

Cory Spaulding and Leslie Yeisley request that the Siting Council hold and open and public hearing on Petition 1566. We believe that considering the issues that have been raised in the filings presented by us dated May 22, 2023 that the public interest would be best served with an open and public hearing to air all the issues contained in petition 1566.

We do not see the need to further document our request for a public hearing in that the information contained in the exhibits presented in these May 22, 2023 filing with the Council speak for themselves, specifically Exhibits 1 and 1a that directly relate to the proposed work in petition 1566.

Certification

I hereby certify that an electronic copy of the forgoing document was mailed to

The Connecticut Light and Power Company d/b/a Eversource Energy

Deborah Denfeld Team Lead – Transmission Siting Eversource Energy P.O. Box 270
Hartford, CT 06141 Phone: (860) 728-4654 deborah.denfeld@eversource.com

Cory Spaulding

Leslie Yeisley

**IN THE MATTER OF THE EVERSOURCE EASEMENT ON THE
PROPERTY OF CORY R. SPAULDING AND LESLIE A. YEISLEY,
716 BEAUMONT HIGHWAY, LEBANON, CT 06249
APRIL 19, 2023**

Summary:

Eversource has undertaken improvements within its 1800-foot-long easement that have grossly exceeded the rights granted by that easement and has encroached on areas in which it has no rights outside of the easement.

The illegal work that has been done in the easement and the land adjacent to it includes, but is not limited to, the:

1. unauthorized construction of a road and pads,
2. destruction of regulated inland wetlands,
3. unpermitted creation of a pond,
4. deposition of large amounts of rock and fill material,
5. destruction of an historic stone wall,
6. wholesale removal of indigenous plants,
7. introduction of invasive plant species to the area,
8. grading, excavation, and removal of trees in areas outside of the easement,
9. deposition of tree and construction debris throughout the easement and adjoining land,
10. alteration of the property's natural drainage patterns through extensive changes to the topography,
11. construction of an unpermitted multi-tiered terraced escarpment by excavating fill material from a steep hillside,
12. blocking access and use of the lower section of the easement through the creation of a terraced escarpment, and
13. clear cutting of the easement with mechanical equipment destroying the natural condition of the property and creating ongoing erosion issues.
14. destruction of agricultural land.

This by no means all of it...investigations into additional damages done to the property by Eversource is ongoing.

The actions of Eversource constitute a burdening of the easement, trespass, inverse condemnation, violations of the Connecticut Environmental Protection Act, potential violation of the federal Clean Water Act, violation of Connecticut's statutory public trust, and violation of Connecticut public utilities law in that the activity conducted in the easement and adjacent to it was not authorized as required by state regulatory authorities.

Much of the damage done to the property was completely unnecessary and the result of intentional acts by Eversource and its contractors. Eversource was fully aware of the available existing access to the easement via a route known as “The Old Mill Road”. Eversource chose to not utilize this alternate access and instead chose a path causing extensive and unnecessary environmental damage.

Cory R. Spaulding and Leslie A. Yeisley seek to have Eversource:

1. disclose in full its illegal and unpermitted activities in the easement and adjacent to it to the Public Utilities Regulatory Authority, the Connecticut Siting Council, the Connecticut Department of Energy and Environmental Protection, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Town of Lebanon Inland Wetlands Commission, and all other federal, state, and local regulatory authorities with jurisdiction over the activities of Eversource within the easement and adjacent to it;
2. disclose to the property owners all construction activities undertaken by Eversource on the property and provide them with copies of all documents in the possession of Eversource or its contractors relating to the work including, but not limited to, all pre and post construction site surveys, engineering and work plans, quantities of fill deposited on the property, pre and post elevations of poles replaced, and copies of all pre and post inspection reports performed on the property.
3. provide the property owners a topo map of the entire easement with elevation contours at a minimum of 2-foot intervals of the post construction elevations so that the full extent of ground disturbance and elevation changes can be determined.
4. apply to all appropriate federal, state, and local authorities for whatever approvals were necessary to undertake the restoration and remediation of the damage done by the illegal and unauthorized activities in the easement and adjacent to it;
5. restore the property to its condition prior to Eversource’s illegal and unauthorized activity; and
6. compensate the owners with money damages and reimburse them for all reasonable costs they have and will continue to incur, including, but not limited to, surveys, site investigations, and legal fees.

The Property:

Cory R. Spaulding and Leslie A. Yeisley are the owners of the 64.44-acre property in which the Eversource easement is located. Exhibit 1 is the property card. They reside in a single-family detached home on the and abutting parcel of 10.49 acres with a street address of 716 Beaumont Highway. Exhibit 2 is the property card.

The Eversource easement was granted to The Connecticut Light & Power Company on March 7, 1934, by a predecessor in title to the current owners. Exhibit 3 is the deed of easement. Exhibit 4, entitled “REAL ESTATE SURVEY PLAN RECORD MAP RIGHT OF WAY SURVEY MONTVILLE-WAWECUS JUNCTION-CARD SS” dated 7/2121, is a map of the easement.

The easement is 125 feet wide and gives Eversource the right to maintain electric lines for the transmission of electric currents and **“the right at any and all times and from time to time to erect, inspect, operate, use, control, and permanently maintain the said electric lines upon, over and across”** the burdened estate.

The **“electric lines may consist of poles, towers, other supporting structures (which may be substituted one for the other at any time), circuits, cables, wires, cross arms, guy wires, anchors, guy stubs and other fixtures and appurtenances, any or all of which constituent parts of said electric lines may be erected, relocated, replaced, repaired or changed in number, size or type from time to time.”**

With this easement. Eversource also has **“the right to trim, cut, take down and remove at any and all times such trees, parts of trees, limbs, branches, underbrush and structures within or projecting into the above described right of way as in the judgment of the grantee may interfere with or endanger any of said electric lines or other operation, whenever they are erected.”**

The easement is elegant in its simplicity, much different than the overly complicated documentation of today. The easement describes with clarity exactly what Eversource can do and, where it is silent, Eversource has no rights. The easement clearly defines the bounds of the right of way and does not prescribe, or grant to, Eversource any rights to perform activities outside of the described easement.

Eversource did not acquire the right to:

1. construct a road in the easement,
2. bring in 800 tons of crushed rock and other fill material,
3. undertake regulated activities on the property without a permit.,
4. destroy resources protected by Connecticut’s Environmental Protection Act, including the statutory public trust and the inland wetland laws,
5. cut and fill in undertaken the grading that was unnecessary in erecting, relocating, replacing, and repairing its electric lines,
6. infest the area with invasive plant species,
7. change the entire topography and drainage of the easement, and
8. violate numerous potential federal, state, and local violations of law for which Cory R. Spaulding and Leslie A. Yeisley may potentially be held liable.

What Eversource Did:

Eversource, not directly, but apparently through one or more of its private contractors, undertook substantial work along the easement and the land adjacent to it. Ostensibly, the work was in part in furtherance of the Connecticut Siting Council’s approval of Eversource’s 2017 sub-petition application for ROW maintenance activities, submitted as required under Petition 1293.

While performing the activities authorized under this Siting Council permit, Eversource undertook significant unauthorized work and construction activities in the easement and land

adjacent to it without benefit of a Siting Council permit. In comingling the permitted activity with the even greater unpermitted and unauthorized work, the project ballooned in scope far beyond what the Siting Council was told would be done pursuant to permit 1293 without disclosure to, or authorization of, the Siting Council, constituting essentially an intentional misrepresentation to the agency. The non-permitted work includes, but is not limited to, close cut mowing via mechanical equipment throughout the entire easement, tree removal within and outside the easement, significant expansion of work in areas of pole replacement authorized under permit 1293, and all construction activities performed between site 7786 and 7784, including the significant work performed at site 7785.

Unauthorized Activities:

1. Importation of fill material and land excavation sites 7786 to sites 7784.

Based on the best estimates that are available, it is believed that approximately 800 tons of crushed rock and other fill material were trucked in and deposited into the easement area near and adjacent to site 7785 on the Spaulding/Yeisley property. Those estimates are based on a comparison of the easement area today with documentation of its prior condition. Exhibit 5, entitled “Existing Ground Profile”, dated 4/15/22 drawing 3 of 3 (22-037_PROFILE_5-11-22) and Exhibit 6, entitled “Existing Conditions Plan”, drawing 1 of 3, dated 4/15/22 (22-037_TOPO_5-11-22), document the data and technique used to derive the estimate. Using the estimated differences in elevation in the area over which that filling is occurred, it is possible to derive an approximate figure of the volume of material that was imported and deposited along the easement in this area of construction.

The 100ft x 140ft pad area at site 7785 was apparently constructed with on-site fill material dug out of the hillside along with additional imported fill material. The pad was supposedly required to support a crane for the pole replacement. According to information and belief, a crane was not used for site 7785 because it could not traverse the steep grade to the site. If a crane was not used for 7785, it likely was also not used at site 7784, where another large pad was constructed. Extensive land changes and roads were installed on the pretense of being required to support a large crane for pole replacement when in fact no large crane was ever utilized or needed.

The 100ft x 140ft pad at site 7785 created a manmade terraced escarpment on the steep hillside where none previously existed. This, and other identified issues, are detailed in photographs below labeled “filled area site 7785” and Exhibit 7, a plan entitled “Existing Conditions Plan”, drawing 1 of 3 dated 4/15/22 (22-037_Sheet_1_SCAN_5-11-22) which shows the extent of the disturbed soils at site 7785.

It is believed that the material was brought into site 7785 because it was a cheap and easy way to set new poles and the required guy wires, rather than drilling into solid rock ledge, which would have had minimal environmental impact and complied with the terms of the easement. In short, material was brought in, mounded up, the new poles and guy wires were stuck into the fill material rather than drilling into bedrock as was done when the poles were originally installed. Exhibit 8, entitled “Existing Clearing Limits”, drawing 2 of 3 dated 4/15/22 (22-

037_Exist_Cond_5-11-22), is a survey of one section of the easement. It shows the area of fill in just one of the sets of pole replacements.

Expediency won out over the environment and, equally troubling was that it was done without Siting Council approval, which presumably would never have been granted.

2. Building an unpermitted road.

Eversource, or its contractors, in constructing a road from site 7786 to site 7784 apparently decided that it would not follow the plan as the state approved in Petition 1293 which required very limited access on a temporary basis solely for the activity of replacing the poles and required the use of timber mats to cross over areas where the soil was soft and environmentally sensitive. Eversource has identified this area as a high erosion area on their own maps yet for reasons that are inexplicable, except one might suspect it was a matter of expediency, the contractors decided to build themselves a road where no road previously existed on land that they knew was a high erosion area.

In reference to the road and pad built at site 7785, to date, no site engineering has been disclosed to show exactly how this grading and filling was performed or that it conforms to any level of acceptable construction or engineering practices. Since no permits were obtained for this work, no review as to its legal and engineering suitability or stability was ever performed.



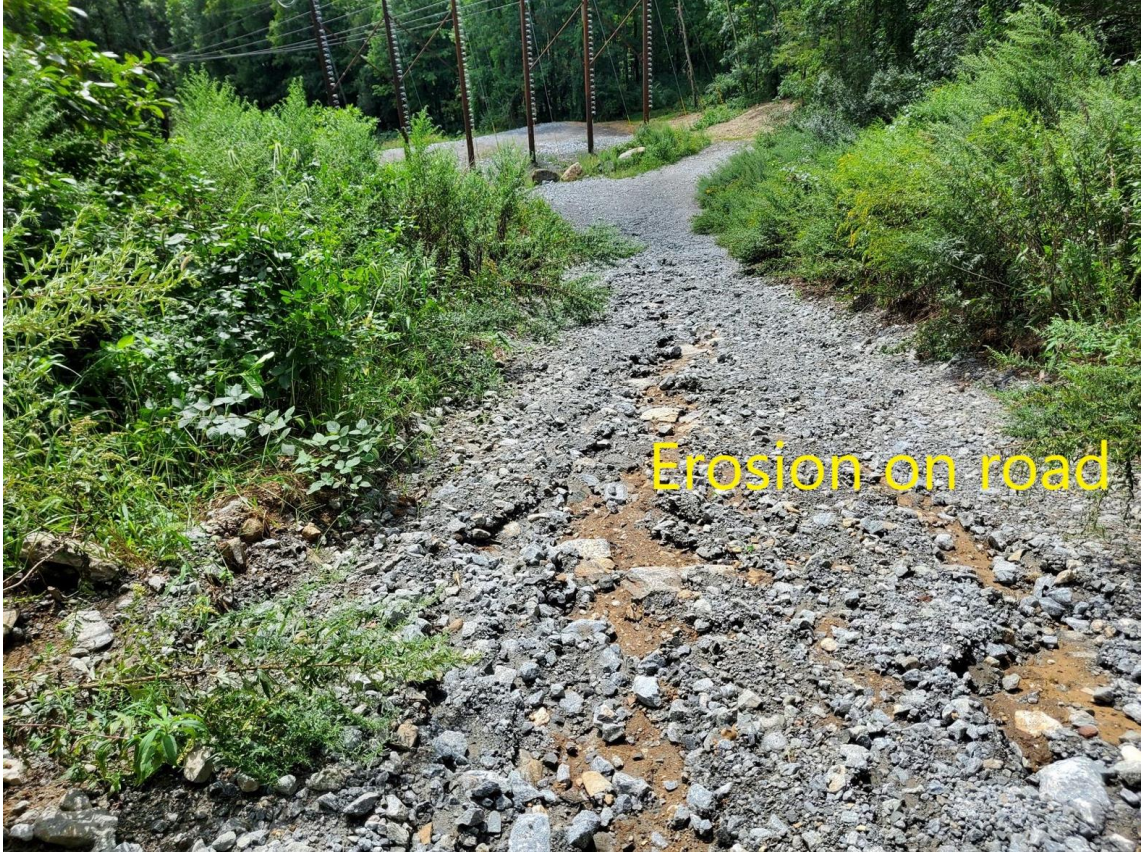
The photo above is a view looking north at site 7785 showing the filled area, the manmade terraced escarpment and depicting the large area that was filled and graded for the unpermitted pole replacement at this location. This is a post pole replacement photo.



This is a photo of site 7785 prior to Eversource construction activities.



This is an image of the hillside and road from 7785 to 7786 which shows extensive erosion, suggesting poor design or construction, or both, creating a serious environmental problem:



And more erosion.

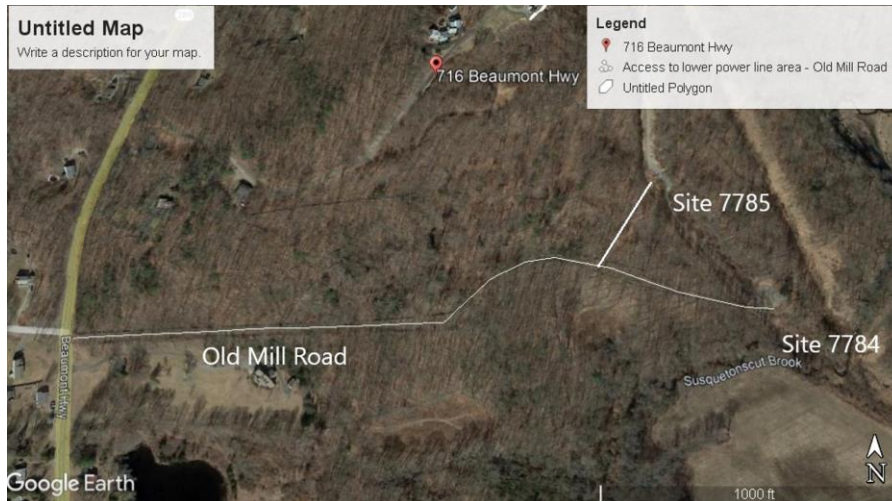


And more erosion.



This image is from 2017 before the work began and depicts what existed between sites 7786 and 7785 pre-construction. Site 7786 is at the bottom of the photo and site 7785 is at the top of the photo. Notice there is no existing road where Eversource illegally constructed one. Where the line turns to the left, there is an existing road on the right that provides alternate access that Eversource chose not to use or to acquire rights to use. It is “The Old Mill Road”.

For sites 7784 and 7785, there was clearly a feasible and prudent alternative to building a road through this environmentally sensitive area. “The Old Mill Road” runs directly to both sites.



The Old Mill Road has served Eversource in the past and present for access to its power lines and continues to be the only access to the lower section of the easement that does not damage and destroy the steep slopes and other environmentally sensitive areas along this section of the easement.

The Old Mill Road access point is undeniably suitable. During a recent meeting with Eversource contractors on April 14, 2023, Mr. Giovanni Agliotti of Supreme Construction, acknowledged to those present that The Old Mill Road provided for satisfactory for access to the lower area of the power lines and easement.

Eversource’s tree cutting contractors recently used The Old Mill Road for access to the southern easement area because they could not utilize the Eversource built road due to a gas line and wetland breaks in the road at the northern end of the easement.

At site 7784, Eversource, during pole replacement, performed extensive excavation, mounded up soil, changed the contours of the land, and blocked preconstruction drainage patterns. Along The Old Mill Road that abuts site 7784, Eversource pushed one historic stone wall on the north side of the road onto the top of a second historic stone wall on the south side of the road and then buried both with imported stone fill material.

In summary, for sites 7784 and 7785 there was clearly a feasible and prudent alternative to building a road through environmentally sensitive areas. The Old Mill Road goes directly to each site, is suitable access, and has been previously used by Eversource contractors. Eversource had no legal right to build the road and destroy the hillside in constructing it. Eversource built the road in direct violation of the permits granted by the Siting Council.

3. Destruction of wetlands and environmentally sensitive areas sites 7787 to site 7786.

In the northern part of the easement where wetlands have been identified, the Siting Council authorized the use of mats to cross the wetlands. Eversource did use mats in this area but did not

properly install and maintain them. The mats failed to protect the wetlands as they were intended to by spreading the weight of the vehicles over a larger area. Instead of protecting the wetlands, the mats destroyed the wetlands vegetation and compacted the soil.

When the mats were removed, the newly compressed, depressed area of land immediately filled with water creating a mud hole that appears to be a decoy vernal pool that will likely result in the decline of amphibians. See Calhoun, A. J. K. and M. W. Klemens. 2002. BEST DEVELOPMENT PRACTICES: CONSERVING POOL-BREEDING AMPHIBIANS IN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN THE NORTHEASTERN UNITED STATES. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York:

“If amphibians deposit their eggs in these artificial wetlands, they rarely survive due to the sediment and pollutant loads, as well as fluctuations in water quality, quantity, and temperature.” At 22.

“Created wetlands that do not have the appropriate habitat often attract breeding amphibians. Eggs laid in these “decoy” pools often do not survive. Such pools serve to trap breeding amphibians and might result in local population declines.” At 25.

<https://www.nae.usace.army.mil/Portals/74/docs/regulatory/VernalPools/BestDevelopmentPractices20Oct2014.pdf>

The Siting Council permit authorized the work at sites 7786 and 7784, but Eversource went far beyond what was permitted, including unilaterally deciding to build an unauthorized road and bring in large amounts of fill to replace the poles and add new poles at site 7785.

The wetlands that were crossed were destroyed in part because what Eversource did greatly exceeded what it described in its permit application and it undertook significant, unpermitted work along with it. The mat wetland crossing method and the installation performed may have been sufficient for the light duty crossing work described in the Siting Council permit application, however, it was clearly not sufficient to handle the long-term heavy crossing work which included repeatedly being traversed by heavy truck traffic hauling vast amounts of unpermitted and unnecessary fill material to sites 7785 and 7784.

The extent of the disturbance, far beyond what was required to replace poles, is evident in this comparative view of the easement in 2016 before the work and in photos that depict the area during and after construction. See below photos.



Photo of site 7786 prior to construction.



Photo of site 7786 after construction.



Between 7786 and 7787 is one of the wetlands damaged and the decoy vernal pool created.

In its Siting Council permit application Eversource claimed that a road existed between sites 7787 and 7786 and as such had the right to improve that existing road as necessary to replace poles at site 7786. The claim is totally unsupported. The before construction photos above show there was no existing road. That there was no existing road is further evidenced by the extensive removal of topsoil by Eversource in constructing this “new” road.

In performing this illegal road building activity, Eversource mounded up vast amounts of topsoil on the westerly side of the road and creating an earthen berm in and adjacent to the identified wetlands and in the upland wetland review area. The Eversource-built berm runs from the gas pipeline crossing to site 7786, approximately 590 feet.

If a road previously existed, why would Eversource find it necessary to excavate vast amounts of topsoil from an existing road?

This mounded topsoil demonstrates that no road previously existed. The 590-foot-long berm now impounds water and has evolved into an Eversource-created pond/wetland/decoy vernal pool area. See photo below. The natural drainage from the steep hillside to the west over this land has now been altered.

Inland wetlands, no matter how new in origin, are protected. The creation of this impounded water area by Eversource cannot be removed without a permit and now severely restricts the use of the property by the owners. Eversource created a new wetland where none previously existed and now subjects the property owner to local inland wetland review of a far greater amount of property than was subject to review prior to the Eversource work.



