

**Shutesbury Planning Board**  
**Minutes – September 8, 2025**  
Approved – October 22, 2025  
*Virtual Meeting*

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

**Board Members Absent:** Deacon Bonnar

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

**Others Present:** Michael Pill, Liz Good, Gayle Huntress, Arleen Read, Frank Citino, Catherine Hilton, Michael Tommie McDuffie, Elizabeth ???

**Call to Order:** 7:01pm

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

Murphy designates Siefert to act as a full member and Siefert accepts.

### **Landowner Education and Guidance**

There are no requests for education or guidance from members of the public.

### **Public Hearing on to consider an amendment to the Shutesbury Zoning Bylaw that would address data centers**

At 7:05pm, Murphy opens the public hearing to consider a proposed amendment to the Shutesbury Zoning Bylaw and reads the notice of the hearing. DeChiara reads the proposed warrant article as it was revised based on feedback from Town Counsel and explains the rationale for those revisions. Murphy invites comments from members of the public.

The Chair recognizes Michael Pill who reads the text of an email he sent to the Planning Board in which he noted that §3.1-1 of the Zoning Bylaw expressly prohibits any uses not specifically indicated as allowable in the Bylaw's use table. He expresses his concern that adding a specifically prohibited use could result in a lawyer arguing that including one specific prohibited use indicates that the general prohibited use is not really meant. He states that data centers do not have protections in state law that would override local zoning and so do not require specific prohibition in the Bylaw. He shares an email from the Town Counsel indicating she agrees with his argument but thinks the purpose here is to give the Planning Board time to study whether a prohibition is necessary. He suggests a moratorium is appropriate but that a prohibition would not be.

The Chair recognizes Gayle Huntress who asks that the Planning Board keep her and the Municipal Light Plant in the loop because data centers need a data connection to the network, so this could be an opportunity to sell that connection to the company. Because the Town is the only provider of high-speed internet in Shutesbury, any data center would have to go through the Town if they wanted to operate in Shutesbury. She notes that the revenue could offset the cost of internet access for Shutesbury residents. At Murphy's request, Huntress offers more detail about the different ways a data center company could buy network access through the Town.

Seeing no further comments from the public, Murphy opens the discussion to members of the Planning Board.

DeChiara reviews what the Board discussed at its previous meeting when it deliberated on and voted on the amendment, including the history of why and how the amendment came about, starting with an inquiry the Land Use Clerk received in July from a company that develops data centers. He summarizes the concerns the Board had about data centers, including water and electricity usage, noise, lighting, security, and backup diesel generation, as well as the potential benefits the Board recognized in terms of revenue. He notes that the school might currently have a facility that falls under the current definition of data center, as might Shutesbury's own network, but that municipal uses could be exempted from the regulation. He responds to Pill's comments by noting that the Town is coming off a lawsuit about solar development and that the history of that experience began with the Town being caught off guard when the Wheelock solar site was developed before the Town had considered how to handle solar. For that reason, the Board wanted to give itself some time to research and consider how best to respond to data centers before they become an issue, particularly in case the Board decides to allow them in some fashion. He notes that it is not just about developing an appropriate regulation for use but also for scale.

Pyecroft asks Huntress about the Town's capacity to sell connectivity to a potential data center and at what scale, if any, the Town could handle something like this. Huntress answers that it would depend on what the data center wants in terms of length of fiber but that the capacity of fiber itself is almost limitless. Most connections would be workable, but large ones might be impossible. She notes that the Town would pass the cost of that development on to the company and it would not be part of residents' internet costs.

Pyecroft asks if Pill knows whether the State is working on state-level regulations for data centers, because there is nothing about them currently under state law. Pill answers that there is no state regulation for data centers currently and he is not aware of any in the works. DeChiara notes that there is no legislation in process about data centers but cites the Healey

administration's support of artificial intelligence, which requires these facilities to operate. He states there is at this point no guidance from the state for this kind of regulation.

