

Shutesbury Planning Board
Minutes – Feb. 26, 2025

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

Virtual Meeting

EXECUTIVE SESSION

Board Members Present: Michael DeChiara, Jeff Weston, Steve Bressler, Ashleigh Pyecroft

Associate Members Present: Keith Hastie, Tom Siefert

Board Members Absent: Nathan Murphy, Deacon Bonnar, Robert Raymond

Others Present: Eric Stocker (Select Board), Adam J. Costa, Donna McNicol

Board moved into Executive Session at 5:06pm

Donna updated the Board on conversation she had with Tom Reidy, the attorney representing Cowls; Adam updated the Board on conversation with Pure Sky attorney, Jess Bardi.

Adam recapped for the group the decisions from the previous meeting to 1) not accept the mediation offer, 2) not counter with request for summary judgement and 3) prepare to defend against summary judgement by Cowls and Pure Sky.

Adam laid out three scenarios that the town could take representing different levels of risk and cost.

Option 1: *Do the Minimum.* Adam would simply re-submit the motion against summary judgement that he'd written at the outset of the litigation

Option 2: *Middle ground approach.* This would involve engaging a few experts (based on subsequent decision on contested elements to defend against) and developing written documents to be submitted to strategically defend against summary judgement.

Option 3: *"All in".* Unless otherwise instructed, Donna and Adam would ethically be required to take this approach. It would involve engaging multiple experts to defend against all seven contested provisions of the bylaw. It would likely cost between \$50,000 to \$100,000 given the costs of experts and more legal work.

After discussion, there was consensus by all individuals present representing the Planning Board and the Select Board that Option 2, the Middle approach was preferred. Given this, Adam walked the group through each of the seven provisions to determine which would be defended and which would not be.

6:01 pm: Michael appointed Keith and Tom to serve as full PB members for the duration of the meeting. Steve left the meeting. A quorum of 5 members remained.

Ashleigh moved to adjourn at 8:05. Keith seconded.

Tom – aye, Keith – aye, Jeff – aye, Ashleigh – aye, Michael – aye.

Meeting adjourned.