

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

The Connecticut Light & Power Company)
application for a Certificate of Environmental)
Compatibility and Public Need for the Connecticut)
portion of the Interstate Reliability Project)
that traverses the municipalities of Lebanon,)
Columbia, Coventry, Mansfield, Chaplin,)
Hampton, Brooklyn, Pomfret, Killingly, Putnam,)
Thompson and Windham, which consists of (a))
new overhead 345 - kV electric transmission lines)
and associated facilities extending between)
CL&P's Card Street Substation in the Town of)
Lebanon, Lake Road Switching Station in the)
Town of Killingly, and the Connecticut/Rhode)
Island border in the Town of Thompson; and (b))
related additions at CL&P's existing Card Street)
Substation, Lake Road Switching Station, and)
Killingly Substation)

Docket No. 424

May 21, 2012

TESTIMONY OF RICHARD CHENEY

Allegations of Fact

My name is Richard A. Cheney, Sr. and together with my wife, Verna T. Cheney, we are the owners of 164 Stafford Road, Mansfield Center, Connecticut (the "Property"). We acquired title to the Property by virtue of a warranty deed from Orin Miles, Jr. and Sheila Miles dated September 30, 1987 and recorded in Volume 262 at Page 97 of the Mansfield Land Records.

At the time I acquired the Property, there was already an easement in favor of Connecticut Light and Power Company ("CL&P"), which easement had been granted by an easement dated November 13, 1968 and recorded in Volume 108 at Page 233 of the Mansfield Land Records. Pursuant to this

easement, CL&P has already placed a sequence of poles, three abreast, across my property, limiting its use.

By a special permit granted from the Mansfield Planning and Zoning Commission on August 15, 1994, which permit has been recorded in Volume 335 at Page 130 of the Mansfield Land Records, I was given the right to construct a driving range on the Property. This range was constructed and presently operates on the Property as Highland Ridge Golf Range, LLC. Although the existing poles on the Property proved inconvenient, we were able to work around them in the placement of the range.

At the time of the public hearing before the Planning and Zoning Commission of Mansfield for the special permit, there was much discussion by the Commission about the highest and best use of the Property. The consensus was that, because of the power lines, there was little possibility for this land to be developed for anything but recreational use.

The driving range is presently used by a wide variety of individuals and organizations, including the University of Connecticut's golf team, E. O. Smith's golf team and other similar organizations, such as Mansfield Park and Recreation. Our relationship with the University of Connecticut is so good that they have a key to the range so they can use it even when we are closed to the public. Additionally, we have allowed the golf range to be used for a variety of non-profit causes.

Users of Highland Ridge's driving range hit golf balls underneath the existing towers and lines. The proposed power lines will run within the existing

easement, with proposed Poles S-38, S-39 and S-40 all being on the Property, and proposed to be located to the northwest and west of the existing poles, 9037, 9038 and 9039 respectively.

The existing poles at 9039 are within flagged wetlands. The existing poles at 9038 are within the designated "Regulated Area" as defined in the Mansfield Inland Wetlands and Watercourses Regulations. Proposed Pole S-40 is also likely to be located within the Regulated Area.

Statement of Position:

Poles S-38 and S-39 are proposed to be located in a manner so as to make continued use of the Property as a driving range problematic, because balls will be far more likely to strike the power lines. Although it is impossible to know for sure, until the poles are already in place, my informal evaluation of the likely visual and physical impact of the poles is that the range will be rendered unplayable, and I will have to close my business. Because the only real use for the Property is for some type of recreational use, if this business closes there is no other use for which the Property is suitable.

It would not take a major redesign of the proposed route of the poles to keep the driving range viable. There are two possible ways to remedy the issues raised by this application. The first of these would involve relocating Pole 39 approximately 300' to the northwest of its proposed location. This would place it outside the existing driving range but still within the boundaries of the Property. While this location is outside the present easement, I would grant a new easement for this location at no charge to CL&P due to this location's benefits to

the Highland Ridge Golf Range. To the extent that this location is within wetlands or the upland review area, I would be entirely supportive of CL&P's wetlands application. Since CL&P will require a wetlands permit in any event, this new piece would provide no major delays and would transform our potential opposition at such a hearing to support, benefitting CL&P greatly. CL&P has performed an evaluation of this proposal and determined that it would require the acquisition of an additional right-of-way on adjacent property. For this reason, CL&P is unwilling to pursue this alternative.