Photo of Eversource-created pond/wetland/vernal pool area



And to compound the problem, as shown above, the water now being detained by the berm is flowing across the illegally-built road. Also note the mug wort invasive species introduced to the area by Eversource that has taken over both sides of the road.

The construction of the new road and pad at site 7786 included a deep excavation and importation of massive amounts of fill material. This new road and pad are located at the very top of a steep hillside escarpment. Eversource pitched both to drain onto the top of the escarpment. In constructing the pad at site 7786, Eversource mounded up additional topsoil on the western end of the pad and sloped that topsoil to also drain down the escarpment. These grade changes made by Eversource now direct vast amounts of water directly onto the top of the escarpment. To say the least, this Eversource-created water diversion is contrary to best management practices and engineering principles for protecting escarpments and preventing escarpment erosion. Simply put, one should not divert water onto the top of a long steep hill.

As explained previously, this escarpment which encompasses all of site 7785 is now subject to extensive erosion and remains unabated today despite Eversource having been informed numerous times in writing and during its onsite inspections about the need for immediate remediation. The improper, unauthorized work at site 7786 has caused extensive, ongoing, and increasing environmental damage with washouts, erosion, and sedimentation of the escarpment.



This is site 7786 prior to construction.

In summary, the easement grants no rights to Eversource to destroy regulated inland wetlands, to create regulated wetlands, to build new roads, and to do work in the upland review area without regulatory approval, and the easement grants no rights to Eversource to regrade the land and change natural drainage patterns. This illegal activity on the Spaulding/Yeisley property potentially exposes the owners to claims by federal, state, and local governments, which claims they would then deny because Eversource acted independently, intentionally, and unlawfully. Regardless, the threat and the possible need to defend weigh heavily on the owners.

The easement should be restored to its original grade and replanted with what was there before.

4. Introduction of Invasive species.

Eversource contractors have admitted that the fill material utilized on this project introduced the invasive species known as mugwort to easement. The mugwort has now taken over both sides of the Eversource-built road from one end of the easement to the other. Before construction photographs depict land covered with low trees and brush. Eversource close cut

mowed the easement which allowed this invasive species to proliferate and take over the easement as the dominate species. On a neighbor's property where Eversource also laid down stone fill without disturbing the soil, and without close cut mowing, the area shows little to no evidence of this invasive plant.

The vast disturbance of land on the Spaulding/Yeisley property, the clear-cutting of timber, the close to the ground mechanical mowing of the easement, all contributed to the proliferation of this invasive plant. This fact is detailed in the attached REMA report (Exhibit 9) and detailed in part below. REMA is an environmental consultant retained by Cory R. Spaulding and Leslie A. Yeisley. They have studied the easement and surrounding land in detail and noted this fact among the several adverse environmental impacts caused by the illegal and unauthorized work in the easement:

Soil compaction and disturbance by heavy equipment also damaged existing herbaceous plants and soils along the ROW, and **fostered colonization by noxious invasive plant species**, especially common mug wort (*Artemisia vulgaris*).

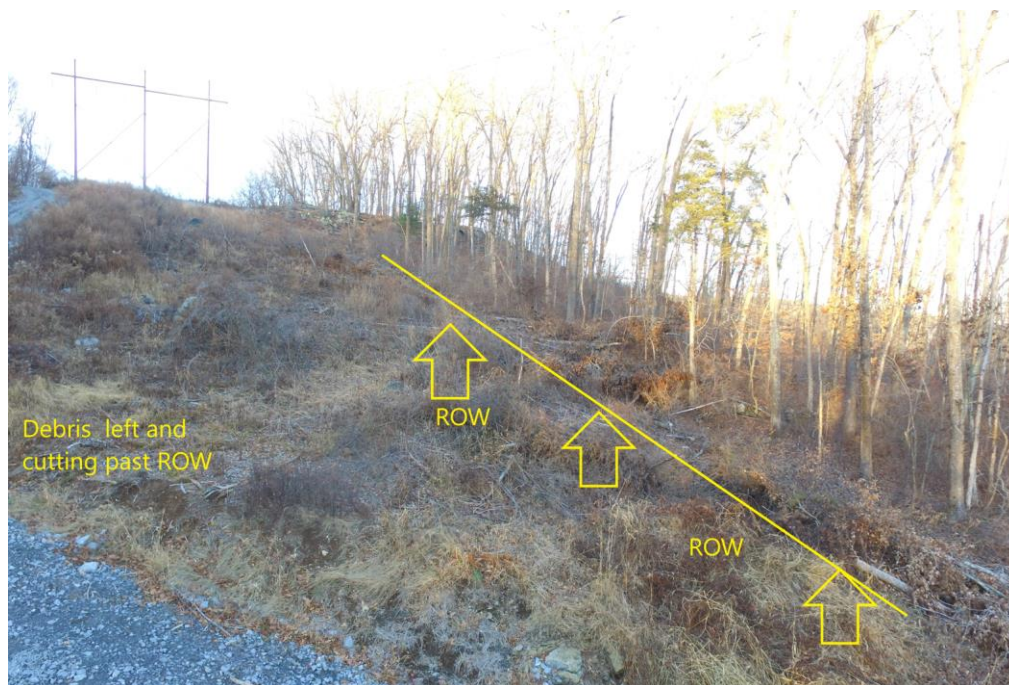
After logging to widen the ROW **increased light levels are accelerating invasive plant infestation of forest edges**, on Spaulding land. Restoration has not taken place following multiple types of vegetation and soil disturbance caused by ROW maintenance activities.



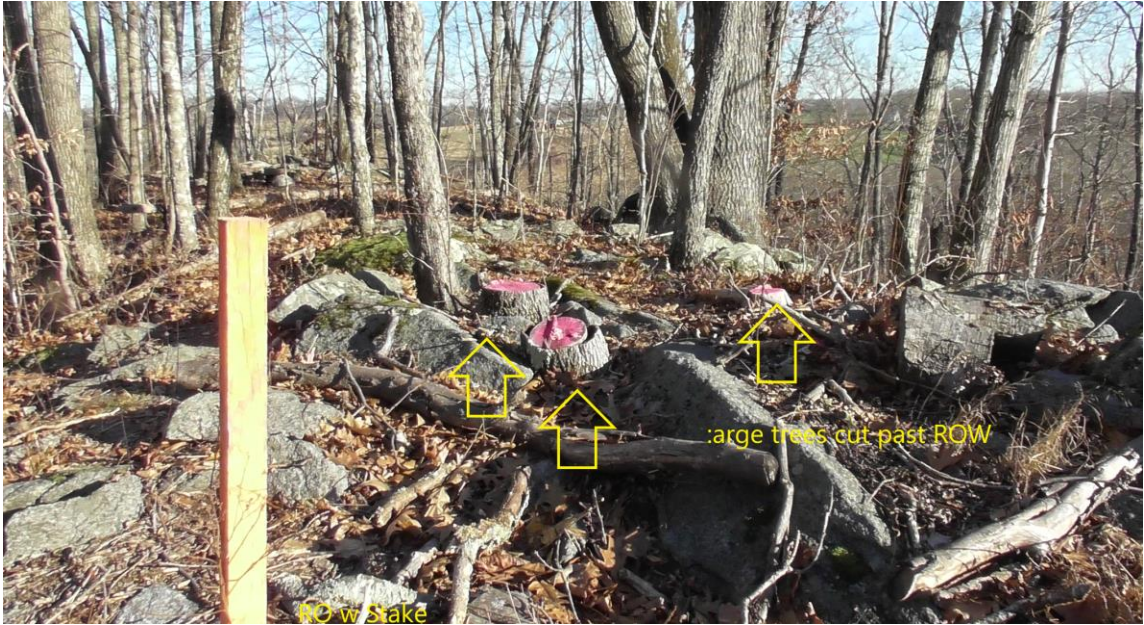
5. Clear cutting, tree removal, land destruction, and filling outside the easement from sites 7784 to sites 7787.

Eversource has rights under the easement and that easement has described legal bounds: **“the right to trim, cut, take down and remove at any and all times such trees, parts of trees, limbs, branches, underbrush and structures within or projecting into the above described right of way as in the judgment of the grantee may interfere with or endanger any of said electric lines or other operation, whenever they are erected.”** The evidence in the field is that Eversource clear cut trees and brush approximately 15 feet beyond the easement bounds on each side of the easement. This means that Eversource destroyed by clear cutting approximately 1.23 acres of forest land belonging to the property owners that it had no legal right to trespass upon or alter.

The easement contains the word “remove” and that word is associated with the words trim, cut and take down. The easement in its simplicity implies that both the grantor and grantee shall not interfere with each other’s rights under the easement. Eversource failed to remove the trees and brush it cut and instead left the debris scattered throughout the easement. The failure of Eversource to remove what it cut now burdens the owners’ rights and use of the property.



This image is from 7785 to 7786:



This is a photo from the east side of site 7786 where large trees were removed outside the easement.



This is another example of the clear cutting of trees outside the easement.



This photo depicts crushed rock fill deposited outside the easement and the debris left near site 7786.



This photo shows the Eversource placed stake that defines the ROW limit at site 7785. Note the extensive filling and grading outside of the easement.



This image from 7786 to 7787 shows a 10-inch diameter tree taken down 11 feet outside the easement.



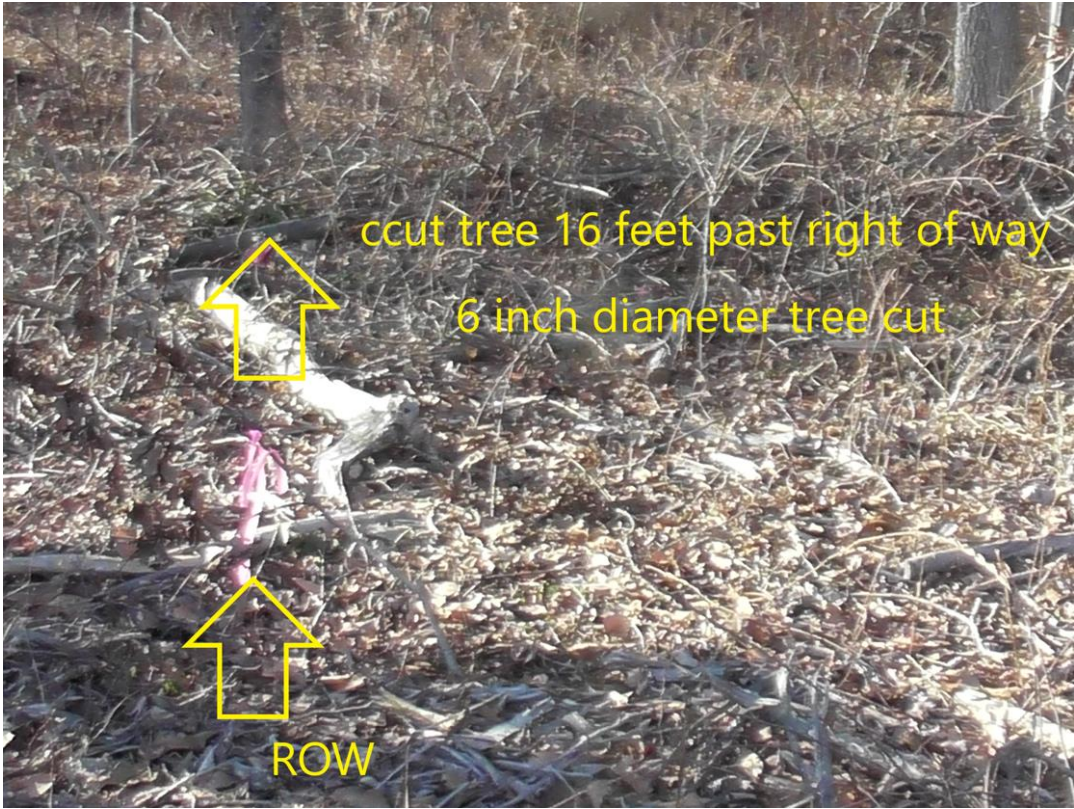
And this, showing a 17-inch diameter trees cut down 10 feet beyond the easement.



Same area, 11-inch diameter tree cut down 16 feet beyond the easement.



And this, 16 feet outside the easement, and still clear cutting of timber.



And here, 16 feet outside the easement, a 6-inch diameter tree is cut down.



At site 7786 on the west side is this evidence of all the trees cut down outside the easement and the debris left.

Instead of selective removal of trees and leaving shrubs and saplings in place, on this property the entire right-of-way was mechanically close cut mowed by Eversource, using very large mowing equipment. Eversource has the right to cut and remove vegetation within the easement: **“the right to trim, cut, take down and remove at any and all times such trees, parts of trees, limbs, branches, underbrush and structures within or projecting into the above described right of way as in the judgment of the grantee may interfere with or endanger any of said electric lines or other operation, whenever they are erected.”**

The operative language regarding the indiscriminate close-cut mowing of virtually the entire easement is **“in the judgment of the grantee may interfere with or endanger any of said electric lines or other operation.”** First, reasonableness is fairly implied in Eversource’s judgment. Second, the vegetation must be reasonably likely to interfere with or endanger the electric lines or other operations. The small trees should have been left. The bushes, so important to the habitat, should not have been cut. It was unreasonable for Eversource to determine that the saplings, shrubs, and tall grasses endangered their electric lines. Among other things, the clear cutting burdened the easement, violated the Connecticut Environmental Protection Act, and created an erosion hazard in environmentally sensitive areas.

The likely reason for this extensive overcutting has to do with the labor required to selectively limb trees. The workers were out in the woods, out of sight of anyone, and took the quick path to clearing any limbs overhanging the easement area that **“may interfere with or endanger any of said electric lines or other operation”** by taking down whole trees, rather than going up in bucket lifts and trimming back at the easement boundary as they were required to do. One cut from the ground is much easier and cheaper for Eversource versus a half dozen or more cuts in the air from a bucket truck.

The property owners were never notified of any trees inside or outside the easement that presented a danger to the electric line operations and they find it implausible for Eversource to be able to defend that trees of the diameter depicted posed any threat to the electric lines whether located inside or outside the easement.

Eversource, by their own recent staking out of the easement lines, has established the easement boundaries and hence demonstrated that extensive work and tree clear cutting was done outside of the easement bounds, and areas outside of the easement were filled. The easement provides Eversource with no rights outside of the ROW bounds. In exceeding the ROW bounds Eversource has trespassed and damaged the Spaulding/Yeisley property unlawfully.

Eversource and its contractors have failed to resolve the issues with Mr. Spaulding and Ms. Yeisley:

When Mr. Spaulding first discovered the extent of damage done at site 7785 by Eversource, he contacted Eversource and ultimately met with Mr. James A. Rasile. Mr. Rasile’s business card which he provided to Mr. Spaulding during this first meeting states he is the construction project manager for Eversource, includes an Eversource email address, and

indicates he works for BHI Energy. During this meeting Mr. Rasile explained that he was the manager for this project and responsible for the work performed. Mr. Rasile made significant verbal promises of remedial action to correct the issues that have been discussed in this document. None of those promised remedial actions were ever performed.

Mr. Spaulding then complained to the Siting Council which directed Eversource in a letter to address the environmental concerns Mr. Spaulding had raised. Later, Eversource provided assurances to the Siting Council that all concerns and environmental issues had been resolved by Eversource in conjunction with Mr. Spaulding. That was not true. It could not have been true when stated, because only later, on April 13, 2023, did Eversource submit a remediation plan to Mr. Spaulding and Ms. Yeisley.

In a project closure filing with the Siting Council Eversource also certified that all work was performed as detailed in the permit. That was not true because the work varied from the approved plans, e.g., the construction of the road and failure to properly use wetland mats as mandated.

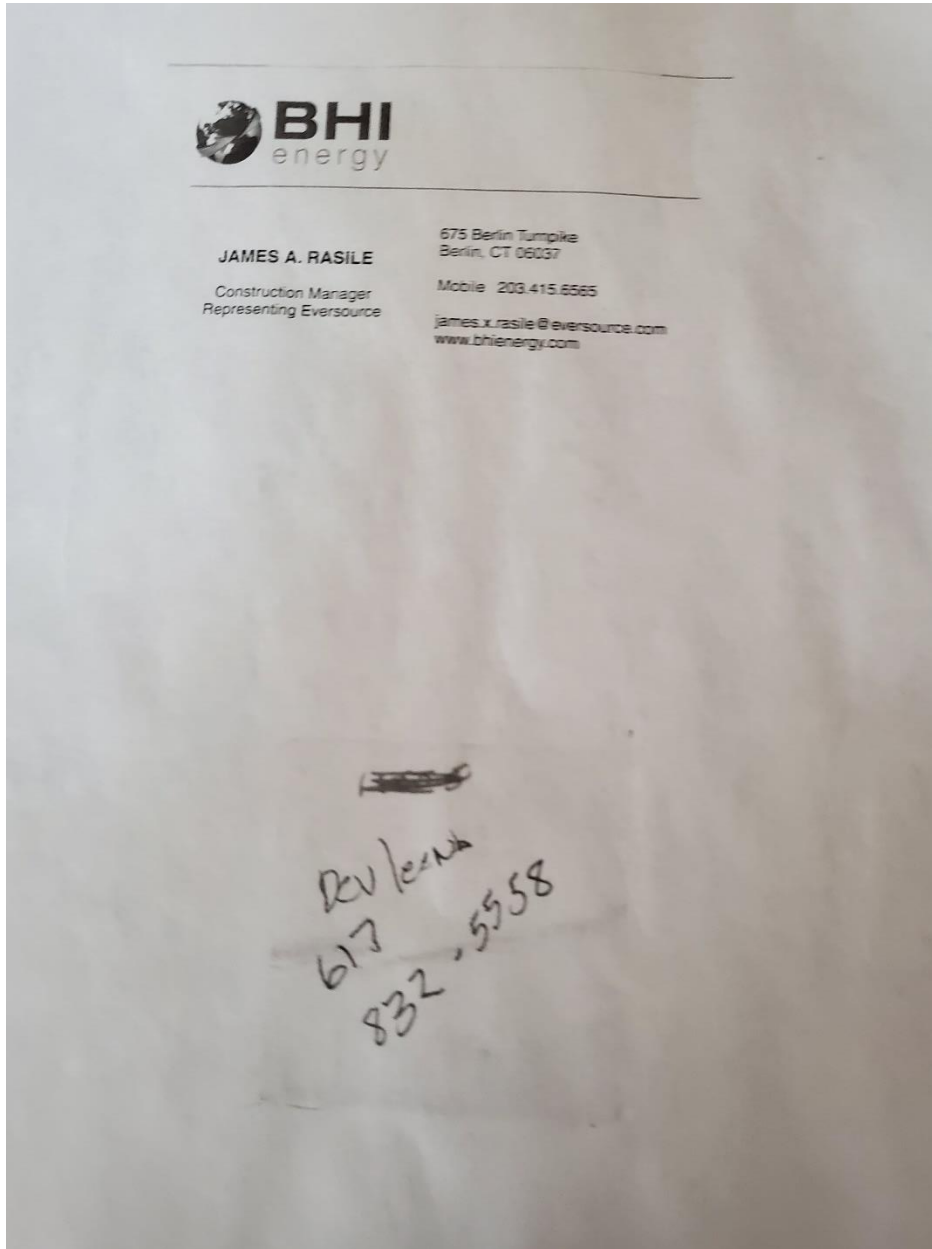
At a later point in time, Mr. James A. Rasile, Eversource Project Manager, falsely accused Mr. Spaulding of stealing Eversource property. Mr. Spaulding believes that these unfounded accusations were made with the knowledge of Ms. Devleena Gosh-Brower, an Eversource Project Manager.

Mr. Rasile became aware that Eversource contractors had given Mr. Spaulding permission to remove old, discarded power poles from a site on Route 66 in Columbia, Connecticut, and that Mr. Spaulding would be removing those poles on Saturday August 14, 2021. On that day Mr. Rasile showed up at the Columbia site, accompanied by an unknown BFI employee, confronted Mr. Spaulding, and accused him of theft of Eversource property. During this confrontation, Mr. Rasile made Mr. Spaulding keenly aware that he knew who Mr. Spaulding was, that he knew Mr. Spaulding resided on Beaumont Highway in Lebanon, and that Mr. Spaulding was the one who had filed all the complaints regarding damage to his property by Eversource. After making Mr. Spaulding aware of these facts, Mr. Rasile then handed Mr. Spaulding a handwritten note with the word "Devlena" and a phone number of 617-832-5558. See image of the business card and note below. Mr. Rasile then instructed Mr. Spaulding to call "Devlena" and said "maybe we can make this whole problem go away".

Mr. Spaulding felt that Mr. Rasile was attempting to intimidate him. Mr. Spaulding rejected Mr. Rasile's request to call Devlena and that he would not be pressured in any way. Mr. Spaulding stated that he had committed no crime, had permission to be on the site, and had obtained prior permission to take old poles. Considering the magnitude of what had just occurred, Mr. Spaulding immediately gathered up his equipment and left the site with no Eversource property, all under the watchful eye of Mr. Rasile.

