

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

D-E3314

Public Service Company of New Hampshire

vs.

William H. Sleeper

Petition for a Right of Way
for the Construction and Maintenance of Transmission Lines
Across Privately-Owned Land in the Town of Deerfield,
and Assessment of Damages Occasioned Thereby.

Hearing before the Public Utilities Commission
of New Hampshire, held in the hearing room of the Commis-
sion, State House Annex, Concord, New Hampshire, on Friday,
April 23, 1954, at 10:30 a.m.

BEFORE:

Commissioner Harold K. Davison, presiding,
Commissioner Edward R. Thornton,
Commissioner Blaylock Atherton.

APPEARANCES:

Irving H. Soden, Attorney, Concord, N. H.,
appearing for Public Service Company of
New Hampshire, the Petitioner.

William H. Sleeper, Attorney, Exeter, N.H.,
appearing in his own behalf.

I N D E X

<u>WITNESS</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Walter H. Steenstra	3	7	12	13
William N. Lane	15	18	23	24
David Deans, Jr.	28	41	-	-
Robert O. Boehmer	46	53	62	63
William H. Sleeper	64	71	-	-
		<u>Rebuttal</u>		
Walter H. Steenstra (recalled)	80	81	-	-

<u>EXHIBITS</u>	<u>For Identification</u>	<u>Received</u>
Petitioner's 1	4	83
2	6	83
3	26	83
Respondent's 1	14	65

CHAIRMAN DAVISON: We will open the hearing on D-E3314, Public Service Company of New Hampshire versus William H. Sleeper, petition for a right of way for the construction and maintenance of transmission lines across privately-owned land in the Town of Deerfield, and assessment of damages occasioned thereby.

This petition was filed on March 22, 1954, and on March 23, 1954, an order of notice was issued, providing for hearing to be held at this office on April 23, 1954, at 10:30 a.m., together with service upon the owner of the land. A notice of hearing was sent to Irving H. Soden, Attorney, Concord, for service, and to Avery R. Schiller, President, Public Service Company of New Hampshire, Manchester, N. H. The affidavit of notice was filed April 12, 1954.

We will note the appearances for the record.

MR. SODEN: Irving H. Soden, of Concord, for the Petitioner.

MR. SLEEPER: William H. Sleeper, Exeter.

CHAIRMAN DAVISON: If there are no other appearances, you may proceed.

MR. SLEEPER: I am raising no question as to the necessity for the taking, the issue here being limited to the question of damages.

CHAIRMAN DAVISON: Thank you.

MR. SODEN: May it please the Commission, this is a petition to condemn a right of way across lands of William H. Sleeper, in Deerfield. It has been stated for the record

that the sole issue before the Commission here is the issue of damages, and having been stipulated and agreed that it is reasonably necessary to construct the line in question, and reasonably necessary, in the construction of the line, to take the particular land.

The Commission has viewed the premises, and for that reason no lengthy opening statement is necessary. As the Commission knows, the Company proposes to widen an existing right of way from 100 feet to 200 feet; in other words, we are dealing here with the taking of a strip of land 100 feet in width, and the length is some 1386 feet. The area in question is approximately $3\frac{1}{2}$ acres.

It is the Company's position that the larger part of the land is simply scrubland there is some growth on it, and at best the land which abuts the highway might make a cheap houselot. The Company offered Mr. Sleeper a total of \$453.50, based on \$1.50 a foot for 145 feet of road frontage plus the value of the growth, and allowing him \$20 an acre for the back lands. The Company and the landowner have been unable to agree as to the amount of damages, and for that reason we are here.

My witnesses will be Mr. Steenstra, Mr. Deans, Mr. Lane, and Mr. Beaumont.

Mr. Steenstra, will you take the stand, please?

WALTER H. STEENSTRA, Sworn.

Direct Examination

BY MR. SODEN:

Q What is your name?

A Walter H. Steenstra.

Q And where do you live?

A Gilmanton, New Hampshire.

Q What is your occupation?

A I am a Construction Engineer for the Public Service Company.

Q And does that involve the planning and laying out and construction of transmission lines?

A It does.

Q Have you been engaged in such capacity in connection with the proposed line from the Schiller Station to the Garvin Station?

A I have, sir.

Q And for how many years have you been engaged in such work?

A Five or six years.

Q And have you any idea how many miles of lines in the State of New Hampshire you may have been connected with, in connection with the construction and general laying out?

A About 300 miles of this type of line, 115,000-volt line.

Q Now I will show you what appears to be a U.S.G.S. map and ask you whether or not it was prepared under your supervision.

A It was prepared under my supervision.

MR. SODEN: I'd like to offer it.

CHAIRMAN DAVISON: It will be marked Petitioner's No. 1 for identification.

(Petitioner's Exhibit No. 1
marked for identification.)

BY MR. SODEN:

Q Mr. Steenstra, with reference to Petitioner's Exhibit 1 for identification, can you tell us what that shows?

A It shows the location of the present 115,000-volt line, and the proposed 115,000-volt line, and so labeled, running east to west across, roughly, the north central part of the map; and on the west or left edge of the map is the area shaded in yellow, marked "W. H. Sleeper", which is a portion of the land in question.

Q And that land is in what town?

A Town of Deerfield.

Q Now your present right of way is how wide?

A 100 feet.

Q And does it go through Mr. Sleeper's land?

A It does.

Q And the proposed line will require an additional width of what?

A 100 feet.

Q And on the Sleeper land where will that be, with reference to the existing line?

A It will be parallel to the existing line and south of the existing line and adjacent to it.

Q Now have you visited the Sleeper property yourself?

A I have.

Q And can you tell us what the general nature of the property is from your observation?

A It is an old farm site that is grown up--juniper,

the first 200, 300 feet, then general scrubland to the back line, some growing timber.

Q Now I show you another plan, Mr. Steenstra, and ask you whether or not that was prepared by you or under your supervision?

A It was prepared under my supervision.

MR. SODEN: I'd like to have it marked.

CHAIRMAN DAVISON: That will be Petitioner's 2 for identification.

(Petitioner's Exhibit No. 2
marked for identification.)

BY MR. SODEN:

Q Now with reference to Petitioner's Exhibit 2 for identification, will you explain briefly what that shows?

A It indicates the position of the existing 115,000-volt line and the proposed new strip which is shaded in dark blue, and also it shows the general northerly portion of Mr. Sleeper's land.

Q The proposed taking is outlined in?

A In dark blue.

Q And the line runs which way?

A Generally east and west.

Q And does the plan show a highway?

A It does; it shows the road from Deerfield parade leading to Nottingham.

Q Is that the same highway the Commission was on the other day, on the view?

A That's correct.

Q Does the plan show the location of some wells?

A Yes, two wells, one indicated 2 feet south of the centerline, and one 12 feet south of the centerline.

Q Have you seen those wells?

A I have.

Q Will the construction of this line in any way interfere with the use of those wells?

A In no way whatsoever.

Q Do you know anything about the quality of the water in the wells?

A I do not.

Q You didn't concern yourself with that at all?

A No sir.

Q How many times have you been to this particular property?

A Probably three or four times.

Q Were you there the other day with the Commission?

A I was.

Q Did you see some brightly painted orange stakes?

A I did.

Q When was the first time you ever saw those?

A When I was with the Commission day before yesterday.

Q They weren't there when this plan was prepared?

A No sir, they weren't; otherwise they would have been indicated on this plan.

MR. SODEN: I think that's all.

Cross Examination

BY MR. SLEEPER:

Q The voltage is 115,000?

A Yes sir.

Q What sort of pole construction is contemplated?

A It will be a standard 2-pole, H-frame construction, single wooden cross-arm, 4 cross-arm braces, 3 strings of insulators of 9 disks each. The size of the conductor will be 477,000 circular mils.

Q Is line of that sort the same as that which now stands on the adjacent right of way?

A It is basically the same, with the exception that the conductor size is a little larger.

Q How much voltage are you carrying over the present pole

A That is energized 115,000 volts also.

Q So the little difference in construction pertains to the cross-arms setup and the arrangement of insulators?

A No sir; the actual difference in construction is basically the wire size. The existing line is of a 2-pole, single-arm construction. I believe it has steel arms, where the new line will have wooden arms--that is another difference.

Q How does it happen that the size of the wires is to be different?

A Well, the best answer I can give you, it is similar to a road in 1926 when a 24-foot road was wide enough, and in 1954 we need a 40-foot road. That is the easiest way I can explain; in other words, larger wire has greater capacity.

Q So that the voltage can be raised if you care to do so?

A No, the voltage cannot be raised without increasing the phase clearance. That would be the distance between the

conductors and/or the distance from the conductors to the ground.

Q What do you mean by phase clearance?

A Phase clearance is the horizontal distance between any two wires of a circuit. In this particular case it is 14 feet, which is insufficient for higher voltage.

Q The new line is to be constructed so that it can be higher voltage?

A The new line is to be constructed to carry 115,000 volts, no more.

Q Then the fact that the wire to be used over the new taking is larger than the other, relates to the copper or just the covering?

A It relates to the volume of current that can pass over the line. The larger the conductor, the greater the volume of current at a constant voltage.

Q Then the new line is constructed so that you can increase the current over that which you are now using?

A To increase the volume, not the current. The current could be likened unto the pressure of a water pipe; for instance if you had a water pipe of half-inch diameter with 10 pounds per square inch in that pipe, it would carry a certain volume of water. If on the other hand that water pipe were 2 inches in diameter with still the same 10 pounds per square inch, you'd have a much greater volume of water. That is what happens when we increase the conductor size, we get a greater volume of electricity.

Q Other things being equal, then, on this new line

you can do more, increase your services over that which you could do with the present line?

A We can supply a greater number of kilowatt hours; in other words, a greater volume.

Q How much greater volume, denoted by kilowatt hours?

A I am not versed to give you the absolute answer on that. That should come from an electrical engineer.

Q Well, about how much? What is your best judgment?

A An increase over the present line of probably 25%.

Q Is there electrical house service along there at the present time, a line running along that highway?

A No, it doesn't show on this Exhibit No. 2. I believe there is distribution service along that road. It doesn't show on the plan.

Q Assuming that there is, would it be fair to say that from the first well you reach as you walk westerly, in from the highway, one could take by the usual way of installation, electrical pump, water under pressure for houses that might be built on lots located along the road?

A Yes indeed. The presence of this line wouldn't interfere with a line going to those wells.

MR. SLEEPER: That's all.

COMMISSIONER THORNTON: I'd like to ask a question.