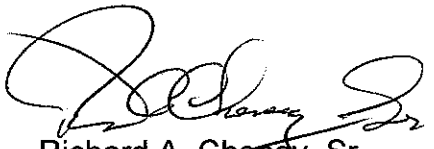
Fortunately, the second possible way to remedy the problems caused by the proposed location of Poles S-38, S-39 and S-40 does not require acquisition of a greater right-of-way, and CL&P indicates its cost would be, in relative terms, quite moderate. If CL&P moved the proposed Pole S-38 to the northeast within the current easement and in line with the proposed line location while leaving Pole S-40 in place, CL&P would be able to run the proposed wire directly between Poles S-38 and S-40, eliminating S-39 entirely. While this may require slightly higher poles at locations S-38 and S-40, I have no objection to that, and any potential cost of such higher poles would be off-set by the reduced costs of not having to construct Pole S-39. CL&P has estimated that this would increase the net cost by only \$10,000 - \$25,000. In exchange for saving my business, this is quite a moderate price to pay.

There may be another way to achieve the same results. If poles S-38 and S-39 could be constructed to a higher height than the presently proposed 110', this might raise the height of the power lines to an elevation sufficiently high that

they would not be struck by golf balls hit from the tees. I would encourage CL&P to explore this possibility as well.

Highland Ridge Golf Range has been a good corporate citizen of Mansfield for nearly twenty years. We employ a number of local residents, including my son, David, and provide valuable services to local schools and the University of Connecticut. I understand that new lines are coming through. I understand that there is an easement on my property for this purpose. What I do not understand is why this proposal cannot be modified in a manner to allow this local business to continue to operate.

Thank you for your time and attention to this matter.



Richard A. Cheney, Sr.

CERTIFICATE OF SERVICE

This is to certify that on this 21st day of May, 2012, one (1) copy of the foregoing was sent via electronic mail and an original and twenty (20) copies were sent via first class mail, postage pre-paid, to the Connecticut Siting Council, 10 Franklin Square, New Britain, CT 06051, and one copy was sent via electronic mail or mailed, postage prepaid, on this 21st day of May, 2012 to the following parties and intervenors of record:

Status Granted	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	The Connecticut Light & Power Co. P.O. Box 270 Hartford, CT 06141-0270	Robert E. Carberry, Project Manager NEEWS Siting & Permitting Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-6774 (860) 665-6717 fax carbere@nu.com Jane P. Seidl, Senior Counsel Northeast Utilities Service Company P.O. Box 270 Hartford, CT 06141-0270 (860) 665-5051 (860) 665-5504 fax seidlip@nu.com Anthony M. Fitzgerald, Esq. Carmody & Torrance LLP 195 Church Street P.O. Box 1950 New Haven, CT 06509-1950 (203) 777-5501 (203) 784-3199 fax afitzgerald@carmodylaw.com
Party (Granted 02/16/12)	NRG Energy, Inc., NRG Power Marketing, Inc., Connecticut Jet Power LLC, Devon Power LLC, Middletown Power LLC, Montville Power LLC, Norwalk Power LLC, and Meriden Gas Turbines, LLC (Collectively NRG)	Andrew W. Lord, Esq. Murtha Cullina LLP CityPlace I, 29 th Floor 185 Asylum Street Hartford, CT 06103-3469 (860) 240-6000 alord@murthalaw.com

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Peter.Fuller@nrgenergy.com

Party
(Granted
02/16/12)

Victor Civie
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Mansfield, CT 06250
(860) 456-2022

Party
(Granted
03/01/12)

EquiPower Resources Corp., Lake
Road Generating Company LP, and
Milford Power Company LLP
(Collectively, EquiPower)

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Kbaldwin@rc.com

Party
(Granted
03/15/12)

The United Illuminating Company
(UI)

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(203) 499-3664
Bruce.mcdermott@uinet.com

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04/12/12)

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04/12/12)

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04/26/12)

The Office of Consumer Counsel

Elin Swanson Katz
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Elin.katz@ct.gov

Party
(if granted
06/07/12)

Mount Hope Montessori School, Inc.

