

Comments on Eversource's Application to Easton for a Conditional Use Permit for damages to wetlands.

The four permit applications Eversource has submitted to Easton and those it submitted to Bethlehem appear to be attempts to subvert the SEC process by pressuring the Easton and Bethlehem Board members to grant permits that contradict their Towns' assertions that the X-178 project is a significant increase and a complete and accurate assessment of it requires resources and information available only through the SEC.

Eversource's submission of inaccurate, misleading, unsupported and occasionally incoherent variance applications is disrespectful and a waste of Easton residents' and volunteer Board members' time. It appears that neither Eversource nor most Boards do more than a cursory reading of these documents.

"The Rebuild Project includes the replacement of 106 existing utility structures (i.e. utility poles) ["i.e." means "that which is." 106 structures = 212+ poles] within portions of the Towns of Woodstock, Sugar Hill and Easton, (i.e. Site). Within the Town of Easton, there are 41 utility structures and associated work pads that are proposed to be replaced, and five additional work pads for structures located in the WMNF. [There are no work "pads" in Easton.]

Replacement of the structures before significant deterioration to crossarms or the structure itself is of the utmost importance in regard to maintaining service and ensuring safety of the public. [Eversource has provided inspection notes but no complete inspection reports supporting this claim. Crossarm replacement was done in Easton around 2017 and in 2024.] Therefore, the X178-2 rebuild is beneficial to public health and safety. [Eversource has not shown need for this rebuild nor the cost to public health and safety of its proposed rebuild, roads, construction "pads" with safety railings, noise, cost and pollution including CO2] The X178-2 Transmission Line was originally built in 1969 and additional portions were built in 1985. [The X-178 (2) was originally built in 1949 and rebuilt in 1985] During an inspection of the X178-2. Transmission Line, it was observed [Eversource uses the passive voice to deflect responsibility] that the structures are old and worn and have been subjected to pole splitting, woodpecker damage and rot, and must be replaced due to the state of deterioration of these structures over the past ~~55~~ and 39 years. [Eversource has not provided the complete inspection reports that would provide accurate and complete descriptions of structure condition] In the Town of Easton, Eversource is proposing to replace 31 [Eversource wrote 41 in the paragraph above] existing utility structures. The existing wooden H-frame structures will be replaced with weathering steel equivalent H-frame structures.... [The weathering steel (is there a non-weather steel?) H-frame structures are not equivalent. They are not wood, do not have knotholes and do not evoke the associations one has with trees. They are octagonal, metal, painted at the bottom and labeled with danger signs. They have 18' between their 20" diameter

“poles”. The existing wood structures have 13.5-14’ between 12-16” diameter poles. The metal H-frames are taller, would often be placed on large, elevated construction “pads” and would be connected by substantial roads.]


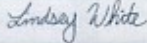
The proposed structures are not equivalent to the existing structures.



GZA and Eversource worked closely to review the structure locations and construction access during the design of the project to minimize impacts in the Wetlands Conservation Overlay District to the greatest extent [without altering Eversource’s plan for a complete rebuild with construction “pads”, roads, OPGW which Eversource claims requires taller structures for Code clearance from the conductors which are larger, heavier, high-sag conductor that would require taller structures, replacement of Category B structures because of the uplift new structures impose on the existing structures, replacement of the rest of the Category B and A structures while Eversource is there (“access opportunity”) and clearances of this conductor that exceed that required by Code,] Temporary access is sited in locations overlapping upland habitat where possible to limit temporary wetland GZA and Eversource worked closely to review the structure locations and construction access during the design of the project to minimize impacts in the Wetlands Conservation Overlay District to the greatest extent. [possible without altering Eversource’s plan for the full rebuild as proposed] Temporary access is sited in locations overlapping upland habitat where possible [without altering Eversource’s plan for the