Q The two wells that are shown on the plan, one of them I believe we saw the other day, had a stone cover on it. Which one is that?

A That is the most easterly well or the one closest

to the road.

Q It says 12 feet off the centerline.

A That's correct; that is the one we saw.

Q And is the other well covered over also?

A It has a wooden cover, I believe; not a stone cover.

Q If those are in your right of way, you don't compel the owner to fill them in; you just leave them as is?

A We do.

Q You don't compel them to put a cover or anything on them?

A No, we don't.

Q Merely put a sign over them so that your line crew won't fall into them, or just leave it as it is?

A I can recall several times in the past, we put a little fence around the well where it was open and not particularly evident. In several other cases we have actually built well houses.

COMMISSIONER THORNTON: Thank you.

BY MR. SLEEPER:

Q Do you understand you can do what you want to, about that, using your own discretion in the matter, with respect to the use that you may care to make of your right to travel over or through the right of way?

A I don't think I quite understand your question.

Q Well, you've mentioned some cases where you have been good enough to put a fence around a well on the right of way.

A Temporarily, during construction, yes.

Q But I mean afterward, as you go ahead and have occasion, for instance, to draw equipment in from the road, things of that sort; if you have this right of way, do you understand that you have the right to use your own judgment as to what you will do about the well?

A I don't believe that our easements allow us to create any unnecessary or undue hardship to the owner.

Q Undue hardship, of course, is a relative term. My purpose in inquiring is to know whether, when you take this right of way, whether we may be sure that those two wells will be left so that they can be used?

A I feel that it can be guaranteed, if not by inference certainly by writing.

CHAIRMAN DAVISON: Are there any other questions of this witness?

MR. SODEN: I might ask just one question. I know the Commission understands it, but let me get it clear on the record.

Redirect Examination

BY MR. SODEN:

Q Your taking is 100 feet?

A Yes sir.

Q And can you explain for the record the length of the road frontage and why it is--what the distance is?

A Since the transmission line crosses the road at an angle, the frontage along the road is greater than 100 feet and happens to be a total of 145 feet.

Q Due to the angle at which the line hits the road?

A That's correct.

Recross Examination

BY MR. SLEEPER:

Q Yesterday you were there when the view was taken, and we had at that time the use of what is now Petitioner's Exhibit No. 2?

A Yes.

Q And also this plan that I show you here, titled "Five lots of land, Deerfield, N.H."?

A Yes sir.

Q Is this plan that I show you here--that is my plan--a fair representation of the present pole right of way and of the Nottingham Road?

A The right of way width is given correctly as 100 feet but in anticipating your next question, I prefer to check its location on the ground.

Q Could you check it with your plan here that's been put in as an exhibit?

A You will notice that in this plan, Exhibit 2, there is a continuous chainage from your northeast quarter, as indicated by 100 - 743.

Q Yes.

A There is a continuous chainage down the road. I don't see any continuous chainage here, down the road, although perhaps your surveyor's notes include that.

Q Isn't it because your plan covers a larger area and takes down more to the north, where you begin to get this

curvature in the road here at the southerly end of the wall; where, on Petitioner's Exhibit No. 2, we see 5.320° east. That is to say, isn't it because our plan is more limited in scope?

A It is a little difficult to answer your question, but normally when our Company lays out a section of a man's property we attempt to include some definite corner and tie our reference to this corner. I see no such reference on your plan, although I feel certain that your survey notes indicate some tie which would tell me whether or not the transmission line, as indicated is located properly.

Q Well, were you satisfied yesterday, in the measurements that you and my grandson made, that this new taking was 145 feet on the highway?

A You saw the type of measuring it was. I would state that it is approximately 145 feet.

Q Yes, but that is what you have it on your exhibit here

A Yes sir; apparently our survey boys actually laid that out.

Q Yes. Well, that plan that I showed you is of some assistance, in this connection, in determining the location of the lots and of the road with respect to the present right of way

A Yes.

MR. SLEEPER: May we have this marked, please?

CHAIRMAN DAVISON: We will mark it as Respondent's Exhibit 1 for identification.

(Respondent's Exhibit No. 1
marked for identification.)

MR. SLEEPER: That is all.

(Witness excused.)

MR. SODEN: Mr. Lane.

WILLIAM N. LANE, Sworn.

Direct Examination

BY MR. SODEN:

Q Will you state your name, please.

A William N. Lane.

Q Where do you live?

A 2 Kendall Street, Rochester, New Hampshire.

Q What is your occupation?

A Consulting Forester.

Q Are you self-employed or employed by someone else?

A I am employed by the New England Forestry Foundation,
Inc.

Q And what is your position with that organization?

A I am resident forester for the Rochester Management
Center.

Q And what are your duties?

A Managing the southern area of Maine and southeastern
New Hampshire, doing the work for the Company, selective cutting
timber sales appraisals, and the like.

Q What has been your education?

A B.S. from University of Massachusetts, Class of '49;
M.F., 1950, from University of Michigan.

Q And did you specialize in any particular field at
the University of Massachusetts?

A Yes; general forestry.

Q Now does your area include the Town of Deerfield?

A Yes.

Q And Rockingham County in general?

A Yes.

Q Are you familiar with the current market price of growing wood and timber in southeastern New Hampshire?

A Yes.

Q And are you familiar with the going market price of cordwood?

A Yes.

Q Now at some time have you visited the property in Deerfield involved in this case?

A Yes.

Q And how many times have you been there, and when?

A I was there twice, once on November 12, 1953, and again on December 31 that same year.

Q And for what purpose did you go there?

A To appraise the value of the growth on the Sleeper land

Q And did you make such an appraisal?

A Yes.

Q How did you happen to go there twice?

A To make sure that we were giving Mr. Sleeper full value

Q Double checked?

A Yes.

Q When you went there, were you accompanied by someone?

A Yes.

Q By whom?

A David Deans of Public Service Company.

Q And were you shown an existing transmission line?

A Yes.

Q And within what area did you make your survey?

A Within the area to the left of the present power line 100 feet in width. I don't recall the exact length, but it came to a little over 3 acres--3 and a quarter acres.

Q I show you Petitioner's Exhibit 2 for identification, and point out the area which has been marked off in heavy crayon, and ask you whether or not that coincides with the area which you surveyed?

A Yes.

Q Now as the result of your two surveys on the premises can you tell the Commission the results of your findings?

A I decided that there were approximately 2.06 cords of pulpwood, merchantable pulpwood, at the present time; 4,072 board feet of merchantable stumpage; and there was additional timber which we classified as immature, which had perhaps some value as pulpwood but which had more value as immature timber, and that has a value of \$111.63.

Q What value did you place on the cordwood?

A \$4.11.

Q Is that in accordance with the current market for such wood?

A Yes.

Q And what value did you place on the merchantable timber?

A \$49.49.

Q And is that in accordance with the current market price for merchantable timber of that type and quality?

A Yes it is.

Q And while you were on the lands, did you make observations as to the general nature and character of the general area with which we are concerned?

A I did.

Q And how would you describe it?

A General average quality woodland, with some standing growth on it, some swampland.

Q So in your opinion, the total current market value for all of the growth, including the immature, the mature, and the cordwood, would be what?

A \$165.23.

MR. SODEN: That's all.

Cross Examination

BY MR. SLEEPER:

Q Did you make a count of the trees?

A I made an estimate of them, yes.

Q How many sawable softwood trees were there?

A We didn't count the actual number; it was an estimate.

Q What is your judgment as to how many you saw?

A As an estimate, 4,072 feet--the average tree ran about 50 feet; about 80 trees, or 81, of merchantable size and quality.

Q You say the average ran 50 feet?

A About average, I would say, based on this volume here, yes. This is a square edged estimate.

Q What do you mean by square-edge estimate?

A As compared with round edge where the mark is left

on in box lumber; there is a difference, depending on the quality of the timber, from 1 to 30 per cent, the smaller figure being for the square-edge estimate.

Q Is it true that most all of the growth in that section in fact in that general area, is considered box lumber?

A No, I think you'll find a variety of both; depends on the site and growing condition.

Q Anyhow, this was figured as finished lumber, to be finished rather than mere boxwood lumber?

A It was lumber that could be considered square-edge lumber. All our estimates are based on square edge.

Q What is generally considered to be a log in length?

A The smaller ordinarily is 8 foot plus a small allowance for trimming. Perhaps the bulk of your logs will run between 10 and 14 feet, with allowance for trimming--some up to 16.

Q Were some trees more than one-log trees?

A I expect there were.

Q Well, did you look to see?

A Oh yes.

Q How many such trees were there?

A I don't have the figure of the total trees.

Q Did you make any note of the hardwood trees of any sort?

A Yes.

Q What did you find on the lot?

A We figured that for merchantable pulpwood and trees which would not be worth more than as immature trees, slightly over two cords.

Q Did you figure pulpwood for all the hardwood?

A We figured it was pulpwood because for firewood there is practically no market.

Q So the hardwood that you found there consisted only of pulpwood so far as getting value out of it is concerned?

A The hardwood that I saw there, what there was of it and what I considered merchantable pulpwood which we sell quite frequently, as being slightly over two cords.

Q So far as hardwood is concerned, the allowance made was confined to two cords of pulpwood and a certain number of cords of wood that you'd expect to be cut up and put into cordwood?

A There were some that a man might ordinarily cut into firewood for his own use, but as far as selling it, there is seldom a market for it. In other words, there were some trees that were not big enough or of a quality that is suitable for pulpwood.

Q I am speaking now also of wood that could be chopped and put up in cordwood.

A Are you speaking of fuel wood?

Q Yes, fuel wood.

A Yes, there were some of that size tree.

Q How many of such trees?

A I don't have that figure.

Q About how many?

A I could guess; there may have been 5 or 6 trees per 100 foot section, at the most, as I recall.

Q Over the whole piece that is to be taken, how many would there be?

A Perhaps between 60 and 100 such trees.

Q How far is that location from Concord?

A I don't have that figure.

Q Were there any large hardwood trees?

A As I recall, there were a few large hardwood trees of no special quality; some of them could have been put into pulpwood.

Q Well, were they large old maples?

A I believe there were some swamp maples; in fact, most of your hardwood was swamp maple; no hard or rock maple.

Q There were no large old maple trees that you took note of, then?

A As I recall, when you first entered the woodland there were a couple of hardwood trees of fair size, but of no value in so far as market value is concerned.

Q You didn't see any trees there, or notice any trees, that might be used by people if they live there, to get sap from in spring?

A In other words, rock maple; no, I didn't notice any.

Q You didn't see any of that size?

A I did not observe any.

