

Image #1

Orderly Lack-of-Development:

Easton Master Plan 2010 and Zoning Ordinance, 2012; support for maintaining the rural nature of the town, conservation, and preventing undue concentration of population and overcrowding of the land = orderly-lack-of-development.

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	Number
p. To preserve its rural nature, the Town should purchase properties for conservation	42%	34%	4%	14%	6%	77
q. To preserve its rural nature, the Town should preserve development rights for conservation	43%	22%	12%	14%	8%	76
r. To preserve its rural nature, the Town should accept bequests of property for conservation	58%	37%	0%	1%	4%	78

ARTICLE 1

TITLE

This ordinance shall be known and cited as the "Easton Zoning Ordinance."

ARTICLE 2

PURPOSE

This Ordinance is designed to promote the health, safety and general welfare of the inhabitants of Easton, to protect the value of the property, to prevent the overcrowding of the land, to avoid undue concentration of population, to provide adequate air and light, to facilitate the adequate provisions of other public requirements.

Image #2: Recommended work zone for large HDD projects (18”+ diameter) 80’ - 180’ x 150’ - 250’

Every Northern Pass HDD location violates this industry established guideline.

spare parts and other non-essential items. Clearing and excavation are typically accomplished using dozers, trackhoes, and end loaders, appropriately sized for the specific project.

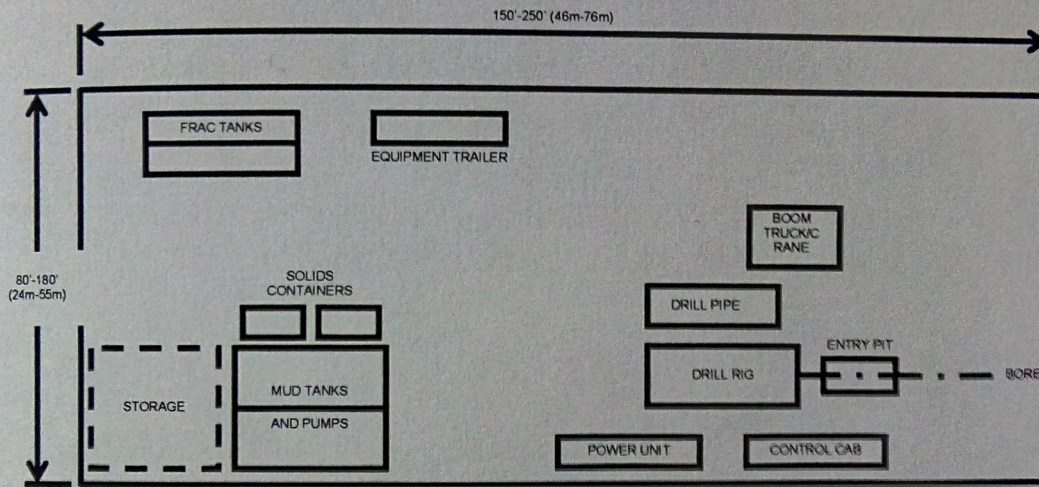


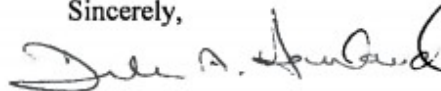
Figure 5-1: Typical Rig Side Work Area and Equipment Lay-Out for Large HDD Projects

#3

Ms. Pastoriza, purportedly acting as a representative of Ruth Ward, owner of 294 Gibson Road in Easton, New Hampshire, states that this property is “encumbered by an easement” that is subject to the lease and seeks intervention on behalf of Ms. Ward. Ms. Pastoriza also states that the “PSNH easement crosses the right-of-way to my abutting property, 780 Gibson Road, (a right-of-way that pre-dates the siting of the line), is extensively within the viewshed of my property, and any violation of the easement contract will negatively affect my property.” Eversource objected to Ms. Pastoriza’s motion, stating that the Northern Pass Project would not use any easements owned by PSNH in Easton and, in Easton, the NPT line as proposed is “entirely underground in public roadways.”