Bressler notes the conflict between the State's desire to reach a particular energy goal by 2030 and powering artificial intelligence. DeChiara agrees and indicates he is not aware that the State has considered that yet.

Bressler observes that the moratorium seems to imply the Board will be developing a full amendment for Town Meeting eventually. DeChiara agrees and sees three parts of such a Bylaw amendment, including the definition, adding data centers to the use table with the level of regulation desired by the Board, and then amending 8.13 appropriately.

Weston recalled recent incidents of private wells failing in Shutesbury during periods of low rain and recalled an example of a data center requiring half a million gallons of water per day, and citing concerns about water use at any scale, expressed his reluctance to vote for one. He supports a moratorium.

Siefert suggests that there may also be Board of Health concerns about the impact on water supply and quality, as well as noise and lighting pollution from a data facility. He suggests these might conflict with State health regulations as well. He also suggests having a discussion about whether data centers would be taxed differently and what kind of actual revenue such a facility could generate. DeChiara notes there is no distinction in the tax rate between commercial or residential. He also agrees that the Board would want to coordinate with the Board of Health and the Municipal Light Plant about crafting data center regulation.

The Chair recognizes Arleen Read, on the Board of Health, who agrees with Weston that data centers' need for water is monumental. She also notes that the water must be disposed of and that this could introduce all kinds of contaminants into the aquifer, which would be of concern to the Board of Health. She also agrees with Weston's concern about noise and light for abutters, so setback requirements would need to be considered. She finds it difficult to think of a place in town where such a facility would not be an overly intrusive presence. The Chair asked if Read had a source to share regarding contaminants in discharge water from a data center. Read indicated that she had not, but that she was interested in exploring the question with the Planning Board.

Hastie notes that a data center does not need to be a large structure and so scale is important to consider. A data center could be as small as a trailer and does not need to be as massive as a warehouse. He suggests some data centers could be air-cooled rather than cooled by water.

Bressler responds that these details are why the Board needs the moratorium in order to do its homework. He notes that some data centers use PFAS immersion for cooling and some use

biodegradable fluids for immersion cooling. These are the kind of details for a future discussion about any actual amendment to regulate data centers but are not relevant to the current question about having a one-year moratorium.

Pill notes that water use over 10,000 gallons per month would involve superseding the local Board of Health and would get the Department of Environmental Protection involved. He proposes revisiting the Town's well regulations accordingly. He suggests that the Board could, if concerned about water use, include a regulation that prohibits water-cooling and only permits for air-cooling data centers. He also suggests including a size limit in the regulation, possibly attracting a smaller facility that could still contribute revenue to the Town.

Murphy stated that he agrees that a moratorium makes sense to give the board time to figure out regulations, but only if data centers are not prohibited at the same time. He provided background on the formation of the proposed amendment, including concerns about determining whether a data center might be characterized as an allowable use under the existing definition of light industry currently in the zoning bylaw, and the revelation after speaking with Town Counsel that any amendment to the Use Table could not be part of the moratorium. He voiced concerns that prohibiting data centers in the Use Table could lead to outright prohibition, if the proposed amendment passes and no subsequent action is taken afterwards. His inclination is that allowing data centers by Special Permit shows commitment to come back with comprehensive regulation at the next town meeting and sends the right signal to industry that the Town is open to certain data centers that would be a good fit for Shutesbury. It is possible an acceptable project could generate revenue for the Town as well as the Municipal Light Plant, possibly lowering residents' internet costs. He adds that in addition to allowing by special permit, he would like the amendment to include a size limitation in order to avoid giving the impression that a large project would be allowed. He also cites the creation of new jobs as a benefit of a data center project.

DeChiara strongly disagrees with Murphy and thinks data centers should be prohibited now. He thinks the message to send to industry is that the Board is going to take its time and research this fully before making a decision about how data centers should appear on the use table. He notes the Board has a lack of necessary information to take the approach Murphy has proposed. He suggests that amending the use table and amending 8.13 be separate amendments so Town Meeting could consider separately the question of prohibition and regulation, but he notes that none of them currently know what would go into the use table amendment which is why the time for research provided by the moratorium is necessary.

