**Shutesbury Planning Board**

**Minutes – August 11, 2025**

Approved – September 8, 2025

*Virtual Meeting*

**Board Members Present:** Nathan Murphy (Chair), Michael DeChiara, Ashleigh Pyecroft, Steve Bressler, Keith Hastie, Jeff Weston (7:07pm), Tom Siefert (Associate Member, 7:52pm)

**Board Members Absent:** Deacon Bonnar

**Other Staff Present:** Matteo Pangallo (Land Use Clerk)

**Others Present:** Mary Lou Conca

**Call to Order:** 7:05pm

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

**Public Comment**

There is no public comment.

**Landowner Education and Guidance**

There is no person seeking education and guidance.

**Review and approve minutes for 7/14/25, 6/9/25, 5/13/24, and 4/8/24**

Motion to approve the minutes of 7/14/25: DeChiara; second: Hastie. Discussion: revisions to wording suggested by Pyecroft and Murphy. Vote: DeChiara - aye; Bressler - aye; Weston - aye; Pyecroft - aye; Hastie - aye; Murphy - aye. *Motion is approved unanimously*.

Motion to approve the minutes of 6/9/25: DeChiara; second: Weston. Vote: DeChiara - aye; Bressler - aye; Weston - aye; Pyecroft - aye; Hastie - aye; Murphy - aye. *Motion is approved unanimously*.

Motion to approve the minutes of 5/13/24: DeChiara; second: Hastie. Vote: DeChiara - aye; Bressler - aye; Weston - aye; Pyecroft - aye; Hastie - aye; Murphy - aye. *Motion is approved unanimously*.

Motion to approve the minutes of 4/8/24: DeChiara; second: Hastie. Vote: DeChiara - aye; Bressler - aye; Weston - aye; Pyecroft - aye; Hastie - abstain; Murphy - abstain. *Motion is approved unanimously with two abstention (Hastie and Murphy)*.

**Discuss request from Broadband/MLP Board**

Pyecroft and Hastie report that they have looked into the MLP Board’s request. Hastie notes that the tax assessor should be able to create a table of buildable lots that do and do not have houses. Combined with the building permits file, that would be of use to the MLP Board. Murphy notes that the permits file is held by FRCOG and he can access it. DeChiara adds that he thinks the MLP Board was inquiring about lots with high, medium, and low broadband development potential, which would be based on how close the buildable part of the lot is to the public road and utility lines. Murphy notes that the Board was looking for an estimate of rate of growth for each sector, as low, medium, or high. Hastie thinks that would be pure conjecture.

Murphy reports that he spoke with Gayle Huntress and advised she should also reach out to the assessor’s office for a baseline calculation of available buildable lots based on existing undeveloped and developed lots and how many legal lots could result from those. He also explained to her the new Affordable Housing Act which could result in new ADUs that might also result in higher demand for broadband. He notes that the amendment to the Zoning Bylaw includes utilities but not broadband. Bressler adds that the MLP Board should also be thinking about the restraints created by Open Space Design.

Murphy will report back to Huntress with a summary of the Board’s discussion and explain to her the issues raised by ANR, ADUs, Open Space Design, and subdivision. DeChiara adds that external factors include the episodic inflow of new residents from events like Covid, which cannot be predicted. Bressler notes that the best estimate of new development in any place would be a range with no better than a 50% possibility of error, which does not seem particularly usable.

**Discuss Town Announce communication to include appeal for associate member and update community on PB business.**

Murphy describes the outline of a Town Announce email appealing for an Associate Member and reporting on the Planning Board’s accomplishments over the past year and topics of interest for the coming year, including regulating data centers, revisiting affordable housing, and the issue of manufactured housing.

DeChiara does not want to raise expectations about topics of interest in the coming year. He suggests using the annual report as a starting point for the announcement and then talking about what the Planning Board does, because many people in town might not know that.

