



**CITY OF HAVERHILL  
CITY COUNCIL MINUTES**

**Tuesday, January 28, 2025 at 7:00 PM**

**Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202**

**In-Person/Remote Meeting**

Present: President Sullivan, Councilors Basiliere, LePage, Ferreira, Jordan, Michitson, Toohey, McGonagle, Lewandowski and Rogers

Remote: Councilor Hobbs Everett

Absent: None

City Clerk: Kaitlin M. Wright

**1. OPENING PRAYER**

**2. PLEDGE OF ALLEGIANCE**

PRESIDENT SULLIVAN, VICE PRESIDENT JORDAN, COUNCILORS LEWANDOWSKI AND MICHITSON OFFERED A MOMENT OF SILENCE AND WORDS OF CONDOLENCES FOR COACH "O" JOHN OTTAVIANI WHO PASSED AWAY RECENTLY.

**3. APPROVAL OF MINUTES OF PRIOR MEETING**

COUNCILOR TOOHEY STATED HE REVIEWED THE MINUTES AND FINDS THEM IN ORDER.  
MOTION BY COUNCILOR TOOHEY TO PLACE ON FILE, SECOND BY VICE PRESIDENT JORDAN  
PASSED YEAS 11, NAYS 0, ABSENT 0

**4. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING**

PRESIDENT SULLIVAN ASSIGNED THE MINUTES TO COUNCILOR LEWANDOWSKI

**5. COMMUNICATIONS FROM THE MAYOR:**

**5.1. Mayor Barrett submits the following Loan Orders:**

**5.1.1. Loan Order to appropriate \$300,000.00 for the purpose of  
conducting a schematic design for roof replacement to the Silver  
Hill Elementary School located at 675 Washington st**

File 10 days

CITY CLERK WRIGHT INFORMED THE COUNCIL THE LOAN ORDER HAS BEEN AMENDED AND A NEW AGENDA AND LOAN ORDER HAS BEEN DISTRIBUTED TO THE COUNCIL YESTERDAY. THERE IS A CHANGE IN THE FIRST PARAGRAPH IN THE LOAN ORDER - FINAL SENTENCE WE ARE STRIKING IN THE FEASIBILITY STUDY AGREEMENT AND REPLACING HEREWITHIN PROJECT FUNDING AGREEMENT.

SUPERINTENDENT MARGARET MAROTTA READ THE LOAN ORDER INTO THE RECORD.

MOTION BY VICE PRESIDENT JORDAN TO PLACE ON FILE, SECOND BY COUNCILOR MICHITSON  
PASSED YEAS 11, NAYS 0, ABSENT 0

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**5.1.2. Loan Order to appropriate \$1,200,000.00 for the purpose of  
conducting a feasibility study related to the repair, replacement or  
addition to John G Whittier Middel School located at  
256 Concord st**

File 10 days

SUPERINTENDENT MARGARET MAROTTA READ THE LOAN ORDER INTO THE RECORD.

MOTION BY COUNCILOR MICHITSON TO PLACE ON FILE, SECOND BY VICE PRESIDENT JORDAN  
PASSED YEAS 11, NAYS 0, ABSENT 0

19-B



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6. COMMUNICATIONS FROM COUNCILLORS TO INTRODUCE AN INDIVIDUAL(S) TO ADDRESS THE COUNCIL:

7. PUBLIC PARTICIPATION- REQUESTS UNDER COUNCIL RULE 28

8. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES:

8.1. City Clerk, Kaitlin M Wright, requests to address the City Council to announce the *4<sup>th</sup> Annual Haverhill Top Dog Contest*

CITY CLERK WRIGHT STATED TO ENTER THE CONTEST YOU NEED TO LICENSE YOUR DOG BETWEEN 2/1-2/28/2025 AND SUBMIT A PHOTO OF YOUR DOG TO CITYCLERK@HAVERHILLMA.GOV SHE NOTED THAT 1ST PLACE RECEIVES DOG TAG #1, TROPHY AND THEIR PHOTO POSTED IN THE CLERK'S OFFICE AND WEBSITE. THE SECOND AND THIRD PLACE DOG RECEIVES DOG TAG #2 AND #3. SHE NOTED ON MONDAY, MARCH 3<sup>RD</sup> A RANDOM DRAWING WILL PICK THE THREE WINNERS. 20

8.2. City Clerk, Kaitlin M Wright, requests to address the Council to announce that the 2025 annual street listing has been mailed to homes in the City of Haverhill

CITY CLERK WRIGHT STATED EVERY YEAR, THE CITY CLERK'S OFFICE BY LAW IS REQUIRED TO SEND OUT AN ANNUAL STREET LISTING AND CENSUS TO EVERY HOUSEHOLD IN THE CITY. SHE NOTED THE DOCUMENT SHOULD BE REVIEWED AND UPDATED WITH ANY CHANGES. THE DOCUMENT MUST BE SIGNED AND RETURNED VIA THE MAIL, DROP OFF AT THE CITY CLERK'S OFFICE OR LEFT IN THE DROP BOX ON THE MAIN STREET SIDE OF THE BUILDING. SHE NOTED INCLUDED IN THIS CENSUS IS A VOTE BY MAIL APPLICATION AS WELL. SHE EXPLAINED THE REASONS FOR RETURNING THE CENSUS, IT HELPS MAINTAIN AN ACCURATE VOTING LIST, SERVES AS A PROOF OF RESIDENCE, HELPS OUR PUBLIC SAFETY DEPARTMENTS, ENROLLMENT NUMBERS FOR SCHOOLS AND HELPS WITH FUNDING NUMBERS. 20-B

8.3. City Clerk, Kaitlin M Wright, requests approval of the following item, which was approved by the Board of Registrars on January 15, 2025:

1. Change date of "last day and hour to apply for in-person absentee voting" on 2025 election calendar for preliminary election (if needed) to Monday, September 8, 2025, at 12 Noon due to a scrivener's error

MOTION BY COUNCILOR MICHITSON, SECOND BY VICE PRESIDENT JORDAN  
PASSED

YEAS 11, NAYS 0, ABSENT 0

20-C

8.4. Andrew K Herlihy, *Community Development/Local Historic Preservation Officer* submits recommendation from the *Haverhill Historical Commission* who voted in favor of the following recommendation to the City Council in its advisory role:" Resolved: The *Haverhill Historical Commission* makes the following recommendation to the City Council to support a citywide historic



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house signage program”, and they also request that members of the *Historic Highlands* group be allowed to make a presentation on this project

ANDREW HERLIHY, COMMUNITY DEVELOPMENT/LOCAL HISTORIC PRESERVATION OFFICER ADDRESSED THE COUNCIL ON BEHALF OF THE HAVERHILL HISTORIC COMMISSION. THE HISTORIC COMMISSION WAS PROUD TO SUPPORT A PROPOSAL FROM COUNCILOR FERREIRA AND MEMBERS OF THE HIGHLANDS NEIGHBORHOOD TO IMPLEMENT A CITY-WIDE HISTORIC HOUSE SIGNAGE PROGRAM.

COUNCILOR FERREIRA STATED MY INTENT TONIGHT WAS TO INTRODUCE THIS HISTORIC SIGN PROGRAM, BUT QUESTIONS HAVE COME UP ABOUT PROCUREMENT. THIS MAY NEED TO COME BACK AFTER A SUBCOMMITTEE MEETING.

ANDREW HERLIHY STATED IF THE CITY IS PROCURING A NUMBER OF SIGNS FROM A COMPANY THAT IS ADVERTISED ON THE CITY’S WEBSITE THAT PERHAPS MAY SHOW AN ISSUE THERE.

MAYOR BARRETT ADDRESSED THE COUNCIL. SHE STATED THAT THE CITY HAS TO FOLLOW STATE PROCUREMENT LAW IF THE PROGRAM IS WILDLY POPULAR AND THE CITY HAS ENDORSED IT SOMEHOW. IF YOU SEND THIS TO A&F, WE CAN HAVE DEPARTMENT HEADS COME TO YOU AND THEY CAN FLUSH IT OUT.

MOTION BY COUNCILOR LEWANDOWSKI TO SEND TO THE ADMINISTRATION AND FINANCE COMMITTEE FOR FURTHER REVIEW, SECOND BY COUNCILOR TOOHEY.

PASSED YEAS 11, NAYS 0, ABSENT 0 20-D

**8.5. *City Auditor & Chief Financial Officer, Angel A Perkins, submits the revenue and expense reports for the City’s general and enterprise operating budgets for December 2024***

MOTION BY COUNCILOR MCGONANGLE, SECOND BY COUNCILOR LEPAGE

PASSED YEAS 11, NAYS 0, ABSENT 0 14-B

**9. UTILITY HEARING(S) AND RELATED ORDER(S):**

**9.1. Document 6; petition for a joint pole location from National Grid and Verizon for Curtis st; WR # 31032938**

**9.1.1. Document 6-B; Order – joint pole location for Curtis st**

PRESIDENT SULLIVAN OPENED THE HEARING.

VEASNA EANG, 1101 TURNPIKE STREET, NORTH ANDOVER ON BEHALF OF NATIONAL GRID ADDRESSED THE COUNCIL. WE WOULD LIKE TO ADD A JOINTLY OWNED POLE ON CURTIS STREET IN ORDER TO FACILITATE THE OVERHEAD UTILITIES FOR THE NEW CUSTOMER AT 41 CURTIS STREET.

PRESIDENT SULLIVAN ASKED IF ANYONE WOULD LIKE TO SPEAK IN FAVOR? NO ONE SPOKE.

PRESIDENT SULLIVAN ASKED IF ANYONE WOULD LIKE TO SPEAK IN OPPOSITION? NO ONE SPOKE.

PRESIDENT SULLIVAN CLOSED THE HEARING.

MOTION BY COUNCILOR MCGONANGLE FOR PASSAGE, SECOND BY COUNCILOR ROGERS

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**10. HEARINGS AND RELATED ORDERS:**

- 10.1. Document 83/2024; CCSP 23-16, Special Permit to build/install a large-scale solar field off Lovers Lane from applicant Christopher Anderson of *Hannigan Engineering, Inc* for *SPI Solar Inc*  
*Continued from January 14, 2025*

*Related communication from Council President Sullivan submitting documents regarding the Dover Amendment – “Mass Dirt and Development Law” and “Mass AG: Municipal Prohibition of Standalone battery Storage Systems Violates State Law”*

PRESIDENT SULLIVAN STATED THIS IS A CONTINUATION OF THE SPECIAL PERMIT HEARING AS JUST ANNOUNCED. AT THE LAST MEETING WE DID CLOSE THE PUBLIC PORTION OF THIS HEARING, SO THERE IS NO PUBLIC DISCUSSION THIS EVENING. THE DISCUSSION WILL BE AMONGST THE COUNCILORS, THE CITY SOLICITOR AND THE APPLICANT AS NEEDED OR THE ATTORNEY FOR THE APPLICANT AS NEEDED OR AS REQUESTED BY THE COUNCILORS WHO MAY HAVE QUESTIONS. THE PURPOSE OF THE CONTINUATION WAS TO GET MORE INFORMATION ON THE DOVER AMENDMENT. THE DOVER AMENDMENT PROVIDES A CERTAIN LEVEL OF EXTRA PROTECTION SOLAR FARMS WHEN THEY GO THROUGH THE PERMITTING PROCESS. THE QUESTIONS WERE RAISED AND THE SOLICITOR DID MEET WITH COUNCILORS INDIVIDUALLY IF THEY REQUIRED IT. HE ALSO EXPLAINED IN FURTHER DETAIL THE RESTRICTIONS OR THE LIMITATIONS THAT THE DOVER AMENDMENT PRESENTS TO US AS WE TRY TO PUT CONDITIONS ON THE SOLAR FARM PROJECT. HAVING SAID THAT WE NEVER GOT TO THE POINT WHERE WE ACTUALLY DISCUSSED OR VOTED ON CONDITIONS THAT WE WOULD ENTERTAIN ADDING TO THIS PERMIT. THAT WOULD BE THE STARTING POINT COUNCILORS IF YOU ARE SO INCLINED AND YOU WOULD LIKE TO REITERATE THE CONDITIONS THAT YOU HAD PREVIOUSLY MENTIONED AT THE PRIOR MEETINGS. I WOULD ENTERTAIN THAT AT THIS TIME. WE DO HAVE THE SOLICITOR ONLINE IF YOU HAVE ANY QUESTIONS ABOUT YOUR REQUESTS, ABOUT THE DOVER AMENDMENT, WE ALSO HAVE BOB HARB THE ATTORNEY FOR THE APPLICANT AS WELL AS THE APPLICANT HIMSELF. AGAIN, WE ARE NOT HAVING A PUBLIC DISCUSSION ON THIS. WE ARE GOING RIGHT INTO THE COUNCIL DISCUSSION ON CONDITIONS AND WITH THAT I WILL START ENTERTAINING.

ROBERT HARB, 25 KENOZA STREET ADDRESSED THE COUNCIL. HE STATED I HATE TO ADMIT THAT I AM GETTING OLD BUT I AM NOT SURE THERE IS A MOTION ON THE FLOOR TO ADD CONDITIONS.

**PRESIDENT SULLIVAN** STATED THERE IS NO MOTION ON THE FLOOR YET. THERE IS A MOTION ON THE FLOOR THAT WE ENDED WITH VOTING ON THE PROJECT. A MOTION AND A SECOND WAS MADE AT THE LAST HEARING TO VOTE ON APPROVING THE PROJECT IN GENERAL.

**ATTORNEY HARB** STATED OKAY I MISSED THAT MOTION. I JUST WANT TO MAKE SURE THAT IS ON THE RECORD.

**PRESIDENT SULLIVAN** STATED THAT IS IN THE MINUTES. I AM JUST CONTINUING FROM THAT POINT. I BELIEVE YOUR LIGHT IS ON.

**COUNCILOR MICHITSON** STATED ACTUALLY IT'S NOT. I WAS GOING TO SUGGEST THAT MAYBE THE CITY SOLICITOR EXPLAIN THE DOVER AMENDMENT AND THE IMPACT.