full rebuild as proposed] to limit temporary wetland disturbance. [Eversource failed to provide data supporting its claim that this disturbance is temporary] Within Easton, existing structure heights above ground range from 44.6-ft to 56.5-ft. [so are not subject to NESC heavy loading standards (½” radial ice and 40 mph winds) to which which structures exceeding 60’ are subject, so need to be taller to maintain the clearances to ground of ice-loaded conductors] Proposed structures will be on average 10.9 ft taller than existing structures to comply with [and often exceed] updated National Electrical Safety Code standards. [for the high-sag conductor with ½” radial ice load] In the Town of Easton, the proposed project requires approximately 248,167 sq. ft. [5.7 acres] of temporary wetland impact and 750 square feet of permanent wetland impact to predominantly palustrine scrub shrub and emergent wetlands (PSS/EM1E) located within the existing maintained utility right-of-way (ROW) for [Eversource’s planned] construction access, temporary work pad placement, and structure replacement [a plan which has been subject to no state or federal oversight for costs, need, planning or alternatives]. Work will be conducted in accordance with the New Hampshire Department of Environmental Services (NHDES) Best Management Practices Manual for Utilities in and Adjacent to Wetlands and Waterbodies (March 2019). [and the specific conditions of any waivers DES has given to Eversource will be hidden deep in the document piles. Wetlands Dredge and Fill permit applications have not been given to easement-encumbered landowners, in defiance of DES’s own rules, so landowners have been cut out of the permitting process and deprived of knowledge of Eversource’s plans and their right to refuse to sign off on these plans] Prior to the placement of timber matting within wetlands, timber mats will be inspected ensure cleanliness to prevent the spread of invasive plant species. [is inspection adequate to remove every phragmites or other invasive species seed? Are herbicides used to treat the matting? Where is the data showing that Eversource has not spread invasive species in other projects? What post-construction monitoring does Eversource do to check on this?] to Upon completion of work, timber matting will be removed, and temporarily impacted wetlands will be stabilized with straw [where is the data certifying that this straw will not be from fields sprayed with pesticides and/or spread with sludge and thus contaminated with pfas?] and will be restored using a native herbaceous seed mix, as necessary. A NHDES Wetlands Standard Dredge and Fill permit (SDF) will be submitted for proposed wetland impacts in the Town of Easton. [This application is required to include all necessary permits]

[This permit is incomplete. It lacks the signatures of property owners. In addition, only one copy of the Dredge and Fill Wetlands application, not four, was sent to Easton. The X-178 (2) phase 2 Wetlands permit has not been given to the Town. Note the requirement listed below: **“If the applicant is not the owner of the property, each property own signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.”**]



SECTION 14 - REQUIRED CERTIFICATIONS (Env-Wt 311.11)		
Initial each box below to certify:		
Initials: KN	To the best of the signer's knowledge and belief, all required notifications have been provided.	
Initials: KN	The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief.	
Initials: KN	The signer understands that: <ul style="list-style-type: none"> The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: <ol style="list-style-type: none"> Deny the application. Revoke any approval that is granted based on the information. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. 	
Initials: KN	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
SECTION 15 - REQUIRED SIGNATURES (Env-Wt 311.04(d); Env-Wt 311.11)		
SIGNATURE (OWNER):		PRINT NAME LEGIBLY: Kurt Nelson DATE: 2/21/2024
SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER):		PRINT NAME LEGIBLY: DATE:
SIGNATURE (AGENT, IF APPLICABLE):		PRINT NAME LEGIBLY: Lindsey White DATE: 2/21/2024
SECTION 16 - TOWN / CITY CLERK SIGNATURE (Env-Wt 311.04(f))		
As required by RSA 482-A:3, I(a)(1), I hereby certify that the applicant has filed four application forms, four detailed plans, and four USGS location maps with the town/city indicated below.		
TOWN/CITY CLERK SIGNATURE:	PRINT NAME LEGIBLY:	
TOWN/CITY:	DATE:	

Below: This permit appears to be, at least in part, the wrong permit: *“This worksheet is for residential utility projects and other utility projects within a public right-of-way.”* [The X-178 easement in Easton is on private land where it is not in White Mountain National Forest.]

[The image below is unclear because Eversource claimed that the Wetlands and Alteration of Terrain permits for the X-178 (2) were too large to send and refused to send them to Easton or provide a flash drive. This meant that looking at the permits required going to the Easton Town Hall which is open one day a week from 1:00-6:00 and photographing pages which seemed important but obviously not the 100+ pages of the document. Then these photos needed to be transferred from phone to computer, placed in yet another X-178 file, and the images scrolled through repeatedly to find the ones needed. The photos then needed to be edited for clarity and a screen shot taken to be used, as above. This served what appears to be Eversource's goal of making access to the Alteration of Terrain and Wetlands Dredge and Fill applications so time consuming and cumbersome that almost no one would read and comment on them. It fulfilled what appears to be Eversource's goal of consuming as many hours as possible of the time of

those researching the effect of the project on their towns, thus limiting the amount of information they find while consuming their emotional and financial resources.]