Q And the old trees that you saw were only valuable to get pulpwood from?

A Yes, there was no hardwood of saw log or veneer quality.

Q In your work, do you travel around a good deal in what we refer to as the Portsmouth area?

A I do.

Q And Deerfield is in the Portsmouth area?

A It is quite some distance from there.

Q I say, Deerfield is in the designated Portsmouth area is it not?

A I think it would depend what you had in mind.

Q I mean, on the planning for the air base at Portsmouth Deerfield is one of the towns that is contained in that area, is it not?

A I have not seen the layout of that, but in connection with my work I would consider Deerfield some distance from Portsmouth.

Q I am not asking about the distance. I am asking you-- take Northwood, is Northwood, Deerfield and also Nottingham, contained in that area that has been designated for planning with reference to the air base project?

A I haven't seen their layout.

Q Well, don't you know; haven't you read about it?

A Certainly.

Q Well, isn't that the fact?

A I haven't seen their maps and what their plans are or exactly how much coverage they plan.

Q You don't know, then, one way or the other?

A No.

Q You don't know the towns that are in that area?

A I know the towns, but I don't know the towns they have included in their coverage.

MR. SLEEPER: That is all.

Redirect Examination

BY MR. SODEN:

Q Mr. Lane, is box lumber more or less valuable than this merchantable timber you've been talking about?

A Less valuable.

Q Now Mr. Sleeper has asked you about various figures, I suppose on the assumption that you counted the trees one by one. Can you tell us how a timber cruiser or surveyor actually arrives at the results that he does?

A It depends on the conditions involved. In cases where there is a lot of high value timber, we will measure and scale every single tree. In cases such as this, we scaled Mr. Sleeper this way. The section was divided in 100-foot squares, and stakes planted therein, so that we would walk slowly through this 100-foot section, making notes as we went along, the number of trees, height and age, etc. Notes were put down in each section, and calculations made at the end of the day.

Q And is that an accepted way of doing this type of work by people in your profession?

A Yes.

Q And on the basis of your knowledge and experience, are you prepared to say whether or not an estimate based on that procedure is likely to be reasonably accurate?

MR. SLEEPER: Well, we object to that.

CHAIRMAN DAVISON: Will you state your objection, Mr. Sleeper?

MR. SLEEPER: First the question contains the expression "reasonably accurate"; and the accuracy or the value of the testimony of a specialized or expert witness, whether it be jury, judge or commissions, as I understand it, is entirely for this Commission.

CHAIRMAN DAVISON: We will let the witness answer for what it may be worth to the Commission.

Proceed.

THE WITNESS: Yes, I would answer it in this way. Our organization handles, on the selective cutting basis, perhaps 10,000,000 board feet a year. We sell the standing stumpage for our clients, and when we sell them this way we guarantee our volume to know what we are doing, or we wouldn't be in business long. In doing these appraisals for Public Service--I've done about sixty of them--I have had occasion to go back on three of them where the timber has been cut and stacked there. In each of the three cases where I've measured the logs, the appraisals were just a little higher than what I actually scaled after I went in there.

MR. SODEN: That's all.

Recross Examination

BY MR. SLEEPER:

Q The notes that you speak of, as they were saved at the end of each day, would have the whole details in the matter would they not?

A Yes.

Q Would you show them to us, please?

A Certainly. Here are the actual field notes, and I made a copy a little more clearly; here are the actual field notes, there are some shorthand notes--this was typed.

Q You are testifying now from Sheet No. 2?

A Yes. The beginning section of timber there were 200 linear feet and it was put down as 890 board feet per acre, at \$13.50 per thousand, plus 20 35-foot pine per acre. Now, in carrying that through, that came out, for that section of 200 linear feet, .45 feet per acre. The first section of woodland, 200 feet, was put down on the notes as Type A.

Q Is there any way that we could have the sheets numbered

A All right; this is No. 2. We will make this No. 3. Now this was the field data. In computing this on Sheet No. 3, it worked out as follows: the two sections total .458 acres; the volume of merchantable timber, 408 feet, worth \$5.50; --

Q And carried along right down through?

A That's right, so that we came out with totals at the end.

Q Now those two sheets include the entire project?

A The entire computation, yes.

Q And those sheets also have this same matter calculated on the reverse side of the sheets?

A This is the actual field notes.

Q The field notes are on "G-1"?

A Yes.

Q Will you mark that 1 and 2.

A Field notes on No. 2. Now the calculations made from the field notes are on No. 3, and we will mark No. 4 as a copy of the field notes so that they are a little more clear, and there is some data relating to other properties on this sheet, but the facts are the same as the copy.

Q Could you put at the top of the data the words "Other properties" so we will not be confused.

A All right.

MR. SLEEPER: May we ask to have these marked as an exhibit produced by the Petitioner?

CHAIRMAN DAVISON: Any objection?

MR. SODEN: It is merely cumulative, but I have no objection if the Commission wants to receive them.

CHAIRMAN DAVISON: We will mark the two sheets Petitioner's 3 for identification.

(Petitioner's Exhibit No. 3
marked for identification.)

MR. SLEEPER: That's all.

CHAIRMAN DAVISON: Mr. Lane, I was going to ask you if it is not customary to count trees, when you are estimating a large timber lot of somewhat the same quality or stand over a large area; is that not the way you do it, by unit?

THE WITNESS: I think the bulk of our cruising is done this way, taking a 40-acre tract, for example, run parallel lines through with a compass, stopping every couple hundred feet on a predesignated line, and measuring everything within a given circle of a tenth-acre, a fifth-acre, etc. Sample acre plots, we measure perhaps 50% on that property

and then double that figure for the total property--get a complete sample. On these Public Service cruises we did stop to take some measurements, but a good share of it was done based on experience, appraising, counting as we went along.

BY COMMISSIONER THORNTON:

Q I'd like to ask, on this item of 4,072 board feet, square edged board, had you figured that at box lumber, how many feet would you have come out with?

A That will vary with the quality of the timber; the better the timber, the less variation there is. And I would say Mr. Sleeper's was perhaps average; I would add 15% to that volume.

Q If you were arriving at that by a plan or formula that you mentioned earlier?

A Yes.

Q I was more interested in your reaction as to what it would actually scale out in the field, rather than going the reverse, after you figured the 4,072 feet.

A In other words, as box lumber.

Q Yes, as box lumber. Originally, had you figured it as such, would it have been more?

A Yes, it would have run just about 15% more.

Q And what is the differential in price there, if you had roughly 5,000 feet of box lumber?

A Well, that varies a great deal. We've sold stumpage as high as \$35 per thousand, but perhaps our average is around \$17.

Q So that that would have come out with a slightly higher figure than the square edged boards, or less?

A I think on square edged boards it would come out a little higher. In other words, if this were box lumber, it would have been appraised for less than it was. It was not appraised for high quality or high price, because there was so little of it on a given acre.

COMMISSIONER THORNTON: Thank you.

CHAIRMAN DAVISON: If there are no other questions, thank you, Mr. Lane.

(Witness excused.)

DAVID DEANS, JR., Sworn.

Direct Examination

BY MR. SODEN:

Q Will you state your name, please.

A David Deans, Jr.; 15 Crosby Street, Milford, N.H.

Q What is your occupation, Mr. Deans?

A Real Estate Department of the Public Service Company.

Q How long have you been in that department?

A One year and four months.

Q And prior to that, have you been connected with the Company in some other capacity?

A I have.

Q And what was that?

A I was 7 years as manager of the Manchester Division in the Store in the Sales Department, and prior to that I had 4 years' experience in the Accounting Department of the Company. Prior to that I worked in the Nashua area.

Q And since you have been in the Real Estate Department, what have your activities been?

A Buying real estate, right of way for transmission lines, lots for substations, and related activities.

Q And in your year and 4 months, have you spent some time in connection with the Schiller-Garvins line?

A I have, sir.

Q And how much time have you spent in that connection?

A About ten months.

Q More or less exclusively?

A Exclusively, that is right.

Q And you've been buying some rights of way for the purpose of that line, have you?

A I have.

Q In what section of the state?

A In the easterly part of the state, all the way from Portsmouth up to Deerfield.

Q And that includes what counties in New Hampshire?

A That includes Strafford County, Rockingham County.

Q And What is the most westerly point you have reached in making your purchases?

A Deerfield, New Hampshire.

Q And between the point where you started and the point you have now reached in Deerfield, approximately how many rights of way have you purchased?

A Approximately 150.

Q And in that distance, how many rights of way remain to be purchased?

A Two.

Q And they are?

A Mr. Sleeper, of Exeter; and Mr. Shakrallah Jabre-- his land is in Madbury, he lives in Durham.

Q Mr. Sleeper's land of course is in Deerfield?

A Right.

Q Now in going through this country and buying approximately 150 rights of way, can you tell us what types of property you've had occasion to purchase?

A Yes sir. I have purchased property right through the City of Dover, which comprises some backland, and houselots of course, right within the city, and fieldland which we have crossed, and all related land such as you would find up through this country, scrubland, timberland, etc.

Q You have had timberland and fieldland?

A That is correct.

Q And as you get out into the country, have you bought some road frontage?

A Yes.

Q And road frontage which might or might not be houselots?

A That is correct.

Q Now have you had occasion to go to the Sleeper land involved in this case?

A I have.

Q And are you familiar with the portion of it which the Company proposes to acquire?

A Definitely.

Q And the width is what?

A 100 feet in width, southerly and adjacent to the present existing kv. line.

Q And the length of the proposed taking is what?

A Approximately 1386.

Q And approximately, the acreage is what?

A About $3\frac{1}{2}$.

Q Now have you had negotiations with Mr. Sleeper?

A I have.

Q And have you offered him a price for the proposed right of way?

A I did.

Q And what was it?

A \$453.50.

Q Will you tell the Commission how you arrived at that figure?

A Yes. Approximately $3\frac{1}{2}$ acres at \$20 per acre, which comes to \$70; 145 feet road frontage at \$1.50 per foot, \$217.50 wood and timber damage, \$166; making a total of \$453.50.

Q What is the nature of the land as you've observed it?

A The nature of the land is quite rough, in my opinion. It is grown up with juniper bushes and scrub and sumac, etc., right around in there. Then as you get back a little further, you do find some timber, as was testified here before.

Q Have you run across similar land in your travels on this line?

A Yes.

Q And have you purchased such lands?

A I have.

Q And at what price have you been able to purchase similar land?

MR. SLEEPER: We object to that.

CHAIRMAN DAVISON: What is the objection, Mr. Sleeper?