**PRESIDENT SULLIVAN** STATED ATTORNEY TALERMAN I KNOW YOU ARE ONLINE AND COUNCILOR MICHITSON HAS RIGHTLY SAID THAT IT WOULD BE NICE IF YOU COULD GIVE ONE MORE TIME A SYNOPSIS OF WHAT THE DOVER AMENDMENT IS ALL ABOUT FOR THE PUBLIC THAT IS ATTENDING AND LISTENING FOR THE FIRST TIME TONIGHT.



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**JAY TALERMAN, CITY SOLICITOR** ADDRESSED THE COUNCIL HE STATED I AM HAPPY TO DO IT, PRESIDENT SULLIVAN. I SENT A MEMO SHORTLY AFTER OUR LAST HEARING SESSION. ON JANUARY 3<sup>RD</sup> I SENT A LETTER THAT GAVE A SYNOPSIS OF THE DOVER AMENDMENT. THE DOVER AMENDMENT WHICH WAS ORIGINALLY ADOPTED TO PROVIDE PROTECTIONS FOR RELIGIOUS, AGRICULTURAL AND EDUCATIONAL USES HAS EXPANDED OVER THE YEARS TO INCLUDE A NUMBER OF OTHER USES. SOLAR IS AMONG THOSE PARTICULAR USES.

**COUNCILOR BASILIERE** STATED POINT OF ORDER, MR. PRESIDENT. HE STATED THE AUDIENCE IS ASKING FOR INCREASED VOLUME.

**ATTORNEY TALERMAN** STATED THE DOVER AMENDMENT WHAT IT ESSENTIALLY DOES IS IT TURNS REGULAR ZONING A LITTLE BIT AROUND. WHEREAS IN MOST ZONING SITUATIONS THE LOCAL ZONING AUTHORITY OR PRESIDING BOARD WOULD HAVE ALL OF THE BENEFITS OF THE DOUBT IN THEIR FAVOR. UNDER THE DOVER AMENDMENT THE LEGISLATURE HAS OVER THE YEARS ADDED A NUMBER OF USES FOR LACK OF A BETTER TERM, FELT THAT MIGHT NOT GET A FAIR SHAKE UNDER THE EXISTING ZONING, SO WHAT THEY DID IS CREATE IN VARIOUS CLASSES WITH VARYING WORDS FOR EACH OF THE CLASSES PROTECTIONS WHERE BY A TOWN CAN ONLY PROVIDE MINIMAL REGULATION IF REGULATION AT ALL OVER VARIOUS USES. SOLAR PROJECTS ARE AMONG THEM. AS I MENTIONED IN THE MEMO SOLAR PROJECTS ARE A LITTLE BIT DIFFERENT THAN OTHER DOVER PROTECTED USES IN THAT THE LEVEL OF REGULATION THAT YOU CAN APPLY IS GOING TO BE MEASURED AGAINST THE NEED TO PROTECT PUBLIC, HEALTH, SAFETY AND WELFARE. IN OTHER WORDS YOU CAN MAKE DECISIONS AND IMPOSE CONDITIONS BASED UPON THE PUBLIC'S HEALTH, SAFETY AND WELFARE. THAT DOESN'T MEAN THAT DENIAL OF PROJECTS UNDER THE DOVER AMENDMENT ARE PARTICULARLY EASY. THE AMOUNT OF PUBLIC HEALTH, SAFETY AND WELFARE CONCERNS WOULD HAVE TO BE OVERWHELMING. THE PRESUMPTION IS ON THE BENEFITS OF THE DOVER PROTECTED USES. IN THIS CASE SOLAR AND THE CONDITIONS AND THE ULTIMATE DECISION CANNOT REALLY FRUSTRATE THE VIABILITY OF THAT PROJECT UNNECESSARILY AND ANY CONDITIONS IMPOSED MUST BE ON A DETAILED BASIS WITHIN THE PUBLIC, HEALTH, SAFETY AND WELFARE. THE CASES ARE STILL EVOLVING UNDER SOLAR. IT'S A NEWER PROTECTION. THE COURTS HAVE LOOKED FOR THE PROTECTION OF OTHER DOVER PROTECTED USES BUT THERE IS THIS KEY DISTINCTION WHEREIN WE HAVE MORE BROAD AUTHORITY TO IMPOSE CONDITIONS UNDER THE RUBRIC OF PUBLIC HEALTH, SAFETY AND WELFARE THAN WE DO FOR EXAMPLE UNDER EDUCATIONAL, RELIGIOUS OR AGRICULTURAL WHERE THE SCOPE OF THE CONDITIONS THAT WE CAN IMPOSE ARE RELATIVELY NARROW IN SCOPE. THAT IS THE BASICS OF IT. I ALSO ANALYZED IN MY MEMORANDUM SOME OF THE TYPES OF CONDITIONS THE COUNCIL WAS THINKING OF WHEN WE LAST MET AND WHAT THEY DISCUSSED DURING THE COUNCIL'S INITIAL DELIBERATION AND I WEIGHED IN ON THE VIABILITY OF THOSE CLASSES OF CONDITIONS AND HOW THEY MIGHT BE IMPOSED AND HOW THEY MIGHT FARE IF IN FACT, THERE WAS SOME CONCERN OR CONSTERNATION ABOUT THEM. I CAN GO INTO DETAIL AS THE COUNCIL DELIBERATES ON THIS OR I CAN ANSWER ANY QUESTIONS NOW.

**PRESIDENT SULLIVAN** STATED THANK YOU, ATTORNEY TALERMAN. HE STATED THE RANGE OF POSSIBLE CONDITIONS THAT WE DISCUSSED AT THE LAST MEETING WERE RELATED TO EMERGENCY ACCESS, LANDSCAPING, SITE MANAGEMENT AND A POSSIBLE RESTRICTION AGAINST DEVELOPMENT OF THE BALANCE OF THE PROPERTY. THOSE WERE THE AREAS THAT WE DISCUSSED AT THE LAST MEETING. NOW I WILL GO TO THE COUNCILORS TO DISCUSS THOSE AGAIN.

**COUNCILOR LEWANDOWSKI** STATED ATTORNEY TALERMAN, I WANT TO THANK YOU FOR YOUR OPINION STATEMENT IT WAS VERY HELPFUL. I DON'T WANT TO GO TO DEEP INTO TRACER AND THE PROGENY BUT THE GENERAL IDEA I THINK IS THAT THOSE CASES STOOD FOR THE PROPOSITION THAT WE PROHIBITED CITIES AND TOWNS FOR DECLARING A MORATORIA ON THE INSTALLATION OF SOLAR SYSTEMS, AND OF COURSE WE HAVE THE DOVER AMENDMENT WHICH SAYS THAT YOU CAN'T UNREASONABLY, WHICH IS AN IMPORTANT WORD REGULATE THE INSTALLATION OF THESE SYSTEMS, EXCEPT WHERE NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE. MY QUESTION IS RELATIVE TO A CASE THAT



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WASN'T MENTIONED IN YOUR MEMORANDUM, BUT WHICH CAME TO MY ATTENTION, THE SUNPIN VS. ONEILL CASE, WHICH IS OUT OF PETERSHAM. ARE YOU FAMILIAR WITH THAT CASE?

**ATTORNEY TALERMAN** STATED I AM FAMILIAR WITH THAT. I HAVE SPOKEN TO COUNCIL FOR THE MUNICIPALITY IN THAT CASE. I AM PRETTY FAMILIAR WITH IT.

**COUNCILOR LEWANDOWSKI** STATED MY UNDERSTANDING IS THAT IS A 2021 CASE. IS THAT CORRECT?

**ATTORNEY TALERMAN** STATED I AM NOT SURE OF THE EXACT TIME PERIOD OR IF THERE WAS AN APPEAL. I THINK IT WAS POST 2021. I THINK IT WAS MORE RECENT THAN THAT. IT MIGHT HAVE BEEN INITIATED IN 2021, BUT I THINK IT'S A DATE LATER.

**COUNCILOR LEWANDOWSKI** STATED I HAVE A COPY OF THE DECISION FROM JUDGE ROBERTS OF THE LAND COURT AND THAT WAS AUGUST 2023. DOES THAT SOUND RIGHT?

**ATTORNEY TALERMAN** STATED YES, THAT SOUNDS RIGHT. IT CAME ON THE HEELS OF A CASE I HAD WITH JUDGE ROBERTS.

**COUNCILOR LEWANDOWSKI** ASKED THAT IS STILL GOOD LAW, OBVIOUSLY, RIGHT?

**ATTORNEY TALERMAN** STATED IT'S FROM A TRIAL COURT. HE NOTED ITS NOT REALLY BINDING PRECEDENT. IT'S A GOOD INDICATOR BECAUSE THERE IS VERY LITTLE IN THE WAY OF CASE LAW UNDER THE DOVER AMENDMENT, UNDER SOLAR FOR THE DOVER AMENDMENT. I DO VIEW THAT CASE A LITTLE BIT WHILE IT IS A HELPFUL CASE CERTAINLY FOR PETERSHAM. LOOKING AT THE FACTS AND HAVING SPOKEN TO COUNCIL ABOUT IT, I DO VIEW IT AS AN OUTLIER. FROM PERSONAL EXPERIENCE, I CAN SAY THAT SOMETIMES THAT TRIAL COURTS DO GIVE FAVORABLE DECISIONS UNDER THE DOVER AMENDMENT THAT MIGHT STRETCH WHAT A MUNICIPALITY CAN GET AWAY WITH, AND THEN THE APPEALS COURTS HAVE SOMETHING TO SAY ABOUT THAT IN AN EDUCATIONAL CONTEXT I HAD A CASE TWO OR THREE YEARS BEFORE THE PETERSHAM CASE ON AN EDUCATIONAL ONE WHERE I PREVAILED AND I FELT THAT I WAS MAKING SOME ROBUST NEW LAW UNDER THE DOVER AMENDMENT AND THEN THE SUPREME JUDICIAL COURT ULTIMATELY OVERTURNED. THAT'S NOT TO SAY THAT PETERSHAM DOES NOT HAVE GOOD LOGIC OR REASONING OR THAT WE SHOULDN'T CONSIDER IT WHEN EVALUATING THE MERITS OF ANY CONDITIONS. I DO THINK IT IS A UNIQUE CASE IN SOME RESPECTS.

**COUNCILOR LEWANDOWSKI** STATED I THINK THESE ARE ALL UNIQUE CASES AS YOU INDICATED AND FLEXIBLE BASED ON WHAT DIFFERENT COURTS DECIDE. I AM THROWING PETERSHAM OUT THERE BECAUSE IT DOES SERVE AS A ROADMAP TO SOME OF THE THINGS YOU MENTIONED IN YOUR OPINION LETTER TO US THAT WERE CONSIDERED BY THAT COURT AND UPHOLDING A DENIAL OF A SOLAR ARRAY AND WE ARE NOT TALKING ABOUT A DENIAL NECESSARILY ALTHOUGH THAT IS UP FOR A VOTE LATER, BUT WE ARE TALKING ABOUT CONDITIONS AND SOME OF THE CONDITIONS THAT THEY TALK ABOUT IN THAT CASE ARE SOME OF THE CONDITIONS THAT WE ARE GOING TO BE DISCUSSING TONIGHT. I JUST WANT TO MAKE SURE THAT IS OUT THERE BECAUSE THAT IS A LEGAL PRECEDENT THAT SHOULD BE IN THE MIX AS WELL. WITH THAT SAID, I DO HAVE SOME CONDITIONS, I WOULD LIKE TO PROPOSE.

**PRESIDENT SULLIVAN** STATED WHY DON'T WE DO THAT. YOU PROPOSE YOUR CONDITIONS.

**COUNCILOR LEWANDOWSKI** STATED ONE OF THE THINGS THAT WAS MENTIONED IN THE MEMO IS EMERGENCY ACCESS. THE FIRE DEPARTMENT REVIEW JUST SIMPLY SAYS THAT THERE NEEDS TO BE ACCESS AND THAT IS PRETTY MUCH ALL THAT IT SAYS. OUR ORDINANCES STATES THAT THE APPLICANT SHALL SUBMIT DOCUMENTATION OF ACTUAL ACCESS TO THE PROJECT. IT IS SECTION 2 OF 7.8.4. THAT SENTIMENT WAS ALSO ECHOED BY ROB MOORE IN THE LETTER THAT HE SENT US IN JUNE INDICATING THAT THE EXISTING ACCESS AND EGRESS FROM THAT PARTICULAR AREA IS VERY NARROW. MY CONCERN OBVIOUSLY IS WITH ACCESS TO THE SITE, EGRESS FROM THE SITE THE FACT THAT WE HAVE SEEN AN EXTRAORDINARY RISE IN WILDFIRES AND BRUSH FIRES THAT IS NOT GOING TO CHANGE. IT IS JUST GOING TO GET WORSE. THERE WAS AN ARTICLE RECENTLY IN THE GLOBE ABOUT THAT AND UNFORTUNATELY IT COULD BE CONSIDERABLY WORSE THAN WHAT WE ACTUALLY SAW THIS YEAR. WE NEED TO HAVE A DEFINITIVE PLAN AS TO WHAT THE ACCESS ROAD IS GOING TO BE FOR THE FIRE DEPARTMENT. I WOULD LIKE TO MOVE THAT A CONDITION BE SUPPLIED TO US AND THAT BE APPROVED BY THE FIRE DEPARTMENT



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PRIOR TO ANY MOVEMENT FORWARD WITH THIS PARTICULAR PLAN AND AS PART OF THAT AND THIS MIGHT BE A SEPARATE CONDITION THAT WE GET A DETAILED OPERATION AND MAINTENANCE PLAN FOR THE UPKEEP INCLUDING WHAT GROUND COVER WILL BE USED, HOW IT WILL BE MAINTAINED AND PART OF THAT WOULD BE AN EMERGENCY OPERATIONS PLAN INCLUDING WHO WOULD BE THE CONTACT PERSON 24/7 IF IN FACT THERE WAS AN EMERGENCY CALL TO THE FIRE DEPARTMENT, POLICE DEPARTMENT OR WHOMEVER AND WHAT THE PROCEDURES ARE GOING TO BE IN DETAIL THAT ARE GOING TO BE FOLLOWED IN CASE OF FIRE, EXPLOSION, RELEASE OF VAPORS, DAMAGE TO PARTS ALL OF THOSE THINGS. THAT IS ALSO SOMETHING OUR SOLAR ORDINANCE INDICATES BUT WE HAVEN'T RECEIVED ANY DETAIL REGARDING THAT EITHER.