NHDES W-06-064



**UTILITY PROJECTS;
PROJECTS IN PUBLIC RIGHT-OF-WAY
PROJECT-SPECIFIC WORKSHEET
FOR STANDARD APPLICATION**
Water Division/Land Resources Management
Wetlands Bureau
Check the Status of your Application

RSA/Rule: RSA 482-A/ Env-Wt 521

APPLICANT LAST NAME, FIRST NAME, M.I.: Eversource Energy, Attn: Kurt Nelson

This worksheet summarizes the criteria and requirements for a Standard Permit for "Utility Projects; Projects in the Public Right-of-Way", as outlined in Chapter Env-Wt 500. In addition to the project-specific criteria and requirements on this worksheet, all Standard Applications must meet the criteria and requirements listed in the Standard Dredge and Fill Wetlands Permit Application form [NHDES-W-06-012].

SECTION 1 - APPLICABILITY (Env-Wt 509.02(b); Env-Wt 521.01)

This worksheet is for residential utility projects and other utility projects within a public right-of-way.

Do not use this worksheet for utility projects that involve the construction of a substation, parking lot, or storage facility on utility property, which must be reviewed under the standards for commercial projects specified in Env-Wt 524.

Do not use this worksheet if the project is located in a coastal (tidal) area.

Where access and work pads are proposed within uplands, Eversource is proposing to construct/improve access routes and work pads by grading and adding stone where necessary to limit and prevent erosion and sedimentation. [There are no existing access routes or work pads in Easton, and if there were, the extensive grading, removal of vegetation, topsoil, subsoil and rocks, the addition of 9" of gravel and rip-rap and the compaction of these roads would not be an improvement except for Eversource's apparent goal of increasing the value of its assets, expanding its use of the easement and creating access for its next line. New road would be a completely unnecessary and illegal environmental degradation] The stone/gravel access routes are approximately 16 ft in width and are proposed to remain in place after construction [and will remain in place unless landowners realize these roads violate the easement conditions and demand Eversource not build them or remove them] and will be utilized [used] for future maintenance work as well as to provide stable access to structures in the event of an emergency. [Eversource claims to be constructing a new line to increase reliability yet claims to

need road access and construction pads for emergency access to structures it has maintained without roads or pads since 1948.] During construction, Eversource will utilize [use] up to an approximate 100 ft by 100-ft temporary work pad area. Upon completion of structure replacement work, stone/gravel work pads will be reduced in size to the extent necessary for bucket truck access, to approximately a 30-ft by 60-ft area. [by shoving topsoil over the graded and compacted rip-rap and gravel surface of the “pad.” A large part of the existing easement in Easton was pasture and could still be used as pasture. Eversource has no right to destroy the easements’ capacity to produce forage for animals, and presumably does not when it rebuilds lines in existing pasture.]

A NHDES Alteration of Terrain (AoT) application has been submitted [to DES and withheld from easement-encumbered landowners] and approved [by DES only, and with waivers] for proposed access route and work pad grading in uplands. As part of the proposed project, grading for access and work pads includes approximately 47,810 sq. ft. of wetland buffer impact [5.7 acres]

In accordance with Article 9, Section 901.I.2 of the Easton Zoning Ordinance, a Conditional Use Permit may be issued by the Planning Board for the construction, repair, or maintenance of streets, roads, and other access ways, including utility right-of-way easements including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District, and the following conditions are met:

[Eversource has failed to provide data supporting its claim that the rebuild of the X-178 as proposed is “essential to the productive use of land adjacent to the Wetlands Conservation Overlay District”]

A. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to: support fish and wildlife, prevent flooding, supply and protect surface and ground waters, control sediment, control pollution, support wetland vegetation, promote public health and safety, and moderate fluctuations in surface water levels.

Eversource has failed to provide data supporting its claim that the proposed activity fullfills **Condition A**. Eversource has not proven need, either for its increased capacity which has not been identified by ISO-NE as necessary for system reliability or for replacement of all the structures. The increased capacity of the new conductor disqualifies the X-178 as an “asset condition” project. Eversource needs to provide complete structure inspection reports and provide funds for Easton to pay for a third-party inspection of the line. It is not credible that

150 structures went from Category B to Category C in two years and at a time when Eversource was under criticism at the PAC for its plan to replace the whole line as a response to 41 out of 590 structures (or is it poles?) being rated Category C, (by Eversource) which could mean replace in 5-8 years.]

