

Shutesbury Planning Board
Minutes – December 8, 2025
Approved – January 15, 2026
Virtual Meeting

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

Board Members Absent: Deacon Bonnar

Other Staff Present: None

Others Present: Mark Wightman, Liz Good, Leslie Bracebridge, Miller Opie, Mary Lou Conca, Jessie Grogan

Call to Order: 7:00pm

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

Murphy designates Siefert as a voting member of the Board.

Public Comment

Murphy recognizes Mary Lou Conca who asks the Board for information about the purpose of the Executive Session this evening. Murphy explains that the Executive Session is to review minutes from prior Executive Sessions and that Town Counsel has indicated that the review should occur in Executive Session because the minutes have not yet been made public.

Murphy recognizes Jessie Grogan who introduces herself as a new Shutesbury resident and explains she works at the Lincoln Institute of Land Policy on issues such as economic development and affordable housing and is considering running for Planning Board.

Landowner Education and Guidance

There is no request from members of the public for landowner education and guidance.

Wightman Conservation Restriction for 101 Leverett Road, lot H-151

Murphy reminds the Board that the Land Use Clerk has distributed to the Board the Conservation Restriction that has been approved by the Conservation Commission and Select Board. Mark Wightman notes that it has also been approved by the State and meets the statutory requirements that were a condition of the Special Permit for Lot H-151.

Murphy reminds the Board that acceptance of the Conservation Restriction by the Board was a condition in the Special Permit for Open Space Design for a single buildable lot on H-151.

Motion that the grant of Conservation Restriction for Lot H-151 as presented to the Planning Board meets the Board's condition for the Special Permit: DeChiara; second: Hastie. Vote: DeChiara - aye; Hastie - aye; Pyecroft - aye; Siefert - aye; Weston - aye; Bressler - aye; Murphy - aye. *The motion is approved unanimously.*

Wightman informs the Board of the difficulty he is having contacting the neighbor to pay them the money required by the Special Permit. Murphy will look into it and get back to him.

Coordination with Board of Health on regulations

DeChiara notes that the Board of Health has indicated that they will be sending the Planning Board a draft regulation soon. Siefert was at the Board's last meeting and agrees.

Review and approve minutes for 11/10/25

Motion to approve the minutes of November 10, 2025: DeChiara; second: Pyecroft. Discussion: DeChiara, Hastie, Siefert, Weston, and Murphy propose corrections and additions. Vote to approve the minutes as revised: DeChiara - aye; Hastie - aye; Pyecroft - aye; Siefert - aye; Weston - aye; Bressler - aye; Murphy - aye. *The motion is approved unanimously.*

Data Center Bylaw Discussion

Murphy recognizes Conca who asks if the Board has received a proposal for a data center in Shutesbury. Murphy answers that there has not been a proposal. He reviews the moratorium approved by Special Town Meeting and the Board's current discussions about data center regulation. He notes that Conca can bring her comments up at the public hearing that would be held before any Zoning Bylaw amendment can be approved by the Board.

DeChiara shares the draft of a Zoning Bylaw amendment to regulate data centers and provides an overview of the revisions he made, including those he made in response to feedback he received from Murphy and Hastie. One significant change was reducing the types of data centers to just two: micro and small. He notes that the Board should decide if Special Permits for allowable data centers should be issued by the Planning Board or the Zoning Board of Appeals. He notes that in the Definitions section the size of a micro data center was increased to 150 square feet from 100 square feet. The cooling and the electrical storage and backup sections are the ones that he thinks require the most discussion and he reviews the changes he made to those sections based

on the feedback he received and based on the discussion at the previous meeting. He reviews the changes to the dimensional restrictions, siting requirements, and mitigation sections.

Pyecroft asks about the reference to the use of water since groundwater for cooling is prohibited. DeChiara explains that the reference relates to the impact on abutters, though he notes that Hastie pointed out that the abutters section might not be necessary since the amendment would require verification from the Board of Health that the facility would not pose an unreasonable risk to existing water quality or volume. Hastie notes that data centers might use water for reasons other than cooling, such as fire fighting. Siefert suggests cleaning up the language to specify that the water-use being regulated is specifically water for non-cooling purposes.