**COUNCILOR MCGONAGLE** STATED POINT OF ORDER, MR. PRESIDENT, MAY I ASK A QUESTIONS.

**PRESIDENT SULLIVAN** STATED SURE, COUNCILOR.

**COUNCILOR MCGONAGLE** STATED THIS HAS TO GO TO ANOTHER REVIEW. ISN'T THAT WHAT THE NEXT LEVEL OF THIS PROGRESS WILL DO, IT WILL OUTLINE. IF YOU LOOK THIS INDICATES THAT ALL OUR DEPARTMENT HEAD ARE OKAY AT THIS JUNCTURE. THOSE FINE DETAILS THAT YOU'RE BRINGING UP TO HAVE TO BE LOOKED AT. I KNOW YOU BROUGHT THEM UP AT THE LAST MEETING. DO THESE HAVE TO BE CONDITIONS NOW WHEN THEY ARE ALREADY IN OUR ORDINANCE THAT THEY HAVE TO BE FOLLOWED. THAT'S MY QUESTION.

**PRESIDENT SULLIVAN** STATED I DON'T THINK IT HURTS.

**COUNCILOR LEWANDWOSKI** STATED THEY DON'T HAVE TO BE BUT THEY CAN BE. SINCE WE ARE THE SPGA ON SOMETHING LIKE THIS ITS PART OF OUR RESPONSIBILITY UPFRONT THAT WE KNOW THOSE THINGS BEFORE WE TAKE A VOTE.

**COUNCILOR MCGONAGLE** STATED MY ONLY QUESTION IS TO FOLLOW OUR ORDINANCE WOULD HAVE THIS BE DONE BY THOSE DEPARTMENT HEADS. THAT'S WHAT I AM GETTING TIED UP WITH. I KNOW WHAT YOU DO FOR A JOB YOU'RE MORE DETAIL ORIENTED THAN I AM. I APPRECIATE THAT, THANK YOU, MR. PRESIDENT.

**PRESIDENT SULLIVAN** STATED WE HAVE A MOTION TO ADD THAT CONDITION. DO WE HAVE A SECOND?

**COUNCILOR MCGONAGLE** STATED SECOND.

**PRESIDENT SULLIVAN** STATED A MOTION BY COUNCILOR LEWANDOWSKI, SECOND BY COUNCILOR MCGONAGLE. WE WILL GET BACK TO THAT. DO WE HAVE MORE CONDITIONS THAT WE WANT TO ADD.

**COUNCILOR MICHITSON** STATED NOT MORE CONDITIONS BUT I WANT TO REPLY. FIRST OF ALL COUNCILOR MCGONAGLE HAS SAID THE SAME ABOUT ME FOR ABOUT 15 YEARS NOW ABOUT DETAILS.

**COUNCILOR MCGONAGLE** STATED USUALLY NOT TO YOUR FACE, SIR.

**COUNCILOR MICHITSON** STATED SO DON'T FEEL BAD ABOUT THAT. WHAT WE NORMALLY DO IS WE CAN ASK RIGHT HERE AND NOW IF THE PROPOSER WILL MEET THE CONDITIONS AND THAT CAN BE PART OF OUR MOTION. IF YOU ARE WORRIED ABOUT HAVING TO JUMP THROUGH ANOTHER HOOP WE CAN PROBABLY GET THAT DONE RIGHT HERE TONIGHT.

**PRESIDENT SULLIVAN** ASKED ATTORNEY HARB WOULD YOU LIKE TO SPEAK TO THAT.

**ATTORNEY HARB** STATED THE APPLICANT HAS SAID IT WILL MEET. I THINK WHAT THE COUNCILOR IS TRYING TO GET OUT IS DEFINITIVE PERMIT REVIEW. WE HAVE TO GO BACK FOR PERMIT REVIEW AND THIS IS WHEN ALL THE OTHER DEPARTMENTS WANT TO SPECIFICITIES AND THIS IS WHEN THE FIRE DEPARTMENT WOULD SAY THINGS. IF, I WOULD RESPECT THE COUNCILOR IF SHE WOULD DELETE THE PART THAT SAYS THAT WE HAVE TO SUBMIT THE PLAN TO YOU BECAUSE THAT ALMOST LOOKS LIKE WE HAVE TO COME BACK TO YOU, IF SHE WOULD HAVE SHE NEEDS TO SUBMIT A DEFINITIVE PLAN THAT'S APPROVED BY THE FIRE DEPARTMENT, THEN WE CAN DO THAT DURING THE, MY TERMINOLOGY IS LOST, PREDEVELOPMENT REVIEW IT'S THE DEVELOPMENT REVIEW THAT GETS YOUR PERMIT. SO, WE ARE HAPPY TO SUBMIT THAT DEFINITIVE PLAN, WE ARE HAPPY TO SUBMIT THE DETAILED M&O MAINTENANCE AND OPERATION PLAN WITH THE NUMBERS AND THOSE DETAILS, I THINK IT WOULD BE APPROPRIATE AS A CONDITION OF THIS PERMIT THAT YOU SAY AT THE TIME OF DEVELOPMENT REVIEW. THAT'S WHAT I



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THINK IT'S CALLED, DEVELOPMENT REVIEW THAT WE MUST SUBMIT THOSE THINGS. I DIDN'T WANT TO BE CONFUSED IF WE HAVE TO COME BACK TO YOU.

**PRESIDENT SULLIVAN** ASKED COUNCILOR LEWANDOWSKI ARE YOU OKAY WITH THAT?

**COUNCILOR LEWANDOWSKI** STATED THAT'S FINE FOR THAT ONE.

**PRESIDENT SULLIVAN** STATED OKAY TO BE REVIEWED BY THE FIRE DEPARTMENT?

**COUNCILOR LEWANDOWSKI** STATED YES.

**VICE PRESIDENT JORDAN** STATED I HAVE A COUPLE OF CONDITIONS AND JUST FOR A QUICK BACKGROUND I SPOKE WITH THE ENERGY CONSULTANT MS. GREENBLATT OF BEACON INTEGRATED SOLUTIONS AS WELL AS CITY SOLICITOR TALERMAN. A COUPLE OF MY CONCERNS AND CONDITIONS I WANT ADDED JUST RELATE TO THE DECOMMISSIONING OF THE SOLAR PANELS. THE APPLICANT PROPOSED PREVIOUSLY THAT AFTER 20 YEARS, THEY WILL TAKE DOWN THE SOLAR PANELS AT THEIR COST AND THEN PLANT NEW TREES TO MAKE UP FOR THE FACT THAT THEY ARE CLEAR CUTTING APPROXIMATELY 20 ACRES FOR THE SOLAR PANELS. I WOULD LIKE TO ADD A CONDITION THAT THE APPLICANT BE REQUIRED TO PROVIDE A BOND THAT SHOULD THE APPLICANT GO BANKRUPT OR SELL THE PROJECT, 20 YEARS FROM NOW THE CITY OF HAVERHILL WILL NOT BE FINANCIALLY RESPONSIBLE FOR HAVING TO TAKE THE PANELS DOWN.

**PRESIDENT SULLIVAN** ASKED ATTORNEY HARB WOULD YOU LIKE TO ADDRESS THAT.

**ATTORNEY HARB** STATED NO PROBLEM WITH THAT, COUNCILOR BECAUSE THAT IS PART OF THE ORDINANCE, WE HAVE TO DO THAT. THE AMOUNT OF THE BOND HAS TO BE AGREED UPON BY MR. PILLSBURY AND OTHER PEOPLE. THAT IS FINE BECAUSE WE KNOW WE HAVE TO DO THAT.

**COUNCILOR JORDAN** STATED WHEN I SPOKE WITH ATTORNEY TALERMAN TODAY, HE MENTIONED SOMETHING IN THE FACT, WHETHER WE PUT THAT SPECIFIC LANGUAGE IN EVEN REVISITING THE BOND AMOUNT HE MENTIONED IN OUR CONVERSATION MAYBE LIKE EVERY FIVE YEARS OR SOMETHING. ITS TOUGH TODAY TO KNOW WHAT THE COSTS IS GOING TO BE TO DECOMMISSION THEM IN 20 YEARS FROM NOW. MAYBE AT THE END I WILL MAKE MY NEXT POINT, AND ATTORNEY TALERMAN CAN WEIGH IN ON SUGGESTIONS WITH THE LANGUAGE BECAUSE HE WOULD BE MORE KNOWLEDGEABLE ABOUT THAT THAN I AM. THE SECOND CONDITION RELATES TO PROTECTING THE CITY FROM A FINANCIAL STANDPOINT. IN THE PROPOSAL WE HAD GUARANTEES THAT THE CITY WILL RECEIVE \$114,000 OR THEREABOUTS ANNUALLY OR APPROXIMATELY 2.3 MILLION OVER 20 YEARS. AGAIN, KIND OF THE SAME CONCERNS SHOULD THAT COMPANY GO BANKRUPT, SHOULD THEY SELL THE PROJECT JUST TO BUILD AS MANY GUARANTEES AS WE CAN, SO THAT THE CITY OF HAVERHILL WILL IN FACT RECEIVE THAT MONEY. I THINK A POINT MS. GREENBLATT MENTIONED MAKING SURE WE'RE PROTECTED IF RATES GO UP OR IF RATES GO DOWN THAT WE ARE GUARANTEED THAT WE ARE GOING TO RECEIVE THAT REVENUE STREAM. I DON'T KNOW IF THAT IS TURNING IT TO YOU ATTORNEY TALERMAN TO GET SOME SUGGESTIONS ON WHAT THAT LANGUAGE SHOULD LOOK LIKE.

**ATTORNEY TALERMAN** STATED I DO THINK THAT THESE ARE A COUPLE OF CONDITIONS WHERE WE ARE GOING TO WANT TO HAVE THE BOARD PERHAPS BE THE RECIPIENT OF THE BOND LANGUAGE THAT WE SEE. WE DO HAVE A SET OF CANNED CONDITIONS THAT ARE PRETTY COMPREHENSIVE IN TERMS OF DECOMMISSIONING SECURITY. WHAT WE WOULD GENERALLY REQUIRE IN OUR CONDITIONS AND THEN IN A FINAL BOND AGREEMENT AS WELL IS THAT THE DECOMMISSIONING DO COVER AN AMOUNT THAT PROTECTS INTO THE FUTURE WITH A SUBSTANTIAL CONTINGENCY IT CAN BE WHATEVER FORM OF BOND THEY WANT, THERE COULD BE A NUMBER OF DIFFERENT BANK STATEMENT TYPE BONDS OR BONDING COMPANIES. THEY CAN DO IT THAT WAY. IT SHOULD ALSO COVER RESTORATION OF THE SITE AFTER DECOMMISSIONING, THOSE KINDS OF THINGS ARE IMPORTANT. THE FORM OF THE BOND SHOULD STATE SO IN THE CONDITIONS SHOULD BE ACCEPTABLE TO THE CITY SOLICITOR'S OFFICE IN A FORM THAT THAT'S DEEMED ACCEPTABLE BY THE BOARD. I WOULD MIRROR THAT KIND OF LAST COMPONENT OF THAT WITH ANY PILOT AGREEMENT THAT YOU ARE GOING TO REFERENCE IN YOUR CONDITIONS THAT THE FORM OF THAT, AND I SPOKE TO MY PARTNER, LISA MEAD ABOUT THAT TODAY SHE HAS SPECIFIC FORMS





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THAT SHE HAS IN MIND FOR A PILOT HERE AND THAT THE DECISION SHOULD REFLECT THAT FORM OF PILOT SHOULD MEET THE APPROVAL OF THE CITY SOLICITOR'S OFFICE AS WELL. WE SPOKE OF SOME OF THOSE VARIOUS PROTECTIONS. I SPOKE WITH COUNCILOR JORDAN AND THEN I HAD A SUBSEQUENT CONVERSATION WITH MY PARTNER LISA.

VICE PRESIDENT JORDAN STATED THANK YOU.

**PRESIDENT SULLIVAN** STATED YOU HAD TWO MOTIONS, DID YOU WANT TO FORMALIZE THOSE WHEN YOU GET A SECOND. THE FIRST ONE IN SUCCINCT FASHION.

**VICE PRESIDENT JORDAN** ADD A CONDITION THAT THE APPLICANT BE REQUIRED TO POST A BOND THAT MEETS THE APPROVAL OF OUR CITY SOLICITOR FOR THE DECOMMISSIONING OF THE SOLAR PANELS. SECOND BY COUNCILOR MITCHITSON.

**PRESIDENT SULLIVAN** STATED WE HAVE A MOTION BY VICE PRESIDENT JORDAN AND A SECOND BY COUNCILOR MITCHITSON. WE WILL COME BACK TO THAT. NOW YOUR SECOND CONDITION.

**VICE PRESIDENT JORDAN** STATED THE SECOND CONDITION IS AGAIN ALONG THE SAME LINES, A CONDITION THAT THE CITY WILL BE PROTECTED, THAT WE WILL RECEIVE THE STATED REVENUE WITH LANGUAGE THAT IS ACCEPTABLE TO THE CITY SOLICITOR. SECONDED BY COUNCILOR MITCHITSON.