Bressler thinks that putting forth this amendment does signal to industry that the Board is considering an amendment next year that would allow but regulate data centers.

Pyecroft suggests a compromise under which the prohibition expires on a certain date and DeChiara notes that Town Counsel stated that such a time limit would not be legal. Pyecroft observes that the Board does clearly want to control for these and she does not think that the proposed amendment necessarily indicates that the Board wants to allow but regulate data centers; rather, it seems to her that the Board could decide to prohibit them, but that more information and public input of the kind received today is needed. She would not want to see the moratorium come to an end with the blanket prohibition remaining in place with no further consideration of an amendment.

Murphy returns to Pill's comment and suggests that rather than prohibiting the use in the use table the Board include in the Bylaw a definition of data center as distinct from light industry so there is no doubt that the light industry uses do not refer to data centers.

DeChiara points out that Special Town Meeting is in twenty-two days and the warrant needs to come out soon so the public knows what they are voting on. He does not see how the timeline allows for making such a change to the amendment at this point. He is concerned that if people are worried about cost to the Town from lost revenue, there is also the cost from another lawsuit similar to the solar lawsuit. He thinks it is important to take the time to do this right, which is why the Board decided on the moratorium at its previous meeting. He does not think the Board is, or should, agree to simply allow data centers, whether by Special Permit or some other mechanism. He points out that the Select Board is voting to set the warrant on Friday and there is not time now to change what the Board voted on at the last meeting.

Weston agrees with DeChiara.

Pyecroft notes that if the Board gets rid of the prohibition next year and opens it to a Special Permit process, the Board may be in a position of considering a Special Permit request while also having to revisit the prohibition. Murphy explains that during a moratorium, no applications can be accepted, which would be pointless if a use is simply prohibited across the board, so having both the moratorium and prohibition makes no sense. Pyecroft observes that because there is no Dover Amendment situation, this seems different from the solar situation.

Murphy asks if the Board is prepared to regulate data centers under a Special Permit limiting them to a particular zone or size and the Board disagrees. Murphy notes that because data centers are already prohibited, there is no need for a moratorium and the Board could simply proceed to develop Special Permit regulations for them.

Siefert asks, if data centers are prohibited, whether the moratorium passes at Special Town Meeting would have no effect on the Board's ability to develop regulations for them. Murphy states that the changes proposed by the amendment do very little.

DeChiara points out that a lawyer could argue that data centers do fall under the category of light industry. By defining them in the Bylaw and putting a moratorium on them, the Board can then prevent them for the year, keep the Town out of another legal quagmire, and then go back in a year to adopt well-considered regulation. He notes that Town Counsel did not object to the amendment to the use table or the definition section, only that section 8.13 also be amended accordingly. She did not consider it duplicative or problematic. He thinks all three of these amendments are needed for the moratorium to work.

Hastie notes that if a data center were currently presented under the light industry, the Board would have to review it under the terms of a Special Permit. That would give the Board considerable control because the Special Permit conditions are fairly strict and things like the Dover Amendment do not apply.

Murphy points out that the comparison with solar is not valid because there is no comparable State law for data centers.

Motion to close the public hearing: Bressler; second: DeChira. Vote: Bressler - aye; Hastie - aye; DeChiara - aye; Pyecroft - aye; Weston - aye; Siefert - aye; Murphy - aye. Motion approved unanimously.

The public hearing is closed at 8:29pm.

Motion to adopt the warrant article as proposed for Special Town Meeting: DeChiara; Bressler; second. Vote: Bressler - aye; DeChiara - aye; Hastie - aye; Pyecroft - aye; Siefert - aye; Weston - aye; Murphy - no. Motion approved by a vote of six in favor and one opposed.

