

**Shutesbury Planning Board**  
**Minutes – October 22, 2025**  
Approved – November 10, 2025  
*Virtual Meeting*

**Board Members Present:** Nathan Murphy (Chair), Michael DeChiara, Tom Siefert (Associate Member), Keith Hastie, Steve Bressler, Jeff Weston, Ashleigh Pyecroft

**Board Members Absent:** Deacon Bonnar

**Other Staff Present:** None

**Others Present:** None

**Call to Order:** 7:00pm

This meeting is being recorded and all members are participating remotely.

Murphy activates Tom Siefert as a full voting member for the purposes of this meeting.

### **Landowner Education and Guidance**

Murphy notes that the Board has received an email from Randall Smith, who has obtained a new mylar copy of his plan. The Land Use Clerk has found paper copies of the plan and Murphy will visibly confirm that the mylar is identical and then will sign it. The fee has already been paid.

### **Review and approve minutes for 9/8/25**

Murphy shares a concern he received from the Land Use Clerk about how revisions have been made to draft minutes in the past. He suggested that proposed revisions should be shared with the Board before the Board votes on the minutes rather than minutes being revised by individual Board members before the vote.

Pyecroft notes that the Board could use marginal comments or font colors to indicate who made what changes to draft minutes. Murphy will look into those possibilities, as well as some of the Open Meeting Law ramifications.

DeChiara notes that in 2008 the Open Meeting Law update the practice of amending the minutes outside of a public meeting was prohibited. He explains that minutes need to be discussed in an open meeting but the minutes can be written beforehand.

Siefert shares guidance from the Town of Sudbury, stating that if revisions are made to documents in shared drives between meetings and those revisions are seen, or could be seen, by a

quorum of the board, that would be a violation of Open Meeting Law. He considers it risky to share edits to minutes outside of an open meeting. DeChiara notes that the practice the Board is using, though, involves having the edits incorporated into the document by a staff member, rather than the Board members directly, and that staff member then shares that final version with the Board to discuss in open meeting. Murphy considers some possible reasons the Land Use Clerk might have been concerned about the current practice and will bring this up when he is present.

Motion to approve the minutes of 9/8/25: DeChiara; second: Weston. Discussion: Murphy shares proposed revisions to the minutes. Vote to approve the minutes as revised: DeChiara - aye; Hastie - aye; Bressler - aye; Weston - aye; Pycroft - aye; Siefert - aye; Murphy - aye. *The motion is approved unanimously.*

### **Special Town Meeting Recap**

Murphy reports that Special Town Meeting approved the Board's warrant article and the Zoning Bylaw amendment is now under review with the Attorney General's Office. He reports that DeChiara presented the article on behalf of the Board and Murphy spoke as a voter to share his opposition.

### **Minority Opinions on Proposed Warrant Articles**

Bressler asks why Murphy spoke as a member of the public and not as a minority member of the Board. DeChiara notes that when members of the Finance Committee object to the Committee's decision, they have adopted the practice of speaking as a member of the public. Murphy notes that they choose to do that because it is easier than going through the statutory requirements placed on minority reports from the Finance Committee and adds that there are no equivalent statutory rules for Planning Boards. He suggests that it might be necessary to have a general bylaw for minority reports from committee members and that it is important that minority viewpoints from Board members be shared with Town Meeting.

Bressler notes that the minority report should not be included in print in the report from the Planning Board, though he agrees that the minority opinion should be allowed to be shared verbally with Town Meeting. Murphy notes that dissenting opinions in court decisions are included in court rulings. Bressler states he has never seen a Planning Board include a minority report in the written report and thinks that such a report coming from the Chair especially might result in an undue advantage because of the Chair's role in writing the warrant article [Bressler was speaking about the Planning Board Report, not the warrant article]. He adds that he does not recall a time when the Board was divided on a warrant article.

Hastie thinks that giving voters more information about an issue by presenting them with dissenting viewpoints is a good thing, particularly because the majority is not always right.

DeChiara thinks that the Board should find out what options there are for dissenting opinions in terms of both presenting them in writing, whether in the report or not, and orally at Town Meeting. Based on that research, the Board could come up with a suggestion for a general bylaw that would apply to all the committees in Town. Murphy agrees that would be good. DeChiara proposes getting something like that in place for the upcoming Annual Town Meeting.

Murphy wonders how other Planning Boards handle this. He agrees that they should do some more research on this and consider a bylaw or perhaps regulations and at the very least the next time the Board goes to Town Meeting and has dissent the Board will be specific in its motions so that these questions are clear.

### **Board of Health coordination with Planning Board**

Murphy shares that he was unable to connect with the Board of Health yet but that it is meeting at the moment to review the issue of data centers. DeChiara states that he spoke informally with some Board of Health members and they are interested in being involved in the discussion about how to regulate data centers. Murphy notes that the Board of Health has suggested holding a joint meeting with the Planning Board about this and he will follow up with them on it.