MR. SLEEPER: That is not admissible because we cannot know the circumstances under which other owners have chosen to sell, nor can we tell whether the land is the same; that is, there is no way, it seems to me, of fairly saying to one owner: You sell for so much per acre some 1,000 feet of growth because somebody else has. It seems to us that that sort of evidence is inadmissible.

CHAIRMAN DAVISON: We will admit it subject to exception which will be noted on the record.

MR. SODEN: Would you read the question, please.

(Question read.)

THE WITNESS: Yes, I have purchased similar land, and at the same price; and comparing it, I have purchased at \$1.50 per foot, frontage in Deerfield, and one parcel at less than \$1.50.

Q (By Mr. Soden) And your \$20-per acre price for land of this type, how does that compare with prices you have paid for similar land?

MR. SLEEPER: Same objection, please. Would you note our exception?

CHAIRMAN DAVISON: We will note the exception.

THE WITNESS: Exactly the same, sir.

BY MR. SODEN:

Q And your payment for the wood and timber involved here was based on what?

A That was based on professional advice by the New England Forestry Foundation's representative, Mr. Lane.

Q The same opinion that's been given here today?

A Yes sir.

Q Except that you rounded off his 23¢ to give Mr. Sleeper a round figure?

A I gave him \$166.00.

Q Now have you bought other road frontage in Deerfield?

A I have.

Q And in what parts of Deerfield?

A Right through Deerfield, practically; both sides of Mr. Sleeper's property.

Q Well, leaving that to the side, for the moment, have you bought some a little closer to the center of town?

A I have indeed.

Q And at what price have you been able to purchase that

MR. SLEEPER: We object.

CHAIRMAN DAVISON: The witness may answer. The objection will be noted.

MR. SLEEPER: And we except.

MR. SODEN: I am willing to agree, if the Commission please, that Mr. Sleeper's exception be extended to the entire line of testimony regarding other owners, if it will save time.

MR. SLEEPER: All right; thank you.

CHAIRMAN DAVISON: That will be done.

BY MR. SODEN:

Q And some road frontage a little closer to the village

A Definitely.

Q And what was the nature of it?

A Very good, in my opinion; very good commercial frontage right on #107 Highway which leads from Deerfield Center to Epsom, I bought road frontage there at the same price as I offered Mr. Sleeper.

Q And based on your knowledge and experience, in purchasing real estate, and in Strafford and Rockingham Counties in this general area, would you say in your opinion that the land which you bought at \$1.50 a foot frontage, closer to the center of Deerfield, was more or less valuable than the land with which we are here concerned?

A That's right.

Q Now Mr. Deans, you've told us you bought 150-odd parcels of land. Does that include some parcels easterly and westerly of the Sleeper property?

A It does, sir.

Q And have you made some notes to refresh your recollection as to what you've paid these adjoining owners?

A I have.

Q Well, going easterly first, that would be in the direction of Dover?

A Correct.

Q Who is the first owner to the east?

A Mr. Wayne Potter.

MR. SLEEPER: We understand we have an exception to all of this line of questioning.

CHAIRMAN DAVISON: Yes.

MR. SODEN: That is agreed. I am going through about eight abutting owners, and I agree to that.

BY MR. SODEN:

Q Was the Commission in a position to see Mr. Potter's lands in the view?

A The Commission was in the center of the road, sir, and this parcel of land was just easterly.

Q On the opposite side of the road?

A That's correct.

Q What is the nature of that land?

A I classified that lower than Mr. Sleeper's property, so therefore in my judgment I didn't think that the road frontage there was worth quite so much as I would pay Mr. Sleeper, so I offered Mr. Potter \$1.25 per foot frontage, and he agreed.

Q That is just the frontage. How much land did you acquire from him?

A About $3\frac{1}{2}$ acres.

Q What is the nature of his other lands?

A Part of it was field, and the back part was swampy.

Q And if anyone desired to do any building there, would they have much clearing to do?

A Practically none.

Q And your total payment to him for $3\frac{1}{2}$ acres was what?

A \$350.00.

Q Perhaps you've said this already, but do you want to summarize what it was based on?

A Approximately $3\frac{1}{2}$ acres at \$20 per acre, equal \$70; one structure in the field, \$100; 145-foot road frontage at \$1.25 per foot, \$180; which made it \$350.00.

Q Now as you proceeded still easterly from the Potter property, who is the next owner?

A Regina Florence, owner.

Q And how many acres of her land have you acquired?

A Approximately 4 acres.

Q And how much did you pay her?

A \$141.00.

Q Based on what?

A Approximately 4 acres at \$20 per acre, \$80; wood and timber damage \$61; or a total of \$141.00.

Q What was the nature of the land for which you paid \$20 an acre?

A Just ordinary timberland, scrubland, some swampland.

Q Is this property in Deerfield?

A It is.

Q And as you proceed easterly, who was the next owner?

A The Tilton heirs.

Q And did you buy some land from them?

A I did, sir.

Q The same width, 100 feet?

A Correct.

Q How many acres?

A About $2\frac{1}{2}$ acres.

Q What did you pay the Tilton heirs?

A I Paid them \$280.00.

Q On what basis?

A Approximately $2\frac{1}{2}$ acres at \$20 per acre, \$50; and then he had a very nice field in back there, two structures in the field, at \$100 per structure, \$200; and wood and timber damage was only \$30.00.

Q You were able to buy sufficient field to take care of two structures, for \$200?

A That's correct.

Q That would be about how many feet of fieldland?

A Roughly 780, 800, something like that.

Q And is that property in Deerfield?

A That is right.

Q Now going to the west of Mr. Sleeper, what is the property immediately to the west?

A Mr. Roy W. Smith is the owner.

Q And have you acquired some acreage from him?

A I have, sir; $2\frac{3}{4}$ acres.

Q And what is the nature of that land?

A Timberland, scrublands.

Q And what price did you pay for $2\frac{3}{4}$ acres?

A \$225.00.

Q And that was broken down in what way?

A $2\frac{3}{4}$ acres at \$20 per acre, \$55; wood and timber damage \$175; making a total of \$225.

Q And the next parcel to the west?

A Mr. P. K. Lindsey, owner.

Q And approximately how many acres?

A Approximately 5 acres.

Q And the total price?

A \$546.00.

Q And broken down in what way?

A Approximately 5 acres at \$20 per acre, \$100; wood and timber damage, \$446.00.

Q And the nature of the land for which you paid \$20 an acre was what?

A Timberland, scrubland, etc.

Q Is it comparable to the property with which we are here concerned?

A Yes, I would say so.

Q And is the property in Deerfield?

A It is.

Q And the next property to the west?

A Mr. Ralph Smith, owner.

Q And the acreage?

A Slightly over an acre; $1\frac{1}{4}$ acres, I called it.

Q What did you pay for the land?

A \$25 for the acreage; and wood and timber damage, \$75.

Q And the acreage for which you paid \$20 an acre was of what nature?

A Comparable to what I have been discussing.

Q And is this property in Deerfield?

A It is.

Q And in all these instances, have these prices to

adjoining owners been arrived at on a willing buyer, willing seller, basis?

A That is correct.

Q Mr. Deans, how many times have you been to the Sleeper property?

A At least six or eight, possibly ten, times.

Q And you've been there with Mr. Sleeper on occasion?

A Yes.

Q When was the last time you were there prior to the view we took?

A March 25th.

Q And are you of your own knowledge able to relate that particular date to the date of filing this petition?

A I believe that was after we filed the petition.

Q And when you were there on March 25th, did you see any evidence of bright orange stakes marked out?

A No sir.

Q And that was on the 25th of March?

A Yes sir.

Q Have you ever on any of your visits there, seen stakes marking out lots?

A Yes sir.

Q And when was that?

A April 7th.

Q Of this year?

A That is correct.

Q I mean prior to the bringing of these proceedings had you ever seen any?

A No sir.

Q Either the ones that are there now, or any others?

A That is correct.

Q Now, this land is on a highway?

A That is correct.

Q And as one proceeds toward Nottingham, what is the nature of the highway?

A Not good, sir.

Q Have you had occasion to travel it in winter and spring?

A I have.

Q And how is the traveling?

A Not good, sir.

Q Would you describe it as being easily accessible at those times of the year, or not?

A I shouldn't want to travel that highway regularly in the springtime.

Q For what reason?

A Mud, potholes, etc.

Q And have you observed the nature of the buildings in the immediate area?

A I have, sir.

Q And how would you describe them?

A In the immediate area, not good.

Q And are there many of them?

A There are two, I believe, that I have observed.

Q And you consider them relatively poor dwellings?

A Very much so.

MR. SODEN: That is all.

Cross Examination

BY MR. SLEEPER:

Q Do you consider Regina Florence' place a poor dwelling

A I was not referring--I said two, sir.

Q Have you seen her house?

A I have, sir.

Q Do you call that a poor type of home or not?

A No sir; my testimony said two in the immediate vicinity

Q Well, I'm asking you what sort of place you would
call her place.

A Fairly good, sir.

Q And how far is that from this land here in question?

A Well, I never measured it, but I would say, roughly,
1,000 feet or more.

Q With whom did you go to the property on these
various visits?

A Which visit do you refer to, sir?

Q You have named a certain number. I think you said
either 8 or 9 or 10, right in there.

A I think I testified 6 or 8, possibly 10, sir.

Q Well now, suppose it were 6, who went with you
the first time?

A I went myself, the first time.

Q When was that?

A Back last fall, I believe.

Q And the next time was also in the fall, perhaps?

A Yes, I believe it was; and in the fall also, you
and I were there together.

Q Have you the date of that?

A I think it was in September or--latter part of September, or October; I am not sure about that, sir. But you and I and the lady were there together.

Q Yes; and so at that time we walked over the property as near as we could.

A You and I did, sir; the lady did not.

Q Well, so after you and I walked over the property, we had some discussion about what you would pay?

A That is correct, sir. When we got back to the property, you and I discussed it in the road and you asked me, as I recall, what would be my price; and I said: Well, we are not sure of the property line, sir. And you couldn't point out your westerly property line, as you will recall, so I said offhand I should think it would be around \$400.00. But after I discussed it with you that day, I made extensive survey, etc. and found your regular property line.

Q And you showed me what you understood the property line was at that time, didn't you?

A I asked you, sir, what the property line was; and you couldn't tell me.

Q But I say, you were the one who told me, weren't you?

A I told you later, sir, that your property line was the fire fence at the end of the property.

Q But the first day, don't you recall going to the back of the place and looking to see where we might find some indication of where that back line was, and we thought we did? Do you remember that?

