

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, SS.

LAND COURT DEPARTMENT
OF THE TRIAL COURT

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SHARL HELLER, et al.
Plaintiffs

* Case No.: 15 MISC 000481

v.

PETER CONNER, et al.,
Defendants

* * * * *

BENCH TRIAL
BEFORE THE HONORABLE KARYN F. SCHEIER

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April 20, 2017

Pamela J. St. Amand
Court Reporter

I N D E X

PAGE:

OPENING STATEMENT:
for the Plaintiffs

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WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
DANIEL ARTHUR PALLOTTA (By Mr. Angley)	5		40	
(By Ms. Byrne)		17		
JAMES AIDAN FOLEY (By Mr. Angley)	42			
(By Mr. Cassidy)		58		
WILLIAM SHAW, continued (By Mr. Angley)			146	
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CHRISTINE SILVA (By Mr. Cassidy)	163		200	
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FREDERICK COOK (By Mr. Cassidy)	211			
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1 south of the solar array.

2 Q That's because that's where the sun comes from?

3 A Exactly.

4 Q Okay.

5 A And we've developed some methodology in section as to
6 exactly what you have to do at different points in that
7 100/120 feet.

8 So you could have -- 100 feet away from the solar array
9 you could have some relatively mature shrubbery but not full
10 height, not a pine or an oak tree and maybe 30 feet away you
11 would want to have -- you wouldn't want to have anything
12 grown other than grass.

13 Q And for this particular site, the county wood lot, once
14 the area was cleared as you described, how much sand and
15 gravel would need to be extracted in order to put down the
16 solar panels?

17 MR. ANGLE: Objection, your Honor.

18 THE COURT: What is your objection, Mr. Angley?

19 MR. ANGLE: There's no competency. He's not an expert
20 and it's not within the scope of the prior examination and he
21 would have no basis to answer that question.

22 THE COURT: It doesn't have to be in the scope of the
23 prior examination.

24 But, Mr. Cassidy, can you set a foundation or try to?

25 MR. CASSIDY: I can certainly do that, your Honor. He

1 develops these projects all the time, but I'll ask him some
2 more questions.

3 BY MR. CASSIDY:

4 Q For a site like Raffaele Road, were you out there on the
5 site during the development stages?

6 A Yes.

7 Q Do you typically go to your -- the construction sites
8 for both pre and during the time that the solar fields are
9 being installed?

10 A Yes. We -- I and we go very frequently.

11 Q Are you familiar with what needs to -- you've been in
12 this business a long time, are you familiar with what needs
13 to happen to install a solar field like the one we see on the
14 screen?

15 A Yes.

16 Q So I'll ask my question again, once the trees and
17 shrubbery are cleared in the county wood lot there, how much
18 sand and gravel would need to be extracted in order to put up
19 the solar array?

20 MR. ANGLE: Objection, your Honor.

21 THE COURT: I'm going to overrule that objection.

22 You can answer it if you can answer that question.

23 THE WITNESS: Well, I would answer the way that we don't
24 necessarily need any. The -- what we look for as a solar
25 developer is a piece of land. So it could be -- it could be

1 -- doesn't have to be any extraction.

2 Q So in other words, you could remove the trees and then
3 grade it so you got rid of the stumps and then go ahead and
4 install the solar panels?

5 A Yes. If I follow, yes.

6 Q And in terms of -- you mentioned the facing nature of
7 the solar field. In terms of topography, again I looked on
8 your website, you -- is it required to be perfectly flat to
9 install a solar array or can you install it on varying
10 topography?

11 A You can install it on topography that's not flat, but it
12 is desirable for it to be relatively close to flat because
13 you need safe and consistent access during construction and
14 then also for your long-term storm water planning, it's
15 better to have sites with moderate grades. A typical -- a
16 grade of 5 percent would be very easy to deal with; north of
17 10 percent would be somewhat challenging.

18 Q And when you say "the grade," are you talking about the
19 grade of the entire site so it establishes which way the
20 storm water will flow off it?

21 A So the grade percentage is measured from percentage of
22 change in height over change in vertical travel. And an area
23 that is steeper, one consideration is construction
24 feasibility. You need to move construction equipment around,
25 you need to dig trenches, you need to drive a machine around

C E R T I F I C A T I O N

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2
3 I, PAMELA J. ST. AMAND, COURT REPORTER, DO HEREBY
4 CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE TRANSCRIPT
5 FROM THE RECORD OF THE COURT PROCEEDINGS IN THE
6 ABOVE-ENTITLED MATTER.

7 I, PAMELA J. ST. AMAND, FURTHER CERTIFY THAT THE
8 FOREGOING IS IN COMPLIANCE WITH THE ADMINISTRATIVE OFFICE OF
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10 I, PAMELA J. ST. AMAND, FURTHER CERTIFY THAT I NEITHER
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20 *Pamela J. St. Amand 6/23/2017*

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