Pyecroft wants to ensure wording is careful and agrees that explaining what the Planning Board does is important, but she is not opposed to indicating topics the Board will be exploring. Weston agrees and suggests that the announcement be worded in a way that emphasizes that the topics are possible topics only. Murphy wants to be sure that it does not seem like the Board has already taken a position on any of these topics. Hastie thinks that would be solved by listing them as bullet points with no explanation of why the Board might be considering the topic. Murphy agrees that listing the topics would alert the community to possible Zoning Bylaw amendments that might come to Town Meeting but make clear that no decisions have yet been made.

Hastie suggests also including the Wheelock site visit be included in the email so that the community knows that the Board is still keeping track of that project. DeChiara agrees that this is a good way to let the community know what the Board is regulating and discussing. He also thinks that the email should remind the community of when the Board meets and that it welcomes public comment at its meetings.

Pyecroft asks if the email will include anything about the lawsuit. DeChiara thinks that sharing that November 4 is the court date is fine but nothing else can be publicized at this point. Hastie asks if there is a link to the court documents that can be provided in the email. DeChiara answers that there is a link to the court and people will need the docket number, which he will send to Murphy to include.

Murphy reviews the items that will be included in the Town Announce email based on the Board’s discussion this evening. DeChiara notes that existing language is available from previous calls for Associate Members. He asks if the Board wants to set a deadline for Associate Member applications and Murphy thinks having a rolling opening might be preferable. Bressler suggests trying a deadline might be worth it because it can always be extended if needed. Murphy agrees and DeChiara suggests Labor Day as the deadline.

Weston notes that some Shutesbury students at the high school might be interested in doing it for extra credit and Pyecroft notes that high school students are required to do a civics project. DeChiara is concerned about the practical obstacles to student participation, particularly during the summers. Bressler agrees that welcoming students to get engaged is a good idea but that the Associate Member should be someone who could be involved more regularly. DeChiara agrees with the idea of getting a student involved in the Board in some way would be useful, and he suggests reaching out to the Town Administrator about the idea of doing that for other boards and committees as well. Weston adds that there are Shutesbury residents at UMass and the local community colleges who might be interested in the service. Murphy will keep that in mind as he drafts the email.

The Chair recognizes Mary Lou Conca who notes she did not speak up during Public Comment and asks for an update on new solar projects. Murphy answers that the Board has not received any new applications for solar projects.

**PB Designee to FRCOG**

Murphy asks if there is anyone who wants to serve as the Board’s designee to FRCOG. DeChiara reviews the changes being made to FRCOG’s Regional Planning Board and its membership and meeting schedule.

DeChiara is willing to serve as the designee. Murphy notes that Siefert had expressed interest as well. Siefert indicates that he would defer if DeChiara is interested in the role. DeChiara is interested in serving as the designee.

Motion to name DeChiara as the Shutesbury Planning Board designee to the FRCOG Regional Planning Board: Bressler; second: Weston. Vote: DeChiara - aye; Bressler - aye; Weston - aye; Pyecroft - aye; Hastie - aye; Murphy - aye. *Motion is approved unanimously*.

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**Discuss Data Centers and potential Bylaw amendments**

DeChiara notes that data centers are a nationally evolving issue, with the main concerns being water usage, electrical usage, exhaust from backup generators, noise, security, lighting, and land usage, and they are 24-7 operations. He notes some communities embrace them for revenue, but others regulate against them. He suggests starting with definitions and including them in the Definitions section of the Zoning Bylaw and then he reviews the current definitions and different types of data centers. He explains that size of the facility cannot be defined by the energy used only. They also need to be determined by square footage as well as energy capacity.

DeChiara does not want to move quickly or irresponsibly but he does not think it should be considered as light industry under the Zoning Bylaw. He thinks a designated data center use in the use-table would be the best solution. He adds that there is a Special Town Meeting in the fall and it might be a good time to add a category in the use-table to have some protection in place as soon as possible because these facilities are actively being built in Massachusetts. He notes that if a use is not in a use-table it might be allowed without regulation.