A Well, you and I stood on a pile of rocks, as I recall, and you said to me: Well, I think it's around here somewhere.

Q Yes.

A And I said, all right. I didn't know for sure then just where it was; that's why I asked you to come to Deerfield with me.

Q And then we went up there again, didn't we, later?

A We did not, sir.

Q That was the only time?

A That is right, sir.

Q Well, haven't you been to the property more than once with me?

A Not with you, sir; I haven't.

Q Are you sure?

A Yes sir. I have met you three times, sir. The last time I met you in your office; another time I met you on the street. The last time I met you at one o'clock in Exeter, at your office; that is when I made the final offer of \$453.50, and there was a lady who came in at that time, as you will recall, after we started discussing the property.

Q A lady came in where?

A In your office.

Q This offer that you made was made at what place?

A At your office, sir. It was on Tuesday, March 9, 1954; I met you in your office in Exeter at one o'clock, sir, because I called you on the telephone, as I recall, and you said around one o'clock; and I was waiting in your office and

you arrived at 1:10, I believe, and apologized to me for being slightly late.

Q When did you meet me up there at the property in Deerfield the first time?

A The only time that you and I met at the property was that one time that we went in on the land, sir.

Q Will you look in your diary and see when it was?

A I don't have the 1953 diary, sir.

Q Well, it was last fall.

A That is correct.

Q You testified about an offer that you made me.

A I didn't make you an offer at that time; I said I would like to take it under advisement at that time, but I said it would be roughly \$400.

Q Do you recall saying that your opinion in the matter would merely be a figure that you would recommend they pay?

A A I'll answer it this way: that the Company has a lot of confidence in us in the Real Estate Department, and in our judgment; they very seldom ever question us in our office.

Q I didn't ask you that; there is no doubt but what that is so. But I am asking you if you recall that conversation and of giving a figure that you would be willing to recommend that they pay.

A Oh, I beg your pardon; I guess I misunderstood you. In other words, you gave me a figure to take back to the Company, to ask them if they would pay you.

Q Yes.

A Oh yes, indeed; I think I can remember the approximate amount, Mr. Sleeper.

Q Well now, tell us the amount.

A \$1500 or \$1600 were your exact words, sir.

Q And do you recall any conversation with me about a figure of \$1200?

A I do not, sir.

Q You do not?

A No sir, I do not.

Q Do you remember seeing me and my talking with you about the trouble that it would be, to go ahead and have it determined, and that my figure was somewhat lower than we had previously talked of?

A I don't recall you saying that, sir.

Q Is the road any better now than it was when you went up there in the fall?

A I should think it would be worse now, sir.

Q I mean from your observation, is it better or worse?

A In my judgment it is worse now than it was last fall.

Q How far is it from there down to Portsmouth, say, down to Market Square, Portsmouth?

A Purely a guess, about 40 miles.

Q And what way would you go?

A At this time of the year I would recommend that people go up the #101 Highway and stay on the black road all the way, turn off at Raymond, take #107 and continue through Deerfield parade, through that land at the present time.

Q To get to Portsmouth you'd go by way of Exeter?

A Yes, that would be all right if you wanted to avoid any back road as you were referring to.

Q Suppose you went down to Nottingham and down through Durham, taking the Durham-Portsmouth road, how far would it be?

A As I recall, that dirt road that the Commission rode over the other day, where I led the way, was roughly 7 miles on that gravel road to the black road we went down the other day. I would say that would perhaps cut the mileage somewhat; I'm not prepared to say just how much, Mr. Sleeper.

MR. SLEEPER: That is all.

CHAIRMAN DAVISON: Are there other questions of Mr. Deans?

If there are none, thank you, Mr. Deans.

(Witness excused.)

MR. SODEN: Mr. Boehmer.

ROBERT O. BOEHMER, Sworn.

Direct Examination

BY MR. SODEN:

Q Will you tell us your name, please?

A Robert O. Boehmer.

Q And where do you live, Mr. Boehmer?

A Deerfield Center.

Q What is your occupation?

A Real estate and insurance.

Q And how long have you been engaged in that business?

A $4\frac{1}{2}$ years.

Q And in what locality?

A In the Deerfield area and surrounding towns.

Q In the last $4\frac{1}{2}$ years have you had occasion to buy and sell property in Deerfield?

A Yes I have.

Q And in country surrounding Deerfield?

A Yes.

Q Have you become familiar with market values of property in that area?

A I have.

Q Are you registered here in the State of New Hampshire?

A Yes I am.

Q And with whom did you register?

A With the Insurance Department.

Q And you registered as what?

A As a registered real estate broker.

Q Now at some time, at the request of the Public Service Company, have you visited land on the Deerfield-Nottingham road in which there are located premises with which we are here concerned?

A Yes I have.

Q And I will show you Petitioner's Exhibit No. 2 for identification, and ask you whether or not that is the property which you visited?

A That is the property.

Q And when did you visit the property?

A February 27 of this year.

Q And for what purpose did you go there?

A To appraise its value, based strictly on the land alone.

Q And what examination of the property did you make?

A The frontage, the terrain; primarily our interest was in its value for, say, houselots. I did not go back in further, for the simple reason that that did not concern me as far as the value of the land was concerned.

Q Have you had occasion to buy and sell houselots in Deerfield?

A Acreage and the sale of lots.

Q Have you had occasion to sell timberland in Deerfield?

A I have.

Q Now you have told us you went there for the purpose of considering the value of this property for houselots. Did you consider that question after you had seen the property?

A Yes I did.

Q And does the property have value for houselot purposes?

A Inexpensive lots.

Q And can you tell us the general nature of the land as you observed it?

A Well, the terrain is rough and it is all basically sproutland. For houselots it would necessitate considerable clearance work.

Q And in that general section of Deerfield, has there been any demand, to your knowledge, for houselots?

A The demand is very limited on property of this type.

Q Are there houselots available in Deerfield?

A Yes there are.

Q And in your opinion are they more or less desirable than this property?

A Well, they are more desirable because of their location

Q And in what way is their location more desirable?

A Terrain of the land, condition of roads, and the outlook of the property--that is, an open, exposed view.

Q And at what price per foot frontage have you sold some of these houselots which in your opinion are more desirable than these?

A I have some for sale at \$2.00 a foot frontage, on Route #107, in Deerfield towards the Raymond line, and the back of the lot has the Lamprey River running through it. The land is quite level and nicely pine groved, and that would be the price of the land based on that \$2.00 a foot. In other words, for a 50-foot lot that would be \$100 regardless of the depth of the lot; they vary considerably.

Q And have you found any demand on that particular lot?

A No, I haven't had too much interest in it.

Q And are there other lots in Deerfield with which you are familiar?

A Yes, I have one listed up this very same road, which is open fieldland and has a very nice outlook of the mountains, and the owner has a price of \$350 on that; and I would estimate the frontage on that around 500 to 600 foot.

Q Now do you yourself own some land in Deerfield--building lots?

A I do.

Q And have you had occasion recently to sell some of it to the Public Service Company?

A I have.

Q And what was the nature of the land which you sold?

A It is on the outskirts of the village, perhaps by some two city blocks, on a paved highway called Church Street which more or less runs through the center of our town.

Q Near the center of town?

A Yes.

Q And a more or less desirable building area than the area with which we are here concerned?

A It is more desirable.

Q And at what price per front foot did you sell to the Public Service Company?

MR. SLEEPER: We object.

CHAIRMAN DAVISON: Same objection as previously?

MR. SLEEPER: Yes.

CHAIRMAN DAVISON: The witness may answer, and objection will be noted on the record.

MR. SLEEPER: The same exceptions.

THE WITNESS: I sold a right of way to the Public Service for the same figure, of \$1.50 per foot frontage plus the \$20 an acre and the value or damage to the timber.

BY MR. SODEN:

Q In your opinion, based on your knowledge of real estate values in Deerfield, did that payment represent the fair market value of the property taken?

A I felt that it did.

Q And if you hadn't, you wouldn't have taken it?

A That's right.

Q Now you say you have surveyed the lands of Mr. Sleeper, and I think you have told us that it is available, at best, for inexpensive houselots?

A Yes.

Q What is the nature of such buildings as there are in that area?

A You mean what type of construction surrounds the land?

Q Let me develop it this way. Are there other buildings in that neighborhood?

A Yes there are.

Q What type of a neighborhood is it?

A Well, there are a few more or less across the street, we'll say, buildings of the one-room asphalt siding, that is roof shingle type siding, brick type siding, homes.

Q And as Deerfield goes, is that a desirable or an undesirable type of neighborhood?

A Not at that particular spot, it is not desirable.

Q In your opinion, Mr. Boehmer, what is the fair market value of the area of land which the Company proposes to take in this case?

A If that were to be sold in houselots?

Q For the best available use, whether it is houselots or what it is.

A Well, it would probably bring the most for houselots; and I would say that those houselots would sell for somewhere in the neighborhood of \$50

Q A piece?

A Yes.

Q Having frontage of what?

A Oh, 75 to 100 foot frontage.

Q And you say that irrespective of the depth?

A Let's say 100 by 100.

Q And in your opinion what would be the value of the back land?

A Well, sproutland acreage is immature growth, that can be and has been purchased in town, depending what is on it, anywhere from \$5 to \$10 an acre.

Q Well now, based on your experience and your knowledge of the real estates in Deerfield, in your opinion is a price of \$453 for the strip of land in question more, or less, or just about the fair market value?

MR. SLEEPER: Did that include these other items other than the houselots?

MR. SODEN: The whole business, including the house, houselots if they are houselots, and the timber and the entire land within the strip.

THE WITNESS: I would say it was a more than fair price.

BY MR. SODEN:

Q In other words, in your opinion the Company had been generous?

A Yes.

Q Now you know, of course, that there is a trans-
mission line there at the present time?

A Yes.

Q If that particular transmission line is now widened, in your opinion will the balance of the land which is not being taken be in any way adversely affected?

A No.

MR. SODEN: That's all.

Cross Examination

BY MR. SLEEPER:

Q Are you familiar with the area that we refer to as the Portsmouth area in connection with the new developments there?

A Yes I am.

Q And does that area include Northwood and Deerfield?

A That would be called the fringe area, Mr. Sleeper. I believe they have struck a radius from, say, the Portsmouth area, of some 30, 35 miles in a complete swing.

Q And it takes in Deerfield and Northwood, does it not?

A We would be right on the fringe area.

Q Well, you'd be in the area?

A Yes.

Q You would be in the area. That's a fact, isn't it?

A Yes.