Victoria Hackett
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Adam N. Rabinowitz, Board
Chair
Mount Hope Montessori
School
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Mansfield Center, CT 06250
Adam@rabinowitzfamily.com



Eric Knapp

To: Town Clerk
From: Planning and Zoning Commission
Subject: Public Act 75-317, RECORDATION OF SPECIAL PERMIT

035282

- I Notice is hereby given that the Mansfield Planning and Zoning Commission, at a regular meeting held on August 15, 1994, did grant to Richard A. Cheney, Sr. a special permit for a golf driving range pursuant to Article V, Section B, Article VII, Section G.8 and other provisions of the Mansfield Zoning Regulations.
- II Said special permit was granted subject to the conditions given on the attached page. Failure to comply with these conditions may result in the revocation of the permit.

This special permit shall not become valid and no work shall begin until the applicant obtains the permit from the Town Planning Office and files it upon the Land Records.

(See PZC file 1083)

- III The premises subject to the special permit for the golf driving range may be described as follows:

Assessor's Map 36, Block 88, Lot 1
East side of Stafford Road between 156-170 Stafford Road

- IV The record owner of the above-described property is:
Richard A. Cheney, Sr.
87 Highland Road, Mansfield Center

I certify that the above is a true and correct copy of the foregoing approval from the Planning and Zoning Commission records.

by Aline L. Booth
Aline L. Booth, Chairman
Planning and Zoning Commission,
Town of Mansfield, Connecticut

date 9-7-94

I certify that this is a true transcript of the information as recorded in this office.

Attest: Christine Hawthorne, Aost
Town Clerk-Registrar of Vital Statistics

Dated 5/16/12 Town of MANSFIELD

At a regular meeting held on August 15, 1994, the Mansfield Planning and Zoning Commission adopted the following motion:

"to approve with conditions the special permit application of Richard Cheney, Sr. for a golf driving range between 156-170 Stafford Rd., East side, South of Rt. 31, in an RAR-40 zone, as submitted to the Commission and shown on plans dated May 25, 1994 as revised through Aug. 1, 1994, and presented at a Public Hearing on July 7, 1994 and August 1, 1994.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V., Section B and Article VII, Section G. 8 and other provisions of the Mansfield Zoning Regulations.

This approval is granted with the following conditions:

- 1) Official signs to designate handicap parking shall be installed and noted on the map;
- 2) The applicant shall obtain PZC approval and shall submit plans for and implement landscaping or screening, including any written agreements with adjacent landowners, prior to a Certificate of Compliance being issued;
- 3) The applicant shall submit plans for PZC approval for any signs used for this property;
- 4) No lighting is proposed in this application. Any lighting shall require future PZC approval;
- 5) Final plans shall be signed and sealed by the responsible engineer and land surveyor;
- 6) All IWA conditions of approval shall be incorporated into this approval;
- 7) This special permit shall not become effective until the applicant has it entered on the Land Records.
- 8) A cash site restoration bond in an amount approved by the PZC officers and staff shall be presented prior to any work taking place on the property. This bond shall ensure adequate provision to control erosion and sedimentation, as well as site restoration, in accordance with the approved plans. It shall remain in place until the area has been stabilized to the satisfaction of the PZC. The Chairman is authorized to sign an agreement.
- 9) Delivery trucks for fill coming to the site shall utilize the Route 32 entrance if possible, in order to minimize the use of Town roads."

It was noted that, while acknowledging the 7/7/94 letter from counsel for CL&P, the Town Attorney's 7/14/94 opinion is that the issue is not of concern to the PZC.

ALB 9-7-94

 Item # 35282 Received for Record September 8, 1994
 at 11:21 a.m. Attest *Janet Redden* Town Clerk

Warranty Deed - Survivorship
Ind. or Corp.