On or about August 20, 2021, two police officers came to Mr. Spaulding's Beaumont Highway residence and stated that they were investigating a complaint of theft of Eversource property from Route 66 in Columbia. Mr. Spaulding cooperated with the police, showed them overwhelming evidence that no crime had in fact been committed or contemplated, that in fact

Eversource contractors had given Mr. Spaulding permission to take the poles, and that other Eversource employees and contractors were attempting to intimidate him. Mr. Spaulding was not arrested and presumes the police closed the complaint as unfounded. Mr. Spaulding possesses additional documentation to show that he had the permission of Eversource contractors to be on the site and to take the discarded property.



This photo is a copy of Mr. Rasile's business card and the note handed to Mr. Spaulding by Mr. Rasile.

Eversource proposed new work, new Eversource contractors, and the Eversource Remediation Plan:

Mr. Spaulding and Ms. Yeisley over the last few months have met with Eversource contractors that are planning new work and new pole replacement on the property on behalf of Eversource. During these meetings and inspections, the parties discussed the damage done during prior Eversource work.

On April 13, 2023, at the request of Burns McDonnell, an Eversource contractor, the parties met at the Spaulding/Yeisley residence to “discuss remediation plans”. The contractors submitted to Ms. Yeisley and Mr. Spaulding an Eversource version of a remediation plan that touched on a fraction of the issues discussed in the previous months.

The plan was titled “Spaulding Property Restoration” map sheet 1 of 1. The written plan and the verbal explanation presentation provided by the group at the meeting of that written plan did not align. This anomaly was brought to the specific attention of the contractor’s project manager, Ms. Heather Hayes. The written plan called for a 100-foot cut in the topsoil berm to drain the wetlands created by Eversource and to “restore preexisting drainage patterns”. The verbal explanation was that the 590-foot-long berm that everyone acknowledged exists was going to be removed entirely and deposited at site 7785 to smooth out the greater than 3:1 slope that Eversource created when they excavated out the hillside. The written plan does not detail what will be done with the 100 feet of top soil to be removed and does not detail if or how the entire 590- foot berm will be removed. At site 7785 the plan calls for the adding fill from an unspecified origin to “soften the grade”. No details of how much fill or to what grade the slope will be softened is detailed.

The contractor’s verbal plan when reflected upon in detail is to take the topsoil which is now fully contaminated with the invasive plant species mugwort that was introduced to the area by Eversource with the road fill material and infest another area of the easement with this invasive plant species to soften the steep slope Eversource created by excavating the hillside. This is again another example of Eversource utilizing material owned by Mr. Spaulding and Ms. Yeisley (the topsoil) to the benefit of Eversource.

The one-page plan left with the property owners has 12 general notes that do not appear to have any correlation to map sheet 1 of 1. General notes 7 and 8 discuss wetland invasive species, wetlands that contain invasive species, and vernal pool best management practices. Both notes reference detail sheet 2, which was never shown to or left with the owners.

The map identifies wetland areas. When asked who delineated them, when they were delineated, and why no wetland delineation flags were on the property, no answer was available. The owners believe that Eversource utilized old maps depicting the wetland that existed previously. Considering that Eversource has full knowledge of the extent that that they impacted the existing wetlands, it is highly irregular, deceptive, and unprofessional for Eversource to utilize old wetland delineations when they possessed knowledge that those wetlands were drastically impacted. Perhaps this is why no Eversource environmental professionals were at the meeting. The owners believe that Eversource did not want to have a new wetlands survey done

because it would show the newly created wetlands and highlight the magnitude of what Eversource did when it built the berm. Eversource chose to use old wetlands data knowing full well that the wetlands delineation may have changed and call the work “restore preexisting drainage” rather than use the more accurate description that they would of drain the created wetlands.

The map details that approximately 10 water bars are to be installed on the steep sloped escarpment of the existing access road that never existed prior to Eversource unlawfully building it. Eight water bars drain to the east and 2 drain to the west. The problem with this is that the access road in this area is 2 to 6 feet below the adjacent land area. This is because when Eversource constructed this new road, they excavated the road area down approximately 2 feet and mounded up the existing topsoil to both sides of the road.

To install the detailed water bars Eversource would be required to excavate this highly erodible escarpment further by excavating holes in the mounded-up topsoil. Water cannot run uphill. The water bars once installed will divert water from the road onto another part of the escarpment which is also a highly erodible area that was close cut mowed by Eversource which destroyed the natural erosion protection vegetation for the area the water is being diverted to. In summary, the Eversource plan concentrates water via water bars from one highly erodible area (the road) and diverts this concentration of water onto another highly erodible area in which Eversource previously destroyed the natural erosion protection by clear cut mowing.

A map note states that the water bars “may need to be graded level to facilitate access during construction” and “reinstall” ... following construction, indicating that the water bars will be installed, removed during construction, and then reinstalled after construction. Why a restoration map has notations about the restorations being removed during some unspecified construction work and then being reinstalled after some unspecified construction work remains a mystery.

Map note 12 states that for grade changes on the work pad tie-in on slopes greater than 3:1 a reverse sloping bench is needed for every 15 feet of elevation change per “Connecticut Guidelines for Soil and Sedimentation Control Manual”. The map does not show the slope grades by ratio or explain how this note applies to this remediation plan. It is known that Eversource, when working at site 7785 did in fact create slopes greater than 3:1. The map does depict some elevation gradients but for reasons unknown is completely missing the gradient information from steepest part of the slope where this 3 to 1 or greater slope is known to exist. The area is instead identified with a red oval and labeled as “add fill to work pad side slope to soften the grade”.

The map shows water bars being installed about every 25 feet along part of the escarpment yet other areas the escarpment which also have an Eversource road, have a similar slope, and have eroded, have no water bars proposed to be installed. The entire area below the level area of the terraced escarpment that Eversource built at site 7785, that has also washed out, has no erosion protection being installed.

Eversource previously installed an unknown amount of water bars on this slope and all have washed out. No details of these previously failed water bars exist on the plans nor is there any explanation as to how the new water bars will be different than the old ones that washed out. Eversource built this road without any permits, so it appears that no engineering or as built drawings exist. No plans or engineering for the work Eversource did in this area has ever been shown to the owners or is available as a matter of public record.

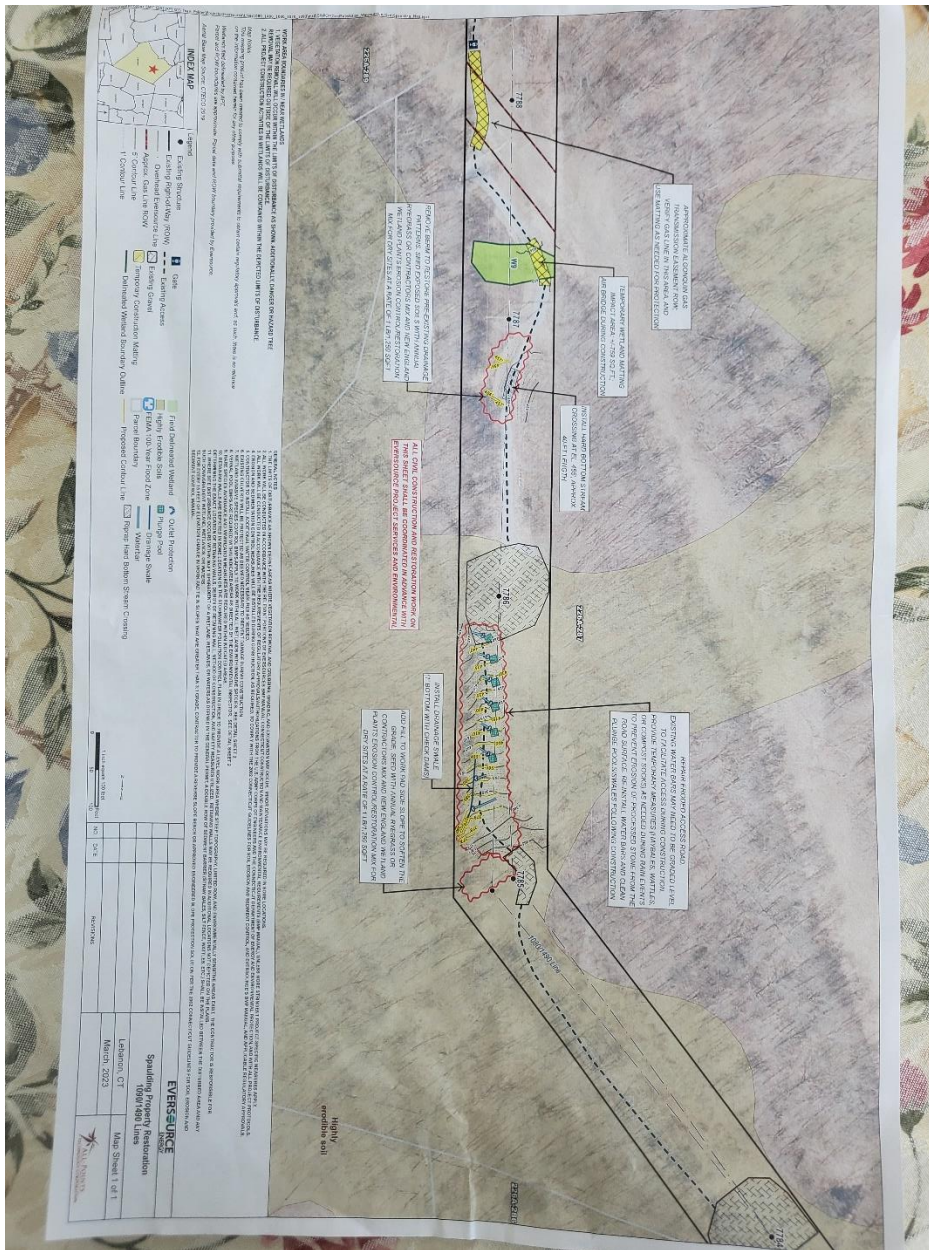
The map detailed installing wetlands mats to cross the wetlands previously destroyed by Eversource. When asked from whom Eversource would seek permits for this wetland crossing the answer was that Eversource is self-reporting to the USACE. When asked if this was going before the Siting Council the answer was no. When shown a Connecticut OLR research report detailing that Connecticut regulated wetlands jurisdiction over public utilities was transferred from local wetlands control to the Siting Council for this KV of a transmission line, the contractor had no comment. When asked again as to who reviews or permits Eversource's work in regulated wetlands for this wetlands work described, the answer was the same, we "self-report to the USACE".

The map identifies the area from site 7786 to site 7784 as "highly erodible soil". This is the same area that Eversource was granted permits from the Siting Council to use wetland mats for access for its pole replacement at site 7784 but chose to build themselves a road. The proposed remediation plan does not address any erosion protection measure for the highly erodible soil between sites 7785 and 7784.

The plan details the gravel pads installed during previous construction at sites 7786 and 7785. The map depicts each pad as being within the ROW when in fact the ROW stakes put up by Eversource recently confirm that the pads extend well beyond the ROW. When the contractor was asked what was going to be done about this specific filling beyond the ROW intrusion, the verbal reply was we are going to pull them back to within the ROW. The map details that they are within the ROW presently.

This and other map anomalies previously detailed bring into question the accuracy and validity of the entire map presented.

Although the contractors appeared to be sincere in their efforts, it was immediately apparent that they had no authority to deal with the magnitude of the issues involved and had no answers or remediation plans for the remaining 90% of the issues.



Remediation plan provided by Eversource contractors on April 14, 2023

The unauthorized and illegal activity in the end has been for nothing:

Eversource cannot use the roads they installed.

Eversource installed roads and work pads along the entire 1800 feet of this easement where no roads previously existed. This was at great expense to rate payers and at great expense to the environment. The northern end of the easement is completely blocked by two underground high-pressure natural gas pipelines owned by Enbridge and 100 feet past the pipeline, the easement is completely blocked by wetlands.

The permitting process for the crossing of the gas line is a long, time-consuming process. It requires detailed investigation into what equipment will be crossing the pipeline, the weight of the equipment, and the ground pressure exerted by the equipment. This is compared to the depth of the pipe underground where crossing is anticipated, the soils covering the pipe, and the protection measure being installed over the pipe to prevent ground disturbance and equalize the weight distribution of the vehicles that are proposed to cross the pipeline. Special permission from the pipeline owner is required prior to crossing.

Wetlands are regulated in Connecticut and require permits when working in or near identified wetlands. Since the entire easement is blocked by wetlands, permits are required to cross. The acquisition of these permits is another time-consuming process.

The southern end of the easement is blocked by steep grades, wetlands, and a brook. The escarpment located at site 7785 is in the middle of the easement corridor and also has a very steep slope. The road on this steep slope is washed out.

In summary, the only access to the northern part of the easement is blocked by two obstacles and even if those obstacles are overcome, one can only travel to site 7786 where the road traverses down a steep hillside that is washed out. The only access to the southern portion of the easement is via The Old Mill Road, which is a private road owned by Mr. Spaulding and Ms. Yeisley.

Eversource wasted vast sums of ratepayer money illegally constructing roads that it cannot use.

How Eversource Violated Its Own Best Management Practices:

Had Eversource followed their own BMPs, as they are lawfully required to do, most of the damage done to the Spaulding/Yeisley property would never have occurred.

The best management practices (BMPs) for activities within its powerline easement that Eversource commissioned is the CONSTRUCTION & MAINTENANCE ENVIRONMENTAL REQUIREMENTS BEST MANAGEMENT PRACTICES MANUAL FOR MASSACHUSETTS AND CONNECTICUT, Prepared For: Eversource Energy Environmental Licensing and Permitting Group 107 Selden Street Berlin, CT September 2016, available at https://portal.ct.gov/-/media/CSC/1_Dockets-medialibrary/Docket_461A/DevelopmentandManagement/VolumeII_Part1_115kvDoubleCircuitUndergroundTransmissionLines/AppendixDEversourceBMPSeptember2016pdf.pdf

The BMPs are mandatory: “Regardless of whether a specific permit is needed for the work, construction and maintenance projects must follow internal environmental performance standards, which is the purpose of these BMPs.” Sec. 1.1 at 1-1.

Without going into detail on the numerous ways in which Eversource has violated its own, self-imposed BMPs for work in powerline easement areas, a few provisions are worthy of highlighting.

Nothing in the guidebook authorizes the construction of 100 foot x 100 foot gravel or stone work pads for any work pads other than timber.

The only work pads allowed are timber and they are intended to be removed upon the completion of the improvements. To see what a typical work area looks like with proper soil erosion and sedimentation controls, profoundly different that the large amount of crushed rock used in this easement, see the image at AI-29 of the BMPs.



Typical view of light mulching atop unstable, seeded soils.

Notice also in this illustration from the BMPs that the existing native vegetation has been retained and is flourishing. In the easement in this case Eversource mowed down all the vegetation, right to the ground, contrary to the preservation requirements of the BMPs, and thereby “opened the door” to invasive species which have now taken over in several areas. As the owner’s environmental consultant observed: “All along the access road, mugwort swaths, ten to twenty feet wide, are dense and mature, with five-foot tall dead stems, remaining from the 2021 growing season.” At REMA 3.2.2.

The extensive and unnecessary destruction of the existing vegetation has been documented by the owners’ environmental consultant:

“Extensive direct losses of vegetation and wildlife habitat occurred between 2018 and 2020 when brush-hogging/mowing at more frequent intervals (except within wetlands) replaced the long-standing former practice of selective tree sapling removal, while leaving shrubs intact. Most of the native shrubs in our region die when cut close to the ground every 3 years or so.

ROW widening by clearcutting forest edges also removed much vegetation. The recently cut swath on the west side of the ROW, north of Pole #7785 is up to 30 feet wide. ROW widening, and conversion to a low, open cover type has increased fragmentation of the local landscape, such that the other forested land within the subject property has become less valuable for wildlife, in particular for forest-interior species, and for birds that forage along natural forest edges and in shrublands.” At REMA 4.1.

BMP Section 4.1.5 – Post Construction requires the contractor to monitor for invasive species. As detailed by REMA, the invasive species have taken over the easement. Where was the Eversource invasive species post construction monitoring?

The BMPs expressly provide in Section 5 Rehabilitation and Restoration 5.1 Restoration that “All areas disturbed by construction, repair, and maintenance activities shall be substantially restored to pre-construction conditions.”

All the Siting Council permitted work that was performed in this easement was maintenance and was subject to the BMP regarding rehabilitation and restoration.

New construction is treated differently since the site is changed with the new construction and cannot be restored 100% to its pre-construction conditions

“Maintenance projects” is a defined term in the BMPs:

“Maintenance Projects: Typically consist of activities limited to the repair and/or replacement of existing and lawfully located utility structures and/or facilities where no substantial change in the original structure or footprint is proposed. Maintenance activities also include vegetation management.” At 1-3

Maintenance projects are not “new construction” as defined in the BMPs:

“New Construction: Construction of new transmission or distribution facilities that previously did not exist or construction that substantially modifies existing facilities. All new (and existing) construction projects are required to go through a full permit review by the Eversource Environmental Licensing and Permitting Department.” At 1-3.

New access roads were constructed on the property without federal, state, or local permits as required under the BMPs:

“3.4.1 New Access Roads New access roads are generally associated with new or large-scale projects that have separate permitting requirements. Construction of new access roads will be based on plans that are reviewed and approved by applicable federal, state,

and local agencies. If a new access road is needed and not associated with a large project, notify the Environmental Licensing and Permitting Group to make a decision on best access routes and identification of the necessary permits and approvals required to construct the new road. **Permit requirements must be followed.** [emphasis in the original] At 3-3.

In constructing the new, unauthorized access roads, Eversource failed to follow its own requirements for erosion and sedimentation controls, leading to widespread erosion and sedimentation through large areas of the easement:

“Erosion and Sedimentation Controls Construction personnel are reminded to control erosion and flow conditions during access road construction or maintenance by utilizing the following erosion and sedimentation measures which are described and illustrated further in Appendix A....” At 3-5.

The impact of the failure to use the BMP-mandated soil erosion and sedimentation controls has led to significant damage as documented by the owners’ environmental consultant:

“Since the shrubland cover type was brush-hogged, runoff levels and soil erosion have increased, especially in the steep southern portion of this ROW segment. This is due to diminished tree and shrub cover to intercept vegetation, and more exposed soil. Hillside soils are increasingly skeletonized. The increased runoff volumes from the large impervious pads and stone-covered roadways have washed the fine sediment and gravel from between the larger stones as fine particles are washed away. Trails have become difficult for Mr. Spaulding and his wife to use, either on foot or using their small four-wheeled recreational vehicle. Recreational value is diminished along the ROW because the trail down the steep southern portion of his ROW segment.

Rather than remaining in place, germinating, and becoming established, a high proportion of seeds are washed downhill or fail to become established because the bony soil holds insufficient moisture for germination. Invasive seeds are also washed downhill, exported to the off-site Susquetonscut riparian corridor, along with the sediment washed off the steep hillside.” REMA at 4.5.

Eversource failed to consider alternate access, manual access, limited trips, and aerial access, all of which could have been utilized in the easement area. Access via The Old Mill Road would have eliminated much of the damage done to the Spaulding/Yeisley property. Failure to utilize this viable and previously utilized alternative violates Eversource’s own BMPs:

“Alternate Access

- Manual access. Consider accessing work areas on foot through terrestrial areas and/or by boat through open water or ponded areas. Smaller projects (e.g., repairs to individual structures or parts of structures) do not categorically require the use of heavy machinery and should be accessed manually to the extent practicable.

- Limit trips. Multiple trips through a wetland have shown to increase the potential for damage and requirement for matting. Try to limit trips to one in and one out. Use of overhead/aerial access (e.g., helicopters)
- Using overhead or aerial equipment can be expensive and is not always feasible, but it may be appropriate in some situations in order to get vehicles and other equipment to a site that may be otherwise very difficult to access. The use of overhead and/or aerial equipment may be beneficial for work in areas where large water bodies, deep crevices, or mountainous areas hinder ground access.” At 3-22, 23

Eversource failed to properly employ mats as mandated by the Siting Council over a steep escarpment, but instead excavated and filled the escarpment with crushed rock to create a new road and constructed a massive manmade terraced escarpment where none previously existed ... all in direct contravention of the requirements of the BMPs:

“BMP - General Design: New and Existing Access Roads

Where practicable, construction access roads should conform to the contours of the land, avoiding grades steeper than 10 percent and creating side slopes no steeper than a ratio of 2:1. If the side slopes are steeper than 2:1, then use of engineered slope stabilization methods may be necessary, consider the volume and type of construction traffic as well as the extent that natural ground must be altered to accommodate the traffic. If no grading is required and the construction traffic is very intermittent (i.e., access roads used to maintain utility lines) the measures used may be limited to water bars, or some top dressing with gravel or stone in areas where the vegetation over soft soil is destroyed by traffic. During wet weather, these roadways can generate significant quantities of sediment if not constructed with adequate stormwater management and erosion control measures. During an active construction or maintenance activity, inspection of the construction access road and the associated erosion and sedimentation measures should be conducted by the person(s) designated at the pre-construction meeting, should occur regularly while the activity is occurring, and repairs to controls should be made in a timely matter. Repairs may include regrading and/or top dressing the traveled surface with additional aggregate to eliminate ruts, as well as those repairs required by each erosion and sedimentation measure used. When the roadway is no longer needed on a regular basis, the access road should be reviewed to ensure that the road is left in a condition that prevents future erosion and sedimentation (i.e., installation of water bars, gravel, etc.). In some cases, permit conditions may warrant that the access road be removed and that the disturbed area be seeded and mulched as required to match the pre-construction conditions.”