Q All right. Now generally speaking, does that affect the value of available real estate for building purposes; that is, has it increased and is it gradually increasing the values?

A There has been no noticeable change as yet, Mr. Sleeper.

Q Not noticeable to whom?

A Well, for example, when I take people out to show

them property, I haven't had anybody from the Newington area or people who are working or intend to work in the Portsmouth area show interest in buying homes or homesites with the thought in mind of working down there.

Q You would expect, from your experience wouldn't you, that this Portsmouth development there in connection with the Cable Company and in connection with the new airfield installation, would first become most noticeable near the center of the so-called Portsmouth area; that is, your valuations, your demand or pressure for places to build a house would be expected to be more noticeable the nearer you get, within certain limits, than out here in Northwood and Deerfield?

A Yes I would.

Q Now the value of lots depends a good deal, does it not, on the accessibility of the location in question to their work?

A Yes.

Q And is it a fact that there are a good many commuters now from Deerfield and Northwood, and that section up there, back and forth to the Portsmouth Navy Yard?

A At the present time I can only speak of Deerfield, Mr. Sleeper, because they are my neighbors; and I am not too familiar in the adjoining towns as to who works down there. At the present time we have some 8 to 10 men working at the Portsmouth Yard or in the Portsmouth area. That is out of a population of 720.

Q And they go back and forth over what road?

A They would go down over Route 4, or Route 107 to 101 through to Portsmouth.

Q Taking you through what towns?

A If they took the--shall I call it the southerly route --Route 101, they would go down through Raymond, Epping, Exeter and then over to Portsmouth. The northerly route, which would be Route 4, would be by way of Northwood through Durham and then down into Portsmouth.

Q That is all good road that way?

A Yes.

Q In fact from this location in question, if you come right back to the Parade--you know where George Brown used to live?

A Yes.

Q Right there at the Parade you take that little short-cut right out onto the main road, #107, and you go out onto the road that leads from Concord down through.

A Yes.

Q What road is that?

A Well, that would be the junction of #107 and Route 4; that would be going by way of Northwood.

Q And from this location here, that is really the way to go, isn't it?

A Yes, it would add to the mileage, but that would be the best way to go.

Q But you'd get good road all the way down?

A Yes, that's right.

Q Now another circumstance that bears or should bear somewhat on the value of lots for the purpose of building, is whether there is drainage.

A Yes, that would be a consideration.

Q That is, whether the land is sufficiently high, at least above the highway so that you'd expect the house would be built with fairly good drainage.

A Yes.

Q And another is the availability --strike that out, please. -- Another is whether there is a supply of water that is either on the lot or can be conveniently brought onto the lot, and especially if it can be brought and put under pressure with an electric pump, is that right?

A Yes.

Q Now when you get over in Northwood, fairly close to the shore of such places as Bow Lake--take Bow Lake particularl --you get lots there, don't you, 60x75 or 60x100, and expect to pay about \$750 a piece for them, or thereabouts?

A On recreational lake front property your value would increase tremendously.

Q Now does it help here, in connection with this matter, that this property and these lots that have been suggested on the plan here, is in a good hunting territory? In other words, don't you find that a large percentage of the men who work at the Yard or going to work in connection with the air-field, like to go out into a country where they can go gunning?

A Yes they do.

Q And there isn't any better section of this part of the state than Deerfield for that, is there?

A Well, it is fairly good hunting. I say that with reservation; I've had no luck.

Q Lots of people like to go hunting and fishing, and they stick to it even though they don't have any luck. That is true, isn't it?

A Yes.

Q When you come to ~~the~~ fishing, it's a very short run from these lots here over to Pleasant Pond, isn't it?

A Yes; it is, may I say, within ten miles--probably eight, seven.

Q You don't want to make it 8 to 10 miles overthere, do y

A Well, it actually would be. You've got some $2\frac{1}{2}$ to 3 miles down to #107; then you've got, say, 5 miles to Pleasant Pond; you have to go around the far end of the lake to the open end of it, in order to fish.

Q There are a lot of camps on one side of it. You mean on account of restrictions there?

A For fishing, there would be some 7 or 8 miles.

Q Yes, and there are brooks nearby in that section?

A Yes there are.

Q I mean, it has some attractions to a good many people for a place to build a house, where that element is considered?

A Yes.

Q And it is property where the road conditions, as you think back a few years, are constantly improving?

A Yes, that would be true; slowly but generally.

Q These towns have gone in now for some road machinery and they are doing better on the roads, and it is fair to expect that there are going to be even better roads than are there now?

A Well, we hope for it, yes.

MR. SLEEPER: I think that's all.

COMMISSIONER THORNTON: I have a question to put to Mr. Boehmer.

Q When the Commission was out on the view the other day, I couldn't help but notice several "For Sale" signs on properties along that road. Is there any particular reason for that? There seem to be rather more numerous properties for sale than elsewhere in town.

A No, there is none, sir. I would say that the reason for that is that up in a rural area you have more of a constant change-over in properties. Where they are bought for recreational purposes, after a period of time families grow up and people want to dispose of them, or the old families die off and the younger generation are not attracted to rural living or farming.

Q Now are there available in that area, timberlands or farms at \$20 an acre, that you know of?

A I have on some of my listings--may I cite one--150 acres for \$1,000; that would be sproutland.

Q Similar to the land in question?

A Yes, that's right.

Q Now as far as lots are concerned, do you think the presence of those two wells would make any difference, and if so, how much of a monetary difference would you assign to it?

A That would depend very largely on your well. As you probably know, these dug wells, it is pretty hard to determine them; in fact, it is one of my biggest problems when people ask me: Is it a good well? It's very hard to say. It might be a well that is good, or a lot of them of course go dry every summer.

Q If it were a good well, properly bricked, with a suitable cover?

A I would say probably that well would be worth, say, a couple hundred dollars, \$100, thereabouts, if you had to buy the land; I mean if you want to get that well.

Q The well rights, the water rights in other words, would add something to the value?

A Oh yes; for one lot you couldn't anticipate to be able to supply more than one family, with modern living, from a dug well. There probably have been cases that I don't know of, probably exceptions, on a spring or something like that; but generally speaking.

COMMISSIONER THRONTON: That's all I have, thank you.

CHAIRMAN DAVISON: How far do you call it from Mr. Sleeper's lands to Portsmouth by way of Route 4?

THE WITNESS: By way of Route 4 it would probably be around 45 miles, inasmuch as you would make a great big

hook; you have to travel westward, then come down and then over to Route 4, then back.

CHAIRMAN DAVISON: Is there much difference going the other way, what you call the south route?

THE WITNESS: No, it's debatable; one would be about the same as the other, within a few miles.

CHAIRMAN DAVISON: Did you have a further question, Mr. Sleeper?

BY MR. SLEEPER:

Q Well, is it a fact that the class of people--I call them city people--that come up from Massachusetts and around, and have a place in the country, are coming up more and more into that section, looking for places to build and places to buy?

A Not so much building, Mr. Sleeper, inasmuch as they can very often get these old farmhouses without conveniences, at fairly low figures, and therefore they have a shelter to start with.

Q But the supply of those is about run out.

A No.

Q The last few years you don't find very many houses along in that section that you can buy--I mean, that are well-made houses and worth fixing up. There are very few of them left now, aren't there?

A No; in town, in Deerfield, we still have quite a few

Q Do you have a lot of them?

A I wouldn't say a lot, but my normal amount of listings. I mean, I am not shorter this year, of listings

in Deerfield than I was a year ago. It always seems to work out about the same; as I sell, we pick up another listing in town. For various reasons, people want to sell.

Q And do you find that people have gone up there and taken over houses in Deerfield and fixed them up in that section?

A Yes; and where we have sold property, and people particularly fix them up and want to, say, restore some of these old homes.

Q Those people go more for summer season property, don't they, than for all year round property?

A We have some summer residents, yes.

Q Now you speak about a well--I suppose you are referring to this one that we have described here on this property--worth \$100 or \$200?

A It is very hard for me to put a figure on that.

Q Now if that was going to be depended upon by more than one family, it would become, I suppose, increasingly valuable, wouldn't it?

A Well, assuming that it could supply more than one family.

Q Yes. And if there was another well on the same property, back a little further, why, the supply in that well would also be important in that connection with people who desire to use the area in question here for house lots?

A Well, of course there are many things that you have to take into consideration. For example, you will have to dig a fairly deep trench to a depth greater than, we'll say, 3 foot, because of the frost, to run your pipes. Now, I

don't know what the condition of the land is. You might have 8 to 10 inches of top soil, and it might be ledge. We don't know those things. Provided you can run your pipes that great distance to that back well, it would be a help, naturally. And we also have to assume that the water would be pure.

Q Well, if it is water that clearly had been used by a family who have lived there years ago, for years, you'd expect it to be usable water, would you not? You wouldn't jump to the conclusion it wasn't fit to drink?

A I wouldn't want to assume that it was, either. I mean, that really is something more technical, and I don't believe I could answer that. You'd have to run a water test, you know.

MR. SLEEPER: Yes. That's all.

MR. SODEN: Just a couple of questions, Mr. Boehmer.

Redirect Examination

BY MR. SODEN:

Q Reference has been made to hunting and fishing in the area. As far as you know, since you've lived in Deerfield, there have always been fish and deer around?

A Yes.

Q And you haven't noted any particular demand by hunters and fishermen, for camps and lodges in this area, have you?

A Not a strong demand. An occasional straggler will stop by and inquire about something of that nature.

Q Very occasional?

A Very occasional.

Q You haven't found any that showed any interest in building, out on this particular piece of road?

A No.

Recross Examination

BY MR. SLEEPER:

Q Do you know the Adams place up on Bartlett Road in Deerfield, not very far from this place, up toward the look-out?

A Up the road.

Q You know of that property up there?

A I know of it.

Q Would it surprise you if I should tell you that I own the house up on top of the hill there, and that there are so many hunters up there in deer season, looking for a place to stay, that one has to either leave the door unlocked or else have the house entered all the time and people staying in it?

A That doesn't surprise me, Mr. Sleeper; I know it exist

Q So that that section really is attractive to people who like to hunt, isn't it?

A Well, and let's hope that basically all the hunters aren't of that type that would want to break in.

Q I know; but you can go right up through this Tilton property to the Adams place, can't you?

A Yes, I think there is a road in there.

MR. SLEEPER: That's all.

MR. SODEN: Petitioner rests.

CHAIRMAN DAVISON: Recess until 1:30.

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AFTERNOON SESSION

CHAIRMAN DAVISON: We will resume the hearing.