The filing in this docket confirms that Eversource does not propose to lease any easements in Easton. The Commission, therefore, has concluded that Ms. Pastoriza does not have a right, duty, privilege, immunity or other substantial interest in this proceeding nor has she demonstrated a reason to grant intervention as a matter of justice. Accordingly, the Commission has denied Ms. Pastoriza’s petition to intervene.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List (Electronically)

“No substantial interest” presumes no precedent would be set by acceptance of the lease.

(https://puc.nh.gov/Regulatory/Docketbk/2015/15-464/LETTERS-MEMOS-TARIFFS/15-464_2016-04-29_SEC_LTR_MOTIONS_INTERVENTION.PDF)

#4. Eversource proposes to grant to NPT:

“(b) the rights to pass and repass on, over and across the Leased Properties on any existing access drives, roads and ways, and on any new access drives, roads and ways lawfully constructed for the NPT Project, with personnel, vehicles and equipment for all purposes and at all times in the lawful exercise of the rights leased herein;”

“(d) the rights from time to time to access and use the Leased Properties on a limited, temporary, and non-disruptive basis where necessary to maintain operating permits for the NPT Project and/or the NPT Project Facilities, including but not limited to access and use for studies (e.g., biological surveys);

(e) the rights to conduct site tours on the Leased Properties for business, educational, or promotional purposes; and,

(f) the rights to undertake on the Leased Properties any other activities that Lessee determines are necessary, helpful, appropriate or convenient in connection with or incidental to the construction, operation, maintenance, inspection, patrol, replacement, repair, rebuild, removal or decommissioning of the NPT Project Facilities. “

#6.

“228:35 Reestablishment of Highway Boundaries. – Whenever in the opinion of the commissioner the boundary lines, limits, or location of any class I or class II highway, or any part thereof, shall have become lost, uncertain, or doubtful, he may reestablish the same as, in his opinion, they were originally established. He shall give in hand to, or send by registered mail to the last known address of, all persons claiming ownership of or interest in the land adjoining such reestablished highway and to the owners of property within the limits thereof, and file with the town clerk of the town in which the highway is located, and with the secretary of state, maps showing the boundary lines, limits, or location of such reestablished highway and such lines, boundaries, limits and location as reestablished shall be the lines, boundaries, limits and location of such highway. Any person aggrieved by the reestablishment of such lines, boundaries, limits and location may petition for the assessment of damages to the superior court in the county where the reestablished highway is located within 60 days from the date of filing of such maps with the secretary of state, and not thereafter, and the court shall assess the damages, if any, by jury, provided such reestablished lines, boundaries, limits or location are not the same as originally established. The commissioner shall pay from the funds of his department all expenses incurred hereunder and the amount of final judgment and costs.”

RSA 674:2 Master Plan: Purpose and Description.

I. The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection.

D-E 2756



THE STATE OF NEW HAMPSHIRE
PUBLIC SERVICE COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

v.

SIMON L. RUSKIE AND FRANCES E. RUSKIE

Petition for Condemnation

Comes now Public Service Company of New Hampshire, a Corporation organized under the laws of The State of New Hampshire, and having its principal place of business in Manchester, New Hampshire, engaged in the generation, distribution and sale of electric energy to the public in Manchester and elsewhere in The State of New Hampshire, and respectfully represents to this Commission as follows:

(1) In order to meet the reasonable requirements of service to the public, it is necessary for the Company to construct one or more 115 KV transmission lines from Groveton, New Hampshire to North Woodstock, New Hampshire.

772/370 Condemnation on former proposed route X-178 line, Easton. #8
Bethlehem, Whitefield, Lancaster and Northumberland are still on this route.