### **Draft Planning Board Report to Special Town Meeting entailing recommendations pertaining to proposed zoning amendment**

DeChiara offers to draft the report based on the minutes from tonight's meeting and have the Land Use Clerk distribute it to the Planning Board members individually for comment so it can be finalized for posting before the Special Town Meeting.

Motion to authorize DeChiara to draft the Planning Board Report to Special Town Meeting on the proposed ZOning Bylaw amendment: DeChiara; second: Pyecroft. Vote: Bressler - aye; Hastie - abstain; DeChiara - aye; Pyecroft - aye; Weston - aye; Siefert - aye; Murphy - aye. Motion is approved unanimously with one abstention.

**Discuss and vote on minutes of 8/11/25 and 8/27/25**

Motion to approve minutes of 8/11/25: DeChiara; second: Bressler. Discussion: Murphy makes an amendment to clarify one of his comments about amending the use table. Vote: Bressler - aye; DeChiara - aye; Pyecroft - aye; Weston - aye; Siefert - aye; Murphy - aye. Motion is approved unanimously.

Motion to approve minutes of 8/27/25: DeChiara; second: Pyecroft. Discussion: Weston makes an amendment to change the wording describing one of his comments thanking the Select Board. Vote: Bressler - aye; DeChiara - aye; Pyecroft - aye; Hastie - aye; Weston - aye; Siefert - aye; Murphy - aye. Motion is approved unanimously.

### **Discuss Town Moderator inquiry pertaining to Town Meeting**

Murphy shares with the Board an email the Board received from the Town Moderator regarding the idea of splitting Annual Town Meeting into two meetings, one in May and one in November.

DeChiara notes that he responded to the Moderator with his thoughts on the idea and he summarizes those thoughts for the Board, including concerns about holding Annual Town Meeting before the State budget comes out in June, so later in May or early June is better for that reason. His response to the idea of a fall meeting is that traditionally the Special Town Meetings in the fall have typically been for financial reasons.

Siefert thinks that the Select Board has the ultimate authority to set the Town Meeting date, even if a bylaw sets it for a certain date. He also wonders if this would prevent the consideration of financial matters in the fall. The Chair recognizes Matteo Pangallo who explains that the proposed bylaw amendment only states dates and does not require that financial matters only be considered in the spring and bylaws in the fall, though towns that divide their Annual Town tend to follow that in practice. The amendment also does not preclude calling a Special Town Meeting if one is needed, such as with this year's insurance cost increase.

### **Update relating to pending release of Executive Session Minutes**

Murphy reports that he has been in touch with Town Counsel about approving and releasing the executive session minutes now that the solar litigation has ended. DeChiara states that the Land Use Clerk can send all the minutes to the Board members so they can prepare for the review. The Board would then meet in executive session to review and approve them, and then vote on releasing them. Pangallo that there is also a question for Town Counsel regarding how to handle the approval and release of minutes from meetings that were held jointly with the Select Board.

## **Review status of special permit and variance issued for lot H-151 on Leverett Road for Mark Wightman**

Murphy reminds the Board that permits expire after a set period of time if work does not begin. He notes that Town Counsel has advised that the Mass Leads Act has extended the time on the Lot H-151 permits by two years so they are not expired at this point.

## **Member Updates**

Murphy notes that he received an email from Gail Fleischaker commending Michael DeChiara for offering public comment on every part of the State's new solar siting law.

## **Adjournment**

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

**Adjourned:** 9:02pm

## **List of Documents Used:**

- Notice of September 8, 2025 public hearing of the Shutesbury Planning Board
- Proposed warrant article to be considered by the September 30, 2025 Special Town Meeting to amend the Shutesbury Zoning Bylaw
- Written public comment regarding proposed Zoning Bylaw Amendment regarding data centers, sent by email to the Planning Board from Michael Pill
- Email from Town Moderator regarding splitting Annual Town Meeting into two meetings