### **Data Center Bylaw Discussion**

DeChiara shares a draft Zoning Bylaw amendment regarding the regulation of data centers and describes what it includes, highlighting points that need further discussion and decision. These points include revisions in the use table, the definitions section, and applicability. He shares examples of definitions used by the State and recalls that some categories to clarify in the definitions relate to the size of facilities and public versus commercial centers. He drew ideas from the solar regulation in the Zoning Bylaw because of the similarity of industrial impact. He thinks that dimensional requirements, such as lot size and setbacks, will be important to address, as well as keeping any data centers spread out. He used mitigation requirements from the solar regulation in this amendment. He points out that there may be ways to consolidate some of the duplication by creating a section on industrial uses in general, rather than repeating all the same content across different uses, but that will involve quite a bit of revision to the Bylaw.

Hastie agrees that it would be good to find a way to avoid duplicating language. He notes that Section 9, special permit criteria, seems to include most of the provisions DeChiara included here and wonders if they can simply be incorporated by reference. DeChiara thinks that it would be good to have a section that could be referenced in that way, though he is wary of opening up

the solar section for amendment. He provides a brief update about the state of affairs for DOER's clean energy regulations and their ramifications for Shutesbury's solar regulation.

Bressler shares that there are customarily three sizes for data centers: micro, small, and hyper. Micro centers are up to 5,000 square feet; small are 5,000 to 20,000 square feet; and hyper would be largest of all, clearly too large for Shutesbury. He notes that there are also different types of data centers, with edge centers, those that are local and near the place of operation, being the only kind he thinks appropriate for Shutesbury. There are also three kinds of cooling systems: air, water, and recycled liquid cooled. He notes that all size centers can have energy storage systems (ESS) or backup generators, so the Board could choose to prohibit ESS and require generator backup. He thinks that scale is the biggest issue, followed by water usage. He thinks the Board could require a facility be air cooled or cooled by recycled liquid that does not include PFAS.

DeChiara notes that air-cooled data centers often use PFAS chemicals as part of the cooling agent. Bressler agrees, but notes that there are options for recycled liquid cooling that do not include PFAS chemicals. He suggests the Board start with deciding on which of these options would be not acceptable to the Board and work from there.

Murphy would like to speak with a data center developer to get their view on what kind of a center would ever even be proposed for a place like Shutesbury. He wonders if the Town is simply not topographically or physically suitable for a data center at all.

Hastie observes that technology changes quickly but that scale seems to be the main concern, so perhaps a square footage and height limit would make sense. He points out that the Zoning Bylaw already includes those restrictions on structures, regardless of what the use inside the building might be. Regarding cooling, he thinks that the geology and surface water supply of Shutesbury is not conducive to cooling with water on a large scale. He thinks a ground source heat pump might be the only viable way to cool such a facility in Shutesbury. As long as the cooling medium is contained inside the building, he sees no concerns.

Bressler states that in case the cooling medium were to get out of the building, it should be required to be non-toxic.

Hastie agrees and thinks that because the technology changes, the Board should be less specific in its regulation of the internal aspects of the operation but should require a developer to share its design plans so it can review them on a case-by-case basis. He thinks scale, height, and square footage are the main aspects they should regulate. They should ask the applicant what kind of resources the facility would require to operate, such as water, and what it would use for backup power. He would be opposed to stipulating no battery backup and thinks it should remain

generalized. He notes the existing Special Permit review criteria gives the Board a lot of latitude to evaluate applications.

DeChiara notes that even if it is unlikely that a developer would want to build a data center in Shutesbury, it is still important to have a regulation in place.

Murphy doubts the feasibility of such a facility in Shutesbury. He notes the economic benefits of having such a development but does not think the prospects of one being built in Town very likely, except perhaps an edge facility built by UMass. He thinks that to get a data center in Shutesbury the Town would have to actively put out a request for proposals and subsidize it. He thinks this is why it would be good for the Board to get more information about data centers and to see what other cities and towns are doing.

DeChiara responds that he has been looking for what other towns in Massachusetts are doing to regulate data centers and has found little on the books. He notes that towns in other states might have something. Murphy suggests they keep their research to Massachusetts only. Hastie expresses worry about necessarily following the example of other Massachusetts towns as well. Murphy notes that even if they do not find data center bylaw examples, even more general bylaws regulating industry or commercial could be useful examples with which to start.

Bressler remarks that micro data centers can be commercially viable, but it is a separate question of whether that would be an acceptable size in Shutesbury. Murphy agrees and thinks that more than 5,000 square feet could be too large.

Bressler also notes that the noise these facilities produce mean they should not be situated near residential areas or homes. He also thinks they should expressly prohibit water cooled and PFAS chemicals used in cooling.

Weston notes that the new library is 4,950 square feet. Hastie considers it a discreetly sized building.

Murphy encourages the Board members to continue researching the subject. DeChiara offers to continue working on the draft, incorporating research and ideas from the other Board members. He notes that Shutesbury might end up being the first municipality to adopt such a regulation.