Eversource improperly installed wetland mats to cross a wetland area. This protection system failed and ended up destroying the wetland area. The installer failed to elevate the mats in direct contradiction to Eversource BMP’s for crossing wetland areas.

“3.4.3.1 Best Management Practices – Construction in Wetlands The following are BMPs that are applicable to new access roads in wetlands and are described at the following tab:

Construction Mats (includes Elevated Construction Mats and AlturnaMATs) – Tab 2A”
At 3-23.

“Construction Mats (i.e., timber or swamp mats) Applications: Wetland crossings, rut minimization • Used for access where the ground surface is unstable due to shallow, standing water, saturated soils, or other substrates not suitable for heavy vehicles.” At 3-25.

The project planners and contractors failed to follow requirements to avoid and minimize environmental and historical impacts is required by the BMPs:

“3.1 Avoidance and Minimization Avoidance and minimization should always be considered before beginning any construction or maintenance project. Take appropriate measures to avoid construction impacts to wetlands, waterways, rare species habitats, known below and above ground historical/archeological resources, and other environmentally sensitive areas. Use existing ROW access whenever practicable. Keep to approved routes and roads and do not widen or deviate from them. Consult with the Environmental Licensing and Permitting Group, when avoidance is not practicable, to determine measures to minimize the extent of construction impacts. Alternate access routes and/or staging areas that will minimize construction impacts to the natural environment may be considered.” At 3-1.

The project planners and contractors failed to consider and control invasive species in their work as required by the BMPs:

“Other Considerations Other regulated factors taken into consideration during the project planning process include the presence of protected (i.e., threatened, rare or endangered) species, non-native invasive plant species and/or historical and archaeological resources. Special requirements may need to be evaluated as part of new construction and/or some maintenance activities.” At 2-2.

“4.1.5 Post Construction Post-construction inspections of restored areas will be conducted at regular intervals throughout the growing season, as required by any applicable permits, and/or after major storm events. Sites should be inspected for success or failure of revegetation, invasive species colonization, and erosion and sedimentation. In the event additional measures are required to achieve site restoration and stabilization, corrective actions shall be identified and implemented.” At 4-2.

“Disturbed wetland areas shall generally be allowed to revegetate from the natural seed bank. Measures to discourage the establishment or spread of plant species identified as non-native, invasive species by federal or state agencies shall be utilized. Environmental Licensing and Permitting can evaluate whether to let the wetland vegetate naturally.” At 5-3.

Eversource failed to follow its own BMPs in that it did not substantially restore the easement to its pre-construction conditions.

“5.1 Restoration All areas disturbed by construction, repair, and maintenance activities shall be substantially restored to pre-construction conditions. Please refer to Appendix A Section I for photos and typical for loaming, seeding, and mulching. Prompt restoration minimizes the extent and duration of soil exposure and protects disturbed areas from stormwater runoff. Stabilization should be conducted as soon as practicable. Where appropriate, it is preferable to allow wetlands to naturally revegetate.” At 4-3.

The result of Eversource’s failure to follow its own BMPs and its unauthorized activities outside of the easement are summarized by the owners’ environmental consultant:

“Based on this analysis, it is our professional opinion, that Eversource’s ROW maintenance activities since 2017 have caused long-term adverse impacts on the property owned by Mr. Spaulding and his wife. These activities have harmed the property’s environmental and ecological resources, including its plant communities and the wildlife that uses the property. Some activities also took place outside the Eversource ROW. Others were within the ROW and subject to the ROW easement, but the required restoration activities that should have reduced the extent of adverse impacts were never carried out.” REMA at 5.0.

The easement and the surrounding 64 acres of property are agricultural land as defined by the State of Connecticut. The property is designated as forestry acreage which in Connecticut is agriculture. Eversource failed to follow its BMPs as to agricultural lands.

“5.3 Work in Agricultural Lands

Transmission lines often cross agricultural lands. In some instances, this may affect ongoing agricultural activities in and around the ROWs. If a construction or maintenance project occurs on agricultural lands, Eversource will work closely with landowners, licensees and stakeholders to minimize agricultural impacts. Whenever practical, Eversource will make reasonable efforts to coordinate the schedule of construction-related activities around the growing and harvest seasons to minimize the impacts on agricultural operations. When this is not practical, Eversource will pursue reasonable measures to mitigate any impacts. Eversource recognizes that disturbed soils, or soils compacted by heavy construction equipment, may affect the soil’s ability to support certain agricultural activities. Eversource will take reasonable steps to avoid or minimize soil compaction and will restore soils that are compacted by construction equipment. Eversource will also work with affected landowners to determine the appropriate method for restoring the soils, and is open to discussing and implementing the landowners’ alternative restoration suggestions. After the transmission improvement is complete, Eversource will remove all construction-related equipment and debris from the ROW.”

Eversource interrupted the ongoing agricultural activity, destroyed forestry crops, failed to minimize agricultural impacts, failed to mitigate their activities, unnecessarily disturbed and compacted soils, failed to restore soils to pre-construction condition, and upon completion of the work failed to remove all debris from the ROW.

Exhibit 1

BEAUMONT HWY

Location BEAUMONT HWY

Mblu 221 / 50 / 1

Acct# D0043300

Owner SPAULDING CORY R &
YEISLEY LESLIE A

Assessment \$10,900

PID 1525

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$0	\$10,900	\$10,900

Owner of Record

Owner SPAULDING CORY R & YEISLEY LESLIE A
Co-Owner
Address 4142 MARINER BLVD #408
SPRING HILL, FL 34609

Sale Price \$97,500
Certificate
Book & Page 318/862
Sale Date 08/13/2020
Instrument 28

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SPAULDING CORY R & YEISLEY LESLIE A	\$97,500		318/862	28	08/13/2020
DAVIS JACKSON W & PATRICIA C	\$0		0108/0421	29	01/01/1900

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Replacement Cost: \$0
Building Percent Good:
Replacement Cost
Less Depreciation: \$0

Building Attributes	
Field	Description
Style	Vacant Land
Model	
Grade:	
Stories:	

Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Total Bthrms:	
Total Half Baths:	
Total Xtra Fixtrs:	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Kitchens	
Insulated	
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	
Gas Fireplaces	
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	
Usrflid 301	
Usrflid 302	
Usrflid 304	
Fndtn Cndtn	
Basement	
Usrflid 701	
Usrflid 305	
Usrflid 900	
Usrflid 901	
Usrflid 303	

Building Photo



(<http://images.vgsi.com/photos/LebanonCTPhotos/default.jpg>)

Building Layout

(http://images.vgsi.com/photos/LebanonCTPhotos/Sketches/1525_1525.jp)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 6100
Description FOREST
Zone RA
Neighborhood 11
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 64.84
Frontage 0
Depth 0
Assessed Value \$10,900

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$10,900	\$10,900
2019	\$0	\$10,900	\$10,900
2018	\$0	\$10,900	\$10,900

Exhibit 2

716 BEAUMONT HWY

Location 716 BEAUMONT HWY

Mblu 221 / 47 / 1

Acct# L0100000

Owner SPAULDING CORY R &

Assessment \$530,530

PID 1522

Building Count 1

Current Value

Assessment			
Valuation Year	Improvements	Land	Total
2018	\$460,930	\$69,600	\$530,530

Owner of Record

Owner SPAULDING CORY R &
Co-Owner YEISLEY LESLIE A
Address 716 BEAUMONT HWY
 LEBANON, CT 06249

Sale Price \$650,000
Certificate
Book & Page 0300/0867
Sale Date 11/29/2016
Instrument 30

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SPAULDING CORY R &	\$650,000		0300/0867	30	11/29/2016
LYMAN RONALD E	\$0		0296/0627	31	12/15/2015
LYMAN JACQUELINE A & RONALD E TRUSTEES	\$0		0272/0556	29	07/08/2011
LYMAN RONALD E	\$0		0271/0760	29	05/12/2011
LYMAN JACQUELINE & RONALD E- TRUSTEES	\$0		0254/0914	29	03/17/2008

Building Information

Building 1 : Section 1

Year Built: 1999
Living Area: 7,573
Replacement Cost: \$762,525
Building Percent Good: 82
Replacement Cost
Less Depreciation: \$625,270

Building Attributes	
Field	Description
Style	Cape Cod

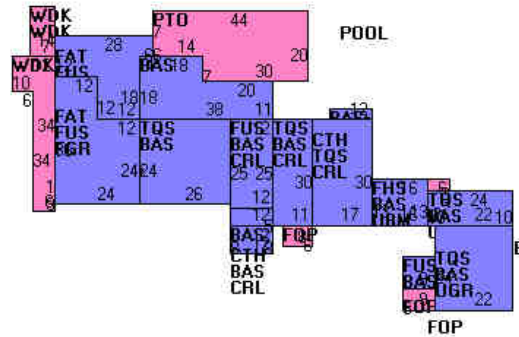
Model	Residential
Grade:	Very Good
Stories:	2 Stories
Occupancy	2
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asphlt/Architc
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Forced Air
AC Type:	Central
Total Bedrooms:	8 Bedrooms
Total Bthrms:	6
Total Half Baths:	1
Total Xtra Fixtrs:	2
Total Rooms:	18
Bath Style:	Modern
Kitchen Style:	Above Average
Kitchens	2
Insulated	Yes
Usrflid 103	
Usrflid 104	
Usrflid 105	
Usrflid 106	
Usrflid 107	
Num Park	
Fireplaces	1
Gas Fireplaces	2.00
Usrflid 101	
Usrflid 102	
Usrflid 100	
Usrflid 300	
Usrflid 301	
Usrflid 302	
Usrflid 304	
Fndtn Cndtn	
Basement	
Usrflid 701	
Usrflid 305	
Usrflid 900	No
Usrflid 901	No

Building Photo



(<http://images.vgsi.com/photos/LebanonCTPhotos/\00\00\99\04.jpg>)

Building Layout



(http://images.vgsi.com/photos/LebanonCTPhotos/Sketches/1522_1522.jp)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	3,503	3,503
TQS	Three Quarter Story	2,232	1,897
FUS	Finished Upper Story	1,557	1,557
FAT	Finished Attic	1,176	470
FHS	Finished Half Story	208	146
CRL	Crawl Space	1,200	0
CTH	Cathedral Ceiling	570	0
FGR	Garage	720	0
FOP	Open Porch	120	0
PTO	Patio	782	0
UBM	Unfinished Basement	448	0
UGR	Basement Garage	528	0
WDK	Wood Deck	520	0
		13,564	7,573

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
WST	Wood Stove	1.00 UNITS	\$1,640	1

Land**Land Use**

Use Code 1011
Description One Family + Accessory Unit
Zone RA
Neighborhood 12
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 10.49
Frontage 0
Depth 0
Assessed Value \$69,600

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
LNT	LEAN-TO			640.00 S.F.	\$1,920	1
FGR1	GARAGE-AVE			960.00 S.F.	\$15,310	1
SPL2	IG POOL-VINYL			648.00 S.F.	\$8,910	1
CAN	CANOPY			1008.00 S.F.	\$3,020	1
WDK	WOOD DECK			400.00 S.F.	\$2,400	1

Valuation History

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$460,930	\$69,600	\$530,530
2019	\$460,930	\$82,300	\$543,230
2018	\$460,930	\$82,300	\$543,230

Exhibit 3

0-51.

226A-66

~~22-57~~

..

48192-31

Know all Men by these Presents:

That-~~s~~, we, WILLIAM F. PARKHURST and MARY C. PARKHURST

Lebanon, County of New London, State of Connecticut, of the Town of

in consideration of a valuable sum in dollars, received to ~~us~~, our, full satisfaction of The Connecticut Light and Power Company, a corporation chartered by the General Assembly of the State of Connecticut, and having its principal place of business in Hartford, in the State of Connecticut, do give, grant, bargain, sell and confirm unto the said The Connecticut Light and Power Company, a perpetual easement, privilege, and right of way One hundred and Twenty-Five feet wide for electric lines for the transmission of electric currents of any character necessary or convenient from time to time in the conduct of the grantee's business and the right at any and all times and from time to time to erect, inspect, operate, use, patrol and permanently maintain the said electric lines upon, over and across ~~my~~, our lands situate in the Town of Lebanon, County of New London, State of Connecticut.

Said easement, privilege and right of way herein granted, covers any land, or interest therein, owned by me, us within thirty feet measured at right angles to and easterly of and, within Ninety-five feet measured at right angles to and westerly of, the following described line of location whether such line of location is, at the point opposite such land, on ~~my~~, our land, on the highway or on land of some other party.

Said line of location Begins at an iron pin in the southerly boundary line of land now or formerly of Rose and Mike Kollar said pin being about 524.8 feet westerly (as measured along said southerly boundary line) from the intersection of the westerly boundary line of land now or formerly of John Griffin and the said southerly boundary line of Rose and Mike Kollar; thence S 11° - 25' W about 1187 feet to an iron pin at an angle; thence S 26° - 50'E about 609 feet to the Old Hayward Pond Road (so called) and land now or formerly of Jane E. and Harry N. Bruce.

Said electric lines may consist of poles, towers, other supporting structures (which may be substituted one for the other at any time), circuits, cables, wires, cross arms, guy wires, anchors, guy stubs and other fixtures and appurtenances, any or all of which constituent parts of said electric lines may be erected, relocated, replaced, repaired or changed in number, size or type from time to time.

Together with the right to trim, cut, take down and remove at any and all times such trees, parts of trees, limbs, branches, underbrush and structures within or projecting into the above described right of way as in the judgment of the grantee may interfere with or endanger any of said electric lines or their operation, whenever they are erected.

Together also with the right to enter upon, pass and transport materials, along and over said right of way to and from adjoining lands of others or highways.

- Reserving, however, to myself, ourselves, and to my, our, heirs and assigns the right to use the land, except for structures, beneath said electric lines and elsewhere within said right of way, but no use of the land whatsoever, shall interfere with or obstruct the rights herein granted or endanger said electric lines or their operation, whenever they are erected.

If any part of the above described land upon or over which said electric lines shall be located is now or shall hereafter become a public street or highway or a part thereof, permission, as provided in the General Statutes of Connecticut relating to adjoining land owners, is hereby given to the grantee to use that part for the purposes and the manner above described.

TO HAVE AND TO HOLD the said granted and bargained easement, privilege and right of way and its appurtenances to said grantee and to its successors and assigns forever, to its and their own proper use and behoof.

- And we, the grantors, do hereby covenant and agree for myself, ourselves, and my, our, heirs, executors and administrators, with the grantee and its successors and assigns, that, at and until the sealing of these presents, we, are, lawfully seized of the above bargained premises in fee simple, that we, have full right, title and authority to grant and convey the foregoing rights and privileges, and we, further, by these presents, bind myself, ourselves, and my, our, heirs, executors and administrators forever to warrant and defend the same to the said grantee and to its successors and assigns forever against all claims and demands whatsoever.

The said electric lines shall remain the property of the grantee, its successors and assigns.

- IN WITNESS WHEREOF, we, have hereunto set our, hands and seals at Lebanon, this 7th day of March, 1934.

In the presence of:

William B. Hitchell [Seal.]
Wm. F. Parkhurst [Seal.]
Mary C. Parkhurst [Seal.]
Frederic E. Barber [Seal.]

State of Connecticut }
 County of New London } ss.:
 Personally appeared before me *WILLIAM F. PARKHURST and MARY C. PARKHURST*, 1934

Signers and sealers of the foregoing instrument and acknowledged the same to be their free act and deed.

William B. Hitchell
 Notary Public.

WILLIAM F. PARKHURST
and
MARY C. PARKHURST

to

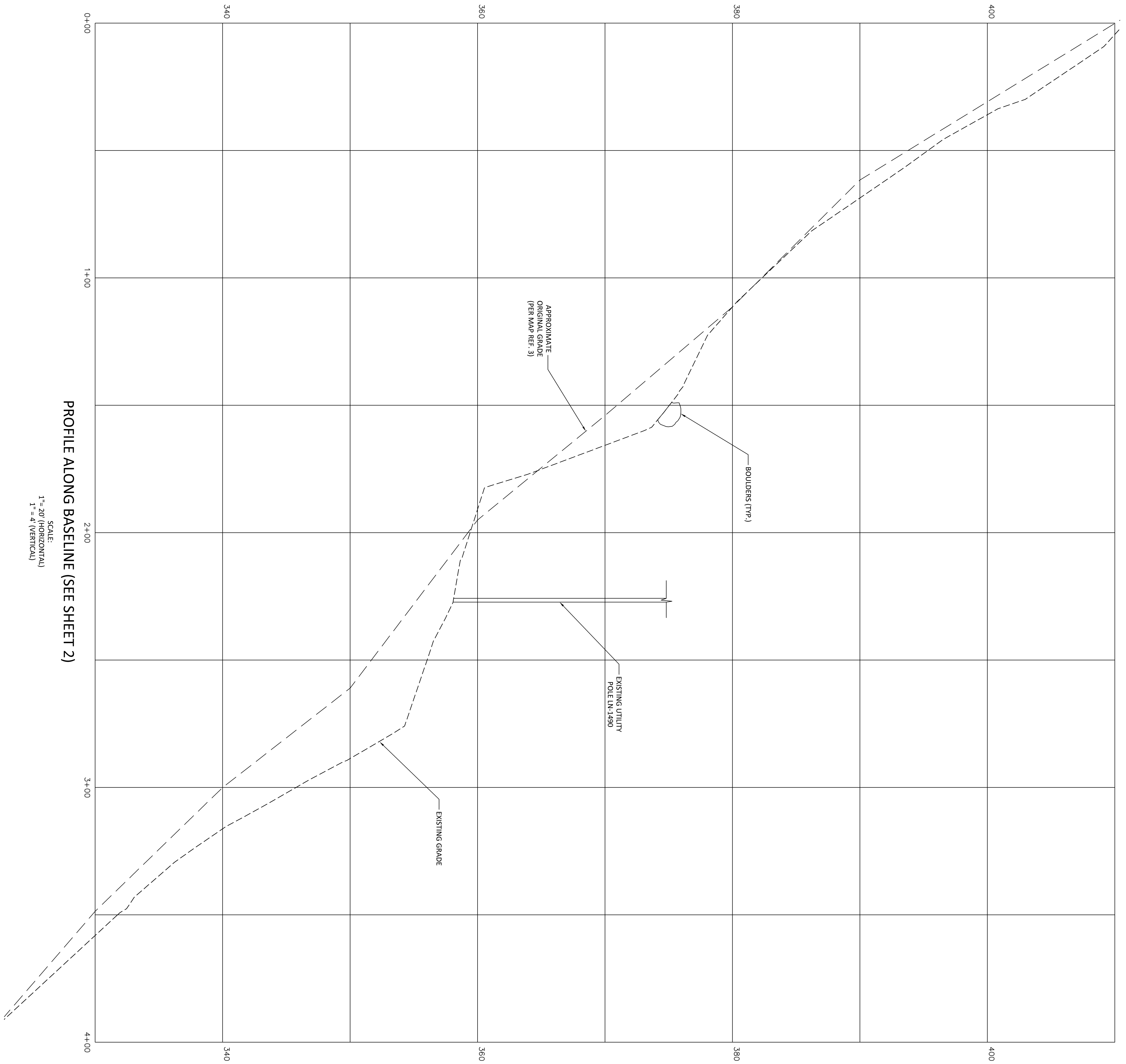
THE CONNECTICUT LIGHT & POWER COMPANY.