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, that WE, ORIN M. MILES and SHEILA I. MILES, both of the Town of Coventry, County of Tolland and State of Connecticut, herein designated as the Grantors,

17738

for the consideration of ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS received to our full satisfaction of RICHARD A. CHENEY and VERNA T. CHENEY, both of the Town of Mansfield, County of Tolland and State of Connecticut, herein designated as the Grantees,

do hereby give, grant, bargain, sell and convey to the Grantees, and the survivor of them, and the heirs and assigns of the survivor of them forever,

A certain piece or parcel of land, situated on the easterly side of Stafford Road (Conn. Route 32), in the Town of Mansfield, County of Tolland and State of Connecticut, being more particularly described on Schedule A attached hereto and made a part of this deed.

Being a portion of the premises conveyed to the Grantors herein by Warranty Deed from Joseph G. Ferrara and Ella Ferrara dated November 28, 1978 and recorded in Volume 166 at Page 216 of the Mansfield Land Records.

Subject to taxes to the Town of Mansfield on the list of October 1, 1986, second installment of which is due January 1, 1988, which taxes the Grantees herein assume and agree to pay as part consideration for this deed.

TO HAVE AND TO HOLD the above granted and bargained premises, with the appurtenances thereof, unto the said Grantees, and to the survivor of them and unto such survivor's heirs and assigns forever, to their own proper use and behoof.

AND ALSO, WE, the said Grantors do for ourselves, our heirs, successors and assigns, covenant with the said Grantees and with the survivor of them and with such survivor's heirs and assigns, that at and until the ensembling of these presents, we are well seized of the premises, as a good indefeasible estate in FEE SIMPLE; and have good right to bargain and sell the same in manner and form as is above written; and that the same is free from all incumbrances whatsoever, except as above stated.

AND FURTHERMORE, we, the said Grantors do by these presents bind ourselves and our heirs, successors and assigns forever to WARRANT AND DEFEND the above granted and bargained premises to the said Grantees and to the survivor of them and to such survivor's heirs and assigns against all claims and demands whatsoever, except as above stated.

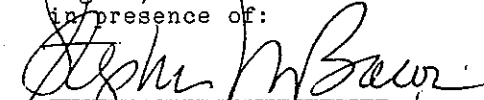
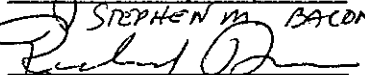
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 30th day of September, in the year of our Lord nineteen hundred and eighty-seven.


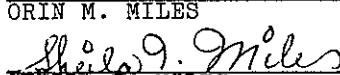
I certify that this is a true transcript of the information recorded in this office.
Attest: Christina Jaworski
Town Clerk-Registrar of Vital Statistics
Dated: 5/16/82 Town of MANSFIELD

MANSFIELD
\$ 110⁰⁰/₁₀₀ Conveyance Tax received
Richard A. Cresto
Town Clerk of Mansfield

CONNECTICUT
\$ 450⁰⁰/₁₀₀ Conveyance Tax received
Richard A. Cresto
Town Clerk of Mansfield

Signed, sealed and delivered
in presence of:


STEPHEN M. BACON

RICHARD J. BREEN

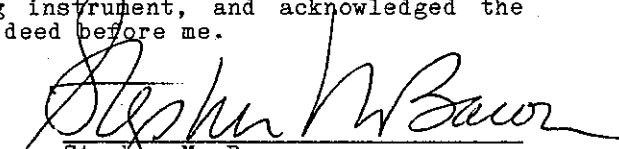

ORIN M. MILES

SHEILA I. MILES

STATE OF CONNECTICUT:

COUNTY OF WINDHAM : ss, Windham
:

September 30, 1987

Personally appeared ORIN M. MILES and SHEILA I. MILES, signers
and sealers of the foregoing instrument, and acknowledged the
same to be their free act and deed before me.