**PRESIDENT SULLIVAN** STATED WE HAVE A MOTION BY VICE PRESIDENT JORDAN AND A SECOND BY COUNCILOR MITCHITSON.

**COUNCILOR BASILIERE** STATED THANK YOU MR. PRESIDENT, MR. SOLICITOR I'M GOING TO TAKE THE APERTURE OUT A LITTLE BIT BROADER VIEW OF THE DOVER AMENDMENT BECAUSE I GOT A SURPRISING NUMBER OF CALLS FROM CONSTITUENTS ABOUT THIS. I REALLY WAS SURPRISED. SIR, IT IS TRUE THAT THE DOVER PROTECTIONS FOR SOLAR ARE RELATIVELY RECENT. IN RELATION TO THE REST OF THE AMENDMENT, CORRECT?

**ATTORNEY TALERMAN** STATED THAT'S CORRECT. RELATIVELY RECENT. THE SOLAR PROTECTIONS HAVE BEEN AROUND FOR MORE THAN A DECADE CERTAINLY. THE BODY OF CASE LAW IS QUITE THIN COMPARED TO THE DEPTH OF CASE LAW FOR AGRICULTURAL, RELIGIOUS AND EDUCATIONAL USES.

**COUNCILOR BASILIERE** STATED OKAY, UNDERSTOOD SIR. IT IS TRUE THAT THE DOVER AMENDMENT SO MY CONSTITUENTS UNDERSTAND, GRANT BROAD EXEMPTIONS AND RATHER PERMISSIVE TREATMENT TO THE APPLICANT'S, CORRECT?

**ATTORNEY TALERMAN** STATED I WOULD SAY PERMISSIVE TREATMENT IS A LITTLE BIT MORE ACCURATE. THEY'RE NOT SELF, THEY DON'T CREATE AND EXEMPTION PER SAY. WHAT THEY SAY IS THAT WE CAN'T ESSENTIALLY IMPOSE REQUIREMENTS, INCLUDING ZONING THAT MIGHT FRUSTRATE ZONING. IT DOESN'T SPECIFICALLY EXEMPT ANY ZONING BUT IT DOES CERTAINLY REQUIRE PERMISSIVE. IT'S A SLIGHT NUANCE THERE.

**COUNCILOR BASILIERE** STATED WHEN IT COMES TO THE LOCAL AUTHORITIES, THE BOARDS, THE CITY COUNCILS, SELECTBOARD'S IN THE COMMONWEALTH THE DOVER AMENDMENT IS IN FACT GIVE LESS ATTENTIVENESS TO THE CITIES AND TOWNS THAN IF WE WERE LEFT TO OUR OWN DEVICES, CORRECT?

**ATTORNEY TALERMAN** STATED I AM NOT SURE I FOLLOW THE QUESTION.

**COUNCILOR BASILIERE** STATED I WILL REPHASE IT SIR. WE HAVE LESS DISCRETION WITH ZONING REAL PROPERTY UNDER THE AGRICULTURE, RELIGION, THE EDUCATION AND THE SOLAR THAN WE WOULD ON OUR OWN AUTHORITY. IT DOES SOMEWHAT LIMIT THIS COUNCIL AND SOME OF THE OTHER BOARD'S AUTHORITY WHEN IT COMES TO PROTECTIVE USES.

**ATTORNEY TALERMAN** STATED YES, SUBSTANTIALLY LIMITED. NOT SOMEWHAT.

**COUNCILOR BASILIERE** STATED THAT'S IMPORTANT TO KNOW. MOVING ON FROM THAT MR. PRESIDENT, SO FAR THE CONDITIONS THAT HAVE BEEN SPOKEN TONIGHT I HAVE NO OBJECTION TO, BUT I WOULD JUST LIKE RECAP AND THEN I WILL YIELD THE FLOOR. AS MUCH AS I HATE TO SAY IT, COUNCILOR MCGONAGLE YOU KNOW IS CORRECT, AND QUITE FRANKLY SURPRISED AT HOW MUCH THE OLD SAILOR HAS LEARNED IN THE THIRTEEN MONTHS I HAVE BEEN HERE. THE DOVER AMENDMENT CUTS BOTH WAYS. THEY ARE GOING TO BE TIMES WHERE WE DON'T WANT OR WHERE WE WILL HAVE TO



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DO THINGS THAT OUR CONSTITUENTS WON'T WANT BECAUSE THE DOVER AMENDMENT KIND OF LOCKS US INTO THAT. THERE WILL ALSO BE TIMES WHERE WE WRAP OURSELVES IN THE ARMOR OF THE DOVER AMENDMENT, TO DO WHAT'S BEST FOR THE CITY. YOU KNOW, COUNCILOR MCGONAGLE HAD SAID THAT IT IS THIS MAN'S LAND AND HE HAS QUITE A BIT OF RIGHTS TO DO WHAT HE WANTS WITH IT. PRESIDENT SULLIVAN OPINED THAT IF DENIED THIS APPLICANT WOULD LIKELY WIN IN COURT WITH EVERYTHING THAT I READ, THE QUESTIONS THAT I HAVE READ OVER TWO SESSIONS OF THIS HEARING THAT I HAVE ASKED THE CITY ATTORNEY, I CONCUR WITH THAT. I FEEL I HAVE BEEN DULY ADVISED BY THE CITY SOLICITOR. COMING INTO TONIGHT I KIND OF QUESTIONED IF WE WERE AT RISK OF FRUSTRATING THIS APPLICATION PROCESS. I AM MORE COMFORTABLE AS I SIT HERE TONIGHT THAT WE, IF WE DON'T GO MUCH FURTHER THAT WE AREN'T AT RISK OF THAT. I SAY THIS AS A LAYPERSON. THE PEOPLE OF WARD 1 DID NOT ELECT A LAWYER, DID NOT ELECT A BUREAUCRATIC EGGHEAD, THEY ELECTED ME. AS I UNDERSTAND IT THE DOVER AMENDMENT IS GOING TO ALLOW THIS. WHEN I HEARD FROM MY CONSTITUENTS AND I WANT TO REPORT TO THE COUNCIL IN HEARING TONIGHT THEY WERE RATHER FRUSTRATED. THEY HAVE BEEN APPARENTLY BEEN DOING THEIR HOMEWORK BECAUSE THEY CITED A NUMBER OF SOLAR PROJECTS. THEY ARE CORRECT, I HAVE BEEN INVOLVED IN THEM ON THE CONSERVATION COMMISSION WHERE I DON'T THINK OTHER APPLICANT'S HAVE GOT FOR A LACK OF A BETTER WORD, AS HEAVY A LIFT AS THIS APPLICANT HAS. THAT IS SOMEWHAT CONCERNING TO SOME OF MY CONSTITUENTS AND TO MYSELF. THE BOTTOM LINE FOR ME I AM GOING TO JOIN COUNCILOR MCGONAGLE AND COUNCILOR ROGERS WHO HAVE STATED IN PRIOR MEETINGS THAT THEY WILL BE VOTING FOR THIS. THERE IS A LOT OF MONEY AT STAKE HERE. I'VE TALKED ABOUT THE 2.2 MILLION WHICH JUST TO FRAME THAT A LITTLE BIT FOR MY CONSTITUENTS IS ABOUT THE COST OF THE NEXT LADDER TRUCK THAT WE WILL NEED IN THIS CITY. IT IS A PRETTY IMPORTANT EXAMPLE I THINK. SO AS A FIDUCIARY OF THE CITY I WILL NOT FORFEIT 2.2 MILLION IN REVENUE AND EXPOSE THE CITY TO LITIGATION, YOU KNOW FOR ANY LIGHT AND TRANSIENT REASONS. I WILL BE SUPPORTING THIS AND I WILL BE SUPPORTING THESE CONDITIONS THAT WERE PRESENTED TONIGHT. THANK YOU, MR. PRESIDENT AND THANK YOU CITY SOLICITOR.

**COUNCILOR MCGONAGLE** STATED THANK YOU FOR THOSE KIND WORDS, COUNCILOR BASILIERE. I DO FAVOR THIS PROJECT. I THINK ITS THIS GENTLEMAN'S LAND AND HE'S TRYING TO DO IT RESPONSIBLY. I SEE THE COMMENTS FROM EVERYONE OF OUR DEPARTMENT MANAGERS, DEPARTMENT HEADS. SAYING FOR THIS PIECE OF LAND, I THINK BILL PILLSBURY PUT IT THE HIGHEST AND BEST USE AND THERE'S A LOT OF GOOD THINGS IN IT FOR THE CITY, I THINK. I THINK THIS GENTLEMAN WILL BE RESPONSIBLE. THE OTHER THING THAT I WOULD ASK MY COLLEAGUES TO CONSIDER, THROUGH YOU MR. PRESIDENT, I THINK IT'S IMPORTANT AFTER LISTENING TO THE CITY SOLICITOR THAT THE APPLICANT AND HIS ATTORNEY LISTEN TO OUR CONCERNS AND THE LIFTS THAT WE PUT ON IT, THE CONDITIONS THAT WE PUT ON IT AND THEY AGREE TO THEM IF THEY CAN BECAUSE ANYTHING THAT THEY DON'T AGREE TO HERE THERE COULD BE GROUNDS, I WOULD IMAGINE FOR THEM TO SAY NO, WE'RE NOT GOING TO ACCEPT THAT AND THAT MAY OPEN THIS UP TO A LEGAL REVIEW. SO, I HOPE WE CAN WORK AND GET OUR CONCERNS AND OUR CONDITIONS ACCEPTED BY THE OWNER, THROUGH HIS ATTORNEY AND IF THIS BOARD DECIDES TO MOVE FORWARD, THAT WE WON'T BE OVERTURNED AND WE WON'T GET INTO A SITUATION. IF WE ARE OVERTURNED, I BELIEVE THESE CONDITIONS AND MR. CITY SOLICITOR IF YOU COULD VERIFY THIS, THESE CONDITIONS GO OUT THE WINDOW. THE ONES THAT WE HAVE ASKED FOR GO OUT THE WINDOW, AND IF THEY'RE APPROVED THERE ARE NO CONDITIONS FROM THIS CITY OTHER THAN WHAT IS MET OR ASKED FOR THROUGH OUR ORDINANCES. IS THAT TRUE, IS THAT YOUR UNDERSTANDING?

**ATTORNEY TALERMAN** STATED DIFFERENT JUDGES HAVE DIFFERENT VIEWS ON WHAT TO DO WHEN THEY OVERTURN A PRESIDING BOARDS OR COUNCIL'S DECISION ON SOMETHING LIKE THIS. THEY CERTAINLY HAVE THE AUTHORITY AND I HAVE SEEN IT HAPPEN WHERE THEY ESSENTIALLY HAVE WIPED OUT ALL CONDITIONS. THEY HAVE THE AUTHORITY TO SAVE A CONDITION OR TO REMAND BACK TO THE



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PRESIDING SPECIAL PERMIT GRANTING AUTHORITY, BUT THEY DO HAVE THE AUTHORITY AND I HAVE SEEN IT WIPING OUT ALL OF THE COMPROMISES THAT THE PARTIES MAY HAVE REACHED DURING THE COURSE OF A PROCEEDING.

**COUNCILOR MCGONAGLE** STATED MR. PRESIDENT, THAT IS ALL, I WOULD JUST LIKE US TO KEEP THAT IN MIND WHEN WE ARE ASKING THE APPLICANT IF HE'D BE WILLING TO ACCEPT THESE VERY REASONABLE, YOU KNOW FROM THIS SIDE, SO FAR WE HAVE ASKED FOR SOME REASONABLE ACCOMMODATIONS. I HOPE WE CAN DO THAT LEAVING HERE TONIGHT.

**PRESIDENT SULLIVAN** ASKED ATTORNEY TALERMAN RELATIVE TO COUNCILOR MCGONAGLE'S QUESTION, WOULD THAT INCLUDE THE COURT'S ABILITY TO WIPE OUT THE PAYMENT IN LIEU OF TAXES. WOULD THEY ALSO HAVE THAT POWER?

**ATTORNEY TALERMAN** STATED IF THERE WASN'T ANY CONDITION OF APPROVAL IS SOMETHING THAT IS ALTERED DRAMATICALLY NOW, THAT IS NOT THE ENDING STORY OF WHETHER OR NOT PILOT GETS EXECUTED BECAUSE IT VERY WELL MAYBE TO BENEFIT OF THE APPLICANT TO STILL GO DOWN THAT ROAD ANYWAY, BUT ANY CONDITION, ANY CONDITION BECAUSE IF THE COURT DOES HAVE THE AUTHORITY TO DO THAT ESPECIALLY IF THEY FELT THAT IN ANY CONDITION FRUSTRATED IN ANYWAY THE VIABILITY OF THE PROJECT.

**COUNCILOR MICHITSON** STATED, CITY SOLICITOR DOES IT EVEN MATTER THAT SO FAR TONIGHT THE PROPOSAL HAS AGREED TO THE CONDITIONS.

**ATTORNEY TALERMAN** STATED I HAVE BEEN IN THAT SITUATION BEFORE WHERE WE GET TO COURT AND SOMEONE SAYS WE NEVER AGREED TO THOSE, OR WE DID AGREE TO THOSE CONDITIONS BUT NOW ALL BETS ARE OFF. WE DO HAVE A DEFENSE AND THAT DEFENSE WOULD BE TO KIND OF COMPEL THE APPLICANT TO DEMONSTRATE HOW ANY PARTICULAR CONDITION FRUSTRATED FROM A FINANCIAL FEASIBILITY STANDPOINT. THE PARTICULAR PROJECT THAT THE APPLICANT MAY NOT WANT TO DO SOMETHING. DOESN'T MEAN THAT THEY AUTOMATICALLY GET IT WIPED OUT BECAUSE IT'S DOVER PROTECTED USE THERE IS STILL A LEVEL OF PROOF THAT GOES INTO THAT.

**COUNCILOR MICHITSON** STATED THANK YOU. I DID HAVE A COUPLE OF OTHER CONDITIONS TO DISCUSS, BUT THEY'RE REALLY AT A MUCH LOWER LEVEL THEN I THINK THE VERY GOOD CONDITIONS THAT HAVE BEEN IDENTIFIED BY MY COLLEAGUES THIS EVENING. THEY HAD TO DO WITH DRAINAGE, A STORM WATER MANAGEMENT AND I JUST GOT A NOTE FROM ROB MOORE THAT IS ALREADY TAKEN CARE OF THROUGH CONSERVATION COMMISSION. ONE OTHER ONE THAT I HAD IS A BATTERY STORAGE PLAN. ATTORNEY HARB I CAN'T EVEN SEE YOU.