*Recd for Record Mar 9, 1934
at 11 o'clock A.M.
Recorded in Lebanon Land
Records Vol. 60, Page 238-239
Samuel L. Abell
Town Clerk*

7206
5192-31
RECORD BY
RECORD BY
RECORD BY
RECORD BY

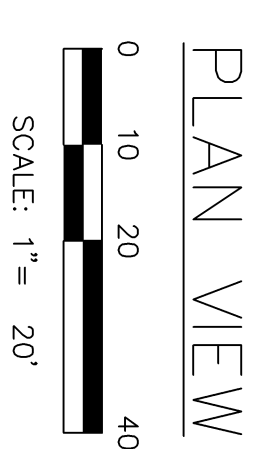
Exhibit 4

Exhibit 5



PROFILE ALONG BASELINE (SEE SHEET 2)

SCALE:
 1"=20' (HORIZONTAL)
 1"=4' (VERTICAL)



ROB HELLSTROM
 LAND SURVEYING LLC
 32 MAIN STREET
 HEBRON, CT., 06248
 (860) 228-9663
 hellstromsurveying@juno.com
 www.hellstromsurveying.com

Mailing Address:
 P.O. BOX 378
 HEBRON, CT. 06248

Existing Ground Profile

PROJECT TITLE: *Owunneguhset Mountain*
 716 Beaumont Hwy. Lebanon, Ct.
 PREPARED FOR: *Cory Spaulding*

Drawing date: 4/15/22		Drawing Scale: 1"=20'	
Rev.	Date	Revision	By

Designed By:
SAM
 Drawn By:
SAM
 Checked By:
MAR
 CAD File:
22-037_Exist_Cond



CIVIL ENGINEERING CONSULTANTS
 63 NORWICH AVENUE
 COLCHESTER, CT
 (860) 516-0033







Reynolds Engineering Services, LLC

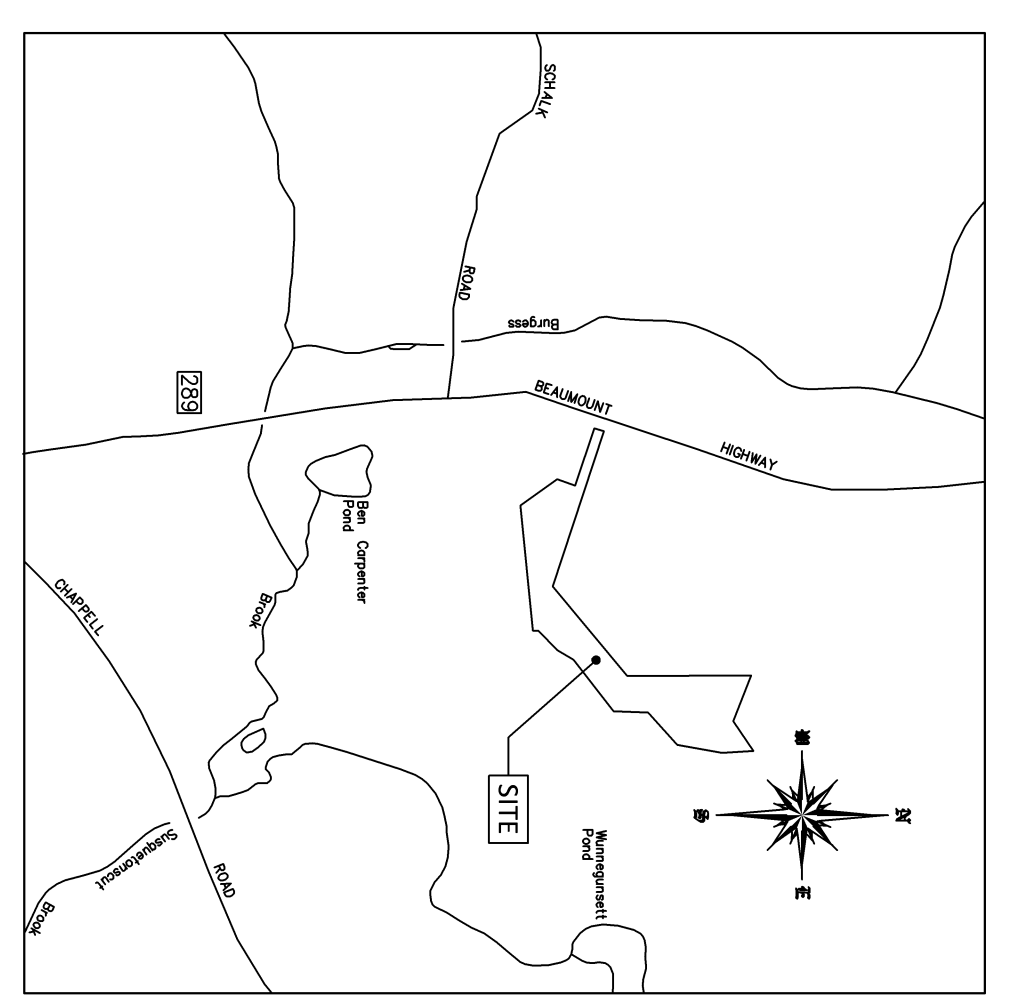
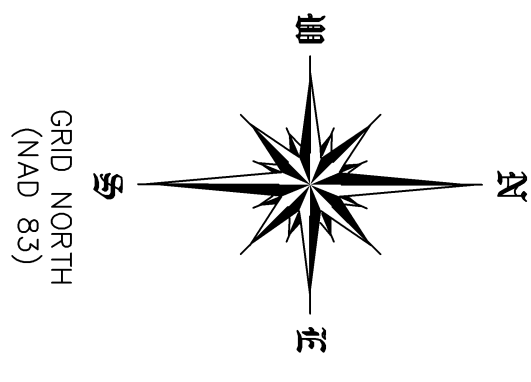
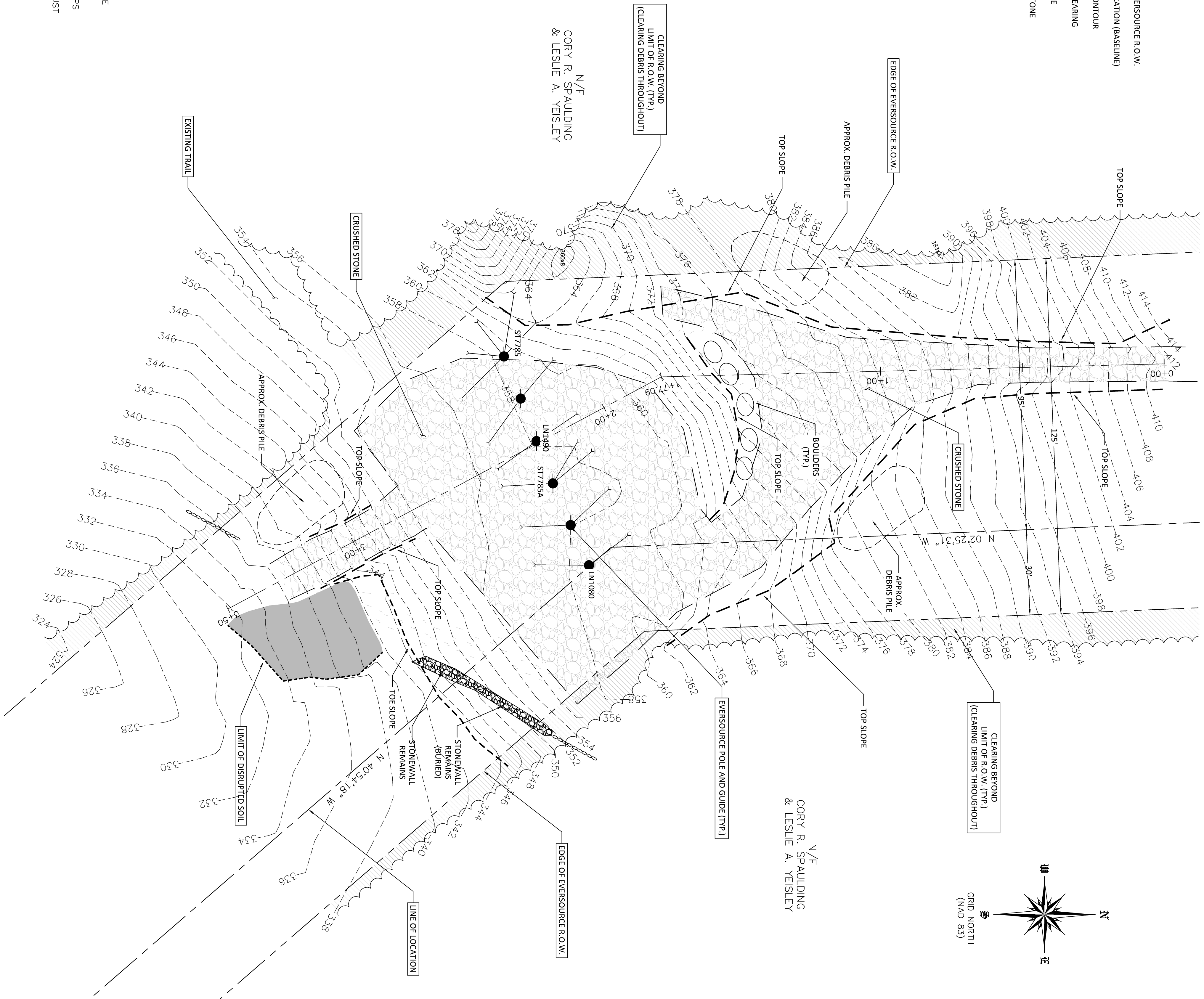
Job # 22-037
 Drawing # 3 OF 3

Exhibit 6

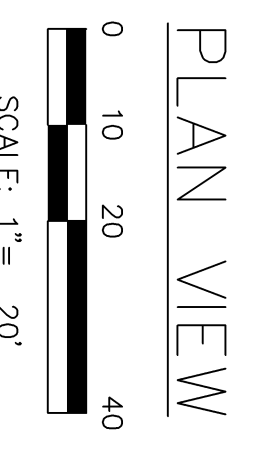
LEGEND

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

-  EDGE OF EVERSOURCE R.O.W.
-  LINE OF LOCATION (BASELINE)
-  EXISTING CONTOUR
-  LIMIT OF CLEARING
-  UTILITY POLE
-  CRUSHED STONE



LOCATION MAP
SCALE: 1" = 1000'



MAP REFERENCES:

1. PROPERTY OF HOWARD W. & ELIZABETH DAVIS LEBANON, CONN., BY MESSON & HEAGLE CIVIL ENGINEERS & LAND SURVEYORS GLASTONBURY, CONN. DATE: 7-6-81 SCALE: 1"=100' MAP NO.170-80-1
2. REAL ESTATE SURVEY PLAN RECORD MAP RIGHT OF WAY SURVEY MONTVILLE-WAMECUS JUNCTION-CARD SS BY EVERSOURCE ENERGY DATE: 3-2018, SCALE: 1"=200' REVISED 7-2021
3. "CARD TO MONTVILLE TO TUNNEL UPGRADE PROJECT LEBANON, CT LINE 1080/1490 - STRUCTURES 7781, 7782, 7783 & 7784" BY EVERSOURCE ENERGY DATE: JULY, 2017 MAP SHEET 5 OF 23 SCALE: 1"=200'

MAP STANDARD NOTES:

1. THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.
2. THE TYPE OF SURVEY IS AN TOPOGRAPHIC SURVEY. BOUNDARY DETERMINATION CATEGORY: RESURVEY. HORIZONTAL ACCURACY CLASS: A-2. (EXISTING CONTOURS) TOPOGRAPHIC ACCURACY CLASS: T-0 (ORIGINAL GRADE)

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREIN.

THIS DRAWING IS NOT VALID UNLESS IT BEARS AN ORIGINAL INK SIGNATURE AND INDEMNITY SEAL.

ROBERT W. HELLSTROM, L.S. # 3626

ROB HELLSTROM
LAND SURVEYING LLC
32 MAIN STREET
HEBRON, CT., 06248
(860) 228-9663
hellstromsurveying@juno.com
www.hellstromsurveying.com

Mailing Address:
P.O. BOX 378
HEBRON, CT. 06248



CIVIL ENGINEERING CONSULTANTS
63 NORWICH AVENUE
COLCHESTER, CT
(860) 516-0033

Existing Conditions Plan

PROJECT TITLE: *Owunneguhset Mountain*
716 Beaumont Hwy. Lebanon, Ct.
PREPARED FOR: *Cory Spaulding*

Drawing date:
4/15/22

Drawing Scale:
1"=20'

Rev.	Date	Revision	By







Designed By:
SAM
Drawn By:
SAM
Checked By:
MAR
CAD File:
22-037_Exist_Cond

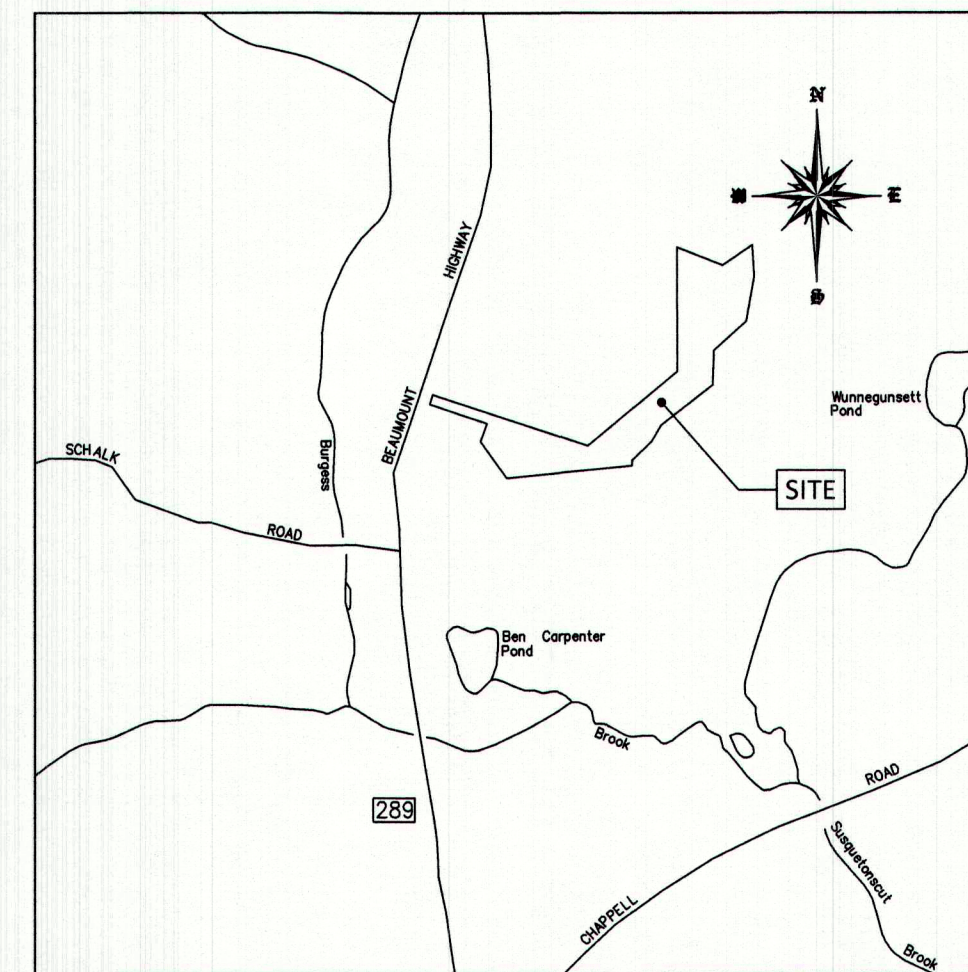
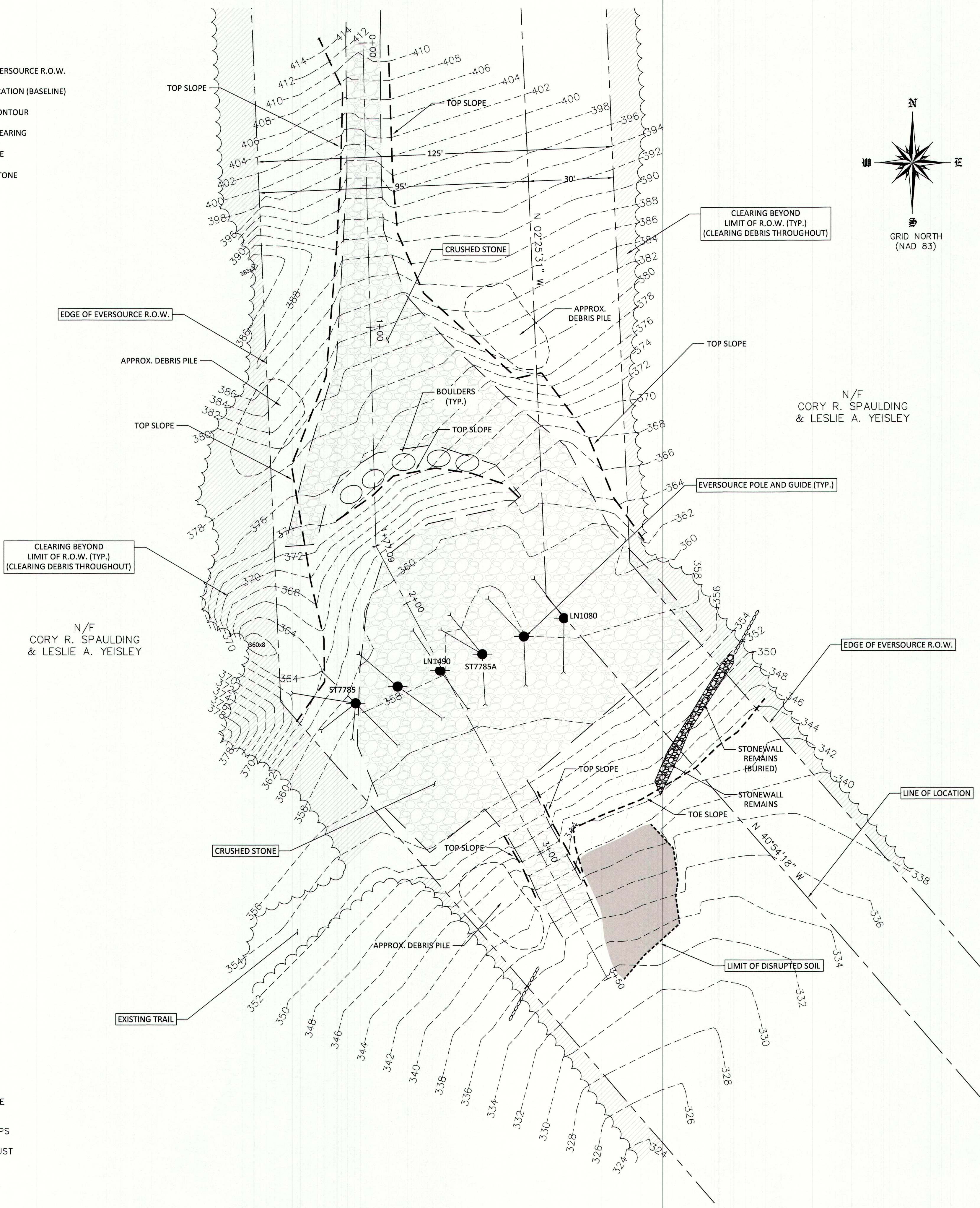
Drawing #:
1 OF 3
Job #:
22-037

Exhibit 7

LEGEND

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

-  EDGE OF EVERSOURCE R.O.W.
-  LINE OF LOCATION (BASELINE)
-  EXISTING CONTOUR
-  LIMIT OF CLEARING
-  UTILITY POLE
-  CRUSHED STONE



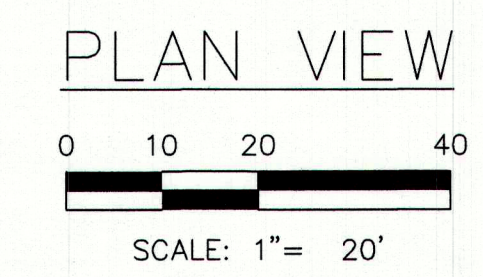
LOCATION MAP
SCALE: 1" = 1000'

- MAP REFERENCES:**
1. "PROPERTY OF HOWARD W. & ELIZABETH DAVIS LEBANON, CONN." BY MEGSON & HEAGLE CIVIL ENGINEERS & LAND SURVEYORS GLASTONBURY, CONN. DATE: 7-6-81 SCALE: 1"=100' MAP NO.170-80-1
 2. "REAL ESTATE SURVEY PLAN RECORD MAP RIGHT OF WAY SURVEY MONTVILLE-WAWECUS JUNCTION-CARD SS" BY EVERSOURCE ENERGY DATE: 3-2018, SCALE: 1"=200' REVISED 7-2021
 3. "CARD TO MONTVILLE TO TUNNEL UPGRADE PROJECT LEBANON, CT LINE 1080/1490 - STRUCTURES 7781, 7782, 7783 & 7784" BY EVERSOURCE ENERGY DATE: JULY, 2017 MAP SHEET 5 OF 23 SCALE: 1"=200'

- MAP STANDARD NOTES:**
1. THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.
 2. THE TYPE OF SURVEY IS AN TOPOGRAPHIC SURVEY. BOUNDARY DETERMINATION CATEGORY: RESURVEY HORIZONTAL ACCURACY CLASS: A-2. TOPOGRAPHIC ACCURACY CLASS: T-2 (EXISTING CONTOURS) T-D (ORIGINAL GRADE)

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

THIS DRAWING IS NOT VALID UNLESS IT BEARS AN ORIGINAL INK SIGNATURE AND EMBOSSED SEAL.
Robert W. Hellstrom
ROBERT W. HELLSTROM, L.S. #13626



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32 MAIN STREET
HEBRON, CT., 06248
(860) 228-9853
hellstromsurveying@yahoo.com
www.hellstromlandsurveying.com







