

# **Durham Historic Association**

## **Historic Resources Supplemental Testimony Impact of the Proposed Seacoast Reliability Project SEC Docket No. 15-04 Durham, New Hampshire July 20, 2018**

**Prepared at the Direction of the Board of Directors**

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## **1. Stone Walls protected under RSA 472:6 Removing or Altering Boundary Markers**

Reference cover letter from Devine Millimet dated June 11, 2018, with attached document entitled: '2015-04\_2018-06-11\_supp\_appendix\_33.pdf'

The applicant's 'Submittal of Supplement to Appendix 33 – Communications with NHDHR and USACE' omits the letter from Durham Historic Association to Eversource. Only the Eversource response to the DHA letter is included in their correspondence with NHDHR, see page 321/394 of Supplement to Appendix 33:

Durham Historic Association letter to Eversource concerning the inclusion, mapping and protection of certain stone walls, emailed to Mark Doperalski at Eversource:

### **Eversource SRP Stone Walls List – Corrections by Durham Historic Assn January 2018**

The Eversource SRP project maps do not show all stone walls crossed by their easement in Durham. The Eversource 'stone walls list' does not include all stone walls which are protected by statute because the stone walls mark property boundaries. The Eversource 'stone wall list' does not include all stone walls which are protected because the stone walls are within the Historic Districts designated as eligible for National Register Listing by their consultant.

Some protected stone walls were omitted because the source Eversource used to determine property boundaries was the GIS parcel mosaic layer. The GIS parcel mosaic layer is a very rough approximation of tax maps and cannot be used as an authoritative source to determine property boundaries. In some areas, sections of Class VI town roads are not shown on the GIS parcel mosaic layer, in other areas tax parcel boundaries are patently inaccurate, particularly where property boundaries cross wetlands. The GIS town parcel mosaic layer is skewed, with the result that straight bound courses crossing town lines do not match the bounds shown on the parcel mosaic layer of any adjacent towns. In other cases, it is not known why stone walls were omitted on the maps and the 'stone walls list' provided by Eversource.

**The Eversource SRP construction maps for Durham are the map panels #2 through 17 of 28.**

#### **Map panel 2 of 28**

There are two stone walls missing on this map panel. The stone walls on both sides of the Class VI section of Beech Hill Road, which is the access road to the easement north of the bypass, are not shown, and are omitted on the 'stone wall list'. Stone wall WP-1 is in Madbury on map panel 1 and stone wall WP-2 is south of the bypass on map panel 2. These two omitted stone walls are therefore numbered WP-1A and WP-1B. These stone walls mark property boundaries between town land and the adjacent property owners and are protected by statute.

#### **Map panel 6 of 28**

There are four stone walls missing on this map panel. Three are on the north side of Mill Road and one is south of Mill Road. None are shown on the Eversource maps or included on the 'stone wall list'. The four stone walls mark property boundaries and protected by statute.

Stone wall WP-4 is north of the Oyster River on map panel 5 and stone wall WP-5 is south of Mill Road on map panel 7. Therefore, the stone wall crossed by the access road to Construction Structure

F107-29 is numbered WP-4A. Stone wall WP-4A is the stone wall west of the Mill Road railroad bridge on the north side of Mill Road. Stone wall WP-4A is a protected stone wall marking the boundary between town land and the adjacent property owner.

The stone walls on north and south sides of the Class VI section of Mill Road mark boundaries between town land and adjacent property owners. These two walls are numbered WP-4B and WP-4C. This Class VI section of Mill Road is shown on the GIS parcel mosaic layer but the stone walls were omitted on maps provided by Eversource. Stone wall WP-4B on the north side of the Class VI road has been damaged by boring equipment accessing Construction Structure F107-30. This protected stone wall WP-4B is shown under the work pad for Construction Structure F107-30. Stone wall WP-4C is on the south side of the Class VI section of Mill Road. Protected stone wall WP-4C is shown under the work pad for Construction Structure F107-31.

South of Mill Road there are segments of a stone wall crossed by the easement that mark the property boundary between town land and UNH land, not shown on the Eversource map. This stone wall is numbered WP-4D. Stone wall WP-4D is protected, adjacent to, and under the work pad of Construction Structure F107-34.