B. The proposed activity will have no substantive negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources. Items to be considered include: erosion; siltation; turbidity; loss of fish and wildlife; loss of unique habitat having demonstrable natural, scientific, or educational value; loss or decrease of beneficial aquatic organisms and wetland plants; dangers of flooding and pollution; destruction of the economic aesthetic, recreational and other public and private uses and values of the wetlands to the community. The proposed structure replacement work is located within an existing and maintained ROW which will continue to exist as a maintained utility ROW. [this proves nothing re Condition B.]

Eversource fails to provide any data supporting its claim that the X-178 rebuild meets **Condition B. Because the proposed X-178 is on easements over private property, it must have no impacts as described above not just on abutting properties, but on the easement itself.** Eversource provides no data supporting its claims of “no substantive negative impact to abutting or downstream property.” It provides no peer-reviewed studies on the effects of the conversion of natural terrain to 9” deep compacted gravel roads and ?” deep compacted graveled construction “pads” , extensive alteration of terrain around the roads and “pads” , permanent removal of topsoil, the addition of many truckloads of gravel and rip-rap to the land, on any of the “resources” listed above. Eversource has no knowledge of the private uses and values of the wetlands to private “users” and the community.”

C. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland or its buffer. Work is proposed within an existing and maintained utility ROW and proposes replacement of existing structures. Access is required in wetlands and upland buffers due to the linear nature of the ROW and need for equipment access. In order to gain access to work locations, upland access routes will be used to the greatest extent possible. Timber matting will be used where wetlands must be crossed to limit and prevent rutting and compaction and maintain a hardened surface between tracked vehicles and wetland vegetation. As mentioned, temporary wetland matting will be removed upon completion of work and temporarily impacted wetlands will be restored by applying seedless mulch and native seed, as necessary. Structures will be replaced in the same current alignment within the ROW corridor, and therefore the proposed activity cannot be practicably located elsewhere, and impacts will be minimized to the greatest extent “

Eversource fails to provide data supporting its claim that it need for roads for equipment access. It fails to provide data supporting its claim that work “cannot practicably be located elsewhere on the site” inasmuch as it fails to acknowledge that the work it proposes does not need to be done as proposed, with new roads, construction pads and larger metal structures, conductor and OPGW. It fails to provide any alternative, for example replacing only structures that need to be replaced, with wood structures of the same height. Eversource provides no data showing that wetlands that have been covered by wetland matting for weeks or months recover.

D. The proposed activity utilizes [uses. Utilize indicates that the application is beyond its original intended use] applicable best management practices.

“Best” Management Practices were devised by permitting agencies and industry to allow projects to be built. BMPs are predicated on need, which Eversource has not shown, and cannot show because ISO-NE has not determined the X-178 rebuild to be a reliability project.

E. Federal and/or State permit(s) have been received for the proposed activity in accordance with NH Code of Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit. As part of the proposed project, a Standard Dredge and Fill (Phase 1) was filed with the New Hampshire Department of Environmental Services (NHDES # 2024-00468) and has been approved.

FERC, ISO-NE, the NH PUC and the NH SEC have not approved or properly reviewed the X-178 project.

F. Where applicable, proof of compliance with all other State and/or federal regulations has been received. Where applicable, a NHDES Alteration of Terrain Permit application will be submitted for proposed grading in uplands as part of this project. In the Town of Easton, a temporary driveway is proposed on the west side of Easton Valley Road to existing Structure 297 and a temporary driveway permit application has been filed with the New Hampshire Department of Transportation. At the federal level, Eversource has submitted a Pre-Construction Notice application to the US Army Corps of Engineers and a Notice of Intent consistent with the US Environmental Protection Agency Construction General Permit will be filed prior to the start of work. A summary of permit types and status is provided below.