**ATTORNEY HARB** STATED COULD I MAKE ONE COMMENT ON A PRIOR COMMENT ABOUT IF WE AGREE TO EVERYTHING. I AGREED ON BEHALF OF THE BOND AND SAID IT WAS THE LAW WE HAVE TO DO THAT. THE COVENANTS AND CONDITIONS THAT I HEARD SAY THAT THE BOND AND PILOT PROGRAM AFTER TO BE IN A FORM AS APPROVED BY THE CITY SOLICITOR. YOU HEARD THE CITY SOLICITOR SAY THEY HAVE A WHOLE BUNCH OF FORMS WITH A WHOLE BUNCH OF DIFFERENT THINGS, I AM NOT AGREEING TO WHAT IT SAYS BECAUSE WE HAVEN'T SEEN IT, BUT I UNDERSTAND THAT IT NEEDS CITY SOLICITOR APPROVAL. THAT I CAN SAY I AGREE TO THAT WHATEVER THE FINAL FORM OF THE BOND AND THE PILOT AGREEMENT, IT HAS TO BE APPROVED BY THE CITY SOLICITOR. IN REGARDS TO THE BATTERY STORAGE THAT CAME UP EARLIER AND I THOUGHT I ANSWERED IT TO THE COUNCIL. IN ALL THE PLANS THAT WERE EVER SUBMITTED, INCLUDING WITH THE PREDEVELOPMENT REVIEW, CONSERVATION THERE'S A LITTLE BATTERY AREA BECAUSE IF YOU HAVE A SOLAR FIELD, YOU HAVE TO HAVE A BATTERY HOOKED UP TO IT. YOU CANNOT HAVE A SOLAR FIELD I'M TOLD BY MY PRINCIPLES SPI SOLAR THAT YOU HAVE TO HAVE A BATTERY WITH IT BECAUSE THE INTERNET AND THE PEOPLE YOU TIE INTO SAYS YOU NEED SOMETHING TO RUN IT. SO, THAT LITTLE BATTERY STORAGE AND IT WAS ON THE PLAN. IT WAS SO SMALL YOU CAN'T HARDLY SEE IT, BUT I TRIED TO BLOW IT UP. IT HAS BEEN IN ALL THE PLANS AND IT WAS APPROVED BY CONSERVATION. THIS ISN'T A BATTERY STORAGE FACILITY. THIS IS A SOLAR FIELD BUT ALL SOLAR FIELDS I AM TOLD, HAVE TO HAVE THAT LITTLE PLACE THERE WHERE ITS HOOKED IN.



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**COUNCILOR MICHITSON** STATED THE FIRE DEPARTMENT HAS MENTIONED THAT IN THEIR COMMENTS AS WELL.

**ATTORNEY HARB** STATED I KNOW COUNCILOR LEWANDOWSKI HAD ASKED THAT THEY HAVE CERTAIN FIRE PREVENTION BUILT INTO THE BATTERIES, AND IT WASN'T WATER. MY MEMORY IS EITHER IT WAS GAS OR FOAM BUT THAT WAS TAKEN CARE OF, BUT AGAIN, THAT WILL BE ADDRESSED AT DEVELOPMENT REVIEW.

**COUNCILOR TOOHEY** STATED I WANT TO THANK EVERYONE FOR BEING HERE. HE STATED I APPRECIATE THAT, AND ALL OF MY COLLEAGUES AS WELL. MY POSITION UNFORTUNATELY HAS NOT CHANGED SINCE THE LAST MEETING. I APPRECIATE ATTORNEY TALERMAN, COUNCILOR LEWANDOWSKI AND COUNCILOR MICHITSON WE HAD THAT DISCUSSION OVER THE PHONE IN RELATIVE ABOUT THE DOVER AMENDMENT. MY POSITION IS A LITTLE DIFFERENT THAN MAYBE ONE OF MY COLLEAGUES. THROUGH THE CLARIFICATION FROM ATTORNEY TALERMAN, I'M NOT AFRAID OF THE DOVER AMENDMENT. I AM GLAD I GOT CLARIFICATION, THE DOVER AMENDMENT DOESN'T MEAN ITS AUTOMATIC FOR US TO SAY THAT WE HAVE TO SAY YES. I WANT TO BE SURE THAT I RECEIVED SOME OF THE INFORMATION SO I CAN MAKE AN INFORMED DECISION, WHICH I DID THROUGH ATTORNEY TALERMAN, AND I WANT TO THANK AGAIN. CERTAINLY COUNCILOR LEWANDOWSKI FOR HER EXCELLENT QUESTIONS ON THAT CONFERENCE CALL. THAT'S THE FIRST THING. FOR ME THE SCOPE IS STILL TOO LARGE FOR ME. I CAN'T SEE THE BENEFIT FOR \$100,000 A YEAR WHICH IS WHAT WE ARE TALKING ABOUT TO RAVAGE OVER 2,500 TREES. MOREOVER, THE CASE OF SUNPIN ENERGY VERSUS O'NEILL ITS ACTUALLY ATTORNEY TALERMAN I ASKED THE QUESTION ON THE CALL AND IT WAS VERIFIED TONIGHT. ONE OF THE, WHEN IT WAS ARGUED IN LAND-COURT IN WORCESTER ON JULY 9, 2023. THE ADVERSE EFFECTS CITED AND THAT CASE WAS UPHELD TO THE STATE, I GUESS. I AM NOT AN ATTORNEY. THE NEGATIVE EFFECTS THAT WERE CITED IMPACTS ON NATURAL AND WORKING LANDS, PLACEMENT IN A RESIDENTIAL AREA AND AGAIN THIS WAS UPHELD. REQUIRED SIGNIFICANT CUTTING OF TREES, SO THAT WAS CONFIRMED BY ATTORNEY TALERMAN NOW WHETHER THAT HOLDS, WHETHER THEY GO TO COURT, WHETHER YOU AGREE OR DISAGREE WITH MY OPINION I AM CERTAINLY AM ENTITLED TO THAT. I UNDERSTAND THAT YOU CAN DO WHAT YOU WANT, IT IS YOUR LAND BUT YOU DO HAVE TO COME HERE AND YOU ARE HERE BEFORE US TO ASK FOR PERMISSION. THE SCOPE FOR ME, THE TRADEOFF FOR ME, WHILE I LIVE IN A RURAL AREA, ON CRYSTAL STREET PRESERVING OPEN SPACE TO ME IS CRITICAL. I UNDERSTAND IT IS YOUR LAND AND HAVERHILL IS A GREAT PLACE. IT'S VERY DIVERSE, AND SPREAD OUT ESPECIALLY WHERE I LIVE AS WELL I WOULD LOVE TO SEE, I DON'T THINK YOU ARE GOING TO COME BACK BUT FOR ME THE SCOPE IS JUST TOO LARGE AND I THINK I HAVE BEEN CONSISTENT ON THAT ALL ALONG. I THINK IT MIGHT BE THE LARGEST, I DON'T KNOW I ASKED, THE BUILDING INSPECTOR TODAY, I DON'T KNOW COUNCILOR LEWANDOWSKI, THIS MIGHT BE THE LARGEST ARRAY OVER 25, THE LARGEST IN THE CITY. I KNOW OTHERS WERE APPROVED, 12 ACRES, 15 ACRES AND I THINK MR. XENAKIS WAS 18 ACRES. SO, FOR ME REDUCING AND RAVAGING OVER 2,500 TREES JUST DOESN'T WORK FOR ME. I JUST CAN'T SUPPORT THAT. I WILL SUPPORT THE CONDITIONS TO MOVE IT ALONG. I WISH YOU THE BEST OF LUCK, SIR. FOR ME I HAVE BEEN ELECTED AND I HAVE TO DO WHAT I FEEL PERSONALLY WHICH IS IN THE BEST INTEREST OF THIS COMMUNITY AND FOR ME THE SCOPE IS TOO LARGE. THANK YOU.

**COUNCILOR LEWANDOWSKI** STATED I JUST WANT TO JUMP ON WHAT COUNCILOR TOOHEY WAS SAYING I SPOKE TO ROB MOORE ABOUT THE SIZE OF THE OTHER ARRAYS IN THE CITY. HE SAID BROADWAY WAS 5 ACRES, HILLDALE WAS 11, XENAXIS WAS 18. THE SCOPE OF THIS FOR ME IS ALSO FAR TOO LARGE. I AM GLAD THAT MY COLLEAGUE CITED THAT CASE THAT WE TALKED ABOUT EARLIER THE SUNPIN CASE AND THOSE DECISIONS. I THINK ITS IMPORTANT TO LET PEOPLE KNOW THAT THE COMMONWEALTH'S GUIDANCE ALTHOUGH WE'RE TALKING ABOUT THE DOVER AMENDMENT AND WE ARE TALKING ABOUT SOLAR AND THE PROTECTION OF SOLAR AND ALL OF THESE THINGS. THE COMMONWEALTH ALSO CAME OUT WITH GUIDANCE THAT STRONGLY AND THIS IS A QUOTE STRONGLY DISCOURAGES THE SIGHTING OF SOLAR ENERGY SYSTEMS AND LOCATION THAT WILL REQUIRE SIGNIFICANT TREE CUTTING. THAT WAS



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UNDER THE MASS DEPARTMENT OF ENERGY. ALSO, THE RESOURCES GUIDE ISSUED IN 2015. AS A RESULT OF THAT AND THAT IS WHY THEY CAME OUT WITH THE DUAL AGRIVOLTAIC USAGE FOR PROJECTS THAT ARE GOING TO BE IN AREAS WHERE'S THERE'S GOING TO BE SIGNIFICANT CUTTING, WHICH THIS IS. NOW WE GOT A PROPOSAL THAT TOUCHED ON PERHAPS MAYBE AN APIARY BUT THERE WAS NO DEFINITIVE DUAL AGRIVOLTAIC PLAN. I UNDERSTAND THERE IS SOME TAX BENEFIT TO THAT TO THE PERSON WHO PUTS IT IN. I WOULD LIKE TO SEE AT LEAST IF IN FACT IT IS GOING TO GO FORWARD I WOULD SUGGEST THAT IT SHOULD BE AS MY COLLEAGUES SAID, A MUCH SMALLER SCOPE THAT THERE BE SOME DEDICATED DUAL AGRIVOLTAIC USAGE THAT WE ARE AWARE OF. MEANING YOU HAVE CONTACTED XYZ AND THIS IS GOING TO BE WHAT IT IS. WHETHER IT IS GOING TO BE FIELD, GOAT, SHEEP, APIARY WHATEVER IT IS THAT IS THE MANDATE OF THE STATE, SO MUCH AS THE DOVER AMENDMENT IS AS WELL. THERE IS A LOT OF DIFFERENT FACTORS TO CONSIDER. THAT MIGHT BE BEING AN EGGHEAD, BUT IT IS ALSO BEING COGNIZANT OF THE FACT THAT WE ARE PUTTING THIS IN AN AREA.

**COUNCILOR BASILIERE** STATED POINT OF ORDER. MY SAYING AN EGGHEAD WAS NOT POINTED AT ANYBODY.

**COUNCILOR LEWANDOWSKI** STATED THAT IS ABUTTING AN AREA THAT IS RESIDENTIAL, THAT IS ON A SIGNIFICANT AMOUNT OF OPEN LAND THAT IS IN A CITY THAT HAS A DESIGNATION AS A TREE CITY WHICH HAS ILLUSTRATED THE IMPORTANCE PLACED ON NATURAL AND WORKING LANDS TO THE TOWN AND OPEN SPACE WHICH IS ON 61A FARMLAND WHICH IS ON FARMLAND PROTECTED SOILS. WE DID NOT EXERCISE OUR RIGHT OF FIRST REFUSAL. I WOULD SUGGEST STRONGLY AND I DON'T KNOW WHETHER OR NOT THIS IS SOMETHING THE APPLICANT IS WILING TO DO TO GRANT US BACK THAT RIGHT OF FIRST REFUSAL SO THAT 30 YEARS FROM NOW IF IN FACT WE WANTED TO PRESERVE THAT LAND, WHETHER THAT BE FOR HOUSES, SCHOOL FOR WHATEVER WE MIGHT NEED IT FOR, OR EVEN JUST CONSERVATION WE ARE ABLE TO DO THAT. THAT IS THE BALANCE THAT I AM ALSO TAKING INTO CONSIDERATION. SOLAR IS RELATIVELY NEW. WE DON'T KNOW THE IMPACT IT IS GOING TO HAVE 30 YEARS FROM NOW. THANK YOU.

**COUNCILOR ROGERS** STATED I JUST WANT TO CLARIFY SOMETHING; I DID ASK THE ASSESSOR'S HOW MANY SOLAR FARMS ARE IN HAVERHILL. WE HAVE FIVE OF THEM AND THE ACREAGE FOR ALL OF THEM, IS 9.4, 16.25, 22, 22.8 AND 16.3. I JUST WANT TO CLARIFY THAT IS WHAT I GOT FROM THE ASSESSOR'S OFFICE. THERE ARE FIVE FARMS AND TWO OF THEM ARE IN THE 22 RANGE. THAT'S ALL.