### **Map panel 7 of 28**

The access road shown entering the easement from the east on map panel 7 starts on Foss Farm Road. Foss Farm Road, a Class V road, is a 17<sup>th</sup> century road, now paved, formerly known as the South Branch of the Mill Road. After leaving Foss Farm Road, the access road is over the Class VI section of the South Branch of the Mill Road which has a legally protected stone wall on the east side, marking the boundary between town land and land of an adjacent landowner. This access road eventually enters the easement between stone walls numbered WP-8A and WP-9, therefore this protected stone wall is numbered WP-8B. The South Branch of the Mill Road crosses an east – west stone bound wall that marks the corners of the adjacent properties in the subdivision, before entering land owned by UNH. These protected stone wall corners are numbered WP-8C for the east corner and WP-8D for the west corner which is marked by a stone wall leading west from the South Branch of the Mill Road.

After entering land owned by UNH known as East Foss Farm, the mapped access road passes immediately adjacent to the protected Davis-Thompson burial ground, which is surrounded and supported by a large stone retaining wall, which is numbered as stone wall WP-8E.

### **Map panels 8 and 9 of 28 – staging area**

The field area south and west of LaRoche brook, east of the railroad tracks and north of Bennett Road is designated as the staging area for all machinery, equipment, pylons, cable and other materials to be used in Durham for the SRP construction project. The land is owned by NH Fish & Game and the entire staging area is within the protected Historic District. The stone walls in the staging area have not been drawn to show their full extent across the staging area and several stone walls within the staging area were omitted. The 'stone wall list' does not address how the stone walls numbered WP-12, WP-13, and WP-14 (and those omitted) will be protected outside the easement corridor and within the staging area of many acres.

### **Map panel 9 of 28**

East of LaRoche Brook between stone walls WP-14 and WP-15 there is an east-west stone wall that marks several property boundaries. The stone wall runs adjacent to, and within, the south bound of the easement from near south of Construction Structure F107-52 to directly south of Construction Structure F107-53. Therefore, this legally protected stone wall is numbered WP-14A, and is also in the Historic District, to be protected during the tree removals planned within the easement corridor.

Stone wall WP-15 is shown as a single stone wall within the Historic District, however it is two parallel stone walls about 40 feet apart. The western wall runs north-south for over a mile and is crossed by the easement, the parallel wall to the east is about 40 feet long and is crossed by the northern third of the easement. This stone wall structure was used as a cattle driftway. Therefore, the east parallel stone wall is numbered WP-15A. Both protected stone walls are shown under the work pad of Construction Structure F107-53.

### **Map panel 10 of 28**

Stone wall WP-20 is numbered as a single stone property bound wall within the Historic District. However, it is a cattle driftway, with two parallel stone walls about 25 feet apart extending south to north, crossed by the easement. The east stone wall of the driftway is a property bound. The parallel wall to the west is the west wall of the driftway and the east wall of the hilltop pasture. Therefore the west stone wall is numbered WP-20A and the east stone wall is WP-20, both are protected as within the Historic District and WP-20 is protected as a bound wall.

The south edge of the Construction Structure 3162-18 work pad in the Historic District is next to the protected Burnham-Mooney burial ground which is surrounded by a stone wall numbered WP-20B.

### **Map panel 11 of 28**

Stone wall WP-25 is the property boundary stone wall closest to Timber Brook Lane. The stone wall was crushed by previous PSNH operations, and care is required not to widen the 'existing breach' due to the cellar immediately adjacent and west of the crushed stone wall within the easement. Stone walls WP-22 and WP-23 are boundary walls on Timber Brook Lane, a Class VI road marking town land and the land of adjacent landowners, the stone walls protected by statute. This road was laid out in 1736.

### **Map panel 13 of 28**

Stone wall WP-31 is marked as a single stone wall, but in fact meets another stone wall, forming a T-junction crossed by the easement. The second stone wall, numbered WP-31A meets WP-31 from the southwest at a right angle. The west-facing sections of both stone walls mark the property boundary between town land and land of NH Fish & Game.

### **Map panel 15 of 28**

Stone wall WP-35 is 275 feet long within the easement crossing. It is a protected property boundary stone wall and it is within the Historic District. The 'stone wall list' indicates there is an existing breach in the wall to be used for access, but there is no breach. Most of the 275 foot length of this stone wall, crossed by the easement, is shown under the work pad for Construction Structure F107-86. How will

this protected long stone wall shown running under the length of the very large work pad be safeguarded during construction?

Stone walls WP-35C and WP-35D are 4 rods apart marking the property bounds between the town road, laid out in 1721, and adjacent property owners. These stone walls are protected by statute.