Eversource has failed to meet Criteria F because several permits are pending:

Level	Agency	Permit Application	Permit Number	Status
State	NHDES Wetlands Bureau	Standard Dredge and Fill (Phase 1)	2024-00468	Approved
	NHDES Alteration of Terrain Bureau	Alteration of Terrain (Phase 1)	AoT-2597	Approved
	NH Department of Transportation	Temporary Driveway Permit	01-495-6355-T	Approved
Federal	US Army Corps of Engineers	Pre-Construction Notice	NAE-2023-00910	Pending
	Environmental Protection Agency	Notice of Intent	Pending	Pending

Notice of Intent and Pre-Construction Notice indicates a lack of any meaningful review or regulatory action by the Army Corps of Engineers and the EPA.

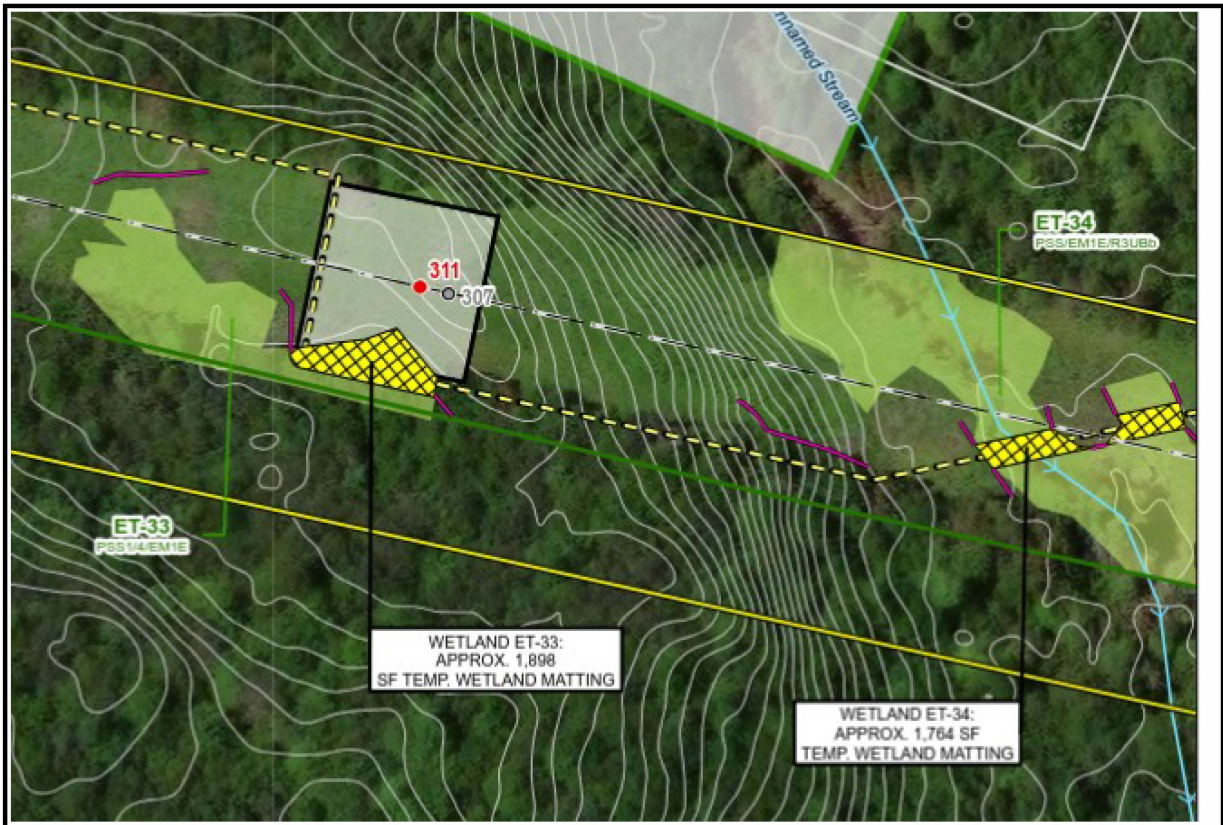
Eversource fails to mention that NHDES Alteration of Terrain Bureau has not approved the AoT or Standard Dredge and Fill Wetlands permits for the X-178 (2) Phase 2 and the Town of Easton and easement-encumbered landowners have not received these permit and permit waiver applications.

Abutters List: The application is incomplete because this list doesn't contain my address or the complete address for Roger and Ann Bellerose.

Map page 2: The delineation of Lot 2 and 3, Map 5 is incorrect. The shading for WMNF covers part of the lots, which appears to be outlined correctly in white, and the unshaded areas of private property extends into WMNF.