RIGHT OF WAY

J. MERRILL GIBSON,ETA.

TO

PUBLIC SERVICE COMPANY

EASTON

EAA - 1295

KNOW ALL MEN BY THESE PRESENTS

THAT J. Merrill Gibson and Leila K. Gibson

of Providence County of Providence in the State of Rhode Island (hereinafter called the grantor) in consideration of one dollar and other valuable considerations paid by the Public Service Company of New Hampshire, a corporation having

a principal place of business at Manchester, in the County of Hillsborough, and the State of New Hampshire (hereinafter called the grantee), the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the grantee, its successors and assigns, the right to erect, repair, maintain, rebuild, operate and patrol electric transmission and distribution lines, consisting of suitable and sufficient poles and towers, with suitable foundations, together with wires strung upon and extending between the same, for the transmission of electric current, together with all necessary cross-arms, braces, anchors, wires and guys, over and across a strip of land 225 feet in width being a part of the lands owned by the grantor in the town of Easton and county of Grafton, bounded and described as follows:

7831595

(above) Easement terms granted in 1948, X-178 line. "For the transmission of electric current"

(below) Northern Pass proposed lease: "appurtenant fittings and equipment, together with telecommunication wires, cables and appurtenant equipment affixed thereto for transmitting data and communications"

1.2 Leased Use. Lessee shall have the rights on, over and across the Leased Properties to install, construct, operate, maintain, patrol, inspect, repair, rebuild, replace, decommission and remove one overhead direct-current (DC) 320 kV electric power transmission line beginning in Dummer and terminating in Franklin at Lessee's converter station to be constructed on other land or other leasehold interest of the Lessee (the "DC Line"), and one overhead alternating-current (AC) 345 kV electric power transmission line beginning at the Lessee's Franklin converter station and terminating at the Lessor's Deerfield Substation in Deerfield (the "AC Line"), with associated poles, towers, wires, cables, insulators, foundations, anchors, guys and appurtenant fittings and equipment, together with telecommunication wires, cables and appurtenant equipment affixed thereto for transmitting data and communications related solely to the operation and maintenance of said lines (the "Leased Use") (hereinafter collectively the "NPT Project" or the "NPT Project Facilities"). The design and location of the

#10: Part of Northern Pass's application to DOT for burial written by Mark Hodgdon

Construction of the proposed facility outside the travelled way would dramatically disrupt environmental, archeologic and historic resources, as well as alter the rural characteristics of the area in an environmentally and socially unacceptable manner. In addition, installation of the underground transmission line along the right of way edges would require extensive disruption and relocation of existing utilities, loss of swaths of mature tree growth and vegetation, impacts to wetland resources and forever alter the roadside aesthetics.

From: Dana Bisbee <dbisbee@devinemillimet.com>
Sent: Tuesday, May 17, 2016 3:09 PM
To: Adams, Collis <Collis.Adams@des.nh.gov>
Cc: Lee E. Carbonneau (lcarbonneau@normandeau.com); Jake Tinus (jtinus@burnsmcd.com)
Subject: DES's Progress Report on NPT

Hi Collis,

We have received the DES progress report on its review of the Northern Pass applications that have been filed with your agency. It obviously is the result of a tremendous amount of work, and we appreciate the effort and thoughtfulness that went into your review. We are already at work reviewing the comments in all program areas. We look forward to working with you to address the requests for more information relating to the wetlands program.

We will be in touch with you, Craig and Lori soon on this, but the first two items in the Wetlands Bureau progress report are ones that we'd like clarification on right away. For both of those comments, the language that confuses us is the suggestion that DES has already made a finding on the avoidance and minimization requirement in Wt 302.04. We expect that DES has not in fact made any such findings, notwithstanding the words in the first two comments that would suggest otherwise. Rather, we take your comments to mean what you state in the first two introductory sentences prior to the first numbered comment – that we must provide the information DES is seeking before the agency will be able to render a final decision. Given how those first two items are worded, however, we would appreciate your clarifying your intent. For the first item, we assume that you are requesting more information from Northern Pass to explain how NPT has avoided and minimized wetlands impact to the maximum extent practicable in the northern section of the route. Similarly, we read DES's second comment on the wetlands application as a request for more information on wetlands avoidance on a landscape scale along the 32 miles of new overhead construction in Coos County.

We will have questions on other aspects of the DES progress report, and we will be reaching out to you soon for that. In the meantime, please let me know whether we have read your intention on the first two comments in the Wetlands Bureau report accurately.

Thank you.