Stone wall WP-35B is protected because it marks a property boundary and it is also in the Historic District. The 'stone wall list' indicates an existing breach will be used for access, however the entire stone wall is shown under the work pad for Construction Structure F107-90.

**Map panel 16 of 28**

A stone wall is shown partly under the work pad for Construction Structure F107-91, but it is not marked with a stone wall number and is not included on the 'stone walls list' (WP-36, WP-37 and WP-38 appear on map panel 17). This stone wall is protected because it marks a property boundary and it is also included in the historic district. Therefore, this protected stone wall is numbered WP-35E.

There is a missing stone wall on the west side, and adjacent to Durham Point Road, which was designated a Scenic Road many years ago. The stone wall is situated under the work pad for Construction Structure 3162-56 and is therefore numbered WP-35F.

## **2. Longmarsh Road in the Durham Point Historic District**

The proposed transmission line crosses this road, which was not visited during the June 2018 SEC bus tour. The Durham Point Historic District was identified and defined by experts hired by Eversource.

The proposed tall metal pylons and transmission lines will be visible from this residential road in the Durham Point Historic District. Such pylons and transmission lines are not appropriate in the Historic District, and will permanently damage the integrity of the District.

### **Longmarsh Road looking west at the existing power lines crossing the road**



**View north from Longmarsh Road in the Durham Point Historic District**



**View south from Longmarsh Road**



### **3. Eversource Proposed Access using Class VI Roads dating from the 17<sup>th</sup> century**

These historic roads, dating from the 1600s cannot support the weight of the construction equipment used to erect pylons. These two historic roads will be destroyed by the addition of the crushed rock or fill necessary to support the heavy equipment. Alternate access routes can be used by Eversource. The Mill Road South Branch Class VI road was visited during the June 2018 SEC bus tour.

#### **Mill Road South Branch view to the north**

**Class VI Road within the 'UNH Historic District' as determined by Eversource's expert**



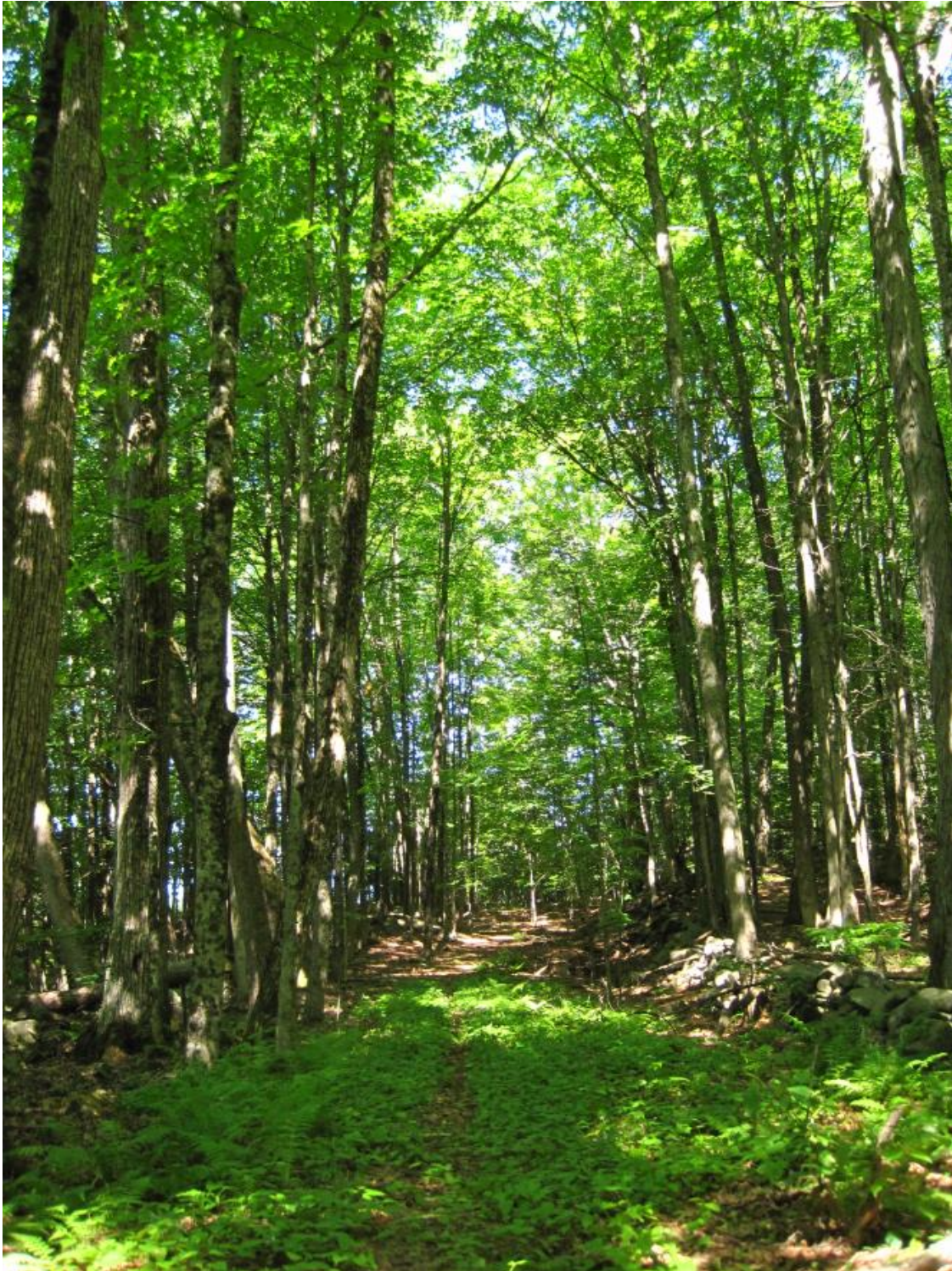
**Davis-Thompson burial site, down the same road, visited during June 2018 SEC bus tour**





