION COMMITTEE

PUBLIC INFORMATION SESSION – Newington, NH

August 31, 2016

**Public Comment Statement on Behalf of Town of Newington**

My name is Susan Geiger and I am attorney with the law firm of Orr & Reno. I am one of the attorneys representing the Town of Newington in this matter.

Unlike other NH towns that have opposed energy facility projects, Newington has a demonstrated record of hosting and accommodating utility and other infrastructure that, for several years, has been used for the region’s and state’s benefit. Within the small Town of Newington there are 2 large electric generating facilities, a propane terminal (SEA -3) and a section of the Pease International Tradeport. Consequently, there is only a very small fraction of land left in Newington that is unencumbered by large scale utility and infrastructure development. For that reason, Newington has taken steps in its planning documents to preserve the existing character of its historic and residential districts by requiring that all new utility lines be buried. In addition, Newington is a Certified Local Government, a designation which entitles it to certain protections under the National Historic Preservation Act, including technical assistance from the NH Division of Historic Resources to address preservation issues and resolve concerns relating to federally-assisted activities (like wetlands permitting) that may affect historic properties.

Although Newington has historically supported and hosted large infrastructure projects, it cannot support this project as it currently configured because an overhead high voltage transmission line will unduly interfere with the orderly development of the region, unreasonably adversely affect aesthetics and historic sites, and will not serve the public interest.

**Orderly Development of the Region**

* RSA 162-H:16, IV (b) requires the Site Evaluation Committee to give “due consideration” to the views of the Town’s Select Board and Planning Board in determining whether the project will unduly interfere with the orderly development of the region.

The Town’s preliminary views on orderly developmentare as follows:

* From a planning perspective, the installation of approximately 50 very tall (85-100’ high) above-ground transmission poles and high-voltage wires in a route extending for 4 miles through the small Town of Newington (population @775) in an easement currently occupied by much smaller distribution poles (approximately 40-45’ high) and a distribution line would be inconsistent with the historic and residential character of much of the route in Newington.
* The Town’s policy has been to require developers to bury electric utility service improvements in the Residential District. This policy is reflected in Section 5 H. 1. of Newington’s subdivision regulations which require that all new utility lines be placed underground in the street right of way or in dedicated easements. In addition, Newington’s Master Plan (p. 26) expressly states that new transmission lines “should be placed underground, and under no circumstances should such improvements be permitted to be constructed above ground within existing easements that bisect the heart of the Residential and Historic Districts.”
* While we understand that the SEC’s authority preempts local zoning and planning requirements, the SEC must give the Town’s views due consideration. And the Town’s views on the placement of new utility lines are clearly stated in writing in its planning documents– the lines must be buried in the Residential and Historic Districts.
* To make its case on orderly development of the region, the Applicant relies heavily on the fact that the new high voltage transmission facilities will be constructed in an existing utility easement. However, that fact is not dispositive of whether the project will unduly interfere with the orderly development of the region.
* Eversource’s slide presentation at the 7/21/16 Public Information Session in this docket likened the transmission lines to interstate highways. Using that analogy, the current distribution line is akin to a town road. Therefore, one cannot reasonably assume that using an easement currently occupied by a distribution line/town road for a transmission line/interstate highway would be consistent with the orderly development of the region. Instead, the Committee must carefully examine the physical attributes of the new overhead high voltage facilities and whether it would be appropriate to construct them in an easement that has been historically occupied by distribution system facilities. As the Committee is undoubtedly aware, there is a significant difference between the visual appearance of the existing and the proposed facilities. A good illustration of these differences is provided by comparing the photograph on page 2 of Exhibit 17 , Volume 2 of the Application with the photosimulation on page 3 of the same exhibit.

For all these reasons, Newington believes that placing an overhead high voltage transmission line within the existing distribution line easement in Newington will unduly interfere with the orderly development of the region.

**Impacts to Historical Resources**

* The proposed transmission route runs through the Town’s Historic District which is listed in the National Register of Historic Places and a portion of the overhead line and poles will directly and unreasonably adversely impact the historic Frink farm property which is within the Historic District.
* In addition, there are other historic properties that were not discussed in the application that will be visually impacted by this project.
* The Town is very concerned about the project’s impacts to historic sites and believes that overhead high voltage transmission facilities that are 2.5 to 3 times taller than the existing distribution structures are of a size, scale and nature such that they cannot be viewed as consistent with the character of an historic working farm such as the Frink farm.
* As the Committee is aware, its rules require the SEC to consider the size, scale and nature of the facility (Site 301.14 (b)(2) in determining whether a proposed facility will have an unreasonable adverse effect on historic sites.

