

Shutesbury Planning Board

Executive Session Minutes

Minutes – 7/8/2024

Approved and approved for public release: 8/18/26

Virtual Meeting

Members Present: Deacon Bonnar, Steven Bressler, Michael DeChiara (Acting Chair), Jeff Weston

Associate Members Present: Tom Siefert

Not Present: Nathan Murphy, Ashleigh Pyecroft, Robert Raymond, Keith Hastie (Associate)

Siefert is activated to vote as a full member.

Michael 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.

Deacon - aye, Steve - aye, Jeff - aye, Tom – aye, Michael - aye. Motion passes.

Recording was ended.

Board moved into Executive Session at 8:18pm.

Michael reported on the June 21, 2024 negotiation session with representatives of W.D. Cowls and Pure Sky Energy. Present were:

- Tom Reidy for Cowls
- Kendra Berardi, and Assistant Jessica Bardi– Pure Sky lawyers
- PureSky – Derek Moretz and Corina McCandless (in person) and Jared Donald and Manjoor Vahora (remotely)

Michael reviewed that the seven issues being litigated were:

- 1) 15 acres limit on installations
- 2) Limit one installation per designated solar district
- 3) 4 x preservation for carbon sequestration
- 4) Herbicides and pesticides prohibition
- 5) BioMap development prohibition
- 6) Development off of unpaved roads limitations
- 7) 15% slope prohibition

Michael reported that the group reviewed all 5 sites for the 7 litigated issues. Pure Sky provided maps with some information regarding each site. The result was that for each issue:

- 4x – all sites affected

- Herbicide/pest – all sites affected
- Limit of not more than one installation per district – one site, Pratt East affected
- 15% Slope – all districts affected
- 15 acres – all sites (might not be Leverett Rd since Michael reported this was 11 acres)
- BioMap – all sites affected
- Unpaved roads – 4 sites affected, not Leverett Rd

Michael reported that at the close of the meeting, Shutesbury asked for:

- Map of Cowls' land in Shutesbury that is unprotected open land.
- Map of Cowls' land in Shutesbury that is unprotected open land with BioMap 2 with breakdown, if possible, of "Core Habitat" and "Critical Natural Landscape" areas.
- Map showing BioMap 2 overlaid on a site plan, noting the lease area and parcel boundary. That map should also overlay "Core Habitat" and "Critical Natural Landscape" to the extent possible. Also, any explanation on mitigation of impacts to "Core Habitat" and "Critical Natural Landscape" that PSE can share at this time.
- Pure Sky's vegetation control plan, including any environmentally-friendly adjustments that might be made to it, e.g. restrictions on types or extent of use of herbicides and pesticides.
- Map showing existing topography and grades of at least 15%. This map will be color-coded with grading percentage ranges at and above 15%, incrementally (e.g. 15-18%, 18-21%, 22-25%, etc.).
- Proposed construction management plan and bonding for use of dirt roads during construction. Town would like a proposed commitment to use the roadways and estimate on repairing the roadways post-construction.

Michael answered questions from PB members regarding the meeting and Pure Sky's presentation. Michael also solicited PB members' opinions about Pure Sky's information and position based on Michael's reporting. Michael asked the PB members for questions they might want asked of Pure Sky at the upcoming July 11, 2024 negotiating session.

Steve moved to adjourn, Deacon Second.

Tom -aye, Jeff -aye, Deacon -aye, Steve -aye, Michael -aye. Motion passes.

Meeting adjourned 9:17pm