Bressler agrees that a definition should be added and wonders about rolling them into light industry to buy time to write a bylaw specifically for data centers. DeChiara notes that putting them under light industry could allow them in certain zones around town. Bressler agrees that putting in the use-table would also buy time to develop a more thorough amendment to the Zoning Bylaw. Weston agrees and notes that a single data center could deplete the town’s aquifers within a matter of weeks. Murphy asks if that means such a development could be built in town and Weston answers that one never knows. Pyecroft adds that the proximity of UMass could result in a so-called edge data facility being built in a town adjacent to Amherst.

Murphy notes that it seems unlikely a company would find it feasible to build a data center in Shutesbury given the water usage and that there are conditions in the Zoning Bylaw that would allow the Board to regulate such a facility under the category of light industry, including environmental impact and water usage. DeChiara agrees it would not be practical to build such a center in Shutesbury but that does not mean it could not be done by a company that does not care about depleting an aquifer. He thinks including it in the use-table as a prohibited use keeps the Town out of litigation and gives the Board time to develop a more detailed amendment.

Murphy notes that there are no protections for data centers under State law, so the Town could impose whatever restrictions it wants on them. He also points out that while light industry is a category in the use-table, there is nothing in the Bylaw about it. DeChiara reviews the definition of “light industry” in the Definitions section of the Bylaw and argues that a data center could arguably fall into that definition.

Bressler suggests defining it in the Definitions section and including a prohibition on it in the use-table while the Board considers a more detailed amendment to the Bylaw. Weston and Pyecroft agree. DeChiara agrees and suggests including it in the category of industrial in the use-table. Bressler points out that the Board can always impose conditions on a project if it felt it would be detrimental to the community. Hastie notes it would not be in keeping with the Bylaw’s requirement for keeping the rural character of the town. Murphy argues that a data center would not align with the definition of light industry in the Bylaw and does not think it could be allowed under the current Bylaw. He notes that a use not specified in the use table is not permitted.

Murphy explains he is hesitant to be fully prohibitive because he thinks it unlikely a data center will be built in Shutesbury due to the cost of electricity and access to water, as well as the lack of internet connectivity indicated by the MLP Board.

Hastie notes that a concern is about scale and how the Town would want to determine what size would be acceptable. He describes some massive data center facilities he has seen that would be truly out of place in Shutesbury but that a smaller one might be acceptable to the Town. He thinks that the water usage is the primary issue and that might keep data centers out of Shutesbury to begin with, even smaller ones.

Weston explains he thinks there is no downside to prohibiting the use. Murphy answers that the downside would be prohibiting a use that could be a customer of the Town’s public internet service and could create property tax that would increase revenue for the Town. Bressler explains that they are discussing a moratorium and not a prohibition. They do not have the information they need to discuss the pros or cons of an amendment regulating data centers beyond adding it to the use-table to buy time.

DeChiara agrees with Hastie that scale is an important question because a small scale or municipal use could be allowable, but time is needed to make that decision and so a temporary prohibition would serve that purpose. Bressler notes that the Board did this in the past with certain building permits, imposing a temporary prohibition while the Board could present Town Meeting with a more detailed regulation in an amendment to the Zoning Bylaw. Murphy does not consider that equivalent because a building permit is for a by-right use and notes that amending the use-table in this way is not temporary but permanent unless a future change is made to the Zoning Bylaw. He again indicates that a data center would likely not fall under light industry and thus would be prohibited by the Zoning Bylaw already.

Murphy suggests that edge data centers might be built in town and might be acceptable to Shutesbury. Weston disagrees and argues that a data center of any size would be detrimental to the Town’s aquifer. He notes an edge center might work in a location near a river, but Shutesbury’s aquifer is too delicate for even such a small facility. He thinks there is no downside to putting in a moratorium on data centers for a year while the Board develops its thinking about how to amend the Bylaw to address such centers.