Stephen M. Bacon
Commissioner of the Superior
Court

Grantees' Address:

87 Highland Road
Mansfield Center, CT 06250

Schedule "A"

A certain piece or parcel of land, situated on the easterly side of Stafford Road (Conn. Route 32), in the Town of Mansfield, County of Tolland and State of Connecticut, being shown and designated as a portion of Parcel B on a certain map or plan entitled, "Boundary Map Property of JOSEPH G. & ELLA FERRARA Stafford Road Mansfield, Connecticut Scale 1" = 100' Oct. 12, 1978 Douglas Prior Assoc. Tolland, Conn.", which said map or plan, certified substantially correct (Class A-2) by Douglas Prior, Registered Land Surveyor No. 6095, is to be filed in the Mansfield Town Clerk's Office.

Said Parcel B is more particularly bounded and described as follows:

Beginning at a point in the easterly highway line of Stafford Road, said point marking the northwesterly corner of the herein described premises and also marking the southwesterly corner of land now or formerly of Charles McManus;

thence N 70° 27' 15" E 190.00 feet along said land now or formerly of Charles McManus to an iron pin;

thence N 69° 13' 27" E, 370.87 feet along Parcel A, as shown on said map to a point;

thence N 18° 35' 44" W, 432.85 feet along Parcel A, as shown on said map, to a point;

thence N 80° 43' 20" E, 268.40 feet;

thence N 14° 54' 05" E, 177.72 feet;

thence N 85° 34' 17" E, 455.50 feet along a wire fence and land now or formerly of Pauline Krawec to a point;

thence S 89° 33' 34" E, 61.41 feet along a wire fence and land now or formerly of Pauline Krawec to an iron pin;

thence S 87° 31' 26" E, 73.56 feet along a wire fence and land now or formerly of Pauline Krawec to an iron pin;

thence N 89° 18' 39" E, 193.16 feet along a wire fence and land now or formerly of Pauline Krawec to a tree with wire fence;

thence S 88° 22' 55" E, 273.99 feet along land now or formerly of Pauline Krawec to a point;

thence S 85° 04' 43" E, 75.50 feet along the wire fence and land now or formerly of Pauline Krawec to a point;

thence S 88° 28' 34" E, 133.54 feet along land now or formerly of Pauline Krawec to an iron pin;

thence S 10° 26' 55" W, 225.04 feet along land now or formerly of Stephen Fordham to a point;

thence S 09° 29' 17" W 254.04 feet along land now or formerly of Stephen Fordham and along land now or formerly of George M. Flint, in part by each, to a point;

thence S 02° 21' 02" W, 137.74 feet along land now or formerly of George M. Flint to a point;

thence S 09° 53' 10" W, 469.37 feet along a stone wall and land now or formerly of George M. Flint to a drill hole at a corner of two stone walls;

thence N 87° 49' 47" W, 183.46 feet along land now or formerly of John A. Wadsworth Estate to an iron pin;

thence S 87° 30' 22" W, 265.76 feet along land now or formerly of the John A. Wadsworth Estate to an iron pin;

thence N 07° 17' 43" E, 34.63 feet along land now or formerly of Maurice R. Provencher et al to a point;

thence S 89° 29' 03" W, 170.49 feet along land now or formerly of Maurice R. Provencher et al to a point;

thence N 87° 21' 02" W, 235.27 feet along a stone wall and land now or formerly of Edwina Tremblay to a point;

thence N 88° 48' 00" W, 169.62 feet along a stone wall and land now or formerly of Edwina Tremblay to a point;

thence N 81° 34' 20" W, 86.97 feet along a wire fence and land now or formerly of The Southern New England Telephone Company to a point;

thence S 88° 51' 09" W, 134.80 feet along a wire fence and land now or formerly of The Southern New England Telephone Company to a point

thence N 87° 23' 22" W, 89.51 feet along land now or formerly of The Southern New England Telephone Company and along land now or formerly of Connecticut Light and Power Company, in part by each, to a point;

thence N 16° 34' 35" W, 50.00 feet along land now or formerly of the Connecticut Light and Power Company to an iron pin;

thence N 89° 27' 22" W, 198.20 feet along land now or formerly of Connecticut Light and Power Company to a point;

thence S 83° 00' 18" W, 200.75 feet along land now or formerly of Connecticut Light and Power Company to a point in the easterly highway line of Stafford Road;

thence N 18° 59' 06" W, 162.15 feet along the easterly highway line of Stafford Road (Conn. Route 32) to the point and place of beginning.