**COUNCILOR FERREIRA** STATED FOR ME BEING A NEWER COUNCILOR I LOOK FIRST TO OUR ZONING AND WHAT OUR ORDINANCES HAVE ON THE BOOKS FOR GUIDANCE. SO, FOR ME THE PURPOSE SECTION OF WHAT WE LOOK CHAPTER 255-SECTION 7 ON OUR ZONING REGARDING OUR LARGE SCALE MEDIUM SIZE SOLAR ENERGY SYSTEMS WE ARE TASKED WITH PROVIDING STANDARDS FOR PLACEMENT DESIGN, CONSTRUCTION, OPERATION, MONITORING, MODIFICATION, ETC. THAT ADDRESS PUBLIC SAFETY MINIMIZE IMPACT ON ENVIRONMENTAL, SCENIC, NATURAL AND HISTORIC RESOURCES AND TO PROVIDE ADEQUATE FINANCIAL ASSURANCES FOR THE EVENTUAL DECOMMISSIONING OF SUCH INSTALLATIONS. SO WITH THAT LENS WHEN I HAVE BEEN DEEP INTO THESE PAPERS, FORMS AND PLANS FOR MONTHS NOW ON THIS PROJECT. THE DEVIL IS IN THE DETAIL FOR QUESTIONS THAT HAVE STILL NOT BEEN ANSWERED. I DO NOT SEE THEM REPRESENTED IN THE PERMIT ITSELF. SO, THAT IS A CAUSE FOR CONCERN FOR ME. THIS IS MAJOR INVESTMENT FOR BOTH THE APPLICANT. IF IT GOES THROUGH IT'S A MAJOR IMPACT TO OUR COMMUNITY AS WELL. WHEN WE TALK ABOUT PUBLIC HEALTH AND WE TALK ABOUT IMPACT WE TALK ABOUT YES LOCAL TO YOUR NEIGHBORS AND TO YOUR NEIGHBORHOOD AND THE VIEW AND THINGS LIKE THAT BUT WE KNOW WHEN YOU LOSE THAT MUCH ACREAGE IT AFFECTS OUR CLIMATE ENTIRELY. WE ARE IN A CLIMATE CRISIS. WE KNOW THIS AND ARE LIVING THIS. THE REMOVAL OF THAT MANY TREES AND ACREAGE OF TREES THAT HAVE BEEN IN PLACE FOR HOWEVER LONG IT AFFECTS THE AMOUNT OF CARBON SEQUESTRATION THAT IS HAPPENING THERE. ADDITIONALLY, AS COUNCILOR LEWANDOWSKI STATED WE ARE UNDER SOME PRETTY SIGNIFICANT CLIMATE CHANGE SOLUTION BASED INITIATIVES BY THE GOVERNOR IN PLACE RIGHT NOW. JUST IN JUNE THERE WAS AN INITIATIVE ANNOUNCED TO HELP



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MANAGE THE STATE FOREST LANDS, WHICH ALSO IDENTIFIED THAT THIS HAS AN IMPACT TO THE PUBLIC HEALTH OF ALL OF OUR AREAS IN THIS STATE AND WE NEED TO BETTER MANAGE MAINTAIN WHAT WE HAVE AND TRY NOT TO LOSE ANY MORE ACREAGE. BIG PICTURE DOWN TO OUR LOCAL LEVEL SPECIFICALLY THE THINGS THAT I HAVE ASKED FOR IN PREVIOUS HEARINGS THAT I STILL DON'T SEE AND I HAVE DUG THROUGH FRONTWARDS, BACKWARDS AND UPSIDE DOWN IN ALL OF THESE FORMS. ACCORDING TO OUR ORDINANCE HERBICIDES ARE NOT ALLOWED TO BE USED TO MANAGE VEGETATIVE GROWTH ON THESE INSTALLS. WE HAVE DOCUMENTATIONS AND PLANS THAT STATE OTHERWISE FROM THE INSTALLING COMPANIES. THAT'S A FLAG FOR ME. I SAW THAT THERE IS THE BATTERY ENERGY STORAGE PLAN. I DON'T SEE FIRE SUPPRESSION PLANS SPECIFICALLY FOR THAT. I SEE A FIRE PREVENTION PLAN FOR THE OVERALL SITE. I DON'T SEE ANYTHING IN THE PLANNING FOR FIRE SUPPRESSION. I FEEL UNCOMFORTABLE SOMETIMES BANKING ALL OF THESE DETAILS OUT TO DEVELOPMENT REVIEW. MY UNDERSTANDING IS AT THAT POINT IT DOESN'T NECESSARILY COME BACK TO US. UNLESS I AM WRONG AND IT WOULD HAVE TO BE A MODIFICATION SITUATION. SO, FOR ME I WOULD LIKE ALL THIS INFORMATION UP FRONT TO MAKE SURE THAT IT IS IN FACT A COMPLETE APPLICATION AND THAT ANSWERS EVERYTHING THAT WE ARE TASKED TO DO WITHIN THE ORDINANCE IN FRONT OF US. I HAVE A LOT OF HESITATION, THANK YOU VERY MUCH.

**COUNCILOR TOOHEY** ASKED WHAT IS THE RELATIONSHIP BETWEEN MA LOVER'S LANE SOLAR LLC AND SPI? THE REASON WHY I ASK IS THERE'S AN EXHIBIT ONE LAND OWNER CONSENT AGREEMENT UNDERNEATH THE GAGNON 2015 TRUST EXECUTED JUNE 2023 WITH MA LOVER'S LANE LLC. I AM JUST CURIOUS TO KNOW WHAT THAT RELATIONSHIP IS. ATTORNEY HARB CAN YOU ANSWER THAT QUESTION? I DON'T KNOW IF IT IS RELEVANT OR NOT BECAUSE ACCORDING TO THE COMMONWEALTH OF MASSACHUSETTS THE DATE OF ORGANIZATION OF THAT LLC 2019. IT WAS DISSOLVED IT LOOKS LIKE IN DECEMBER OF 2022 AND DATE OF REVIVAL JUNE 29, 2023. THIS DOCUMENT WAS EXECUTED ON JUNE 15<sup>TH</sup>.

**ATTORNEY HARB** STATED THEY TAUGHT ME THE FIRST LESSON WHEN I WAS IN THE HOUSE OF REPRESENTATIVES DON'T MAKE UP STORIES, IF YOU DON'T KNOW SAY YOU DON'T KNOW. I DON'T KNOW BUT I CAN FIND OUT. MY MEMORY IS THAT THEY ARE INTERCONNECTED. ONE IS A SUBSIDIARY OF THE OTHER BUT I DON'T WANT TO MAKE THAT REPRESENTATION. I CAN GO CALL THE GENTLEMAN WHO IS WITH SPI SOLAR INC. AND GET YOU THE ANSWER.

**COUNCILOR TOOHEY** STATED MR. PRESIDENT IF THERE IS AN AGREEMENT, IF THIS APPROVED ITS WITH SPI NOT LOVER'S LANE LLC, I GUESS. THAT CORPORATION JUST STARTED IN 2019.

**ATTORNEY HARB** STATED I WILL FIND YOU THE RELATIONSHIP. SPECIAL PERMITS RUN WITH THE LAND NOT WITH THE APPLICANT, NOT WITH THE PEOPLE. HE'S THE OWNER. SO, IT REALLY RUNS WITH THE LAND. BUT I'LL FIND OUT YOUR ANSWER.

**COUNCILOR TOOHEY** STATED THANK YOU, SIR.

**PRESIDENT SULLIVAN** STATED I DON'T SEE ANY OTHER LIGHTS ON. OH, COUNCILOR MICHITSON.

**COUNCILOR MICHITSON** STATED I WOULD SECOND COUNCILOR LEWANDOWSKI'S MOTION ON DUAL USE. IF YOU WANT TO MAKE THAT A CONDITION.

**COUNCILOR LEWANDOWSKI** MOTIONED THAT THE APPLICANT PROVIDE A DESIGNATED DUAL AGRIVOLTAIC USAGE FOR THIS PROPOSAL. SECONDED BY COUNCILOR MICHITSON.

**PRESIDENT SULLIVAN** STATED WE HAVE A MOTION BY COUNCILOR LEWANDOWSKI, SECOND BY COUNCILOR MICHITSON. NOW I DO NOT SEE ANY LIGHTS ON.

**CITY CLERK WRIGHT** ASKED JUST FOR CLARIFICATION ARE YOU SAYING DUAL AGRIVOLTAGE?

**COUNCILOR LEWANDOWSKI** STATED DUAL AGRIVOLTAIC.

**PRESIDENT SULLIVAN** STATED MADAM CLERK WHEN YOU ARE READY COULD YOU PROCEED TO RESTATE THE CONDITIONS IN THE ORDER THAT THEY WERE RECEIVED AND WE WILL TAKE A VOTE ON EACH ONE OF THOSE FIRST.



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**COUNCILOR LEWANDOWSKI** STATED THERE WAS ONE MORE CONDITION THAT HE AGREED TO ON THE LAST MEETING, THE WELL WATER TESTING. HE SAID HE WAS GOING TO DO THAT.

**PRESIDENT SULLIVAN** STATED HE HAS LEFT THE ROOM.

**CITY CLERK WRIGHT** ASKED WOULD YOU LIKE ME TO HOLD OR READ THE CONDITIONS THAT WE HAVE SO FAR.

**PRESIDENT SULLIVAN** STATED I THINK WE CAN CONTINUE WITH THE CONDITIONS THAT WE HAVE SO FAR. THEN WE CAN MAKE ANOTHER ONE.

**CITY CLERK WRIGHT** STATED THE FIRST CONDITION THAT I HAVE IS FROM COUNCILOR LEWANDOWSKI WITH A SECOND FROM COUNCILOR MCGONAGLE IN REGARDS TO EMERGENCY ACCESS, SO THERE MUST BE A DEFINITIVE PLAN SUPPLIED TO AND APPROVED BY THE FIRE DEPARTMENT DURING THE DEVELOPMENTAL REVIEW REGARDING THE ACCESS TO THE PROPERTY. ALSO, A DETAILED OPERATION PLAN MUST BE PROVIDED WITH EMERGENCY CONTACT INFORMATION AND AN OUTLINE PROCEDURE ON HOW THEY WILL ADDRESS THE EMERGENCY SITUATIONS AND A MAINTENANCE AND OPERATION PLAN. THE NEXT CONDITION THAT WE HAVE IS FROM COUNCILOR JORDAN WITH A SECOND FROM COUNCILOR MICHITSON REGARDING THE APPLICANT TO BE REQUIRED TO PROVIDE A BOND IN CASE OF FINANCIAL TROUBLES IN THE FUTURE TO ENSURE THE COST OF DECOMMISSION THE SOLAR PANELS IS NOT HELD LIABLE TO THE CITY. THIS BOND SHOULD BE ACCEPTABLE AND NEED APPROVAL OF THE CITY SOLICITOR'S OFFICE AND THE SPECIAL PERMIT GRANTING AUTHORITY.

THE OTHER MOTION THAT I HAD FROM VICE PRESIDENT JORDAN WAS ALSO THAT THE CITY WOULD BE GUARANTEED SOME SORT OF REVENUE STREAM THAT IS STATED IN THE CURRENT PERMIT AND THIS TO SHOULD ALSO BE ACCEPTABLE AND MEET THE APPROVAL OF THE CITY SOLICITOR'S OFFICE AND THE SPECIAL PERMIT GRANTING AUTHORITY.

THE FINAL MOTION THAT I HAVE FROM COUNCILOR LEWANDOWSKI, SECONDED BY COUNCILOR MICHITSON THIS IS REGARDING DESIGNATED DUAL AGRIVOLTAIC PLAN.

**PRESIDENT SULLIVAN** STATED THANK YOU MADAM CLERK. ATTORNEY HARB IS BACK AND COUNCILOR LEWANDOWSKI DID HAVE ONE MORE CONDITION SHE WANTED TO PROPOSE. DO YOU HAVE AN ANSWER FOR COUNCILOR TOOHEY?

**ATTORNEY HARB** STATED YES, I DO MR. PRESIDENT, I WAS TOLD BY SPI SOLAR THAT MA LOVER'S LANE THEY'RE THE SOLE OWNER OF MA LOVER'S LANE. THEY SET THAT UP AS A SPECIAL PURPOSE VEHICLE FOR THIS PROJECT.

**PRESIDENT SULLIVAN** STATED COUNCILOR TOOHEY DOES THAT SATISFY YOUR CONCERN?

**COUNCILOR TOOHEY** STATED FOR NOW YES.

**PRESIDENT SULLIVAN** STATED COUNCILOR LEWANDOWSKI YOU WANTED TO SPEAK ON ONE MORE PROPOSED CONDITION.

**COUNCILOR LEWANDOWSKI** STATED I BELIEVE WHEN WE DISCUSSED PERFORMING REGULAR WELL WATER TESTING FOR THE ABUTTERS I BELIEVE YOU SAID 90 DAYS THAT YOU WERE WILLING TO DO THAT.

**ATTORNEY HARB** STATED I DO NOT REMEMBER THAT. I CAN CALL MY GENTLEMAN AGAIN AND ASK HIM. I KNOW THERE WAS A QUESTION ABOUT MAINTENANCE AND OPERATIONS BUT I ACTUALLY DON'T REMEMBER ABOUT WELLS, BUT MAYBE IT WAS IN THERE. I DIDN'T REREAD THE MINUTES BECAUSE IT WAS WEEKS AGO.

**COUNCILOR LEWANDOWSKI** STATED MY CONCERN IS THAT THESE PEOPLE ARE ON WELL WATER AND THERE WAS A PLAN THAT WAS SUBMITTED REGARDING DRAINAGE AND SO FORTH. IF THERE IS ANY DISRUPTION AT ALL I JUST WANT TO BE LOOKING OUT FOR THE PEOPLE THAT LIVE THERE AND MAKE SURE THEY HAVE A THE PIECE OF MIND KNOWING THAT THEIR WATER IS NOT IMPACTED BY ANY LEAKAGE IF THERE WERE TO BE ANY. I BELIEVE THAT YOU AGREED TO THAT.