Bressler suggests that these are discussions to have after putting a moratorium in place. DeChiara notes that the Bylaw prohibits uses not described in the use-table and suggests a Town Meeting article indicating that the Town does not consider data centers to be light industry. He suggests the easiest thing to do would be to avoid the possibility of litigation by prohibiting it explicitly.

Murphy would like to reach out to Town Counsel about where the Board would stand regarding a potential data center project given its past actions and the language of the Zoning Bylaw. He would like to explore the possibility of allowing a smaller data center that does not use excessive water for cooling. DeChiara explains that such specifics would be part of the Zoning Bylaw amendment that could be developed during the moratorium. Murphy suggests those specifics could be developed for this Special Town Meeting.

Pyecroft notes that data centers produce a commodity and so a lawyer might argue that doing so makes them a form of industry. She agrees that it is unlikely one will be built in Shutesbury, though a smaller one could be possible, so she is in favor of prohibiting it while they review the facts but she is wary of exposing the Town to litigation by doing so. She would like to give the Board, and Town, more time to learn about these.

Bressler thinks that explaining the ban as a year moratorium rather than a prohibition is reasonable and gives them time to develop an appropriate amendment. Weston agrees. DeChiara thinks that taking a year to develop a thoughtful amendment would be most fair to the community and to Town Meeting.

Murphy would like to consult with Town Counsel. DeChiara notes that putting this off to the Board’s next meeting will likely not allow time for a public hearing before the Special Town Meeting in late September or early October.

Weston suggests that there should be a vote by the Board on imposing a one-year moratorium on data center development in Shutesbury. Hastie notes that the Board would need to have a clear definition on what constitutes a data center.

Bressler recalls that ten or twenty years ago the Planning Board did not think there was a need for regulation of solar facilities, which turned out to be wrong. He thinks that putting a year moratorium in the Bylaw would give them time to make a good decision.

DeChiara notes that an accessory use of a data center supporting a pre-existing use could be different than a primary use data center.

DeChiara reviews the timeline for presenting a Zoning Bylaw amendment to Town Meeting. He describes the amendment to the Definitions section and use-table he would propose. Murphy would like to review the timeline with Town Counsel to ensure a public hearing happens at the correct time to introduce a moratorium on data centers to Town Meeting.

Motion to approve a one-year moratorium on data centers as a primary use with the definition in the Zoning Bylaw to be “a data center is a facility composed of networked computers, storage systems, and computing resources that organizations use to process, store, and disseminate large amounts of data” and adding data centers as a primary and/or stand-alone use in the Zoning Table use-table as prohibited in all four zones: DeChiara; Weston: second. **Amendment:** Murphy – The Chair of the Planning Board will validate with Town Counsel the sufficiency and timing of necessary steps to bring to Special Town Meeting this proposed amendment to the Zoning Bylaw; second: DeChiara. Vote on the amendment: Pyecroft – aye; Bressler – aye; Weston – aye; Hastie – aye; DeChiara – aye; Murphy – aye. *Motion approved unanimously.* Vote on the main motion: Pyecroft – aye; Bressler – aye; Weston – aye; Hastie – aye; DeChiara – aye; Murphy – aye. *Motion approved unanimously*.

The Board will hold the required public hearing on the Zoning Bylaw amendment at its September 8 meeting. The Land Use Clerk will post and submit the hearing notice once the draft warrant article is written.

**Member Updates**

There are no updates from the members.

**Unanticipated Business**

Murphy reports that he appeared before the Personnel Board and indicated that he wants to improve the Board’s processes going forward with regards to the Land Use Clerk’s position. To that end, he notes that the Land Use Clerk will be working to update and improve the organization and navigation of the Land Use Clerk binder.

**Adjournment**

Motion to adjourn: DeChiara; second: Weston. Vote: Pyecroft – aye; Weston – aye; Hastie – aye; DeChiara – aye; Murphy – aye. *Motion approved unanimously*.

**Adjourned:** 9:34pm

**List of Documents Used:**

* Email to the Board from FRCOG regarding Regional Planning Board changes
* Emails to the Board with data center research from Michael DeChiara