Do you wish to be sworn? We will not require it.

MR. SLEEPER: All right.

STATEMENT OF WILLIAM H. SLEEPER

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MR. SLEEPER: William H. Sleeper, Exeter, New Hampshire; attorney at law, and farmer. And I am the respondent in this case.

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The property in question I have owned for a number of years, having inherited a part of it, and acquiring the rest of the William Palmer place-- He by the way was my grandfather--largely because of the fact that it was property where my grandfather lived, and his daughter, Emma C. Sleeper, who was my mother. The property in question here is shown by the plans which have been marked, one as Petitioner's Exhibit 2, and Respondent's 1, for identification.

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May I say a word about this Respondent's 1 for identification. I went there with Mr. Cram of Hampton Falls, civil engineer, who is acquainted with the Highway Department. We took measurements which were used in making this plan. I took no part, of course, in making the plan itself, but I assisted somewhat in making the measurements in attempting, with his advice, to plot off the frontage there, in the form of houselots. So if it may be an exhibit on that testimony, it apparently being accurately drawn to a scale of 40 feet to the inch, I should like to so offer this as Respondent's Exhibit 1.

CHAIRMAN DAVISON: Is there any objection to its being received, Mr. Soden?

MR. SODEN: Well, technically there are all kinds of objections; but I guess under all the circumstances, I will waive it. There being two lawyers on the Commission, I know it won't be given more weight than it should be, in the absence of the engineer.

CHAIRMAN DAVISON: We will admit it in evidence at this time.

(Respondent's Exhibit No. 1
received in evidence.)

MR. SLEEPER: As to whether this location is a feasible place for building lots is, I assume, an issue. In connection with building lots, I claim to have had experience enough to warrant my offering an opinion for what it may be worth, as to value of building lots. If I had an attorney here, I suppose he'd ask me: What are your qualifications. And with some temerity, I approach that subject.

About three years ago, when it was proposed to put in the air base at Portsmouth, I was one who believed that it would go through. And with that in view, my wife and I bought jointly a piece of real estate in North Hampton, on U.S. #1; and I refer to it as a small development there that we call Lafayette Terrace. It has two streets, "A" and "B"; and we built a few houses there.

We had a water problem there, and so later I've had drainage problems, water problems in connection with several lots, locations in Portsmouth area that we've been

interested in and we have tried to develop. One of them is on the Elwyn Road in Portsmouth. A little south, toward Boston from the WHEB Station and as you travel out of Portsmouth, the first road to the left, leading down in there for about a mile, there's 28 acres which I bought, with a house on it, and we built three new ones and laid out a few lots there. We had water problems and things like that.

Then over to Rye, on Washington Street, a place called Rocky Meadow, we have another place. We had some land, used to be the Bennett estate up in Northwood, on and near the shore of Bow Lake on the northeast side; and I sold 6 or 7 lots there, that were back from the water a little way; built a summer cottage there when I first got the place.

CHAIRMAN DAVISON: Well, Mr. Sleeper, is this all to qualify yourself?

MR. SLEEPER: That's all; just trying to show you that I've been more or less awake to what building lots have been selling for.

CHAIRMAN DAVISON: Unless there is objection, I don't think you need to qualify any further. You can give us your opinion as to the value of this land in question, which is the problem we have before us.

MR. SLEEPER: Well, I believe a fair value for Lots 3, 4 and 5, \$500 a piece; Lot 2, I should say, would be worth a little less because the present pole right of way goes over the northerly corner of it--the northwesterly corner--worth \$100 less. And Lot 1, I should say would be

worth, fairly, \$400, because there is a convenient way to drive in from the Nottingham Road, and the lot has a little more road frontage there; that is, it has 120 feet instead of 100 feet, while its depth is 120 as against 200 and 196 for Lots 2, 3, 4 and 5. And to be brief about it, as indicated in the questions I asked on cross-examination, the reasons for feeling that the lots are worth that, are based on these elements that I spoke of.

Of course, a few years ago the situation was entirely different there than it is at the time of this taking, because there is a growing demand. I have found it to exist particularly within commuting distance convenient from the Navy Yard, the new Cable Company's establishment, and beginning within the last several months, by reason of the recently assured installation, completion of the new air strip.

Now this property there, to me, had more value probably than it would to the ordinary person looking around for a place to build a house, a place to own some land out in the country. Personally, I'd much rather have had at least a summer cottage built there where the old house was; there is an open foundation there now--using that foundation, perhaps not for the house, but for some part of the structure.

Going back, I have chosen to continue to pay taxes and hold this property for a good many years; and I suppose you'd call it perhaps sentimental, but I would a lot rather not have had pole rights of way going through there, even

though they might pay me as much and even more than they would some other people for their land. The frontage, by the foot, doesn't mean so much to me because I am not used to evaluating lots by the foot, except that I've heard Backers sometimes refer to that method in connection with city property, especially business property.

I believe that home owners up in that section are a good class of people. Of course some of them do not have expensive houses, but they are the sort of people that it is not disagreeable to live near. I speak of that because there has been some reference to the nature of buildings there. There are some fairly good houses up there. There are those that wouldn't be called good from the point of view of construction, but are not unsightly.

I'd like to speak of the water situation there, because I have been through lots of trouble, especially down there to Rye in connection with some land that was thought very well of by the backer's office in Manchester. It is back from the ocean and the ocean can hardly be seen from there, but the lots are good for people to build a summer place on, except for the water. There is a ledge under the surface and no water that can be had, I'm satisfied now, unless one pays a good sum of money for an artesian well, probably. And those lots for that reason are not worth much more than these, in my opinion, because here I feel there is a fairly good water supply, from the fact that years ago there were a few head of cattle, and

one--perhaps sometimes two or three--horses kept there. My grandfather I know was, for a while, the shoe freighter and used to bring out the materials for people who made shoes; and we had horses and he must have kept them there; and we had hens. And there must have been water enough to supply family needs. So I feel that in those two wells there is an adequate supply of water; if it is connected with electric power, that I believe runs along that road, the water problem is not too bad there.

I would like to claim too that there is fair value to be placed, in this taking, upon the cellar excavation.

MR. SODEN: Excuse me, Brother Sleeper; but I'd like to object to that. I believe the cellar excavation is within the old right of way. Unless I'm mistaken, I don't believe we are taking any part of the cellar hole in this taking.

MR. STEENSTRA: A little bit of it. Ninety percent of it is in the original taking.

MR. SODEN: All right; if any part of it is within this taking, I will withdraw my objection to the extent that it is competent. But I think it can be agreed that the bulk of it is within the old taking.

MR. SLEEPER: Well, I wouldn't expect that the cellar hole, as it was with the old taking, would be worth as much with the poles running over it; at least, I should say, to have this new taking added on there, it would make it of much less value than it was before the taking. This

taking, as I remember it, does go over some of the stone work; some of it consists of stone posts set in the ground. It seems to me, looking at Petitioner's No. 2, that the cellar hole is drawn in there and that the heavy blue line covers over a part of it, as though there was a square piece there. It seems to me that this taking does go over some of the deep part of that--some, but not all of the deep part. Where it says "Cellar Hole" and there is an arrow points to a figure drawn on there, may that not be the place where there was no real cellar, but apparently the foundation of a barn cellar?

The figures which have been submitted by the witness who figured the value of the growth, Mr. Lane--I have no reason to dispute any of them, leaving it of course open if someone should care to check it later, which I haven't done, and to raise that question. Mr. Deans, had he not testified so positively that I only saw him up there once, I would be sure that he is mistaken. I thought I saw him twice. Not that there is any importance attached to it. And there is some little difference in our recollection as to what I said I would be willing to settle for. But I don't consider those matters of great importance one way or the other. But I think we went up there a second time to see if it couldn't be figured over and looked over a little more carefully.

It is my feeling that by this taking I will be damaged to the extent of \$1500; and as I remember it, a lower figure was mentioned, namely, \$1200, by Mr. Deans and I,

perhaps to buy a piece on both sides. I don't know; it was

on my mind, and everybody I guess feels that way about having to follow through, trying to stand on legal rights.

That is all that occurs to me at the present time.

Cross Examination

BY MR. SODEN:

Q Mr. Sleeper, this \$1200-figure you say is one that you were willing to accept in compromise, at some time?

A That is as I remember. I think that I had some correspondence with him. I think I said frankly to him--quite sure I did--how much ready money was worth to me; that I was land poor anyway. I don't know as I told him if they'd pay \$1,000 I think I'd take it; but that was just settlement talk.

Q You don't mean to indicate, however, that he has at any time indicated that he would pay that much?

A He's never said that he was in a position to pay anything; he made it clear to me in the first place that he was hired in connection with their Real Estate Division and that he was in a position to recommend, and they usually took the recommendation, willing to "accept his recommendation", as I recall it.

Q You say he has never made you an offer for this property?

A Well, I believe he was authorized finally to pay a certain sum of money, on the second--after they reconsidered the matter, or something. If he says he was--why, he knows.

Q Yes, but I mean, he has made you an offer, hasn't

A Oh yes; and I made him an offer, which he rejected. No question about that.

Q Do you recall how recent it was that you were willing to take \$1200 or \$1,000?

A I can't remember the dates, but I can find out what they are by referring to my records at home.

Q Would you say it was during the fall or winter?

A Well, that's very indefinite--during the fall and winter. I don't know; I'd rather leave it that I don't remember. And I think he has fixed one date. I don't know if he referred to his records, but his diary is probably correct. As I say, I believe my memory is right, of being up there with him another day, but the actual day I can't remember; it was very early this year--we had a warm spell, this spring.

Q You do recall the approximate date on which this petition was served on you?

A I know it was served, brought into the office; but I'll have to refer to the records to tell you what day it was served.

Q Fair to say it was served last month?

A I wouldn't swear to it, whether it was served last month or early this month, without looking at the records. My memory is not good on dates of this kind.

Q Well, is your memory good enough on dates to tell us whether or not you were willing to accept \$1200 as recently as the 1st of March, this year?

A I can't attach the dates to these matters, I'm sorry; but I don't want to make a mistake. If I was at my office I could check it, but I couldn't do it here.

Q Of course, with respect to Respondent's Exhibit No.1, you have the date right on it, so we won't have any trouble remembering that? That is March 24, 1954.

A March 24, 1954.

Q And do you know when the measurements were made which are shown on the plan?

A No, I can't remember how long it was before that. I did know that he had to go up there when he could, because he is busy with highway work, and this was just an odd job that he had taken, and he could put a man down there with a tape.

Q Was the plan made about the time the iron stakes were driven in the ground?