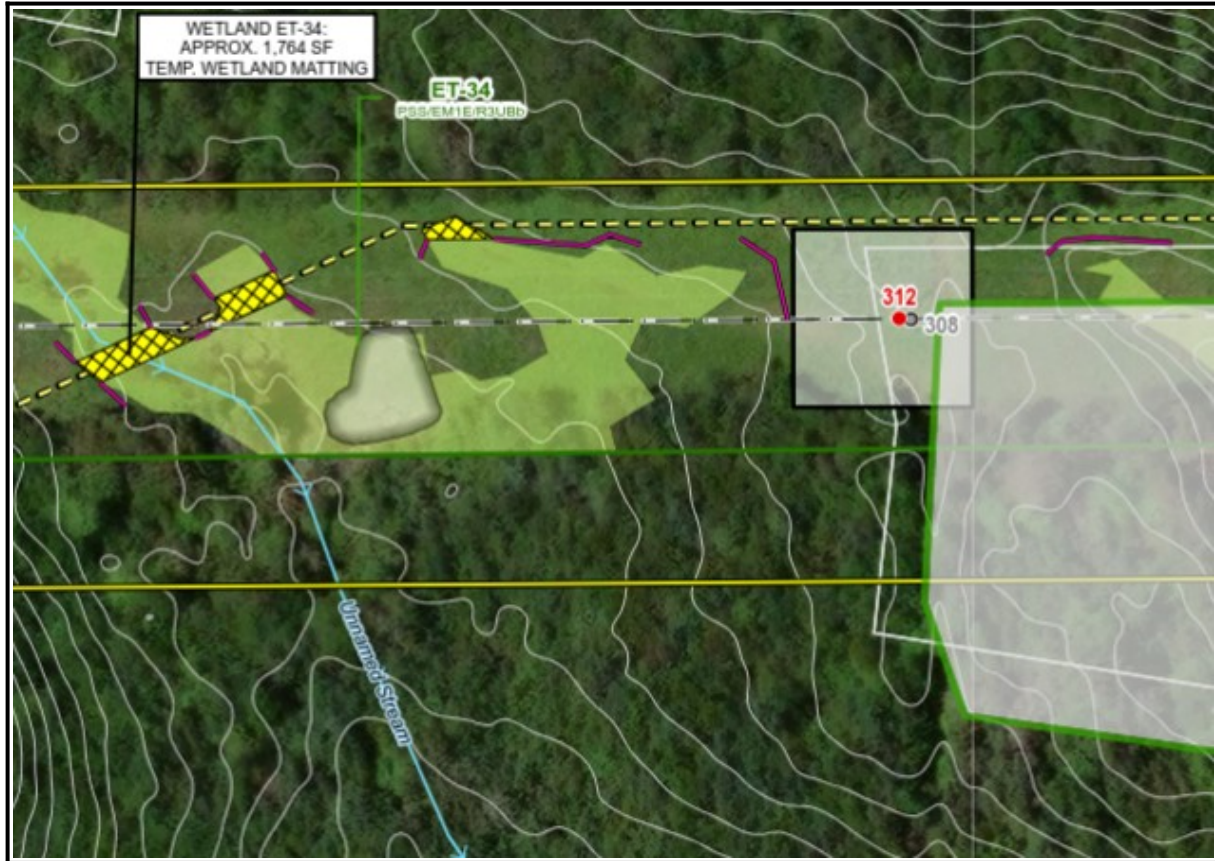


Below: Map page 5: WMNF is shown covering more than half of Route 116.

