

**Shutesbury Planning Board
Minutes – April 9, 2025**

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

Hybrid Session (jointly with Select Board)

EXECUTIVE SESSION

Board Members Present: Michael DeChiara (acting Chair), Robert Raymond, Ashleigh Pyecroft (participating remotely), Jeff Weston, and Tom Siefert – Associate Member

Board Members Absent: Deacon Bonnar, Steve Bressler, Nathan Murphy, and Keith Hastie (Associate Member)

Others Present: Rita Farrell, Eric Stocker, Melissa Makepeace-O’Neil, Donna MacNicol, Adam Costa

Call to Order: 5:05pm

Michael moved to enter 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. Robert seconded.

DeChiara – aye

Raymond – aye

Weston – aye

Pyecroft – aye

Adam and Donna reviewed the status of the case. This included updates with legal counsel for the plaintiff, the offering of a settlement, and a report from the status meeting with the judge.

Key dates are:

- April 11 – to confirm with judge regarding status of discovery
- April 30 – to file a motion to compel
- May 23 – completion of discovery
- June 27 – status conference with judge; schedule for trial date

If the case goes to trial, it is anticipated, based on the judge’s comments, that it will occur in Fall 2025.

The settlement offer would take Pratt South and Pratt West off the table for consideration; the remaining three sites would basically advance in an “as proposed” status. The Planning Board and the Select Board are not willing to accept the agreement as presented and wanted to review the contested provisions in consideration of a counter offer. The contested provisions continue to be:

1. Herbicides and pesticides
2. Paved roads
3. 15% slope
4. 15 acre limit
5. 4:1 requirement

6. BioMap (Critical Natural Landscape - CNL) and Core Habitat (CH)
7. No more than 1 per sector

The Boards also reviewed access driveways, which in two of the three projects do not comply with Shutesbury zoning bylaws. The Boards also discussed financial payments to a Clean Energy Fund that would be sought.

Adam left the meeting at 6:50.

Following a discussion, Donna provided a summary of the agreed upon positions for a counter offer regarding the 7 provisions plus driveways.

The Select Board voted unanimously to agree to the provisions of a counter offer, as summarized by Donna.

Robert moved to approve the counter offer as summarized by Donna. Jeff seconded.

DeChiara – aye

Raymond – aye

Weston – aye

Pyecroft – aye

Donna will write up and share with Adam. Once completed they will share with plaintiff's counsel. Donna noted that if the counter offer was a “non starter”, she and Adam might ask the Boards to reconvene in short order to review the situation.

Robert moved to adjourn the meeting. Jeff seconded.

DeChiara – aye

Raymond – aye

Weston – aye

Pyecroft – aye

Meeting adjourned at 9:00pm