Murphy notes that section 8.13-2B would allow the Board to waive certain provisions of the Bylaw under special circumstances, which could feasibly include the prohibition on using groundwater for cooling. In that instance, the provisions regulating water use would be relevant.

DeChiara recalls that the Board had previously indicated an interest in regulating results rather than specific technologies, which is why this section is worded this way. Murphy agrees and that is why he thinks the amendment should retain the provision requiring the Board of Health's approval on any water use that would impact residents' wells.

Hastie notes that the regulation of discharged water might involve Department of Environmental Protection (DEP) action and Murphy agrees that DEP regulates point source discharge. He suggests that it is also something likely referenced in the Wetlands Protection Bylaw. DeChiara will research DEP's regulation and include the relevant information in the amendment.

Murphy suggests it would be better to have the regulation of size in the amendment itself rather than in the Definitions section.

Weston expresses concern about the fire suppression demands on water for battery fires. DeChiara notes that the largest allowed data center would be 5,000 square feet, so the facility would not be as large as a standalone BESS. Weston points out that even a single Tesla car battery fire requires lots of water to suppress and that the water released by lithium batteries is toxic to living organisms. He expresses concern because there is only a single aquifer serving the whole Town and he does not see how that could be safe for residents. DeChiara suspects that the battery technology used in vehicles differs from what would be required in any data center. He notes that the draft prohibits the use of diesel and gasoline generators and lithium nickel manganese cobalt oxide batteries. He points out that the Board could prohibit lithium of any kind or even energy storage of any kind, but he thinks that would not be practical for the operator. Murphy notes that there are already people in Town who have electric vehicles and so the threat Weston described is already present in Town. He thinks any data center should be required to

have an emergency response plan with the Fire Department. Hastie urges that the Board keep the fire threat in perspective and cites a study from Australia that found the leading cause of lithium battery fires are consumer products. He notes that many people in Town have electric and hybrid vehicles already and that there is a great deal of anxiety about the technology simply because it is new. DeChiara notes that concerns about water use for fire suppression is why the amendment draft includes language requiring that the Fire Department approve the project. He again notes that the size of the facility would involve a smaller sized battery than one that would be associated with a solar facility.

Siefert asks how DeChiara came up with the 250 kWh limit and if that is a normal power level for a data center of this size. DeChiara answers that this limit aligns with the tiers associated with battery sizes in the State's clean energy regulations. Hastie notes that the current fire code allows a single-family residence up to 60 kWh battery storage capacity. He adds that the battery capacity under consideration here would be sufficient for the data center to be shut down safely in the event of a loss of power; it would not keep it running for weeks. Bressler states that the internal batteries of the units serve to allow for a safe shut down and the external battery would be to extend the time in which that could be done, but they also serve to level out supply and demand across time, so they are not just for backup. Siefert shares information about the fire suppression specifications for the BESS being proposed in Wendell and compares that to what would be needed in the event of a battery fire at a data center under the proposed amendment, which would result in an estimated 25,000 gallons of water to confine the fire by keeping the surrounding area protected. Bressler notes that there are other technologies that can suppress battery fires themselves. Hastie points out that current emergency response guidance is to avoid applying water to the electronics.

DeChiara notes the existence of other battery technologies, including water-submerged lithium batteries. He suggests the Bylaw amendment split energy generation from energy storage and reviews the options for both. Hastie asks that the language in the Bylaw expressly give the Board authority to review and approve of technologies that are not anticipated by the Board or in the Bylaw. DeChiara invites Board members to send him suggestions for language in this section.

Weston suggests a future discussion about the vegetation around the lithium batteries in Town.