Dana

George Dana Bisbee
Devine, Millimet & Branch P.A.
Manchester, Concord, Portsmouth NH and Boston MA
603.695.8626
dbisbee@devinemillimet.com



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NPT_DIS 038776

#12

Two Of Three North Country Towns Okay Ordinances To Fight Corporate Power - and Northern Pass

By CHRIS JENSEN • MAR 14, 2012

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Easton's and Sugar Hill's Rights-Based-Ordinances were not mentioned by Mr. Varney though they were aimed at preventing Northern Pass and other corporate disorderly development that would degrade our towns soils, groundwater, aquifers, aesthetics and values.

#13



Drew, Tim

to me

12:59 PM (21 minutes ago) ☆



Good afternoon, Ms. Pastoriza.

I checked with our Legal Unit for any administrative rules contained within our jurisdiction for drilling muds and any additives, and we have none that directly apply to this practice. I did find the following fact sheet that discusses these methods and relies on the contractor using Best Management Practices while directional drilling: <https://www.des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-21-4.pdf>.

Tim Drew

From: Kris pastoriza [mailto:krispastoriza@gmail.com]

Sent: Wednesday, July 12, 2017 5:08 PM

To: Drew, Tim

Cc: Egan, Cali

Subject: Re: DES question



#14

Northern Pass wrote the DES Findings regarding Coos in the DES permit for NPT project.

Northern Pass letter to DES (below) with edits showing how it was used by DES to write “their” findings in DES permit for NPT, pgs. 8 & 9. Red = added by DES, crossed through = removed by DES.

“ ADDITIONAL INFORMATION IN RESPONSE TO
NH DEPARTMENT OF ENVIRONMENTAL SERVICES
ADDITIONAL DATA REQUESTS
January 25, 2017
A. WETLANDS BUREAU

2. Per Rule Env-Wt 302.04(a)(2) the applicant is required to demonstrate by plan and example that the proposed alternative is the one with the least impact to wetlands or surface waters. It is not clear how the proposed 32 mile new ROW in Coös County avoids surrounding wetlands on a landscape scale when the wetland impact plans only represent wetlands located within the ROW. DES finds that the proposed 32 mile ROW in Coös County is not an alternative with the least impact to wetlands or surface waters.

Additional Information: *In response to your recent request for clarification of our original response to question #2, we have clarified the narrative and the supporting maps of the northern route alternatives. The revised narrative follows, and the maps are attached.*

The initial boundaries of the Northern Pass Project area were established based on the need to (i) locate a transmission line crossing at the border between Québec and New Hampshire and (ii) connect into the AC system grid at a location that allows for the delivery of 1,200 MW (currently 1,090 MW). In its initial consideration of routing options, Northern Pass sought to minimize environmental impacts by, among other things, maximizing the use of existing ROW, avoiding conservation areas and identifying the shortest route feasible.

*The original routing effort was conducted by the Applicant **to minimize environmental impacts** through GIS analysis of publicly available social and natural resource data. Based on this effort, a preferred northern route and three alternatives were identified in the October 2010 Presidential Permit Application (PPA), ~~although~~ **and** the international border crossing location in Pittsburg **was later identified in February of 2012** not yet identified. A PPA Addendum was submitted in February of 2011 which included the border crossing location and the preferred route, the northern portion of which is ~~shown on~~ (see maps 1- 4 **dated March 11, 2011 which label the** (labelled 2010 Preferred Route). **(DES finding 5a- red words were added by DES, struck out ones were removed by DES)***

*~~In response to public feedback voiced during the applicant's -March 2011 public scoping meetings~~ **public concerns were raised** about the visibility of the Project and its ~~potential~~ impact on private landowners, ~~Northern Pass~~ **therefore the Applicant** substantially reconfigured the North Segment to ~~move the proposed route to a less populated area. A~~ **As a** ~~complete~~ underground construction was not considered a practicable option ~~(as described in the response to NHDES Data Request Question 1), so a concerted effort was made to locate the line in less populated areas where visual impacts would be of less concern.~~ **(DES finding 5b)***