Mailing Address:
P.O. BOX 378
HEBRON, CT. 06248

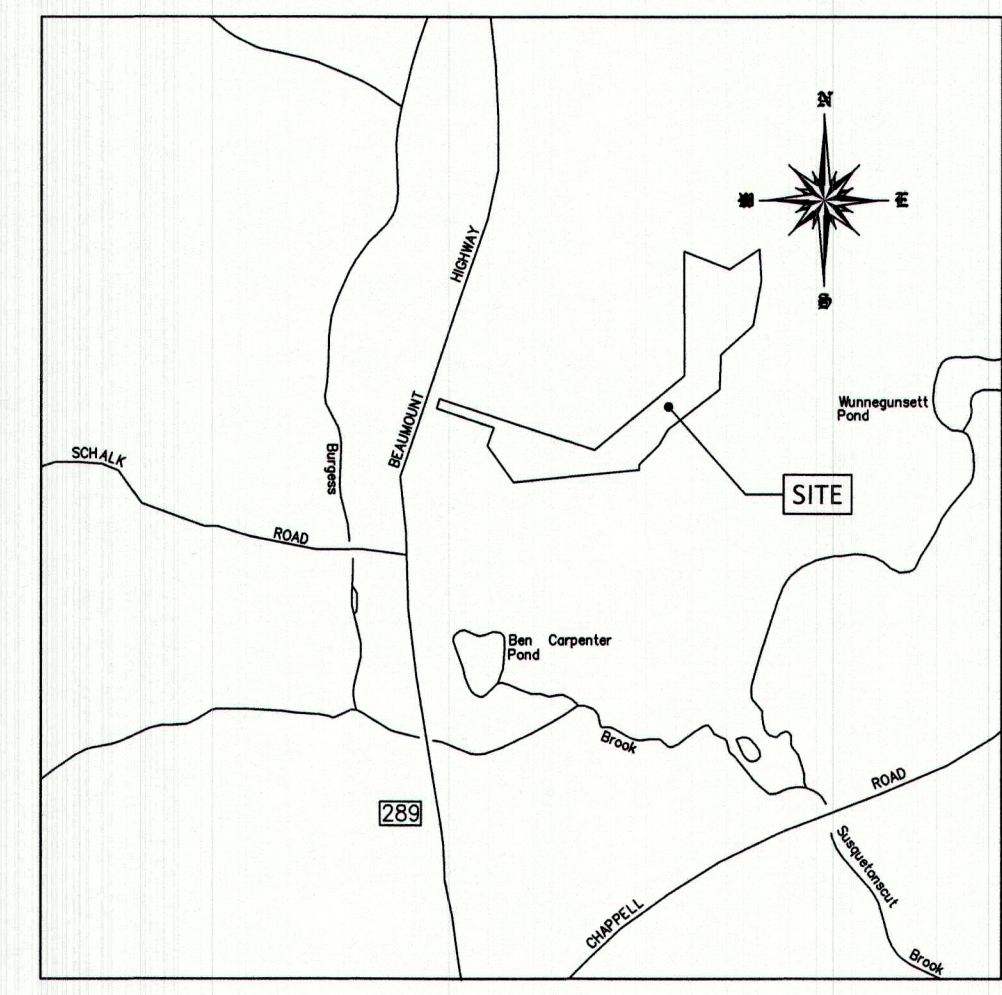
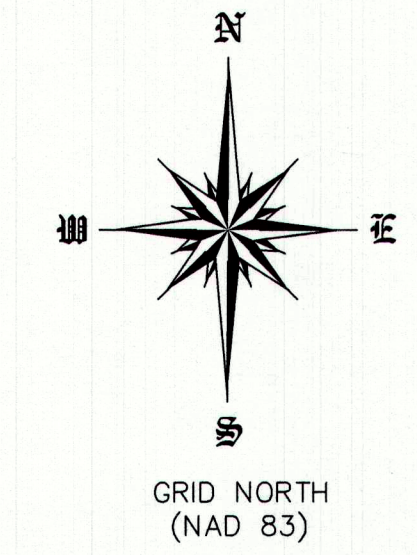
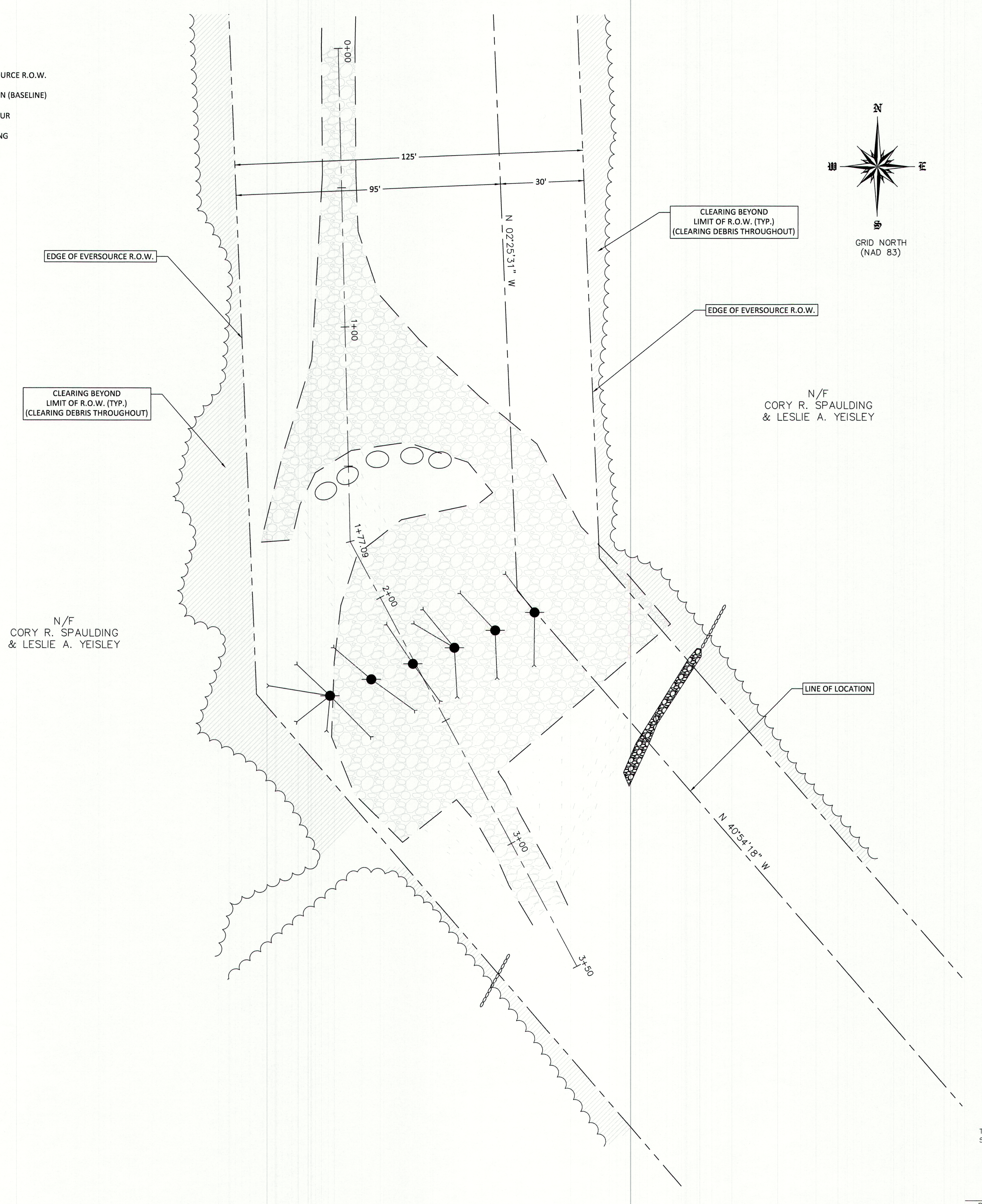
Designed By: SAM	Drawn By: SAM	Checked By: MAR	CAD File: 22-037_Exist_Cond
Drawing Scale: 1" = 20'	By:	Revision:	
Drawing date: 4/15/22	Rev.:	Date:	
Existing Conditions Plan			
PROJECT TITLE: <i>Owunneghset Mountain</i> 716 Beaumont Hwy. Lebanon, Ct.			
PREPARED FOR: <i>Cory Spaulding</i>			
CIVIL ENGINEERING CONSULTANTS 63 NORWICH AVENUE COLCHESTER, CT (860) 516-0093			
RES <i>Reynolds Engineering Services, LLC</i>			
Drawing #: 1 OF 3			
Job #: 22-037			

Exhibit 8

LEGEND

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

-  EDGE OF EVERSOURCE R.O.W.
-  LINE OF LOCATION (BASELINE)
-  EXISTING CONTOUR
-  LIMIT OF CLEARING
-  UTILITY POLE
-  CRUSHED STONE



LOCATION MAP
SCALE: 1" = 1000'

N/F
CORY R. SPAULDING
& LESLIE A. YEISLEY

N/F
CORY R. SPAULDING
& LESLIE A. YEISLEY

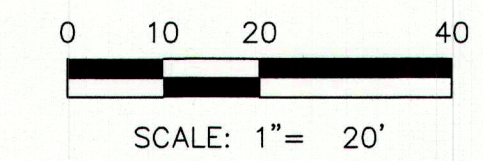
MAP REFERENCES:

1. "PROPERTY OF HOWARD W. & ELIZABETH DAVIS LEBANON, CONN." BY MEGSON & HEAGLE CIVIL ENGINEERS & LAND SURVEYORS GLASTONBURY, CONN. DATE: 7-6-81 SCALE: 1"=100' MAP NO.170-80-1
2. "REAL ESTATE SURVEY PLAN RECORD MAP RIGHT OF WAY SURVEY MONTVILLE-WAMECUS JUNCTION-CARD SS" BY EVERSOURCE ENERGY DATE: 3-2018, SCALE: 1"=200' REVISED 7-2021

MAP STANDARD NOTES:

1. THIS SURVEY AND MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019.
2. THE TYPE OF SURVEY IS AN IMPROVEMENT LOCATION SURVEY. BOUNDARY DETERMINATION CATEGORY: RESURVEY HORIZONTAL ACCURACY CLASS: A-2 TOPOGRAPHIC ACCURACY CLASS: T-2

PLAN VIEW



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

THIS DRAWING IS NOT VALID UNLESS IT BEARS AN ORIGINAL INK SIGNATURE AND EMBOSSED SEAL.
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Mailing Address:
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HEBRON, CT. 06248

Designed By: SAM	Drawing Scale: 1"=20'
Drawn By: SAM	Drawing date: 4/15/22
Checked By: MAR	Rev. Date
CAD File: 22-037_Exist_Cond	Revision
By	
Existing Clearing Limits	
PROJECT TITLE: <i>Owunnehuset Mountain</i> Lebanon, Ct.	
716 Beaumont Hwy.	
PREPARED FOR: <i>Cory Spaulding</i>	
CIVIL ENGINEERING CONSULTANTS	
63 NORWICH AVENUE COLCHESTER, CT (860) 516-0033	
RES Reynolds Engineering Services, LLC	
Drawing #:	2 OF 3
Job #:	22-037

Exhibit 9



- Ecology
- Soil & Wetland Studies
- Water Quality Monitoring • GPS
- Environmental Planning & Management
- Ecological Restoration & Habitat Mitigation
- Aquatic, Wildlife and Listed Species Surveys
- Application Reviews • Permitting & Compliance

November 27, 2022

Mr. Dwight Merriam, Esq.
80 Latimer Lane
Simsbury, CT 06089

**RE: *Assessment of Environmental Impacts on land owned by C. Spaulding & L. Yeisley
716 Beaumont Hwy., Lebanon, CT, in & adjacent to the Eversource Right-of-Way
by Eversource's Maintenance Activities***

REMA Job No.: 21-2453-LEB8

Dear Attorney Merriam,

At your request, REMA ECOLOGICAL SERVICES (“REMA”) has evaluated the environmental and ecological impacts of maintenance activities by Eversource Energy along an approximately 1,800-foot-long right-of-way (ROW) segment in Lebanon, Connecticut.

1.0 INTRODUCTION

This report has been prepared on behalf of the plaintiffs, Cory Spaulding, and Leslie Yeisley; this Eversource ROW traverses their 10.5-acre subject property at 716 Beaumont Highway. Information sources for the report include the following:

- Annotated map of the Spaulding-owned ROW segment prepared by Landscape Architect Jeff Gebrian, dated 12/09/21. This map shows locations of environmental features extending from the pad at Pole #7784 at the south end of the ROW segment, to the pad at Pole #7788, at the north end.



- REMA’s field inspections on November 21st, and December 14th, 2021, and May 24th, 2022 of ecological conditions along this ROW segment, and in adjacent forest owned by Mr. Spaulding and his wife. Attachment 1 is an annotated photo-record of these inspections.
- The ROW maintenance application for this segment, required under Petition 1293.
- On-line natural resource information, such as USDA-NRCS soil survey, and CTECO mapping, including bedrock geology, topography, and CTDEEP aerial photos taken on various dates, in different seasons. See Attachment 2.

Ecological impacts along this ROW segment were assessed by Sigrun Gadwa and George Logan, of REMA. Each has 30 years of experience investigating wetland and upland ecological communities in Connecticut, and in the planning and implementation of habitat restoration and mitigation. Issues related to invasive plants have been a particular focus. Sigrun has an MS in Plant Ecology from the University of Connecticut at Storrs, and a BS in Biology from Brown University. George Logan has a BS and an MS in Natural Resources from URI (University of Rhode Island). George is a certified ecologist, and both are registered soil scientists, and professional wetland scientists.

In summary, the following maintenance activities have caused adverse environmental impacts. Restoration has not taken place following multiple types of vegetation and soil disturbance caused by ROW maintenance activities.

1. ***Tree and shrub cutting*** along forest edges and within the ROW. In addition to the direct losses, ***increased light levels*** after logging to widen the ROW ***are accelerating invasive plant infestation of forest edges***, on Spaulding land.
2. ***Tree and shrub cutting*** along forest edges and within the ROW;
3. ***Woody debris deposition; and fill deposition*** for access roadway construction, and for construction of pads to support equipment to erect the taller steel poles;
4. ***Soil compaction*** and ***disturbance by heavy equipment*** also damaged existing herbaceous plants and soils along the ROW, and ***fostered colonization by noxious invasive plant species***, especially common mugwort (*Artemisia vulgaris*).



2.0 BACKGROUND

Eversource Energy Corporation holds an easement allowing maintenance activities along this ROW segment owned by Mr. Cory Spaulding and his wife, Leslie Yeisley. The maintenance activities of concern took place after the CT Siting Council had approved Eversource's 2017 sub-petition application for ROW maintenance activities, submitted, as required under Petition 1293.

In November 2016, when Mr. Spaulding and his wife purchased their hilltop home, the ROW that traversed their property was a densely vegetated shrubland, with hundreds of red cedars, of varying sizes, and a relatively narrow dirt access path. It was typical of thousands of linear miles of ROW, selectively managed as shrubland by CT Light and Power, since the 1960's. The aerial photo record (2006, 20012, and 2016 CTDEEP Spring season photos) shows this ROW segment being managed as shrubland, known to provide excellent habitat for shrubland birds, rare New England cottontail rabbits, and other wildlife (Askins 1994). Though woody growth in 2017 was not tall enough to threaten the electric wires, it provided woody habitat linkage between the forested habitats to the east and west of the right-of-way. This minimized forest fragmentation by the powerline ROW in the larger landscape, allowing higher diversity and densities of area-sensitive wildlife species (Askins 1994).

The extent of cutting and filling in Eversource ROW's increased dramatically, both statewide and along the Spaulding ROW segment, following a major switch in ROW vegetation management methods. This occurred after the CT Siting Council granted Petition 1293 in 2017, agreeing that "no certificate of environmental compatibility and public need" would be required for ROW pole replacement and access improvement work. Petition 1293 also included assurance by Eversource that vegetation and soil disturbance would be followed by appropriate restoration. In their response to Petition 1293, the Siting Council had concluded that the ROW maintenance work "was not expected to have a substantial adverse effect on the environment or the ecology, nor would they damage exiting scenic, historic, or recreational values." However, multiple adverse environmental impacts related to ROW maintenance along the Spaulding/Yeisley ROW segment are evidence that this conclusion is incorrect. The Spaulding/Yeisley property has been harmed, as well as the public trust.

Beginning in 2019 at this site, instead of selective removal of tree saplings, leaving shrubs in place, the entire right-of-way was cut short, using very large mowing equipment. As shown



in the 2019 CTDEEP spring aerial photo, Eversource maintenance also included extensive fill placement over existing vegetation to build a broad, gravel access road, followed by grading and gravel placement to construct three large pads for replacing wooden poles with taller steel poles. The pad at Pole #7784 was constructed in 2018, and the most recently constructed pad is at Pole # 7786. ROW corridors were also significantly widened. Widening extended outside the ROW easement onto Spaulding land, by 7 to 16 feet, just north of the pad at Pole #7786. Wood chips and small woody debris have been strewn over the ROW, most thickly along forest edges where partial shade allows the highest herb diversity. Restoration of damage to soil and vegetation was not carried out.

3.0 SITE OVERVIEW

3.1 *Landscape Setting*

The roughly 1,800-foot-long ROW segment under consideration is in a hilly part of eastern Lebanon, adjoining sizable blocks of undeveloped forest. Farmland becomes more important in the landscape, to the south and east of the subject ROW segment, as shown on Figure 1 (see Attachment 2). Nearby is the Algonquin natural gas ROW, with a dense meadow cover type.

As shown on the 2019 CTECO summer aerial photo, the subject ROW segment adjoins substantial core forest habitat, defined as forest more than 300 feet from an edge. The largely forested tract, to the east is a mile long, north to south, and about a half a mile wide. West of this ROW segment is another unfragmented, forested area, with a diameter of about a quarter mile. The surrounding road network is widely spaced, with a low proportion of commercial and residential land uses. Beaumont Highway (Rt. 289) is 0.4 miles, on average, from the ROW. Chappell Road is 0.2 miles to the south, and Bogg Lane is about 0.75 miles to the east.

Prior to the major maintenance policy change, the Eversource ROW contributed to landscape fragmentation only to a limited extent because the dominant cover type along the ROW was shrubland rather than open terrain, as described in the second paragraph of Section 2.0. Nevertheless, ecological integrity is still very good in the larger site vicinity,

Forested areas near the subject ROW include both steep, rocky hillsides; rich, slope-base forest; and forested riparian habitat along Susquetonscut Brook. The ROW passes down the steep southern slope of Owunnegunset Hill, with a nearly 200-foot drop in elevation. Besides



this hill, three other nearby hills also have summits 500 to 600 feet in elevation, and very steep, east- to south-facing slopes, that are largely forested. The topographic variation is associated with the diversity of ecological communities.

Susquetonscut Brook flows westerly across the ROW about 100 feet south of the Spaulding-owned ROW segment, at the base of a long, steep hill, before joining Burgess Brook, another sizable perennial stream. Near the ROW, Susquetonscut Brook is bordered by extensive wetlands. A quarter mile upstream, the brook is impounded as 3.3-acre Hayward Pond. These additional habitat classes, including emergent marsh, increase wildlife support potential for the ROW vicinity. We note that in addition to widespread “backyard” bird species, Eastern towhee and wood thrush were both observed in late May (probably breeding) in forested habitat at the edge-of the ROW. Both are declining neotropical migratory species. Towhee uses both forest edge habitat and shrubland and wood thrush breeds in moderate-sized forest blocks as well as forest interiors.

Significance

A site’s ecological integrity affects the significance of the impacts to natural habitats, described below. Natural lands adjacent to this ROW segment are expected to support a diverse assemblage of wildlife and flora and high-quality ecological communities, in contrast to a hypothetical ROW in an urbanized, highly fragmented area.

3.2 ROW Conditions

3.2.1 Topography and Soils

Topography along the ROW is similar to that in adjacent forest. The highest elevation is at the far north end at the intersection with the grassy Algonquin Pipeline ROW, just north of Pole Group #7788. Proceeding southerly, a 125-foot ROW section slopes gently down to the isolated northern wetland. Next, the 200-foot section down to Pole Group #7786, has a gentle south-easterly slope, though the grade is nearly level on the west side. The access road crosses to the west side along this gently sloping stretch, and is not severely eroded.

The next four-hundred-foot-long section has approximately forty percent slopes. Soil Mapping Unit 73E occupies a roughly 1,000-foot-long section along the southern section of this ROW segment, and the forested, Spaulding/Yeasley-owned land, both to the east and to



the west (see Attachment 3). Mapping Unit 73E is the Charlton & Chatfield Complex with “15% to 45% slopes, very rocky.” Bedrock is as close as 20 inches from the surface in Chatfield soils.

3.2.2 Upland ROW Vegetation

Upland ROW vegetation cover types and different stages of mugwort infestation are shown in Photos 2-1 through 2-6. At the northern pipeline crossing, the vegetation cover-type is dense, grassy meadow with native species like black-eyed Susan and prickly dewberry, and minimal colonization by mugwort.

All along the access road, mugwort swaths, ten to twenty feet wide, are dense and mature, with five-foot tall dead stems, remaining from the 2021 growing season. Further back from the road, patches of young, spreading mugwort are dominant, interspersed with scattered common herbaceous colonizers, both naturalized and native. Plant cover is typically sparse, usually less than fifty percent cover on May 24th, 2022. Young invasive vines and shrubs also have a significant presence, especially Asiatic bittersweet and multiflora rose, in the southern portion of the ROW.

