

Shutesbury Planning Board
Minutes – November 4, 2024 First Executive Session
Approved and approved for public release: 8/18/26

Virtual Meeting

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

Board Members Absent: Nathan Murphy

Other Staff Present: Matteo Pangallo

Others Present: Adam J. Costa

Entered Executive Session: 7:07pm

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

Michael, serving as Acting Chair at the designation of the Planning Board chair, Nathan Murphy, moved to go into Executive Session for Reason No. 3, To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the government's litigating position. Litigation specific to Complaint received from Cowls regarding the Shutesbury Solar Bylaw; not to return to open session. Jeff seconded.

Steve- aye, Jeff-aye, Ashleigh – aye, Michael- aye, Robert-aye, Deacon – aye. Motion passes.

Hastie and Siefert were invited to join the Executive Session.

Recording was ended.

Board moved into Executive Session at 7:07 pm.

Michael clarified that the discussion is about mediation and not litigation specifically. The question at hand is whether to enter mediation or not. If so, who on the Board should participate and whether the Associate Members and Select Board member Rita Farrell should participate.

Adam Costa, the Town's Assisting Counsel, reviewed the situation including the strength of the town's case, the reasoning behind considering mediation and pros and cons. He confirmed that the litigation was now focused on the 2020-21 solar bylaw since the Attorney General has rejected the 2023 version approved by Shutesbury Town Meeting. Adam confirmed that the mediation will be non-binding. He provided information on who can be a mediator and how that person will be selected.

Motion to approve entering into mediation: Bonnar; second: Weston.

Steve- aye, Jeff-aye, Ashleigh – aye, Michael- aye, Robert-aye, Deacon – aye. Motion passes.

There was discussion about who from the Planning Board can and should participate in the mediation.

Adam clarified that since the lawsuit is against the Town and not the Planning Board, so decisions like this are up to the Select Board and not the Planning Board, however as the Permit Granting Authority, it is essential for the Planning Board to be involved. Adam suggested Planning Board participation be less than quorum

There was discussion about scheduling. The mediation would likely occur between Thanksgiving through mid-January.

Motion to leave Executive Session and return to Open Session: DeChiara; second: Weston. Approved by Weston, Pyecroft, DeChiara, Bonnar, and Raymond with one abstention (Bressler).

Left executive session: 7:48pm