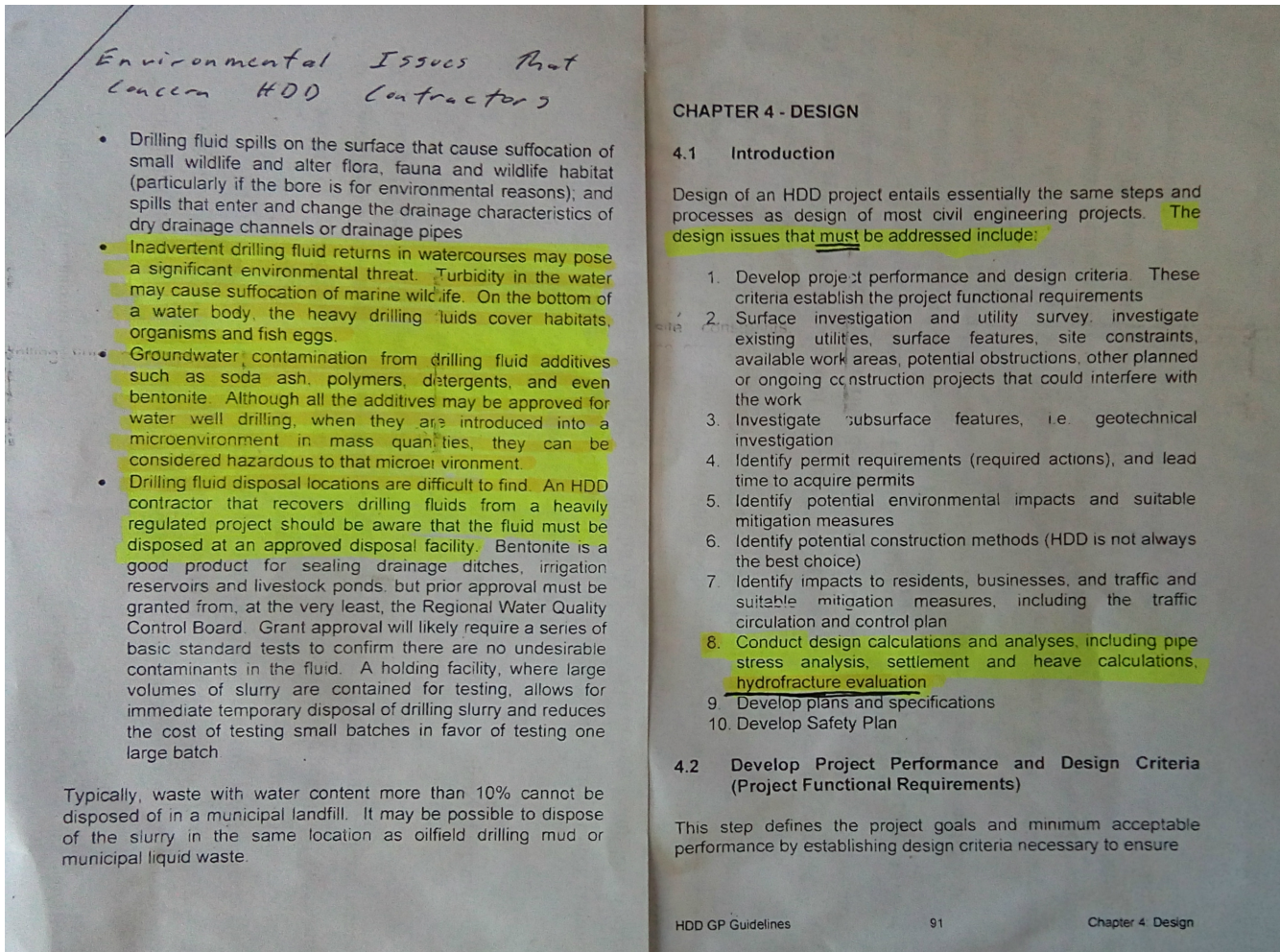
A landscape-level analysis of sensitive natural resources along approximately 38 alternative route segments proposed by the NP team was conducted, and these segments are shown in Maps 1-4 (labeled March 2011 Alternative Routes, and labeled A through MM). The routes were evaluated based on their intersection with conservation lands, rivers and streams, lakes and ponds, NWI wetlands, hydric soils, and Tier 1 and 2 Ranked Wildlife Habitat from WAP maps. This analysis revealed that 21 segments were located in conservation lands in Odell and Stratford. See Table 1 and Map 4. *therefore additional alternative segments were investigation and prioritized to avoid these areas.* ~~Creating new ROW within conservation lands was not considered a good option, so alternatives to these segments were given higher priority.~~ (DES finding 5c)