Low native and naturalized ROW wildflowers include bluets, maiden pink, (*Dianthus deltoides*), white clover, common cinquefoil, plantains, and low spring mustard species. Some of the taller forbs are the goldenrods (*Solidago rugosa*, *S. altissima*, and *S. canadensis*), mulleins, common evening primrose, and summer daisy (*Erigeron spp.*). Asters were not identifiable in May but must be common, because pearl crescent butterflies were abundant on May 24th, 2022; asters are their larval host plant. Deer tongue grass is the most important graminoid species. Others include fescues, bent grasses, poverty oat grass, a variety of clump-forming sedges, and rosette-panic grasses. Examples are shown in Photos 1-7 to 1-10 (Attachment 1).

Though widespread and considered ‘weedy,’ they have aesthetic appeal and do support diverse pollinators and other insects. Several, like the plantains, and the sedges and grasses, are important seed-producers for winter birds, as are the perennial graminoids. Their loss is a significant adverse ROW impact, whether as a result of burial under gravel or woody debris, or compaction by heavy machinery, or competitive exclusion by invasive mugwort or Asiatic bittersweet.



Larger plant species needing fertile, moist growing conditions have become established along the ROW perimeter at the low-elevation south end of the ROW near Susquetonscut Brook, first disturbed over three years ago. Invasive multiflora rose and Asiatic bittersweet are dominant, and are associated with blackberries, black raspberries, pokeweed, and orchard grass.

3.2.3 Isolated Wetland

Joe Pye weed, willow-herb (*Epilobium coloratum*), and sensitive fern were growing in a portion of the isolated wetland, near the crossing, where soils are saturated long enough to exclude mugwort. The woody wetland plants in this small area (≤ 700 square feet) were a winterberry shrub (*Ilex verticillata*) and a shrub willow, and *Populus* saplings. However, this wetland is much larger (over 5,500 square feet in total per Eversource mapping). The remainder of the wetland is currently dominated by mugwort and other non-hydrophytic invasive shrubs like non-native honeysuckles and autumn olive. After soils have been disturbed, allowing colonization, mugwort can thrive in jurisdictional, seasonally saturated wetlands, provided the high watertable does not extend up into the near-surface root zone.

3.3 *Adjacent Plant Communities*

The forested hillsides bordering the ROW, within the subject property, support several different, high-quality ecological communities.

One well-developed example of the *rocky hillside forest community* is just west of the ROW, near Pole #7785, bordering the steepest ROW section. Diverse and aesthetically pleasing vegetation grows among exposed boulders, a “boulder wall,” and talus. Ferns include marginal wood fern, fragile fern, common polypody, and evergreen wood fern. Representative wildflowers are doll’s eyes (*Actaea pachypoda.*), Canada mayflower, and false Solomon’s seal. Hickories are abundant, some very large. Unfortunately, invasives plants are starting to proliferate here, due to increased light levels from forest-edge clear-cutting several years ago. See Photos 5-2 to 5-8

East of Pole #7786 is another high-quality example of *rocky hillside oak-hickory forest*, depicted in Photos 1-4, 3-5, 5-3, and 5-4. A broad swath of the forest edge was recently clearcut, including a 7 to 16-foot-wide section located outside the ROW, on the subject



property, east of Pole # 7786. Plant species documented there included hop hornbeam, pignut hickory, sugar maple, a triple-trunk red oak, Christmas fern, smooth aralia, Canada mayflower, white wood aster, and Pennsylvania sedge. Invasive species are entirely lacking.

The *moist, slope-base forest community* borders the south end of this ROW segment, on the west side. It is fed by mineral-rich hillside seepage. As is characteristic of slope-base forest, sugar maple is dominant, associated with low trees needing mineral-rich soil, like ironwood and hophornbeam. There are many spring wildflowers such as red trillium, wild geranium, enchanter's nightshade (*Circaea canadensis*), and prickly bedstraw (*Galium asprellum*). This part of the Spaulding/Yeisley property is a mature forest community with high aesthetic appeal, readily accessible from the access road off Beaumont Road. Photos 5-5 To 5-8 show invasive colonizers, adjacent to forest herbs after forest edger shearing has increased light levels.

3.4 Former Shrubland ROW Community

As Connecticut plant ecologists, Ms. Gadwa and Mr. Logan are familiar with the typical woody constituents of the diverse shrubland communities on rocky, acidic soils in the Eastern Connecticut Highlands. Sigrun Gadwa, assisted by other members of the Connecticut Botanical Society, has formally inventoried three such shrubland ROW segments. The most typical woody species are in the heath (Ericaceae) family: highbush blueberry, maleberry, sweet pepperbush, mountain and sheep laurel, and swamp azalea; common non-ericaceous shrubs are chokeberry, winterberry, arrowwood and maple-leaf viburnum, blackberry, raspberry, hazelnut, pussy willow, and spicebush. Scrub oak is occasional. Widespread dwarf shrubs are huckleberry, low-bush blueberries, meadowsweet, steplebush, and sweet fern. Characteristic herbaceous plants also grow in small clearings between shrubs, and along the former, earthen access roadways.

The shrubland vegetation along this ROW segment was not inventoried prior to 2017, when Mr. Spaulding and his wife bought the property traversed by this ROW segment. However, the vegetation was probably similar to that along many other minimally disturbed shrubland ROW communities in the acidic, rocky highlands of Eastern Connecticut. They were also maintained using the prior vegetation management approach, used by Connecticut Light & Power. Evidence includes a remnant undisturbed forest edge at the far north end of this ROW



segment, on the east side. Low-growing vegetation along that edge includes huckleberry, highbush blueberry, maple leaf viburnum, red cedar, and Pennsylvania sedge (See Photo 5-1.)

Provided native soils are minimally disturbed, significant ecological and aesthetic damage is not an unavoidable associated outcome of long-term ROW maintenance, at least in hilly, infertile, rocky terrain. Symbiotic relationships with soil biota allow the native shrubs to thrive in acidic, infertile rocky conditions; they include blueberries, laurels, maleberries, meadowsweet, and sweet fern. In such terrain, intrinsically challenging growing conditions for vegetation limit the speed and vigor of sapling growth, and of rank-growing/invasive understory vegetation, which needs frequent cutting.

4.0 ADVERSE ENVIRONMENTAL IMPACTS

4.1 *Direct Vegetation Losses*

Extensive direct losses of vegetation and wildlife habitat occurred between 2018 and 2020 when brush-hogging/mowing at more frequent intervals (except within wetlands) replaced the long-standing former practice of selective tree sapling removal, while leaving shrubs intact. Most of the native shrubs in our region die when cut close to the ground every 3 years or so.

ROW widening by clearcutting forest edges also removed much vegetation. The recently cut swath on the west side of the ROW, north of Pole #7785 is up to 30 feet wide. ROW widening, and conversion to a low, open cover type has increased fragmentation of the local landscape, such that the other forested land within the subject property has become less valuable for wildlife, in particular for forest-interior species, and for birds that forage along natural forest edges and in shrublands.

Additional extensive direct habitat losses occurred wherever ROW vegetation was buried by the new wider gravel roadways or by gravel pads to support equipment for pole replacement. Mr. Spaulding's consultants have calculated the total area buried by gravel to be 1.5 acres. Pads were constructed several years ago, but remain bare or very sparsely vegetated, as shown in Photos 3-1 to 3-3. They were not spread with stockpiled, salvaged local topsoil, as is the customary restoration practice. Nor were the compacted gravel pads spread with imported, pervious topsoil, or removed; these are all mitigation options discussed in the Siting Council's response to Petition 1293. If the pads were seeded, there has been negligible germination.



Assorted clovers were observed on a cut slope adjacent to the nearly bare Pad #7784, likely from a seed mix.

Blooming in spring and/or early to mid- summer, the low woody ROW species listed in Section 3.4 are all important for pollinators, complementing assorted fall perennial wildflowers like goldenrods, *Eupatorium* species, and asters. Many yield juicy fruits, others produce numerous seeds. Shrub cover also provides ample nesting and insect-gleaning habitat. Slow-growing red cedars of all sizes were reported to be abundant in this cover type, before the brush-hogging (also seen on aerial photographs). They provide outstanding winter cover and oil-rich winter fruits.

We do not know exactly which subset of the many shrubland ROW species listed in the second paragraph of Section 3.4 used to grow along this particular section of ROW, or what their proportions were. One could argue that the former ROW shrubland may have consisted primarily of invasive shrubs. However, woody invasives are typically present only to a limited extent in a shrubland, where many years of continuous shrub cover have largely prevented colonization. Without data, we cannot be sure to what extent this was the case in this particular ROW segment. Woody invasive shrubs do provide some cover, nectar, fruit or seeds, and insect gleaning habitat for wildlife.

Researchers such as Dr. Robert Clark at the Great Hollow Nature Preserve & Ecological Research Center, in New Fairfield, Connecticut, and elsewhere are finding that significant foraging for arthropods by birds does take place on various invasive shrubs. However, the extent to which wildlife support by various invasive shrubs is less than that of native shrubs has not yet been well-researched (Seewagen et al 2020). Note that the herbaceous invasive, mugwort, lacks those redeeming qualities for wildlife and pollinators.

Regardless, the prior shrubland community surely had substantially higher wildlife and pollinator value than the current mugwort-dominated vegetation on this ROW segment, and far more value than barren gravel pad and roadway surfaces. ***This has been a major and significant environmental loss.***

Additionally, direct vegetation losses have adversely impacted the aesthetic and recreational value of the Spaulding, Yeisley property. The prior community shrubland also had much higher aesthetic value, and more interest and appeal for the owners. Mr. Spaulding and his



wife appreciate not only plants' beauty, but also their wildlife support function, e.g., shrub cover for cottontails, nectar-rich flowers for pollinators, and seeds and fruit for songbirds. Opportunities for enjoyment and observation of nature are much diminished, for the property owners and their guests, and for nature clubs and scout troops, or student groups that they might choose to host. The new vegetation management methods have eliminated most of the ecological values for fauna along the owners' ROW segment.

4.2 Woody Debris Deposition

Tree-cutting to widen the right-of-way, has been accompanied by deposition of woody debris piles over perennial right-of-way plants, as shown in Photos 1-1 to 1-6. After logging for recent ROW-widening, the large logs were trucked off-site; small, and moderate-size woody debris was left behind, in piles or scattered about. In two areas, that is, adjacent to Pole #7785 and #7786, stumps and woody debris were disposed of outside the ROW on Spaulding/Yeisley land. Disposition of the debris from initial brush hogging in 2019 and 2020 is not known.

Woodchip mulch and woody debris has buried many low-growing native plants like rosette panic grasses, multiple sedge species, poverty oat grass, and wildflowers like maiden pink and Canada cinquefoils (See Section 3.2.2). Burial has also prevented germination and/or seedling establishment of other plants. Herbaceous plants other than mugwort, currently present along this ROW, do have wildlife and pollinator value, though less overall, than in the prior shrubland community. Their loss is also a major adverse ecological impact.

Leaving woody debris in the ROW degrades its aesthetic value for the property owners, who enjoy passive recreation along the ROW. Debris piles are unsightly. They cover blooming wildflowers and mar views of scenic boulder outcrops on the ROW perimeter (See Photo 1-5).

As the woody debris and wood chips decompose, they also change the soil; phosphorus levels increase and the soil microbial community is altered. The soil becomes more suitable for various rank weeds, like mugwort, pokeweed (*Phytolacca americana*), and cudweed (*Erechtites hieracifolia*), and less suitable for the more desirable sedges, native grasses, and wildflowers of low-nutrient, rocky, hillside soil. In the highlands of Eastern Connecticut, the native ROW plant species, are adapted to acidic, low nutrient soil. Many species, especially those in the Ericaceae family depend on soil mycorrhizae to extract sufficient nutrients. They



have a competitive advantage in low-nutrient habitats against fast-growing, ‘weedy’ plants adapted to fertile soils. This advantage is undercut, when decomposing vegetation debris fertilizes soil, or when fertile topsoil is applied.

4.3 *Indirect Vegetation Losses - Competitive exclusion by Mugwort*

The extent of the common Mugwort infestation along the ROW has been described in detail in Section 2.3.3. The high density of the tall mature mugwort infestation along the access road suggests that the road-building and pad-building materials were contaminated with mugwort propagules, both seeds and rhizome fragments. Mugwort readily colonized the disturbed roadsides which were unavoidably damaged by heavy equipment, and placement soil and gravel. Initial colonization by mugwort presumably occurred in 2017 and 2018, when the gravel access road was being built.

Herbs other than mugwort are most diverse and abundant in the areas where mugwort patches are younger and less extensive, such as where tree-cutting or grading took place most recently. This is evidence of competitive exclusion by mugwort. The newer mugwort patches, further away from the access road, lacked standing remains of tall flowering mugwort stalks. However, by the 2023 growing season, the mugwort will be full-height and will set seed in these areas, as well. Low-growing herbs can be quickly eliminated by a tall, dense mugwort patch. The proportion of meadow species other than mugwort will continue to decline. Only a few tall species, like goldenrods (*Solidago rugosa* and *S. altissima*) will persist for several more years because they are less shaded by mugwort, and also spread by rhizomes as well as seed. Most asters (not identifiable in May) may also be tall. However, whorled loosestrife (*Lysimachia quadrifolia*) is not tall enough to compete in a dense mugwort patch and the biennial summer daisies (*Erigeron* species) are too short-lived to compete successfully. However, hay-scented fern, which is locally abundant near Pole Group #7787, may be able to persist because its dense rhizome mat prevents mugwort establishment.

4.4 *Adverse Impact on Forest Edges*

4.4.1 Direct losses

Impacts from tree-cutting along the Eversource ROW edges begin with direct losses of forest vegetation, including edge-adapted plant species such as sassafras and shadbush and multiple



forest edge forbs that need partial shade. These edge plants are sparse or absent from the forest interior.

Loss of high-quality avian foraging habitat is also important. Fast growing, tender foliage along forest edges supports higher densities of caterpillars and gleaning songbirds and tree frogs, than in forest interiors. A recent quantitative study supports this widely accepted fact. Significantly higher rate of insectivory were recorded in forest edge habitats, than in forest interiors (Luc et al. 2013).

Along the eastern edge of the far north end of the Spaulding segment, where it crosses the Algonquin gas pipeline, is a classic example of a diverse, invasive-free edge, with complex structure. It serves as a “reference” edge habitat at this site (See Photos 5-1 and 5-2).

A grave concern is that tree removal, to widen the ROW, extended outside the legal ROW in several areas, as documented by survey work, which has been entered into the record for this case. The largest such incursion is just east of Pole #7786. The impacted area was a high-quality example of the rocky hillside forest community, as described above.

4.4.2 Indirect Adverse Impacts

ROW widening also results in harmful alteration to habitat located outside the ROW, but still on the Spaulding/Yeasley property. When natural, long-standing forest edges are “sheared off,” the new forest edges are “open.” This has the unfortunate effect of *accelerating colonization by invasive plant species*, along a swath of forest extending up to fifty feet into the forest. Removal of border shrubs and saplings and the outer trees with many low tree branches, has much increased light levels and soil temperatures along most of the forest edges of this ROW segment. The seed bank in forest soils typically includes many bird-dispersed invasive seeds. The additional light passing through an open forest edge significantly improves rates of germination, seedling survival and seedling growth of invasive species. As field ecologists we routinely observed invasive infestation along new or maintained forest edges.

Along this ROW segment, one can relate the progressive stages of invasive colonization of sheared forest edges to the time elapsed since the cutting occurred (See Photos 5-1 to 5-6). A severe advanced infestation may be seen just east of Pole # 7784 area, where forest edge-



widening occurred in 2018, when that pad was built, coinciding with ash mortality. Intermediate stage infestation occurs just southwest of Pole #7785 up to the southern limit of brush-hogging and road construction. ROW brush-hogging and road construction was delayed along the southernmost segment until after 2020. The early stages of invasive colonization affect the western forest edge, extending 250 feet north of Pole #7784. This is a high-quality forest dominated by sugar maple and pignut hickory. Seedlings of Asiatic bittersweet, Japanese barberry, and winged *Euonymus* were photographed next to forest wildflowers, ferns, and native tree seedlings, most of these desirable native plants will be enveloped and outcompeted by much faster-growing and taller invasives, within a few years.

We suggest a maintenance alternative to creation of “open” forest edges. This alternative would also lessen risks of future tree damage to powerlines. Excessively tall trees can be topped, and low-stature trees and tall shrubs can be planted in front of them, along the forest edge (or allowed to remain if already present). Future tree and sapling removal behind the planted low trees will not significantly increase light levels and the low trees will also serve as a windbreak. Maintaining a zone of tall shrubs and low trees at the edge of the ROW used to be an Eversource policy.

4.5 Increased Erosion

Since the shrubland cover type was brush-hogged, runoff levels and soil erosion have increased, especially in the steep southern portion of this ROW segment. This is due to diminished tree and shrub cover to intercept vegetation, and more exposed soil. Hillside soils are increasingly skeletonized. The increased runoff volumes from the large impervious pads and stone-covered roadways have washed the fine sediment and gravel from between the larger stones as fine particles are washed away. Trails have become difficult for Mr. Spaulding and his wife to use, either on foot or using their small four-wheeled recreational vehicle. Recreational value is diminished along the ROW because the trail down the steep southern portion of his ROW segment.

Rather than remaining in place, germinating, and becoming established, a high proportion of seeds are washed downhill or fail to become established because the bony soil holds insufficient moisture for germination. Invasive seeds are also washed downhill, exported to the off-site Susquetonscut riparian corridor, along with the sediment washed off the steep hillside.



Off-site sediment impacts were not investigated, or the extent of off-site mugwort colonization. These are admittedly not potential impacts on the Spaulding/Yeisley property but rather on the public trust. We do point out that mugwort thrives in floodplain habitat, replacing heavy-seeding annual herbs like sticktight and false-nettle, with great value for birds. Bare sediment deposits are preferred sites for mugwort colonization.

5.0 CONCLUSION

In conclusion, several different maintenance activities have resulted in direct losses of ROW vegetation. Indirect adverse impacts result from the proliferation of invasive plants, fostered by soil disturbance (creating favorable unvegetated seed beds for mugwort), introduction of invasive propagules during construction, and by increased light levels along forest edges. Satisfactory restoration of groundcover, where disturbed, has not taken place. Mr. Spaulding and his wife have substantially reduced enjoyment of their property along their ROW section and in adjacent forests. This is due to reduced aesthetic value and also due to diminished opportunities to observe and appreciate wildlife, wildflowers, and scenic vistas. The new access roads have increased ATV use of the ROW. ATV noise disrupts wildlife, and further diminishes the owners' enjoyment of their property.

The surrounding landscape has a low proportion of residential and commercial landuses, sizable unfragmented forested areas, and multiple habitat classes, such that the quality and biodiversity of wildlife and forest plant communities in the immediate vicinity of this ROW segment, that is, on the Subject Property, is expected to be high. The good ecological integrity and habitat diversity of the surrounding landscape has increased the magnitude of adverse impacts from ROW maintenance activities. It also increases the significance of ROW shrub removal and construction of unvegetated pads because the ROW is now fragmenting the forested landscape to a much greater extent. CTDEEP aerial photography shows that as recently as 2017, this ROW segment was occupied by a dense cover of shrubs, saplings, and high herbs. Losses of trees and shrubs, and herb clumps are accompanied by losses of wildlife habitat (cover & food) and by reduced climate & flooding moderation function.

Based on this analysis, it is our professional opinion, that Eversource's ROW maintenance activities since 2017 have caused long-term adverse impacts on the property owned by Mr. Spaulding and his wife. These activities have harmed the property's environmental and ecological resources, including its plant communities and the wildlife that uses the property.



Some activities also took place outside the Eversource ROW. Others were within the ROW and subject to the ROW easement, but the required restoration activities that should have reduced the extent of adverse impacts were never carried out.

Please feel free to contact our office with any questions on the above.

Respectfully submitted,

REMA ECOLOGICAL SERVICES, LLC

A handwritten signature in black ink, appearing to read "George T. Logan".

George T. Logan, MS, PWS, CSE
Professional Wetland Scientist (SWS)
Registered Soil Scientist
Certified Senior Ecologist (ESA)

A handwritten signature in black ink, appearing to read "Sigrun N. Gadwa".

Sigrun N. Gadwa, MS, PWS
Ecologist, Registered Soil Scientist
Professional Wetland Scientist (SWS)

VIA HAND-DELIVERY

Attachments: 1: Annotated Photos
 2: Figures
 3: USDA-NRCS Web Soil Survey

Attachment 1

Photo record

ATTACHMENT 1: PHOTO RECORD

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Segment 1 - Photos 1-1 to 1-10: **Tree-cutting & brush-hogging** has eliminated much valuable habitat. The **woody debris** buries and damages vegetation. It mars scenic views & natural features like rock outcrops and patches of wild flowers. Nutrients leach from rotting debris, overfertilizing soil. This discourages native plants and fosters invasive, weedy species.