**ATTORNEY HARB** STATED LET ME MAKE A CALL. I DON'T BELIEVE TALKING BECAUSE I AM ON THE RESOURCES COMMITTEE IN NEW HAMPSHIRE AND WE ALWAYS TALK ABOUT HOW AND WHAT RIGHTS DO I HAVE TO GO ON SOMEBODY'S ELSE'S LAND AND TEST THEIR WATER. I DON'T KNOW IF I EVER WOULD



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HAVE AGREED THAT MY GUY WOULD GO ON SOMEONE'S ELSE'S LAND AND GO INTO THEIR WELL AND THEIR WATER TO TEST IT. SO, MAYBE WE NEED TO WRAP THAT AROUND, HOW WOULD YOU DO IT? I HAVE NO RIGHT TO DO IT. I DON'T THINK THE TOWN DOES, IF THEY COMPLAIN AND SAY THERE IS A PROBLEM MAYBE BUT THAT'D BE TRESPASSING AND ALL SORTS OF STUFF. I DON'T THINK YOU CAN MANDATE THAT I GO ON SOMEBODY ELSE'S LAND. LET ME ASK ABOUT THE QUESTION ABOUT TESTING THE NEIGHBORS' WATER. I'LL BE BACK.

**COUNCILOR MCGONAGLE** STATED **COUNCILOR LEWANDOWSKI** WOULD YOU MIND THAT OTHER THE LAST CONDITION, I AM NOT SURE IF BOB CAUGHT THAT. DID YOU HEAR THAT ONE?

**ATTORNEY HARB** STATED I HEARD THE TERM WHICH I COULDN'T UNDERSTAND EITHER. I HAD TALKED TO MY GENTLEMAN BEFORE WE HAD MENTIONED BEES AND HE SAID THEY'RE STILL IN FAVOR OF HAVING A CONDITION THAT THEY HAVE TO HAVE SOME KIND AS LONG AS IT IS NOT DELINEATED WHAT IT IS. BECAUSE THEY MAY NOT BE GROWING THINGS. YOU MAY REMEMBER WE TALKED ABOUT THE WAY THIS WAS SET UP. THERE'S NO ROOM UNDERNEATH TO GROW ANYTHING. THAT IS WHY WE CAME UP WITH THE BEES, LIKE SOME OTHER PLACES HAVE. IF THE BEES COUNT AS AGRIVOLTAIC WE ARE OKAY WITH THAT.

**COUNCILOR MCGONAGLE** STATED IF THE APPLICANT MAY HAVE TO CUT ANOTHER 10-15 ACRES TO DO THAT.

**COUNCILOR LEWANDOWSKI** STATED NOT NECESSARILY, YOU COULD GROW HAY THERE PROBABLY.

**ATTORNEY HARB** STATED I WILL ASK ABOUT THE WELL TESTING AND I WILL BE BACK.

**COUNCILOR HOBBS EVERETT** STATED MAYBE THERE IS A WAY TO CHECK THE MINUTES. I DO RECALL THERE WAS A GENTLEMAN FROM THE COMPANY THAT WAS ON THAT DID SPEAK TO THE WELL WATER AND THEY WOULD TEST THE GROUND WATER EVERY 90 DAYS. I AM NOT SURE IF THAT WAS THE NEIGHBORS WATER BUT I DO RECALL THEIR BEING A STATEMENT ABOUT 90 DAYS TESTING OF THE WATER. I BELIEVE IT WAS ON THE GROUND.

**PRESIDENT SULLIVAN** STATED **ATTORNEY HARB** DO YOU STILL WANT TO MAKE THE CALL?

**ATTORNEY HARB** STATED I HAVE TO MAKE THE CALL. I DON'T KNOW IF HE IS ON PETER FROM SOLAR. PETER WOULD YOU LIKE TO ANSWER. IT WOULD HAVE BEEN YOU THAT MADE THE COMMENT AT THE LAST MEETING. MAYBE THAT'S WHY I DIDN'T KNOW BECAUSE I DIDN'T MAKE IT.

**PETER COUGHLIN** ADDRESSED THE COUNCIL. HE STATED I DON'T RECALL THE WELL TESTING PART. I DO RECALL THAT SOMEONE ASKED FOR AN INSPECTION OF THE SITE. IT WAS EITHER EVERY 90 DAYS OR 120 DAYS TO MAKE SURE THE WEEDS AND GROWTH UNDERNEATH THE ARRAY WAS BEING MANAGED. THERE WAS A BIG TALK ABOUT THE FIRE. I AGREED TO THAT.

**ATTORNEY HARB** STATED THAT I DO REMEMBER.

**PETER COUGHLIN** STATED I AM SORRY I DON'T REMEMBER THE WATER. I READ THE MINUTES AND I DON'T RECALL SEEING WATER WELL TESTING IN THE MINUTES ANYWHERE. I DON'T CATCH IT ALL THE TIME.

**ATTORNEY HARB** STATED THAT WAS THE MAINTENANCE THAT WE TALKED ABOUT. YOU BROUGHT IT UP AND HE SAID YES, OKAY. WE WILL GO IN AND MAINTAIN IT AND CHECK TO MAKE SURE. TO MY MEMORY WE DIDN'T TALK ABOUT WATER. IF YOU WANT TO PUT IN THE MAINTENANCE EVERY 90 DAYS TO CHECK. I THINK HE SAID HE IS IN FAVOR OF THAT.

**COUNCILOR LEWANDOWSKI** STATED WITHOUT SOMEONE HERE TO ADVISE ME ENVIRONMENTALLY WHETHER OR NOT THAT IS SOMETHING THAT COULD BE DONE WHETHER THAT COULD BE CONTRACTED WITH A THIRD PARTY TO DO THAT. IT'S STILL A CONCERN OF MINE. I DO RECALL AND I DON'T KNOW I HAVEN'T LOOKED AT THE MINUTES, I WOULD HAVE TO ROLL BACK AND LOOK AT THAT PARTICULAR MEETING. I KIND OF RECALL THAT WE DID TALK ABOUT IT. I GUESS I AM NOT ALL SET.

**PRESIDENT SULLIVAN** STATED **MADAM CLERK** WOULD YOU PROCEED TO REVIEW THE MOTIONS ONE AT A TIME SO WE CAN HAVE A VOTE ON THE CONDITIONS.

**MADAM CLERK** STATED I DO SEE SOMETHING IN THE MINUTES REFERENCING WELL WATER.

**PRESIDENT SULLIVAN** STATED DO YOU WANT TO READ THOSE.





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**MADAM CLERK** STATED I AM DOING A SEARCH TO SEE ANY TIME THE WORD WELL POPS UP IN THE MINUTES. I AM GETTING A LOT OF AS WELLS, THERE ARE COMMENTS FROM COUNCILOR LEWANDOWSKI IN REGARDS TO THE WELL WATER AND I JUST HAVE TO SEE IF THE APPLICANT RESPONDED BACK BUT IT DOESN'T...SEEMS AT THAT POINT I AM GETTING BACK INTO AS WELL AS. I WOULD HATE TO SAY IT WITHOUT A MORE THOROUGH REVIEW. I WOULD HAVE TO READ IT IN GREATER DETAIL. IT DOES MENTION WELL WATER IN THE MINUTES FROM THE DECEMBER 17<sup>TH</sup> MEETING SPECIFICALLY THIS IS FROM COUNCILOR LEWANDOWSKI THESE PEOPLE UP IN THIS AREA ARE ON WELL WATER, WHILE I COMPLETELY APPRECIATE THE EXTENSIVE DRAINAGE PLAN THAT IS IN PLACE HERE, IT LOOKS LIKE IT IS SOUNDED STILL OF CONCERN TO ME WHAT THE NATURE OF THE CHEMICALS ARE GOING TO BE USED BECAUSE EVEN IF THOSE DRAINAGE SYSTEMS WORK AND HOLD UP AND IF THERE'S ANY DEGRADATION ..SORRY TRYING TO READ IT ON MY PHONE, IT'S A LITTLE HARD. DEGRADATION TO THOSE DRAINAGE SYSTEMS AND IF THERE IS ANY LEAKAGE TO THOSE PARTICULAR CHEMICALS OF WHAT WE ARE TALKING ABOUT PFAS CHEMICALS INTO THE SOIL OR WATER IT WILL GO INTO THESE PEOPLE'S WELL WATER, POSSIBLY AND I DON'T WANT THAT SOMETHING THAT THEY ARE WORRIED ABOUT.

**COUNCILOR LEWANDOWSKI** STATED I UNDERSTAND THAT WE DON'T HAVE PFAS IN THE MIX ANYMORE.

**ATTORNEY HARB** STATED AND THAT'S WHEN YOU ASKED ME IF THERE ARE PFAS IN THERE AND WE'RE GOING TO HAVE CHEMICALS AND WE SAID NO, THE MODULES WILL NOT HAVE PFAS.

**COUNCILOR LEWANDOWSKI** STATED BUT THE BATTERIES HAVE CHEMICALS AND THE PANELS STILL HAVE LEAD IN THEM. I AM HAPPY TO HEAR THAT IT DOESN'T HAVE PFAS. AS I AM SURE EVERYBODY LISTENING DOES. THERE ARE STILL OTHER INDICATORS THAT THOSE THINGS COULD REACH IF IN FACT THEY WERE DAMAGED.

**COUNCILOR MICHITSON** STATED CAN YOU ANSWER THE QUESTION NOW ON THE WELL WATER?

**ATTORNEY HARB** STATED I THOUGHT I DID COUNCILOR. I DON'T KNOW WHAT LEGAL AUTHORITY MY GUY EVEN IF HE SAYS I WILL GO AND DO THAT. THERE COULD BE OTHER IMPACTS TO THE NEIGHBORS THAT HAVE NOTHING TO DO WITH THIS PROJECT. I TEST THEIR WELL WATER AND SOMEBODY ELSE POLLUTED IT.

**COUNCILOR MICHITSON** ASKED SO IF ITS LEGAL ARE YOU WILLING TO AGREE TO THAT?

**ATTORNEY HARB** STATED I THINK IF THE NEIGHBORS HAVE A PROBLEM WITH THEIR WATER THEY ARE GOING TO REPORT IT TO ROB MOORE OR THE BUILDING COMMISSIONER AND THEN HE'S GOING TO INVESTIGATE IT AND TELL US IF WE ARE DOING ANYTHING. I DON'T THINK WE NEED TO SAY WE ARE GOING TO MAKE YOU DO ALL THESE TESTS THAT THERE IS NO INDICATION THAT WE ARE GOING TO CAUSE ANY HARM, BUT IF SOMEBODY SAYS THERE IS A HARM ITS GOING TO BE INVESTIGATED BY THE CITY. I CAN ASK MY GUY, BUT YOU KEEP ADDING THESE THINGS I'M NOT EVEN SURE IF YOU ARE GOING TO VOTE FOR THE PROJECT WITH THESE CONDITIONS. YOU ARE ASKING ME TO COMMIT TO THEM. I AM NOT ASKING YOU IF I AGREE TO ALL THESE CONDITIONS DOES EVERYBODY AGREE THAT THEY ARE GOING TO VOTE ON THE PROJECT WITH THESE CONDITIONS. I KNOW THAT IS NOT PROPER. I AM JUST FEELING LIKE I AM BEING ASKED A LOT OF STUFF AND THAT WAS NOT BROUGHT UP BEFORE ABOUT TESTING WATER. I THOUGHT WE HANDLED IT. IT WAS BROUGHT UP ABOUT IT BUT LIKE MY CLIENT SAYS WE DIDN'T AGREE TO TESTING WELLS. WHEN YOU PUT IN ANY SUBDIVISION IN TOWN THE PLANNING BOARD TO MY KNOWLEDGE DOESN'T TELL THE DEVELOPER WELL YOU MIGHT AFFECT THE WATER, SO YOU HAVE TO GO AROUND TESTING EVERYBODY'S WATER EVERY 90 DAYS. IF THERE IS A PROBLEM SOMEBODY IS GOING TO REPORT IT AND WE WILL ADDRESS IT AT THAT TIME. I DON'T KNOW WHAT MORE YOU WANT US TO DO. I DON'T KNOW HOW MANY PEOPLE ARE IN THAT AREA ARE IN THE AQUIFER, HOW MANY ARE GOING TO BE AFFECTED. WE'RE CUTTING TREES, WE WERE TALKING ABOUT DRAINAGE, DRAINAGE WAS APPROVED BY CONSERVATION. IF A PROBLEM COMES UP ROB MOORE IS GOING TO GET THAT CALL IMMEDIATELY. HE'S GOING TO RUN OUT THERE. HE'S GOING TO GIVE A CEASE AND DESIST. HE'S GOING TO TELL US WHAT WE NEED TO DO OR NOT DO. I THINK THAT'S SUFFICIENT PROTECTION FOR THE NEIGHBORS AND THE TOWN. BUT IF YOU ARE REALLY PUSHING ME TO GO ASK I WILL. IT'S NOT LIKE THERE IS ONE NEIGHBOR THERE



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AND YOU SAY WILL YOU TEST THIS GUYS WATER EVERY 90 DAYS. WE ARE GOING TO BE THERE FOR 20 YEARS.

**PRESIDENT SULLIVAN** STATED I DON'T THINK YOU NEED TO GO ASK, ATTORNEY HARB. COUNCILOR MICHITSON ARE YOU GOOD?

**COUNCILOR MICHITSON** STATED YES.

**COUNCILOR FERREIRA** STATED PERHAPS THIS IS FOR MR. GAGNON DIRECTLY, AS A FARMER DO YOU TEST YOUR WATER ON YOUR PROPERTY ALREADY ANNUALLY OR BIANNUALLY AS MANY FARMERS ARE REQUIRED TO DO. DEPENDING ON YOUR ACTIVITIES ON THE FARM.

**ANDY GAGNON** OF 233 LOVER'S LANE ADDRESSED THE COUNCIL. HE STATED I HAVEN'T TESTED MY WATER IN FOUR OR FIVE YEARS. I DRINK IT EVERY DAY.

**COUNCILOR FERREIRA** STATED I KNOW LOTS OF FARMS ESPECIALLY IF YOU ARE WATERING CROPS, EDIBLE FIELD CROPS OR ANYTHING LIKE THAT. I DON'T KNOW WHAT YOUR PRODUCTION IS, BUT MANY FARMS ARE REQUIRED TO TEST WELL WATER, SPECIFICALLY IF THAT IS WHAT YOU ARE WATERING YOUR CROPS WITH.