Containing 35.542 acres.

Said premises are conveyed subject to an easement in favor of The Connecticut Light and Power Company 300 feet in width for electric lines and poles and including an easement to erect and maintain guys and anchors 50 feet in width located easterly and southeasterly of said 300 foot easement. Said easement is dated November 13, 1968 and recorded in the Mansfield Land Records, in Volume 108, page 233.

Item # 17738 Received for Record October 2, 1987
at 9:08 a.m. Attest *Richard A. Everett* Town Clerk

3955

Know all Men by these Presents:

* That I, we Walter L. Adams of the Town of Mansfield County of Tolland State of Connecticut, in consideration of a valuable sum in dollars, received to my, ~~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 office in Berlin, 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 three hundred (300) 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 Mansfield County of Tolland State of Connecticut.

* Said easement, privilege and right of way herein granted, covers any land, or interest therein, owned by me, ~~us~~ within two hundred fifteen (215) feet measured at right angles to and northwesterly and westerly of and, within eighty five (85) feet measured at right angles to and southeasterly and easterly 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 runs N 54° 33' E across land of the Grantee to a copper pin in the southwesterly highway line of Connecticut State Highway Route #32, thence N 54° 33' E 60.1 feet, more or less, across Connecticut State Highway Route #32 to a copper pin in the northeasterly highway line of Connecticut State Highway Route #32; thence N 54° 33' E 225.3 feet, more or less, across land now or formerly of John Thomas Shirshac et al to a copper pin in the wire fence marking the boundary line between said land now or formerly of John Thomas Shirshac et al and land of the Grantor, which copper pin is 167.6 feet measured westerly along said wire fence from an iron pipe at the intersection of said wire fence with a wire fence running northerly. At said last mentioned copper pin said line of location entering land of the Grantor runs N 54° 33' E 198.1 feet, more or less, to a monument; thence N 54° 33' E 526.4 feet, more or less, to a monument; thence N 54° 33' E 75.2 feet, more or less, to a point marking an angle in said line of location; thence N 0° 33' E 76.0 feet, more or less, to a monument; thence N 0° 33' E 343.9 feet, more or less, to a copper rivet; thence N 0° 33' E 300.9 feet, more or less, to a copper pin in the wire fence marking the boundary line between land of the Grantor and land now or formerly of Pauline Krawec, which copper pin is 73.6 feet measured westerly along said wire fence from a copper pin at the base of a thirty-inch oak tree in said wire fence; thence said line of location leaving land of the Grantor runs N 0° 33' E across said land now or formerly of Pauline Krawec.

The above bearings are referred to the True Meridian.

Said rights of way are more clearly designated and defined by a map marked "Location of Right of Way of The Connecticut Light & Power Company across the Property of Walter L. Adams Town of Mansfield County of Tolland State of Connecticut. Scale: 1" = 200 September 1968, a copy of which map has been or will be filed for record with the Town Clerk in said Town of Mansfield.

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, crossarms, guy wires, anchors, guy stubs and other overhead and underground appurtenances and fixtures, 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, and the right to control the growth of such underbrush by the use of chemicals or otherwise.

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.

Together also with a perpetual easement and right to erect and maintain guys and anchors under, upon, over and across a parcel of land owned by me and located within the "Guying Area" as shown on said above-described map, which guying area is about 200 feet in length and 50 feet in width and is located southeasterly and easterly of and adjoining the southeasterly and easterly edge of the 300-foot right of way hereinabove described at the angle point in said southeasterly and easterly edge of said right of way.

* 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.

I certify that this is a true transcript of the information as recorded in this office.

Attest: Christine Hawthorne, Asst.
Town Clerk-Registrar of Vital Statistics

Dated 5/16/12 Town of MANSFIELD