Murphy suggests that the Board might consider leaving water usage to the Board of Health. Bressler disagrees and thinks that the Planning Board has a role to play in regulating a use that would draw so much from the water supply. Hastie suggests prohibiting consumptive water use. Murphy notes that the Board of Health has the authority to regulate water usage. DeChiara points out that this is why coordinating with the Board of Health would be important, because both

Boards have a role to play with these facilities. Murphy suggests that the Board of Health regulations would determine how much water a facility can use and if a data center could be cooled with water under that limit, that should be acceptable. Bressler points out that there are alternative cost-effective solutions for cooling that do not use water at all.

Hastie notes that this is why the Board needs to know more about what a specific applicant would be planning to use for their technology. He thinks that they should consider language prohibiting consumptive ground water use or requiring a groundwater study by the applicant. He asks if the Board of Health regulates the quantity of water someone can use or if it is just concerned about the quality of water.

Murphy suggests they connect with the Board of Health about that. He agrees that nobody wants a data center that would drain the aquifer, but thinks that a blanket prohibition goes too far.

DeChiara would like to have a well designed bylaw in order to save them from having to go through a review process for a facility that they are probably going to reject anyway because it is too big. He thinks the bylaw should give potential applicants an understanding in advance of what would be acceptable to the Board and what would not. That is probably why the developer who contacted the Land Use Clerk reached out to the Town in the first place. He suggests that the Board of Health be looped in so they know what is being discussed.

Murphy agrees and says that DeChiara should share the draft with the Board of Health. He notes that they might be the better body to enforce some of these concerns because of the authority it has over water use.

Hastie states that he does not see a public health concern in the issue of groundwater use, though there would be one if PFAS chemicals were used. If the facility is just withdrawing groundwater, and not putting things into the groundwater, that does not seem to him like a public health issue.

Siefert points out that the groundwater could end up being needed for public water supply, which does make it a Board of Health issue, even if the water is not currently used for public water supply. He notes that Wendell's Board of Health articulated that in their regulations. He explains that while Shutesbury typically has just one well per house, a public water supply is usually determined when there are at least twenty to twenty-five users of a water source, as with a library or school, and that the Board of Health needs to think about potential future public water supply demand as well as current demand. Murphy thinks it would also be a concern to the Board of Health if private homeowners were unable to draw water from their wells.

Murphy asks the Board members to send any ideas or research to DeChiara.

Pyecroft asks if there should be a subcommittee to work on the draft amendment. DeChiara notes that a subcommittee or working group would be a public body and thus have to comply with Open Meeting Law. The experience of working on the solar bylaw showed that it is more productive to have just one person as the lead and having the other Board members work through that person. Murphy thinks that the Open Meeting Law is silent about subcommittees and notes that communication among a group of Board members that does not constitute quorum would not be a violation of Open Meeting Law.

Bressler volunteers to help DeChiara with the draft amendment.

Murphy notes that the Board could create a working group subcommittee. The subcommittee would just have to post its meetings and keep minutes. Alternatively, individual members of the Board could send their ideas to DeChiara. Pyecroft clarifies that those ideas should be sent only to DeChiara and not the whole Board and Murphy confirms that. Hastie notes that reference or informational material could be sent to the whole Board and DeChiara agrees. Murphy clarifies that if they do so, they should not express opinions in emails to the whole Board.

### **Member Updates**

Hastie reports on the Finance Committee's meeting about the approaching fiscal crisis in FY27. He explains that the Committee shared that the combination of increasing health care costs, labor costs, and being a rural town limited to only property tax revenue are contributing to the crisis. The Committee had the attendees break into groups to discuss questions and ideas for solutions. One idea included regionalizing services to save costs. There is not much in the Town budget that could be cut. The Committee advised that the Town prepare for a budget crisis over the next two years because State aid has, in real dollars, been declining for twenty years. He noted that the Committee shared a graph showing the rate of property tax increases, though it was not adjusted for inflation. The Town is going to have to think about the value of its services and employees and it will have to consider alternative revenue sources.

DeChiara asks if Murphy has heard from Bonnar recently and Murphy indicates that he has not. Murphy will call him before the next meeting on Monday, November 10.

Murphy is worried about the budget and is thinking about economic development possibilities. Hastie shares that in his breakout group at the Finance Committee meeting he recommended the Town have a town-wide discussion about development and what kind of commercial enterprise the Town would accept that could generate revenue and not offend the Town's rural character. He does not think there has been a real town-wide discussion about this since the Master Plan process decades ago.

## **Unanticipated Business**

There is no unanticipated business.

## **Adjournment**

Motion to adjourn: DeChiara; second: Weston. Vote: Bressler - aye; DeChiara - aye; Hastie - aye; Pyecroft - aye; Siefert - aye; Murphy - aye. *Motion is approved unanimously.*

**Adjourned:** 8:39pm

## **List of Documents Used:**

- Plans for Approval Not Required application from Randall Smith
- Proposed revisions to the minutes of 9/8/25
- Draft Zoning Bylaw amendment regarding data centers