**Impacts to Aesthetics**

* The height of the new transmission poles will create new, adverse visual impacts on historic sites (as previously noted), on residential areas such as Hannah Lane and on scenic resources such as the Little Bay Road crossing in Newington. The applicant’s Visual Assessment (Vol.5, Appx. 32, p.47) identifies several scenic drives or locally designated scenic roads in Newington within close proximity to the project and from which the project will be visible. The Visual Assessment also identifies the Little Bay road crossing as being “sensitive to visual change” (Vol. 5, Appx., 32, p. 97) but concludes that such effect does not result in an unreasonable adverse effect for viewers.
* Newington respectfully disagrees with the Visual Assessment’s conclusion that an overhead transmission line will have no unreasonable adverse effects on aesthetics in Newington.
* In addition, it is important to note that the Visual Assessment did not follow the Committee’s rules which require that potential visual impacts be categorized as “high, medium or low.” *See* Site 301.05(b)(6). Instead, the Visual Assessment used a scoring system with categories of Low, Low-Moderate, Moderate, Moderate-High and High. (*See* Vol. 5, Appx., 32, p. 85, footnote 133.)
* Newington urges the Committee to carefully follow its own rules and assess the project’s aesthetic effects under the criteria outlined in the Committee’s rules (Site 301.14 (a)) which require the Committee to consider, among other things: the existing character of the area of potential visual impact; the scope and scale of the change in the landscape visible from affected scenic resources; the extent to which the proposed facility would be a dominant and prominent feature within a natural or cultural landscape of high scenic quality or as viewed from scenic resources of high value or sensitivity.

**Public Interest**

* SEC Rule Site 301.16 states that “in determining whether a proposed energy facility will serve the public interest, the committee shall consider [among other things]: the welfare of the population, private property, historic sites and aesthetics.
* Newington submits that when all of these factors are considered, the Committee must conclude that an overhead high voltage transmission line running through Newington’s Historic and Residential Districts will not serve the public interest as it adversely affects the public’s welfare, private property, historic sites and aesthetics.

**Mitigation**

* In making its determination as to whether this project will have an unreasonable adverse effect on aesthetics and historic sites, the Committee must consider “the effectiveness of measures proposed by the applicant to avoid, minimize, or mitigate unreasonable adverse effects, …and the extent to which such measures represent best practical measures.” Site 301.14 (a) (7) and (b) (5).
* The Applicant has proposed to bury portions of the line in Newington if it obtains consent from affected landowners. Newington remains supportive of Eversource’s efforts to bury the line, but because Eversource has not yet amended its application to reflect burial, the Town cannot respond with specificity to such plans. Nonetheless, the Town maintains that in order to satisfy all of the criteria under RSA 162-H:16, and the SEC’s rules, the section of the line that runs through Newington’s Residential and Historic Districts **must** be buried, and therefore requests the Committee to include this condition in any certificate granted for this project. In addition, and if necessary to effectuate the condition, the Public Utilities Commission – as part of this proceeding- should grant Eversource eminent domain authority to bury the line in areas where it cannot obtain underground easement rights consensually.

**Comment/Request for Consultation with ISO-NE**

Another “view” or comment which the Town would ask the SEC to consider is Town’s concern about the ISO-NE Planning process that selected this overhead transmission line to solve the Seacoast reliability problem. A transformer was the second preferred option identified in the ISO-NE planning process but was rejected because it was more expensive than the overhead line option. In addition, the Town was not included in the selection process and was not made aware of the transformer option until the ISO had concluded its process and selected the current project as the solution to the Seacoast reliability issue.

The Town believes that the transformer option could have far fewer adverse impacts and would provide a greater and longer term reliability solution than building a transmission line. ISO-NE’s planning process looks out only 10 years. The Town believes that if ISO-NE’s planning horizon were longer and took into consideration the physical impacts of overhead line solutions on small communities like Newington, transformer alternatives and perhaps others would be selected to address reliability issues.

While Newington understands that it may be too late in the ISO-NE planning process to abandon the transmission line solution, the Town believes it is important for the Committee to obtain information from ISO-NE to assure itself that the overhead line solution is in fact the best one for this region. Thus, Newington would respectfully ask that the SEC consult with ISO-NE to determine if a transformer would be a more appropriate, least impactful long-term option to address the Seacoast reliability issue. The SEC has authority under RSA 162-H:16, III to consult with interested regional agencies in the consideration of certificates, and we would urge the SEC to do that in this case and in all future transmission line filings, to determine if there is a system reliability solution that is less impactful than building new overhead transmission lines.

Lastly, representatives of the Town and Eversource have been communicating regularly for over a year and half in an effort to resolve the Town’s concerns about the portion of the project that runs through Newington. Newington appreciates Eversource’s willingness to engage in these discussions, and we plan to continue those communications throughout the SEC process in the hope that we can reach a mutually agreeable resolution of the Town’s issues.

Thank you for the opportunity to present the Town of Newington’s views.