~~The Project then began investigating the availability of land to purchase or lease. Property acquisition efforts~~ *The applicant then commenced property acquisition efforts* for the segments with the fewest natural resource and visual impacts that did not cross conservation land, and the *preferred* route was *then again* revised based on the successful acquisition of property rights *and after avoiding other sensitive visible areas in the Dixville Notch area.* ~~Land in Dixville, Dummer and Millsfield owned by the Bayroot Company and managed by Wagner Forest Management was available for lease, with certain restrictions and limitations, which negated the need to select segments crossing conservation land to the west. Several of the segments in Dixville were determined to be too visible from Route 26, Dixville Notch State Park and the Balsams resort, so the route was shifted even further north and east behind the high ridges, with a proposed crossing of Route 26 much further south. There was also an effort~~ *was made* to use more of the existing Coos Loop ROW (Maps 4 and 5, labeled Coos Loop). (DES finding 5d)

~~Normandeau~~ *In 2012 the applicant* provided “hot-spot” mapping and GIS modeling within 3 miles of the entire proposed Project route in 2012 to identify locations with the greatest sensitivity and *permitting regulatory* concerns. The model included the natural features mentioned above, along with: ridgetops/mountaintops, where headwater streams, fragile soils, wildlife corridors and unique habitats ~~are present and ROW maintenance issues may be greater;~~ calcareous soils ~~and excessively drained soils where rare plants may be more abundant;~~ known threatened and endangered species/habitat locations (~~plants, lynx, marten, snakes, turtles, etc.~~); known deer yards; archeologically sensitive areas; streams and rivers with added regulations (SWQPAs, ORWs, Class A, Designated *and areas where ROW management would be more difficult.*) ~~Where possible,~~ *In addition,* reconnaissance level field investigations were ~~undertaken~~ *done* across the northern route parcels to better define environmental and other sensitive natural resources ~~within each parcel.~~ This information along with consideration of existing infrastructure (~~e.g. roads, camps, Granite Reliable Wind~~), potential visual impacts, and ~~Wagner’s~~ *landowner’s* overall forest planning and land management goals and objectives, was included in the ultimate route determinations on ~~the~~ properties acquired or leased for the project. Shifts were made in a few route locations to minimize resource impacts. The hot-spot mapping was eventually also used to evaluate off-ROW access road selections. (DES finding 5e)

~~To avoid crossing over or under conservation land in Stewartstown where conservation lands are present diagonally across a point where four parcels meet along the 2012 Proposed Route, the Project considered two alternative underground routes~~ *were considered* in Clarksville and Stewartstown along road ROWs. *See map..”*

#15. DOT referenced HDD Good Practices Guidelines 3rd ed.



#16. Easton Water-Protective Ordinances approved at Town Meeting 2017:

the same power and perform the same duties as a highway agent elected by the town. (Selectmen recommend adoption of this Warrant Article.) (Majority vote required.)

ARTICLE 23. Blasting Ordinance

To see if the town will adopt a blasting ordinance that will require a 3 million dollar bond before blasting and forbids blasting within 500 feet of groundwater protection districts and 100 feet of wetlands. (The Selectmen recommend adoption of this Warrant Article.) (Majority vote required.)

→ for non-residential construction

ARTICLE 24. Borehole Sealing Standards

To see if the town will adopt the National Cooperative Highway Research Program standards for sealing of geotechnical boreholes, with requirement of a bond equal to that required by the DOT in the case of DOT approved borings, and the requirement that applicants are required and will be responsible for the expense of the Town hiring and independent expert to oversee the filling/sealing of boreholes. (The Selectmen recommend adoption of this Warrant Article.) (Majority vote required.)