Segment 2 - Photos 2-1 to 2-10: **Invasive mugwort** arrived during construction of gravel roads and pads. It has negligible habitat value, and continues to spread, both by rhizomes and seed. Native herbs can compete with low, young mugwort. A tall, dense, unsightly monoculture now borders the gravel roads in the north part of the ROW (built first).

Segment 3 - Photos 3-1 to 3-6: The three large **compacted gravel and stone dust pads** are bare or sparsely vegetated. They were not restored by adding soil and seeding, as called for in Petition 1093. Nearly impervious, they increase the volume of runoff from the site. Pads built to support the pole replacement operation eliminated a substantial habitat area.

Segment 4 - Photos 1-1 to - 1-2: No gravel was laid down where the access road crosses the one isolated wetland at the north end of the site; timber matting was used instead, as called for by the CT Siting Council. Native wetland vegetation borders this crossing. Just to the south, where gravel resumes, adjacent vegetation is again dense mugwort.

Segment 5 - Photos 5-1 to - 5-12: Natural, undisturbed forest edge, and high quality forest communities along ROW edges are altered by edge shearing to widen ROW's. Open forest edges let much additional light into forest communities at south end of ROW. This fosters colonization & seedling growth of invasive Asiatic bittersweet, barberry, and burning bush, that will outcompete forest wildflowers, ferns, & tree seedlings

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 1: Easterly view of debris along W. edge of steep ROW, N. of Pole 7784.



Photo 2: Westerly view. Logging 35 ft. into forest, N. of Pole 7786.



Photo 3: Westerly overview of debris on ROW & Spaulding home, N. of Pole 7786.



Photo 4: E. view of debris on Spaulding land, E. edge of ROW, N. of Pole 7784.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 1-5: Easterly view. Debris mars scenic rock outdrops, N. of Pole 7785.



Photo 1- 6: Easterly view. Debris & new mugwort on outcrop S. of Pole 7787.



Photo 1- 7: Debris & gravel fill bury perennial sedges and grasses, S. of Pole 7786.



Photo 1- 8: Buried grasses include native *Danthonia spicata* , near Pole 7786.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photos 1-9 and 1-10: N. of Pole 7784 wildflowers include maiden Pink, goldenrod, bluets, cinquefoil, & clover: typical current ROW plants impacted by debris.



Photo 2-1: View northerly towards Pole 7787, of mugwort on disturbed roadside



Photo 2-2: Northerly view to Pole 7785: former forest edge, W. side of ROW.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 2-3. Westerly view by Pole 7787. Tall dense mugwort along access road.



Photo 2-4. NW view to Pole 7787. Mugwort sparse on E. side far from road.



Photo 2-5: E. view. Mugwort on rock outcrop; disturbed roadside by Pole 7787



Photo 2-6: Mugwort, with dissected leaves, competing with goldenrods.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 3-1. SW view downhill from sparse pad at Pole 7785 towards Pole 7784.



Photo 3-2. N view to Pole 7786. On cut slope clovers sprouted from seed mix



Photo 3-3: W. view of forest edge from large, sparse gravel pad N. of Pole 7786.



Photo 3-4: Westerly view. Sparse compacted ground S. of pad at Pole 7786.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 3-5. E. view. Cut & stone fill encroaches on Spaulding land, by Pole 7786.



Photo 3-6. E. view. Grassy cover at Pole 7788 at N end of ROW. No pad yet.



Photo 4-1: E. view. Roadway without gravel crosses wetland N. of Pole 7788.



Photo 4-2: Northerly view of E. side of wetland with willow & aspen.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 5-1. S.view of natural woods edge. Shrubs, low limbs screen light. Pole 7788.

Photo 5-2. W. of S. part of ROW is high-quality "rich, moist slope-base forest."



Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 5-5. Bittersweet seedlings threaten wild geraniums in rich slope-base forest

Photo 5-6. Japanese barberry also threatens trillium & other low wildflowers.



Photo 5-7: On W. side of ROW, open logged edge lets light into slope-base woods.

Photo 5-8: Invasion started earlier near Pole 7785, after logging to build pad.

Photorecord: Environmental Impacts along Eversouce ROW at 716 Beaumont Hwy, Lebanon , CT



Photo 5-9. In steep, rocky forest multiflora rose smothers false Solomon's seal.



Photo 5-10. Close-up of the flowers of false Solomon's seal.



Photo 5-11: Burning bush & Christmas fern on west side of ROW, near Pole 7785,

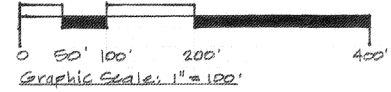


Photo 5-12: Moist woods E. of 1st pad (7784) has 40' of continuous invasives.

Attachment 2

Figures 1, 2, and 3

FIGURE 1: Map of Subject Site prepared by J. Gebrian, Landscape Architect, 12/9/21
716 Beaumont Road, Lebanon, Connecticut

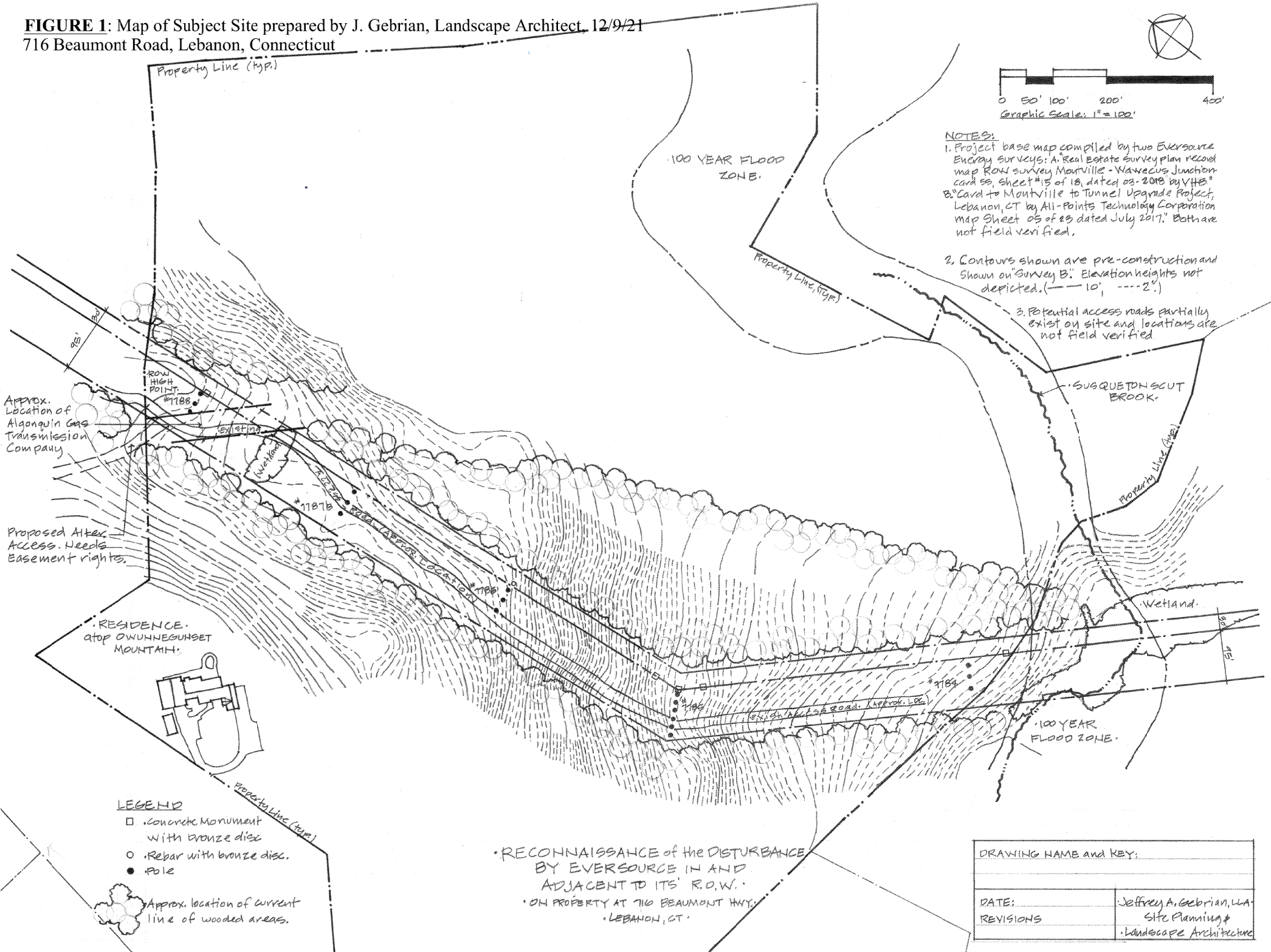


NOTES:

1. Project base map compiled by two EverSource Energy surveys: A. Real Estate survey plan record map Row survey Montville - Wawecus Junction card ss, sheet #15 of 18, dated 03-2018 by VHB. B. Card to Montville to Tunnel Upgrade Project, Lebanon, CT by All-Points Technology Corporation map Sheet 05 of 23 dated July 2017. Both are not field verified.

2. Contours shown are pre-construction and shown on "Survey B". Elevation heights not depicted. (--- 10', ---- 2')

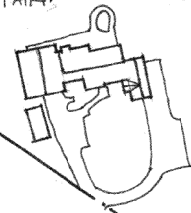
3. Potential access roads partially exist on site and locations are not field verified



Approx. Location of Algonquin Gas Transmission Company

Proposed Alter. Access. Needs Easement rights.

RESIDENCE at top OWUNNEGUNSET MOUNTAIN.



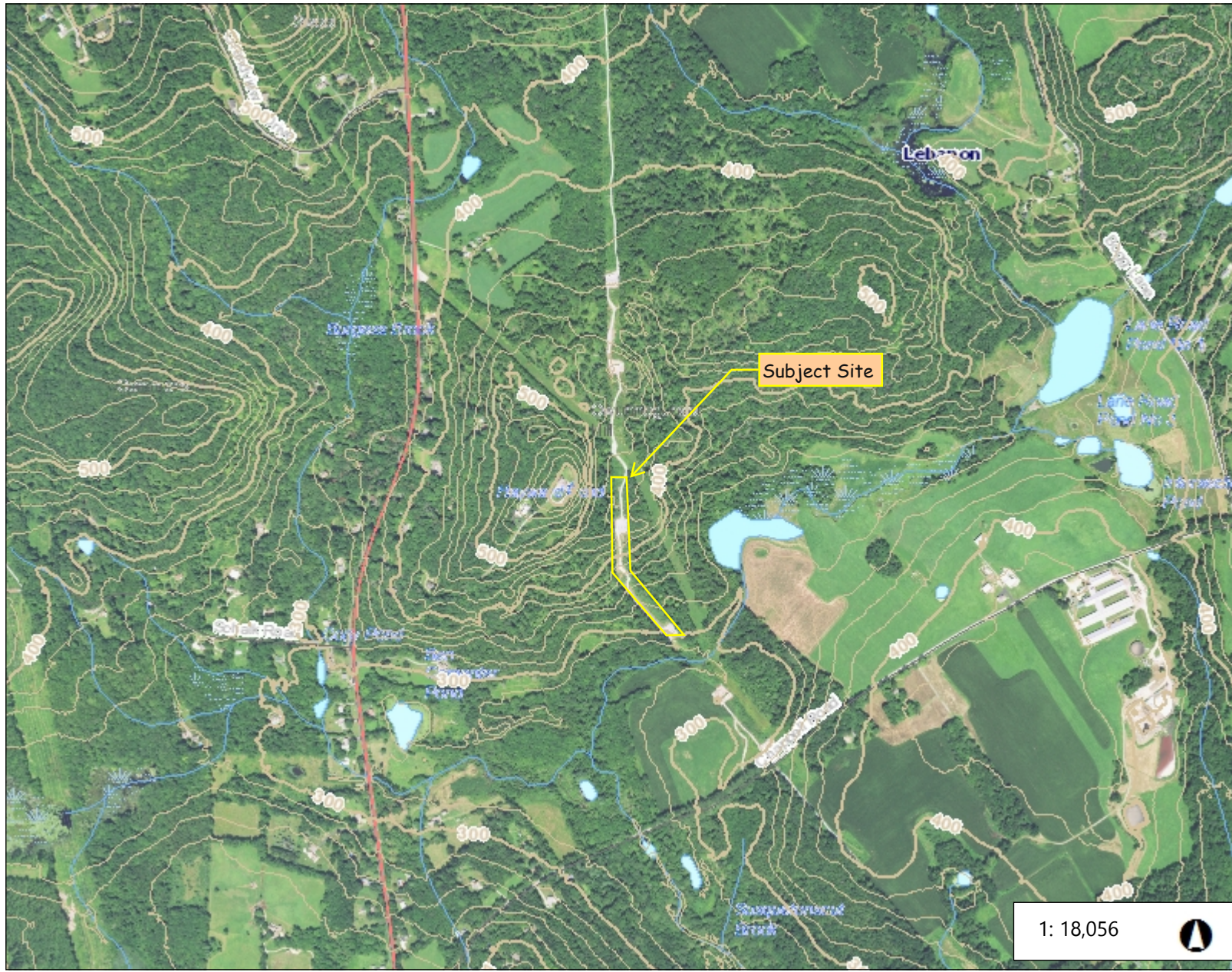
LEGEND

- Concrete Monument with bronze disc
- Rebar with bronze disc.
- Pole

Approx. location of current line of wooded areas.

• RECONNAISSANCE OF THE DISTURBANCE BY EVERSOURCE IN AND ADJACENT TO ITS' R.O.W. • ON PROPERTY AT 716 BEAUMONT HWY. • LEBANON, CT.

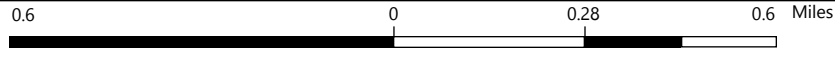
DRAWING NAME AND KEY:	
DATE:	Jeffrey A. Gebrian, LA
REVISIONS	Site Planning & Landscape Architecture



Legend

- Geographic Names7
- Geographic Place 3
- Airport
 - Airport
 - Heliport
- + Railroad
- Streets
 - Interstate Highway
 - US Highway
 - State Highway
 - Primary limited-access
 - Ramp
 - Street
 - Ferry crossing
- County Line
 - State Boundary
 - County Boundary
 - Coastline
- County Name
- Town Line
 - State Boundary
 - Town Boundary
 - Coastline
- CT Town Name
- Waterbody Line 7
 - Water

1: 18,056



This map is intended for general planning, management, education, and research purposes only. Data shown on this map may not be complete or current. The data shown may have been compiled at different times and at different map scales, which may not match the scale at which the data is shown on this map.

Notes

FIGURE 3:

SUBJECT SITE
716 Beaumont Hwy., Lebanon, CT
(as seen on a 2/2020 aerial photo)

Approximate Spaulding
Yeisley Property line. See
Figure 1 (J. Gebrian Map)
for topography, tree limits,
and property lines.

Eversouce Right of Way

severe mugwort infestation
all along gravel road

Pad at
Pole Area #7786

Tree-cutting &
debris placement
outside ROW

Algonquin Gas pipeline

Eroded
gravel
road

Invasive proliferation
along woods edges
is far advanced

First Pad built at
Pole Area #7784

Invasive
proliferation
in forest due to
additional light

Tree cutting along
woods edges

steep terrain

Invasive
proliferation
in forest edge zone,
due to additional light

Pad at
Pole Area #7785
(not built yet in 2020)

Google Earth

800 ft

Susquehanna Brook



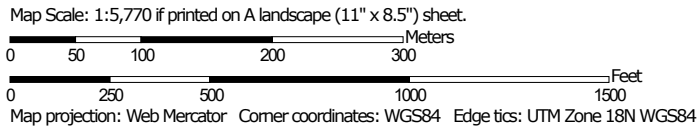
Attachment 3

USDA-NRCS Soils Map

Soil Map—State of Connecticut
(Eversource ROW, 716 Beaumont Twy, Lebanon)



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Connecticut

Survey Area Data: Version 21, Sep 7, 2021

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
17	Timakwa and Natchaug soils, 0 to 2 percent slopes	2.1	1.6%
23A	Sudbury sandy loam, 0 to 5 percent slopes	1.0	0.8%
38C	Hinckley loamy sand, 3 to 15 percent slopes	0.2	0.1%
60B	Canton and Charlton fine sandy loams, 3 to 8 percent slopes	5.5	4.3%
60C	Canton and Charlton fine sandy loams, 8 to 15 percent slopes	0.6	0.4%
60D	Canton and Charlton soils, 15 to 25 percent slopes	0.3	0.2%
61B	Canton and Charlton fine sandy loams, 0 to 8 percent slopes, very stony	4.9	3.8%
62C	Canton and Charlton fine sandy loams, 3 to 15 percent slopes, extremely stony	9.0	7.0%
62D	Canton and Charlton fine sandy loams, 15 to 35 percent slopes, extremely stony	10.3	8.0%
73C	Charlton-Chatfield complex, 0 to 15 percent slopes, very rocky	13.2	10.3%
73E	Charlton-Chatfield complex, 15 to 45 percent slopes, very rocky	55.6	43.2%
76E	Rock outcrop-Hollis complex, 3 to 45 percent slopes	14.0	10.9%
86D	Paxton and Montauk fine sandy loams, 15 to 35 percent slopes, extremely stony	2.4	1.9%
103	Rippowam fine sandy loam	9.8	7.6%
Totals for Area of Interest		128.9	100.0%

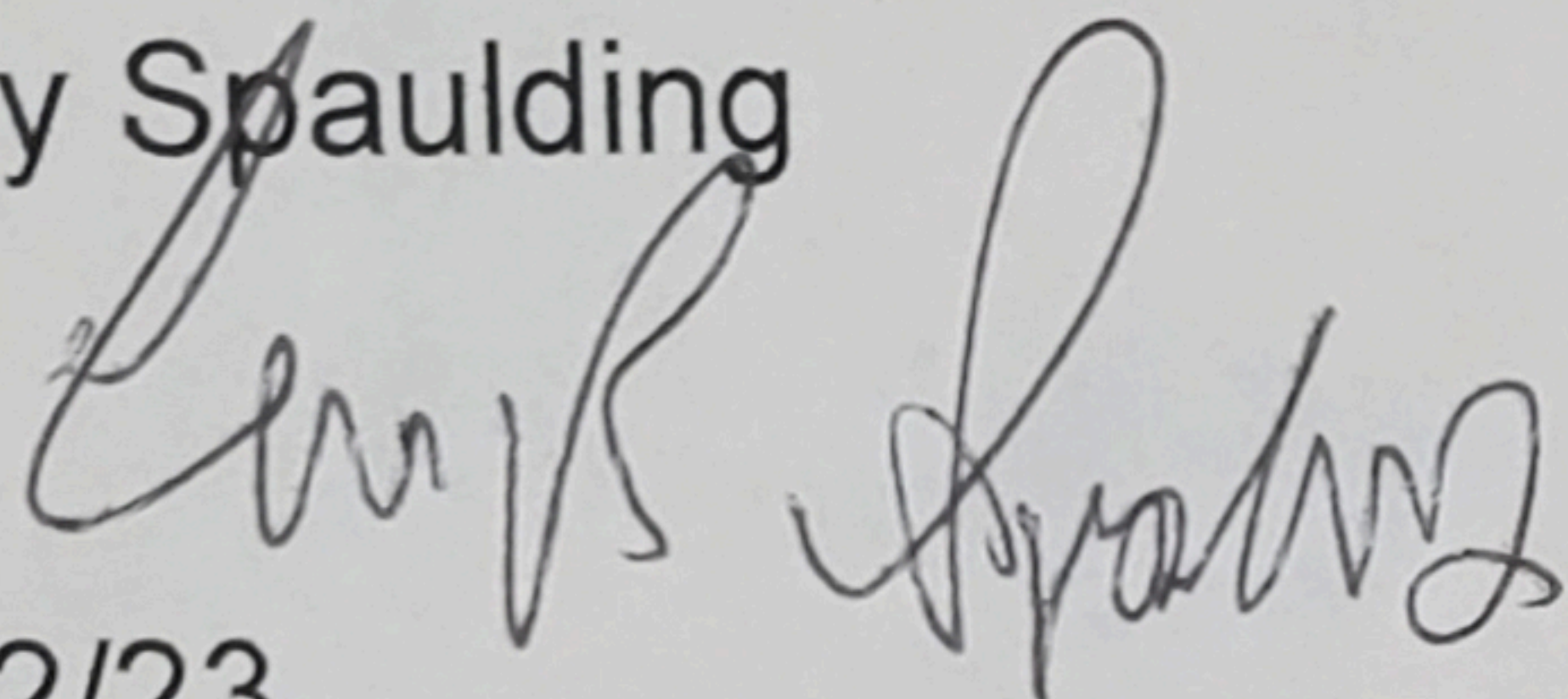
Certification

I hereby certify that an electronic copy of the forgoing document was mailed to

The Connecticut Light and Power Company d/b/a Eversource Energy

Deborah Denfeld Team Lead – Transmission Siting Eversource Energy P.O. Box 270
Hartford, CT 06141 Phone: (860) 728-4654 deborah.denfeld@eversource.com

Cory Spaulding



5/22/23

Leslie Yeisley

