

Shutesbury Planning Board
Minutes – November 25, 2024 Executive Session
Approved and approved for public release: 8/18/26
Virtual Meeting

Board Members Present: Michael DeChiara, Robert Raymond, Tom Siefert, Keith Hastie, Jeff Weston, Steve Bressler

Board Members Absent: Nathan Murphy, Deacon Bonnar, Ashleigh Pyecroft

Other Staff Present: Matteo Pangallo (Land Use Clerk)

Others Present: Rita Farrell, Adam J. Costa, Donna MacNicol

Entered Executive Session:

Siefert and Hastie were activated as full members.

All members confirm they are in a place where they cannot be heard.

DeChiara confirms mediation date of January 17. Costa indicates that mediation will likely take a full day.

There is discussion about who among the Select Board and Planning Board can and should participate in the mediation, especially in regards to a quorum. Costa explains the pros and cons.

Costa describes the process after mediation. He states that the Planning Board would still need to issue the special permits for these projects; the question now is the conceptual design of projects that would be likely to meet the Board's approval. After the mediation, there would be a vote by the Board to enter into a settlement agreement by which the applicant would agree to certain terms and the Board would in turn agree to review with a likely favorable view the applications. There would then be the formal public hearing process with the full application packages and notices, public comment, deliberations, and then the vote. If that happens, the special permits are issued. Costa notes that mediation is typically considered contingent upon the ensuing statutory or permitting process. The agreement is in good faith, but the Board cannot commit to an outcome because there must be a public hearing. That means developers leave the settlement without a guarantee of the outcome but a better option than continuing with litigation.

Costa explains that the settlement agreement is a public document but because it is contingent and the litigation is still active, the Town could claim that it is privileged until the litigation is resolved. Ultimately, after litigation is resolved, it does become public. Costa explains that the agreement is with Select Board because it is the named defendant but because the Planning Board is the permitting authority the Select Board is likely to endorse Planning Board's decision

There was discussion about strategy for the mediation. Costa identifies issues of strength and weakness for the Town. There was agreement to have another meeting, in-person on January 8, 6:30pm–8:30pm, at Town Hall.

Motion to adjourn both Executive Session and Open Session: Raymond; second: Bressler.
Approved unanimously by Michael DeChiara, Robert Raymond, Tom Siefert, Keith Hastie, Jeff
Weston, Steve Bressler.

Left Executive Session and adjourned Open Session: 9:17pm.