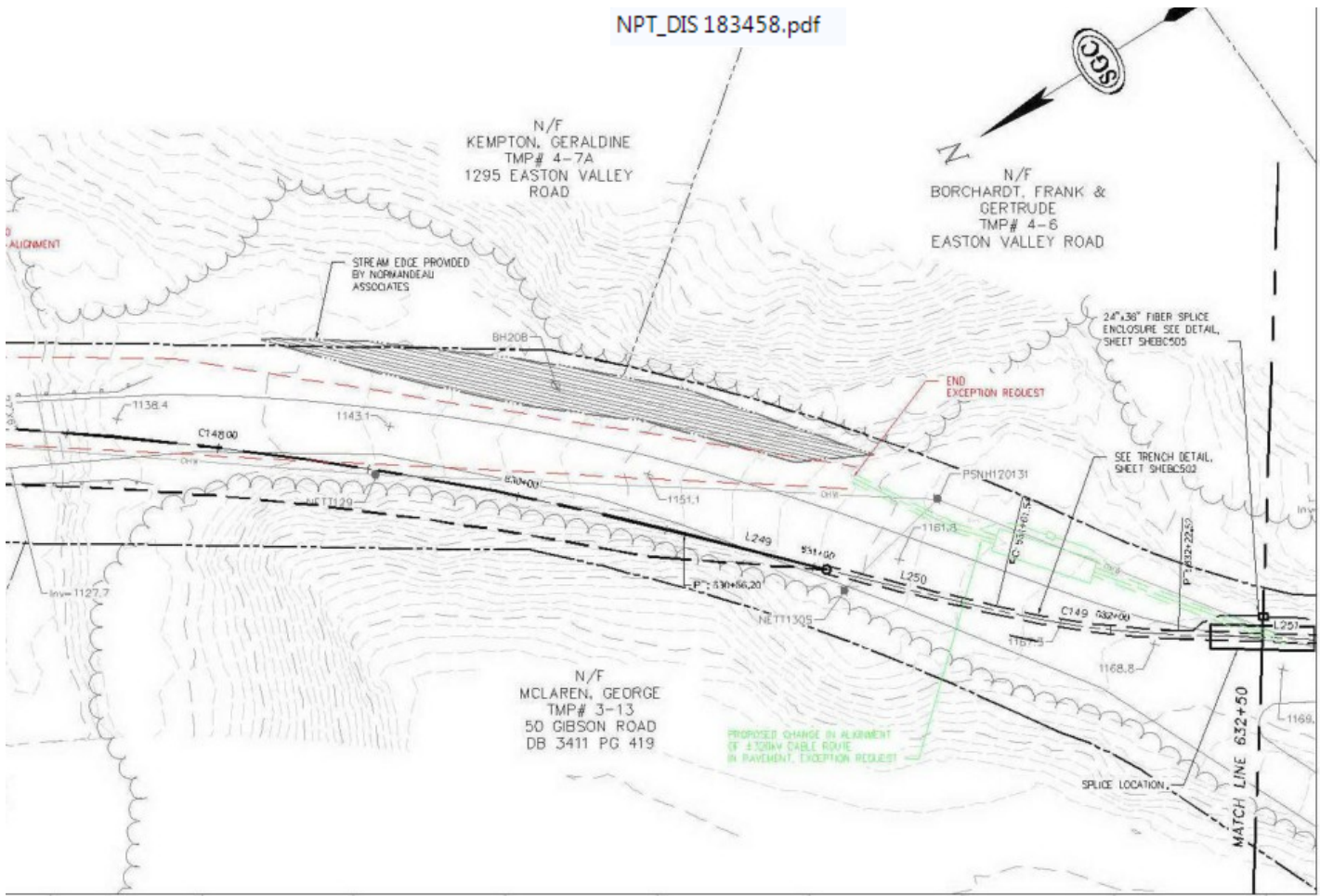
ARTICLE 25. Horizontal Directional Drilling

To see if the Town will adopt an ordinance prohibiting Horizontal Directional Drilling within 500 feet of the Groundwater Protection district, prohibit use of drilling additives other than bentonite, and prohibit discharges of Horizontal Directional Drilling fluid to surface or ground waters. (The Selectmen recommend adoption of this Warrant Article.) (Majority vote required.)