**Beech Hill Road, another Class VI road proposed as an access, was not visited during the June 2018 SEC bus tour.** This road was constructed in 1689 and cannot support the weight of the construction equipment used to erect pylons. The addition of the crushed rock or fill necessary to support heavy equipment will destroy this historic road. A good alternate access route to the north is feasible and can be utilized to protect this valuable historic resource.

**Beech Hill Road looking west:**



**4. Protection of Historic Resources including stone walls, cellars, driftways, burial sites, etc.** Eversource states it will protect historic resources by utilizing one or more of the following four measures to include: (a) not traversing the wall, (b) traversing the wall through an existing breach, (c) traversing the wall using timber matting to temporarily bridge over the wall, or (d) placing the work pad on top of timber matting to elevate the work pad above the wall.

We witnessed the techniques used last fall when Eversource replaced a few wood pylons with metal pylons at the top of Beech Hill. These transmission lines come from the west, from Deerfield, into the Madbury substation. Instead of using their existing roads within the easement, Eversource trucked in massive amounts of crushed rock, sand and dirt. They built new elevated roads, large flat areas, and platforms around the pylon bases – why was this necessary? The height of the steel pylons is similar to the height of the wood pylons. The old roads were adequate for the installation of the wood pylons. The new roads, flat areas and platforms are permanent. The last photograph is the view east to the Madbury substation at the foot of Beech Hill.

We believe Eversource will use the same earthmoving and road construction techniques throughout Durham as the same heavy equipment will be necessary to lift and set the metal pylons proposed for the SRP. We do not believe it is possible that Eversource can protect any historic resources, as promised, when tons of crushed rock, dirt and sand are necessary to support their heavy equipment. This construction method is more than utilizing an easement over someone else’s land, it results in the total destruction of the land.

**November 2017 Beech Hill**





**Impossible to operate such equipment on the 15 foot wide roads shown on Eversource maps**





June 2018 Beech Hill







**The planned construction of such roads and platforms in the easement through Durham has not been mentioned by Eversource.** There is no disclosure stating how much fill will be trucked in, how much rock will be blasted, or other landscape changes. The only imported material marked on Eversource maps is the temporary matting used for crossing wetlands. These construction techniques are not anticipated by the public because such massive destruction was never required to erect wood poles.

**In addition to the massive destruction resulting from the installation of metal pylons, the damage resulting from tree clearance within the easement has been minimized in the disclosures presented by Eversource.** Eversource has allowed trees within their easement to grow, uncut, for decades. Now they propose the complete clearance of all trees within the 100 foot easement. This means mature 60 – 80 foot trees will be cut down and dragged across the landscape by heavy equipment. Heavy logging equipment must run all over the easement to cut and remove these trees from the outer margins. This equipment cannot be confined to the narrow red roads drawn on the Eversource maps. Such logging sites are usually rutted wastelands; this tree clearance will occur within all three Historic Districts in Durham and within the view of public roads and trails.