A The iron stakes, as I heard the testimony etc., I have no doubt that he put those in there, either when he drew the plan or when he made the measurements--which may have been a while before.

Q So it's fair to say probably, isn't it, that they have been put in this year?

A They are recent, yes.

Q And you have owned the property for how many years?

A Since my grandfather died--let's see--well, for a good many years.

Q And this plan of houselots has just been made this year?

A Why, yes, I'm just like lots of people; within the last few years they have realized that people have to build homes somewhere. I'm one of that group.

Q And you laid out your Lots Nos. 1 and 2 in part, of course, within the existing right of way?

A Yes.

Q Because of course the right of way was already there when you laid out these lots?

A Surely; that's why I figure this lot is worth less, because part of it is taken by the present right of way.

Q And you have found, in your experience as an attorney and as a real estate expert, that many people lay out lots under power lines?

A Well, you say on the power lines.

Q Underneath the power lines, if the lines are there before the lots.

A No, not from choice.

Q Of course if the lots are there before the lines, why, that is something else, isn't it?

A Well, the lots are there; that is, the land comes first, the line comes afterward.

Q And if the line is already there, before you make any plan, it isn't common, is it, to lay out a lot right under a power line?

A It's not common; I don't think it very often occurs. I never heard any such case, but I've known of people building, however, close to power lines.

MR. SODEN: That's all.

BY COMMISSIONER THORNTON:

Q Not having your exhibit before me when you were testifying, Mr. Sleeper, I couldn't quite understand your reference to the value of three lots. There is 140-odd feet involved in this taking along the highway, is that right? And these lots are 100-foot highway frontage?

A Yes, they are.

Q So that actually, if the 145-foot measurement is correct, it would at most cover $1\frac{1}{2}$ lots?

A It would take off more of Lot 2, of course, and it would take off a part of Lot 3, and it would run over the corner of Lot 4.

Q Maybe my notes are wrong. You gave a value on Lots 3, 4 and 5, of \$500 each; and you figured that Lot #2 is worth \$400, and Lot #1 was worth \$400. On your testimony, Lots 2, 3 and 4 would be injured, so that would be \$1400?

A If I may qualify or explain that, I was speaking of that value with the existing right of way there; but I did not have in mind what the lots might be worth with the new line over it.

BY CHAIRMAN DAVISON:

Q Just what are the items which make up the \$1500-damage? How do you arrive at that figure?

A Well, I take substantially what has been allowed for the timber, as I say, without any investigation of why.

Q Well, that is \$166.

A Not that I want to waive the right to claim that ~~it~~ is more.

Q Well, this hearing will be closed this afternoon, so if there are any claims, you want to make them now. Well, there is \$166.00. What is the next item?

A There have been some questions asked here as to when we made those figures; and I feel that he has not allowed enough for the growth there. I claim that any view of it, even such view as we took, would indicate that.

Q Now are you saying that you are not claiming \$166 worth of timber?

A I claim it is worth more than that.

Q Well, what is the figure?

A On my knowledge at the present time, I should say \$300.00.

Q You say you claim \$300 for the timber on the premises?

A Yes.

Q Then what is the other \$1200?

A I claim the loss as to this area that is covered by Respondent's Exhibit 1. That is \$700, by reason of a decrease in the value of the area along the Nottingham Road as building site property.

Q Well, you are not taking into that calculation any damage to Lot #1 or Lot #2 which was caused by the original right of way, are you?

A No.

Q So that you've got to start with that corner as you laid it out in the old right of way?

A Yes.

Q Now what is the damage from there on; how do you figure it? How much damage to Lot 2 and how much damage to Lot 3?

A It is very hard for me to separate it lot by lot, but when we come to Lot 2, they are taking a right to do as they may see fit with the water supply there, and I consider that a very material loss.

Q That is your statement, isn't it? The evidence doesn't bear you out; the evidence says they are not taking the water at all--that you can use it as you wish.

A Well, then I say, are they going to do as they have been kind enough to do with several people mentioned, and protect it and cover it over; or when they begin to construct this line and it requires a good deal of moving in of materials from this road right down over this property, I would assume that the contractor that does that for them, would not want any holes in the ground, or anything like that.

Q Well, I am a little impatient, I think; but what I am trying to have you define, and you haven't helped me much, is how do you get \$1500 damage. You have got up to \$300 for the timber. What is the rest of it, just briefly; what is the other \$1200?

A The next item I mentioned was \$700 -- may I refer --

Q All right; we'll say \$700 was damage to the lots.

A Including to the well there.

Q All right; that is \$1,000. What is the other \$500?

A Well, the other \$500 is the taking of the present

site, where it leaves no chance for anyone to build on the side of the old place at all.

Q Well, we have the place here once, in the \$700; that is the damage to the lots. You can't have it twice. What is the rest of the \$500 to make up the \$1500? What items do you include in that, if you can tell us?

A Well, I claim they should pay fair value for the rest of the land that they are going to occupy.

Q $3\frac{1}{2}$ acres at \$70, in the evidence. How much more than that would you consider those $3\frac{1}{2}$ acres worth?

A I merely express my opinion without pretending to have any real knowledge of the value of farm property in that section. I would say, if anyone wanted to buy it, why, I wouldn't figure it at all on the basis of \$20 an acre; I'd say somewhere between \$200, \$250.

Q That is for the land other than the lots?

A It is for the land, yes, to the west of this frontage area, defined in a general way.

Q You say \$200 or \$250. Which will you take?

A Call it \$250.

Q That makes \$1250. What is the other \$250 of your claim for damages?

A Well, it is for taking the site of the old house there, so as to make it impossible to build there.

Q Isn't it a fact the major part of the old house is in the right of way that has already been taken, so that situation didn't change at all by this taking? You couldn't

build on that little corner that is being included in this taking?

A I believe the cellar comes over here under that heavy blue line. I think that that larger block there may be where we noticed that the farm or outbuildings were built, but I wouldn't be sure of that; that is as I remember it. And so I think that the cellar hole itself, either whole or part of it that they are taking, is worth several hundred dollars.

Q Well, shall we leave it that you make the rest of your claim on the cellar hole?

A The cellar hole and -- yes; I make the rest of the claim on the cellar hole.

Q Then the way it stands, your claim is for \$1500: \$300 is for the wood and timber on the lands; \$700 is the damage to your lots; \$250 is for the other land; and \$250 is for the cellar hole?

A That makes a total of \$1500. That is the price; let's put it this way--that is the figure at which I understand, if Mr. Deans remembers it, I offered to sell.

Q Isn't that the first time that you have calculated it that way, Mr. Sleeper?

A Yes. I have never set down or tried to figure exactly how much lumber there was on there, and just what it was worth, because I haven't had the ability or the means to do it. I never have called in a contractor and asked him to look at the cellar hole to see how much it was worth and

what it would save to build and have it there. I've never done it that way; I've had to do it merely with a view to getting somewhere near what I thought it was worth, and particularly with reference to its use for building purposes.

CHAIRMAN DAVISON: That is all the questions I have. I wanted to get an idea of your breakdown, because we have to have some idea of how you made up that \$1500.

MR. SLEEPER: Yes, that is the way; \$1500, as I say, was an offer that I made.

CHAIRMAN DAVISON: Are there any other questions?

MR. SODEN: Not of Mr. Sleeper.

CHAIRMAN DAVISON: Do you have any other witnesses or evidence, Mr. Sleeper?

MR. SLEEPER: No.

MR. SODEN: Just one question in rebuttal.

Mr. Steenstra.

WALTER H. STEENSTRA, Recalled.

Direct Examination

MR. SODEN: This is offered, if the Commission please--I don't think I heard everything that was said up at the bench, but there was some suggestion that the cellar hole may be otherwise than as shown on the plan. And I want the record to show otherwise through this witness.

Q Mr. Steenstra, is there any question at all that the cellar hole as it exists on the ground is accurately shown on that plan with reference to the original right of way?

A There is no question, but I think we should define this cellar hole versus the outline of the cellar, if I may elaborate.

Q Go ahead and elaborate, and tell the Commission what the situation is.

A Apparently the original buildings, like so many old houses, had a hole underneath that portion of the farmstead which was the dwelling house; and then there were fieldstone walls underneath, extending ells and sheds, etc. The outline, as indicated on this plan, indicates the entire foundation wall. The actual cellar hole itself, the hole in the ground, is definitely in the southerly portion of the existing right of way and is partially in the new, proposed right of way. The actual cellar foundation itself is at least 90% to 95% within the existing right of way.

Q Well, irrespective of what may have been there, there is no question in your mind but what is shown on the plan is accurate?

A That's correct.

MR. SODEN: That is all.

Cross Examination

BY MR. SLEEPER:

Q In other words, the part of the deep cellar that is in the new taking is shown there by this little projection here that I am pointing to?

A A portion of the deep cellar hole is within the new taking, yes.

Q Now this is very easy to see, this part of it here, isn't it?

A Yes.

Q Now is there a piece of it comes out here?

A Yes, there is; that is the portion I referred to.

Q The part that is in the new taking?

A A portion of the cellar is in the new taking, yes.

COMMISSIONER THORNTON: You estimate it to be 5 or 10 percent of the total?

THE WITNESS: Yes, that is all.

BY MR. SLEEPER:

Q Now that part I am pointing to, that is in the new taking, is that the deep part of the cellar?

A It is no deeper than other portions of the cellar hole which lie within the present right of way.

Q Is this all deep cellar I am pointing to over here?

A Definitely not; just a portion of it.

Q This over here is evidently where a barn or an ell ran over there, without a deep cellar?

A A portion of it was apparently an ell or a barn without a deep cellar.

Q This here seems to be a little square.

A It looked like a bulkhead entrance to the cellar; actually, in that area, a pair of steps lead down to some sort of bulkhead entrance. I don't mean to confuse the issue, but I felt it was necessary to clarify that foundation as pictured on the plan.

MR. SODEN: All I wanted to bring out was, whatever foundation is there, is accurately shown on the plan?

THE WITNESS: Right.

MR. SODEN: I now move that such exhibits as have been marked for identification be received in evidence as exhibits.

CHAIRMAN DAVISON: They may be admitted.

COMMISSIONER THORNTON: Petitioner's 1, 2, and 3.

(Petitioner's Exhibits Nos. 1,
2, and 3, were received.)

CHAIRMAN DAVISON: Is there anything further by either side, to be offered?

MR. SODEN: Not for the Petitioner.

CHAIRMAN DAVISON: The hearing is closed.

(At 2:40 p.m., the hearing was closed.)

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