**ANDY GAGNON** STATED WE HAD CHRISTMAS TREES AND BLUEBERRIES. WE DON'T USE ANY PESTICIDES.

**COUNCILOR FERREIRA** STATED ITS GOOD TO KNOW THAT. PERHAPS SOMETHING IN THE FUTURE IF THIS DOES GET APPROVED, I THINK THAT IS A NICE THING TO OFFER TO YOUR NEIGHBORS AS A FARMER. I AM A FARMER AND WE HAVE LOTS OF CONVERSATIONS WITH OUR NEIGHBORS ALL THE TIME ABOUT LOOKING OUT IN THE LONG TERM FOR HOW WHAT WE DO AFFECTS THEIR QUALITY OF LIFE TOO. WHILE THERE ARE LOTS OF THINGS REQUIRED AND EXPECTED AS PART OF THIS WHOLE PROPOSAL, I DON'T THINK IT IS AN UNREASONABLE QUESTION BY COUNCILOR LEWANDOWSKI TO BE WORRIED ABOUT THOSE LONG-TERM EFFECTS. ESPECIALLY FOR ME WHEN I SEE THAT THERE IS A PLAN INCLUDED IN THIS SUBMITTED PROPOSAL TO USE HERBICIDES ON THIS PROPERTY, WHICH DOES NOT MEET OUR ORDINANCE REQUIREMENTS. THANK YOU.

**PRESIDENT SULLIVAN** STATED MADAM CLERK, WOULD YOU PLEASE READ THE FIRST MOTION.

**MADAM CLERK** STATED I JUST WANT A CLARIFICATION EARLIER COUNCILOR FERREIRA YOU HAD MENTIONED ABOUT THE HERBICIDES AND FIRE SUPPRESSION, WAS THAT A MOTION OR JUST A COMMENT?

**COUNCILOR FERREIRA** STATED JUST A COMMENT.

**MADAM CLERK** STATED THE FIRST CONDITION THAT I HAVE HERE IS A MOTION BY COUNCILOR LEWANDOWSKI, SECOND BY COUNCILOR MCGONAGLE FOR THE EMERGENCY ACCESS HAVING A DEFINITIVE PLAN THAT MUST BE ESTABLISHED AND SUBMITTED TO THE FIRE DEPARTMENT DURING DEVELOPMENT REVIEW AND IT ALSO WOULD INCLUDE A DETAILED OPERATION PLAN WITH EMERGENCY CONTACT INFORMATION, OUTLINED PROCEDURE ON HOW THEY WILL ADDRESS EMERGENCY SITUATIONS ON SITE AND MAINTENANCE AND OPERATION PLAN.

**PRESIDENT SULLIVAN** STATED MADAM CLERK PLEASE CALL THE ROLL.

MADAM CLERK- VICE PRESIDENT JORDAN- YES, COUNCILOR BASILIERE-YES, COUNCILOR HOBBS EVERETT-YES, COUNCILOR MICHITSON-YES, COUNCILOR FERREIRA-YES, COUNCILOR LEWANDOWSKI-YES, COUNCILOR TOOHEY-YES, COUNCILOR MCGONAGLE-YES, COUNCILOR LEPAGE-YES, COUNCILOR ROGERS-YES, PRESIDENT SULLIVAN-YES.

11 YEAS, 0 NAYS

**PRESIDENT SULLIVAN** STATED AND THAT PASSES.

**MADAM CLERK** STATED THE NEXT CONDITION WAS A MOTION BY VICE PRESIDENT JORDAN, SECOND BY COUNCILOR MICHITSON THAT THE APPLICANT BE REQUIRED TO PROVIDE A BOND IN CASE OF FINANCIAL TROUBLES IN THE FUTURE TO ENSURE THAT THE COST OF DECOMMISSIONING THE SOLAR PANELS IS NOT HELD TO THE CITY, THIS BOND SHOULD COVER THE AMOUNT THAT PROJECTS INTO THE FUTURE AND SHOULD BE ACCEPTABLE AND MEET THE APPROVAL OF THE CITY SOLICITOR'S OFFICE AND THE SPECIAL PERMIT GRANTING AUTHORITY.



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**PRESIDENT SULLIVAN** STATED MADAM CLERK PLEASE CALL THE ROLL.

MADAM CLERK- VICE PRESIDENT JORDAN- YES, COUNCILOR BASILIERE-YES, COUNCILOR HOBBS EVERETT-YES, COUNCILOR MICHITSON-YES, COUNCILOR FERREIRA-YES, COUNCILOR LEWANDOWSKI-YES, COUNCILOR TOOHEY-YES, COUNCILOR MCGONAGLE-YES, COUNCILOR LEPAGE-YES, COUNCILOR ROGERS-YES, PRESIDENT SULLIVAN-YES.  
11 YEAS, 0 NAYS

**PRESIDENT SULLIVAN** STATED AND **THAT PASSES.**

**MADAM CLERK** STATED THE NEXT CONDITION WAS A MOTION BY VICE PRESIDENT JORDAN, SECOND BY COUNCILOR MICHITSON THAT SHOULD THE COMPANY HAVE FINANCIAL TROUBLES IN THE FUTURE THE CITY WOULD BE GUARANTEED THE STATED REVENUE STREAM AND AGAIN THIS SHOULD ALSO BE ACCEPTABLE AND MEET THE APPROVAL OF THE CITY SOLICITOR'S OFFICE AND THE SPECIAL PERMIT GRANTING AUTHORITY.

**PRESIDENT SULLIVAN** STATED MADAM CLERK PLEASE CALL THE ROLL.

MADAM CLERK- VICE PRESIDENT JORDAN- YES, COUNCILOR BASILIERE-YES, COUNCILOR HOBBS EVERETT-YES, COUNCILOR MICHITSON-YES, COUNCILOR FERREIRA-YES, COUNCILOR LEWANDOWSKI-YES, COUNCILOR TOOHEY-YES, COUNCILOR MCGONAGLE-YES, COUNCILOR LEPAGE-YES, COUNCILOR ROGERS-YES, PRESIDENT SULLIVAN-YES.  
11 YEAS, 0 NAYS

**PRESIDENT SULLIVAN** STATED AND **THAT PASSES.**

**MADAM CLERK** STATED THE NEXT CONDITION WAS A MOTION BY COUNCILOR LEWANDOWSKI, SECOND BY COUNCILOR MICHITSON THAT IS TO DESIGNATE A DUAL AGRIVOLTAIC PLAN.

**PRESIDENT SULLIVAN** STATED MADAM CLERK PLEASE CALL THE ROLL.

MADAM CLERK- VICE PRESIDENT JORDAN- YES, COUNCILOR BASILIERE-YES, COUNCILOR HOBBS EVERETT-YES, COUNCILOR MICHITSON-YES, COUNCILOR FERREIRA-YES, COUNCILOR LEWANDOWSKI-YES, COUNCILOR TOOHEY-YES, COUNCILOR MCGONAGLE-YES, COUNCILOR LEPAGE-YES, COUNCILOR ROGERS-YES, PRESIDENT SULLIVAN-YES.  
11 YEAS, 0 NAYS

**PRESIDENT SULLIVAN** STATED AND **THAT PASSES.**

**PRESIDENT SULLIVAN** STATED NOW WE NEED TO VOTE TO APPROVE THIS SPECIAL PERMIT. WE HAD A MOTION AND A SECOND AT THE LAST HEARING BUT WHY DON'T WE REDO THAT. COULD WE HAVE A MOTION AND A SECOND.

**COUNCILOR MCGONAGLE** STATED SO MOVED.

**COUNCILOR HOBBS EVERETT** STATED SECOND.

**PRESIDENT SULLIVAN** STATED WE HAVE A MOTION BY COUNCILOR MCGONAGLE, SECOND BY COUNCILOR HOBBS EVERETT. MADAM CLERK PLEASE CALL THE ROLL ON APPROVING THE SPECIAL PERMIT WITH ALL THE CONDITIONS AGREED TO THIS EVENING.

**COUNCILOR MCGONAGLE** STATED MR. PRESIDENT BEFORE WE DO THAT DO WE NEED TO ADD ANYTHING FROM OUR DEPARTMENT HEADS AS WELL.

**PRESIDENT SULLIVAN** STATED AS WELL AS ALL THE RECOMMENDATIONS OF THE VARIOUS DEPARTMENT HEADS THAT HAVE BEEN PREVIOUSLY GIVEN.

MADAM CLERK- VICE PRESIDENT JORDAN- YES, COUNCILOR BASILIERE-YES, COUNCILOR HOBBS EVERETT-YES, COUNCILOR MICHITSON-YES, COUNCILOR FERREIRA-NO, COUNCILOR LEWANDOWSKI-NO, COUNCILOR TOOHEY-NO, COUNCILOR MCGONAGLE-YES, COUNCILOR LEPAGE-YES, COUNCILOR ROGERS-YES, PRESIDENT SULLIVAN-YES.  
8 YEAS, 3 NAYS (FERREIRA, LEWANDOWSKI, TOOHEY)

**PRESIDENT SULLIVAN** STATED AND **THAT PASSES.**



CITY OF HAVERHILL  
CITY COUNCIL MINUTES

Tuesday, January 28, 2025 at 7:00 PM

Theodore A. Pelosi, Jr. Council Chambers, 4 Summer st, Room 202  
In-Person/Remote Meeting

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**11. APPOINTMENTS:**

11.1. **Confirming Appointments**

11.2. **Non-Confirming Appointments**

11.2.1.1. *Conservation Commission - Reappointments: to  
expire December 31, 2027*

Lisa DeMeo, 15 Lakewood ter 16-B

11.2.1.2. Thomas Wylie, 185 Salem st 16-C

11.2.1.3. Evan Barman, 110 Cogswell st 16-D

11.2.1.4. *Conservation Partner-Patrick Lavigne, 35  
Westland ter* 16-E

MOTION BY COUNCILOR MCGONAGLE TO PLACE ON FILE, SECOND BY VICE PRESIDENT JORDAN  
PASSED YEAS 11, NAYS 0, ABSENT 0

11.3. **Constables**

11.4. **Resignations:**

**12. PETITIONS:**

12.1. CCSP 24-11; Application from Brian Moses for a Hearing to  
keep a permanent storage container at his home at 84 Madison st  
Hearing February 25<sup>th</sup>

MOTION BY COUNCILOR MICHITSON, SECOND BY COUNCILOR TOOHEY  
PASSED YEAS 11, NAYS 0, ABSENT 0

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12.2. **Applications Handicap Parking Sign:** *with Police approval*

12.3. **Amusement/Event Application** – *pending departments  
approval*

12.4. **Auctioneer License:**

12.5. **Tag Days:** *with Police approval*

12.6. **One Day Liquor License** – *with License Commission & HPD  
approval*

12.7. **ANNUAL LICENSE RENEWALS:**

12.7.1. **Hawker Peddlers License- Fixed location** – *w/Police  
approval*

12.7.2. **Coin-Op License Renewals** – *with Police approval*

12.7.3. **Christmas Tree Vendor** – *with Police approval*

12.7.4. **Taxi Driver Licenses for 2024:** *with Police approval*



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- 12.7.5. Taxi/Limousine License *with Police approval*
  - 12.7.6. Junk Dealer /Collector License *with Police approval*
  - 12.7.7. Pool/Billiard
  - 12.7.8. Bowling
  - 12.7.9. Sunday Bowling
  - 12.7.10. Buy & Sell Second Hand Articles *with Police approval*
  - 12.7.11. Buy & Sell Second Hand Clothing
  - 12.7.12. Pawnbroker license - *with police approval*
  - 12.7.13. Fortune Teller *with - Police approval*
  - 12.7.14. Buy & Sell Old Gold – *with Police approval*
  - 12.7.15. Roller Skating Rink
  - 12.7.16. Sunday Skating
  - 12.7.17. Exterior Vending Machines/Redbox Automated  
Retail, LLC
  - 12.7.18. Limousine/Livery License/Chair Cars *with Police  
approval*

**13. MOTIONS AND ORDERS:**

**14. ORDINANCES (FILE 10 DAYS)**

- 14.1. Ordinance re: Vehicles and Traffic – Amend Chapter 240  
Section 98: Heavy Commercial Vehicles Exclusion; Forest st;  
Broadway to West Lowell av; all vehicles over 2 ½ tons

File 10 days

MOTION BY COUNCILOR MCGONAGLE TO PLACE ON FILE, SECOND BY COUNCILOR TOOHEY  
PASSED YEAS 11, NAYS 0, ABSENT 0

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**15. COMMUNICATIONS FROM COUNCILLORS:**

**16. UNFINISHED BUSINESS OF PRECEEDING MEETING:**

- 16.1. Document 11; Ordinance re: Vehicles and Traffic; add  
Handicap Parking for 14 Seventeenth av *filed 1/9/2025*

MOTION BY COUNCILOR MCGONAGLE TO APPROVE, SECOND BY COUNCILOR MICHITSON  
PASSED YEAS 11, NAYS 0, ABSENT 0

- 16.2. Document 11-B; Ordinance re: Vehicles and Traffic; add  
handicap parking for 51 Greenleaf st *filed 1/9/2025*

MOTION BY VICE PRESIDENT JORDAN TO APPROVE, SECOND BY COUNCILOR MCGONAGLE  
PASSED YEAS 11, NAYS 0, ABSENT 0



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- 16.3. Document 11-C; Ordinance re: Vehicles and Traffic;  
37 Fountain st; add Handicap parking *filed 1/16/2025*

MOTION BY COUNCILOR MCGONAGLE TO APPROVE, SECOND BY COUNCILOR TOOHEY  
PASSED YEAS 11, NAYS 0, ABSENT 0

**17.RESOLUTIONS AND PROCLAMATIONS:**

**18.COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

**19.DOCUMENTS REFERRED TO COMMITTEE STUDY**

**20.LONG TERM MATTERS STUDY LIST**

**21.ADJOURN:**

MOTION BY VICE PRESIDENT JORDAN TO ADJOURN, SECOND BY COUNCILOR LEWANDOWSKI  
PASSED YEAS 11, NAYS 0, ABSENT 0 ---ADJOURNED: 20:46