**Existing Roads in the Beech Hill easement 3,000 feet west of the Madbury substation. This is a satellite image from Granitview.unh.edu. The wood pylons that were replaced with metal pylons carry the southernmost transmission lines, at the bottom of the photograph. The existing roads within the easement were not used. New roads and work pads were constructed as described above.**





## 5. Archaeological Surveys – site 1

As described in the DHA testimony of July 31, 2017, the Thomas Edgerly farm is a First Contact site, settled in the mid-1600s by English colonists. The Edgerly house, burned during the 1694 Oyster River Massacre, was built on the land crossed by the easement between Durham Point Road and Little Bay. The house site is unknown but was situated on high, dry land because a cellar was mandatory for the storage of food. There has been no archaeological survey of the dry land area on the Edgerly farm, only of low wet areas where no one would build a house. We believe an archaeological survey of this section of the easement is necessary because First Contact sites are archaeological sites of national importance.

### Edgerly Farm – high land east of Durham Point Road



## Archaeological Surveys – site 2

As described in the DHA testimony of July 31, 2017, the Nathaniel Norton cellar is situated in the middle of the easement west of Timberbrook Lane. Timberbrook Lane follows the original route of Longmarsh Road, constructed in 1721.

The site was surveyed by an archaeologist hired by Eversource, who concluded the cellar was not a cellar. The Durham Historic Association disagrees with that conclusion and proposes an independent archaeological survey be conducted, paid for by Eversource.

### The Nathaniel Norton cellar

#### An excavation with field stone walls which have square corners



## **6. Draft MOU between Eversource and the NH Division of Historic Resources**

Reference cover letter from Devine Millimet dated June 11, 2018, with attached document entitled: '2015-04\_2018-06-11\_supp\_appendix\_33.pdf'

The applicant's 'Submittal of Supplement to Appendix 33 – Communications with NHDHR and USACE'

The Draft 'Memorandum of Understanding' is at page 356/394

**DHA understands this contract between Eversource and the NH Division of Historic Resources is not finalized, however this contract is not acceptable to the Durham Historic Association for many reasons, including but not limited to:**

Does not include UNH Historic District identified by Eversource with protections agreed to

Does not include Samuel Hill family burial site with protections

Does not include sensitive area at Foss Farm identified by Eversource or agreed protections

Does not include Winthrop Smith cellar with agreed protections

Does not include Nathaniel Norton cellar with protections

Does not include stone walls protected by statute with agreed protections

Does not include other stone walls with agreed protections

Does not avoid the use of ancient Class VI roads for access to easement

Does not include sensitive area at Quarry district identified by Eversource or agreed protections

Does not include Quarrymen's' Bench or protections

Hired contractors cannot be allowed to monitor themselves

Hired contractors have no motivation to protect historic resources and have completion time penalties

Eversource employee cannot monitor of the performance of his employer

Eversource cannot be allowed to monitor itself, an independent monitor is necessary

No definition of "unanticipated effects"

No definition of "historic architectural property"

No procedures outlined in case such effects might occur

No procedures outlined in case such effects do occur

No provisions for remedial action or compensation

No bond or similar financial guarantee is provided by Eversource to ensure protections agreed with each intervenor are fulfilled as promised

**The MOU does not include the historic resources described by DHA or include the protections for the sites agreed to by Eversource in its communications with DHA**

## 7. 'LAYDOWN YARD' DURHAM, NH

Reference cover letter from Devine Millimet dated June 11, 2018, with attached document entitled: '2015-04\_2018-06-11\_supp\_appendix\_33.pdf'

The applicant's 'Submittal of Supplement to Appendix 33 – Communications with NHDHR and USACE'

The 'Laydown Yard' in Durham, NH is at page 394/394

The last page of the Supplement to Appendix 33 is a fax cover sheet to the NH Division of Historic Resources. The pages behind the cover sheet were not included.

Eversource advised DHA their original proposed 'laydown yard' or staging area on Bennett Road in Durham will not be used. We then understood the staging area would be off Route 125 in Lee, NH.

If there is another staging area or 'laydown yard' proposed for Durham, the Durham Historic Association requests more precise information about the proposed site.

### **Eversource Staging Area off Route 125 in Lee, NH**



## 8. Little Bay Shore in Durham, NH

Both SEC bus tours, organized to view the sites affected by the Seacoast Reliability Project, were scheduled to occur at high tide. This deprived members of the SEC of the opportunity to view Little Bay at low tide and the mud flats adjacent to the Edgerly Farm. The proposed transmission lines enter Little Bay by the Durham Cable House, in the yellow circle. Satellite image from Granitview.

**Little Bay at Low Tide**