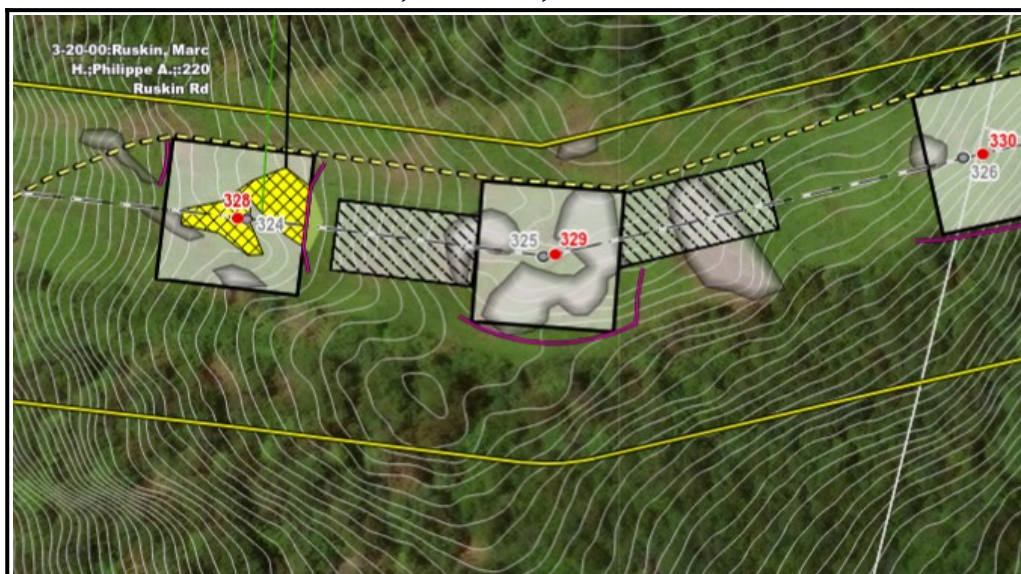


Above: Map 8. Delineation of Local Wetland Buffer is missing.

Map 9. Delineation of Local Wetland Buffer is missing: As with the Site Plan Review application the map shows a construction “pad” over the woods road and the WMNF overlay is incorrect.



Map 14. This map shows ledge, most especially at the height of land from which there is a beautiful view of Moosilauke, Mt. Blue, Beech Hill and the Kinsmans. This area used to be pasture, likely part of the Samuel Cole Farm. The ledge is a natural feature with cultural and ecological value and I suggest you act in accordance with Easton’s Master Plan and do not destroy it.



View shown below:



The text below is from Eversource’s confusing request for several variances sent to the Chair of the Easton ZBA. It lists the following variance applications (“for approval”) yet only requests variances from height and prohibition of structures.

Eversource is filing a number of applications for affirmative approval under the Easton Zoning Ordinance (EZO). These include applications for:

- Height Variance (EZO §704);
- Prohibition of Structures in SSOD (EZO §903.F.3);
- Steep Slope CUP (EZO §103);
- Wetlands Conservation Overlay District CUP (EZO §901); and
- Site Plan Review.

All these applications are filed under protest and with an express and full reservation of the right to contest that any provisions of the EZO apply to this Project.

“ The EZO [Easton Zoning Ordinance] does not apply to the proposed replacement Facilities because they are expressly excluded from the definition of “structures” to which the height limitation applies. As defined in the EZO, “structure” does not include “signs, fences, mailboxes, light fixtures, raised garden beds, walkways, portable play equipment such as inflatable swimming pools, or the like.”

Utility transmission support facilities are like signs and light fixtures and, therefore, fall under the “or the like” provision and are excluded from the EZO definition of “Structure”.

Similarly, EZO §704 limiting the height of structures to 35 feet, by its terms, does not apply to utility poles: “This limitation does not apply to cupolas, chimneys, accessory uses such as television and radio antennas, flagpoles, rooftop satellite dishes...”.

The replacement transmission Facilities required by the Project fall under the category of “accessory uses” like radio and television antennas under Section 704.

Transmission line supports are accessory to the primary use of transmitting electricity. Moreover, the Facilities are like television and radio antennas which can often rise to hundreds of feet in height.”

This makes no sense.

“Property Accessory means a structure that has an ancillary or supplementary function to the main use of the property. Property Accessories shall include: amateur radio towers, flag poles, swing sets, slides, decks, patios, gardens, sheds, in-ground or above-ground swimming pools, fences that do not span or obstruct public access to rivers streams and other waterbodies (along and within boundaries or areas such as existing home lawns and driveways), treehouses, drinking water wells with a volume of withdrawal to be no greater than 500 gallons per day, walls, stairs, walks, and pervious driveways.”

Is Eversource claiming that transmission line structures have a supplementary function to the main use of the easement as a transmission line corridor? What is that supposed to mean?

Is Eversource claiming that radio and television antennas on houses “can often rise to hundreds of feet in height?”

Is Eversource conflating commercial radio and television towers with home antennas while claiming its proposed 60’ - 80’ metal H-frame transmission structures are like home light posts?

Easton Zoning :“FINDINGS

The wetlands and buffers in the Town of Easton are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The municipality of Easton finds that wetlands and buffers:

1. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection.



2. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
3. Provide for nutrient attenuation and augmentation of stream flow during dry periods.
4. Preserve and protect important wildlife habitat and maintain ecological balance.
5. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.
6. Protect the wetlands, watercourses, surface and groundwater supplies and water bodies of the Town of Easton from degradation.
7. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

C. PURPOSE

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the master plan.” Eversource has failed to show that the X-178 project as proposed should receive a variance from Easton’s Wetlands Conservation Overlay District zoning.

Wetland 32 is missing. Wetlands 31, 33 and 34 are described as in WMNF but are shown as on private land on the map. All of other numbers and letters describing these wetlands match the sheets, but this still means none of the numbers on the map designating wetlands can be relied on as corresponding to the description sheets, or that the description of private/vs WMNF cannot be relied upon.

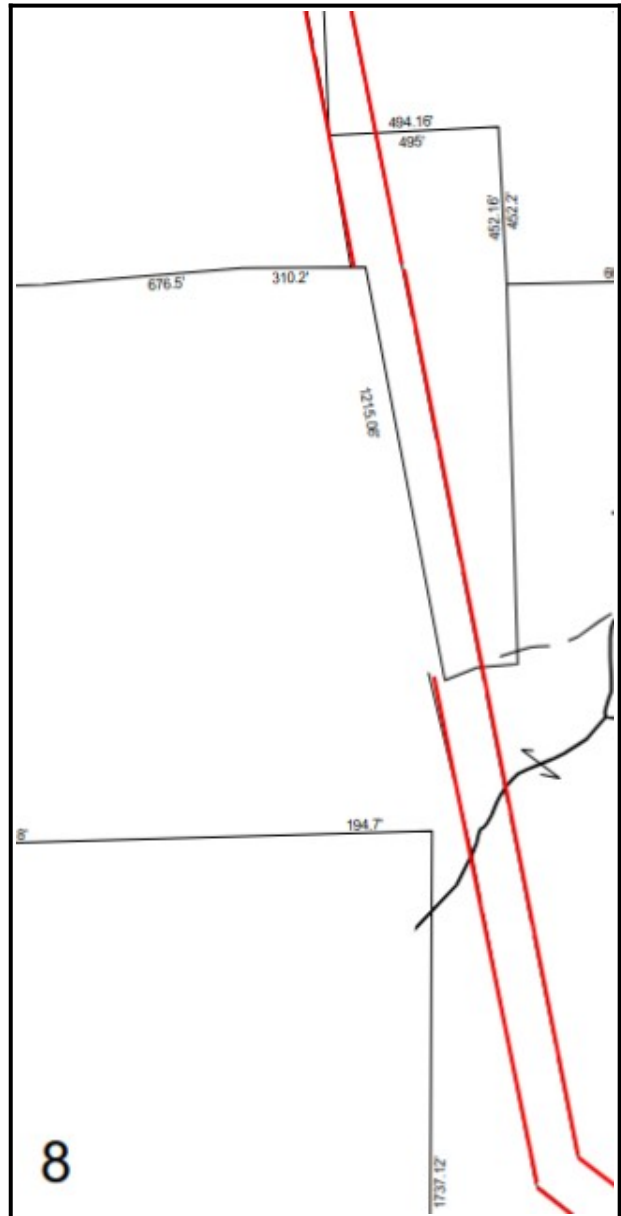
Structure 338: Eversource is not permitted to destroy stone walls:



Shoulds:

“UPLAND DISTURBED AREAS SHALL BE RESTORED AND STABILIZED UPON COMPLETION OF CONSTRUCTION. WORK PAD RESTORATION SHOULD INCLUDE REDUCING THE WORK PAD TO A 30’ BY 60’ FOOT AREA, AND REDUCING SLOPES TO A MAXIMUM OF 25%. STOCK PILED MATERIAL SHOULD BE SPREAD TO REDUCE ANY UNNECESSARY SLOPES. GRAVEL WORK PADS AND SLOPES SHOULD BE SCARIFIED TO A MINIMUM OF 3” BEFORE SPREADING TOPSOIL/LOAM. DISTURBED UPLANDS SHALL BE SEEDED WITH A GRASS MIX.”

The tax map is outdated and inaccurate. The easement boundary is the property line in the map right:



Comment for SEC 2024-02,
DE-24-087 and the Easton
Planning Board and ZBA

kris pastoriza

January 14, 2025