ARTICLE 26. Thermal Backfill

To see if the Town will adopt an ordinance prohibiting thermal backfill or thermal concrete containing coal ash within the groundwater protection district. All fluidizing agents must be approved by the town before thermal backfill may be used. (The Selectmen recommend adoption of this Warrant Article.) (Majority vote required.)

NPT_DIS 183458.pdf



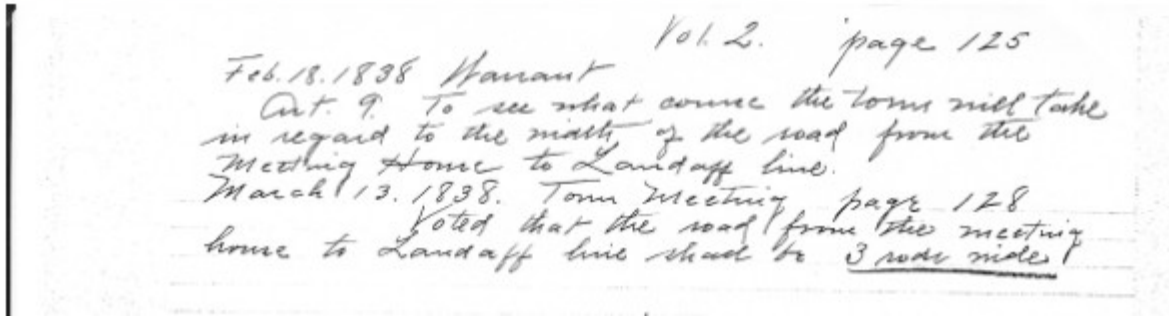
PRELIMINARY - N FOR CONSTRUCT

NO.	REVISION	DATE	DRWN	CHKD	APPRV.
0	EXCEPTION REQUEST	06/27/17	TOD	MRP	TAM



Image #17

1838 3 rod layout from Franconia to Easton (Landaff) line.



“Feb. 18, 1838 Warrant Art. 9. To see what course the town will take in regard to the length of the road from the Meeting House to Landaff line.
March 13, 1838. Town Meeting page 128.
Voted that the road from the meeting house to Landaff line should be 3 rods wide.”

Below: Northern Pass (Mark Hodgdon) application to DOT:

The overwhelming length of Rt. 116 from Franconia to the Rt. 112 intersection dates to an 1833 four rod (66') layout. However, the layout has significant gaps in description and is not well defined. Ancient layout issues aside, the road is a narrow two lane highway with modest traffic. Numerous wetlands, historic resources, water courses and ponds sporadically adorn the roadside. Mature trees crowd much of its length. Stonewalls and existing utilities occupy the land just past the ditch lines and shoulders.

Image #18

Image #19

Technical Discussion of Justification of Exception

NPT must plan to install any facilities and conduct any work within 20 feet of the edge of pavement, consistent with the study area for the draft Environmental Impact Statement prepared by the U.S. Department of Energy (DOE) for purposes of reviewing NPT's application to DOE for a Presidential Permit and NPT's request for a special use authorization from the United States Forest Service. Specifically, as part of NPT's Presidential Permit process and NPT's request for a special use authorization from the United States Forest Service, the federal agencies have prepared a draft Environmental Impact Statement ("draft EIS"), and are on the verge of issuing a final EIS that is necessary to support issuance of all federal permits. The draft EIS analyzed an area of impact within 20 feet from the edge of pavement on each side of the road (the "EIS Study Area"). This study area limits the design area available to NPT. The federal agencies may only issue authorizations consistent with the analysis conducted in the National Environmental Policy Act (NEPA) process (e.g., the draft and final EIS), and therefore NPT must plan to install any facilities and conduct any work within the EIS Study Area.

Image #20



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+ Storage/Max File Size	100GB/ 10GB	1 TB/ 10GB	Unlimited/ 100GB	5GB/ 5GB
+ 24/7 Customer Support	✓	✓	✓	✓

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