DeChiara asks if the Board thinks a noise assessment should be required or should be optional. Siefert thinks that it should be required. Bressler notes that it should be part of the Board of Health approval and DeChiara agrees. Murphy is unclear if the Board of Health is able to assess whether a data center would create a noise nuisance and thinks this is why they should see what regulations the Board of Health ends up generating about this. He suggests the amendment states that the Board may require a noise assessment. DeChiara recalls that the Town's noise bylaw does involve the Board of Health in the process of reviewing noise complaints.

Siefert suggests that in the fire mitigation risks section, 8.12-5A, language about Board discretion should be removed to always require an emergency response plan. He asks if a data center that did not use a battery energy storage system would thus not need to obtain approval from the Fire Chief. He suggests distinguishing an emergency response plan from an incident action plan and requiring both.

DeChiara will check to see if the section on generator compliance is duplicative of other content in the amendment.

Hastie asks about the 5,000 square feet limitation and asks if that is the footprint or over multiple floors. DeChiara assumed it would be the footprint plus other structures, such as battery sheds. Bressler notes that it is usually calculated as the total area across any number of floors. Hastie agrees because that is the same way square footage is calculated for a house. Murphy thinks the way the square footage is used in the amendment should align with how it is used in other parts of the Zoning Bylaw, including the dimensional table.

DeChiara points out that Annual Town Meeting will be held in May so the public hearing for this should be held in early April, giving the Board January and February to work out the details and March to hold a public information meeting.

Murphy will reach out to the Fire Department for the Chief's input and Hastie notes that the Massachusetts Fire Code for batteries is very detailed.

Member Updates

DeChiara shares that he and Murphy talked after Special Town Meeting about how to handle dissenting or minority opinions on Board decisions, though he is not sure yet whether it would be a bylaw or a policy. He notes there were two components: what goes into the written report and the oral presentation to Town Meeting.

Murphy encourages DeChiara to look into this and other Board members to reach out to him with their ideas. He thinks that it would be best as a general bylaw encompassing all Town boards or committees that present warrant articles to allow minority opinions on the body to speak alongside the majority, and he thinks they should speak with the Town Moderator about that. For the written report, he thinks that is something that the Board itself could determine. He is curious about the precedent for multiple recommendations in a report to Town Meeting. Murphy would like to have a discussion about this at the January Board meeting and encourages other Board members to come prepared to support their views on the matter.

DeChiara shares that he attended the first meeting of the Franklin Regional Council of Governments Planning Advisory Board last week. He asks if anyone would like to serve as the Town's alternate to the Advisory Board. Hastie volunteers for the position.

DeChiara shares there is nothing new from DOER about the State's solar siting regulations.

Murphy notes that FEMA is reviewing flood plain maps and the Board will at some point be involved in the process and may need to consider a bylaw amendment to incorporate some or all of the recommended language into an updated section on flood plains. DeChiara notes that these maps were developed by FEMA three years ago and not by the current administration. He adds that even though Shutesbury is on a hill, land next to a stream is also considered a flood plain, so Shutesbury does have such land.

Land Use Clerk Job Description

Murphy sent the Board the three existing job descriptions for the Land Use Clerk position. He notes that this has come up because he wants to make sure that the Land Use Clerk knows all of the filings that the Board needs to complete for Zoning Bylaw amendments approved by Town Meeting. He wants to ensure that there is clarity in the Clerk's job duties and roles and responsibilities across the three committees that the Clerk serves. He asks Board members to send him any suggestions to include when he meets with the Personnel Board next week.

Discuss Purchase of Zoning Act Booklets

DeChiara shares that the State House Bookstore sells hard copies of the Zoning Act for \$1.75 each and thinks it would be good to order a copy for each Board member, including Associate members, and the Land Use Clerk. No member of the Board objects.

Unanticipated Business

There is no unanticipated business.

Executive Session

At 8:47pm the Board went 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 Cows regarding the Shutesbury Solar Bylaw. Specifically, the Board intends to review Executive Session Minutes from over the course of the litigation, including dates 2024-11-4, 2024-11-25, 2025-02-10,

2025-04-09, 2025-05-07, 2025-05-12, 2025-06-09, 2025-06-17, 2025-07-14. The Board will not return to Open Session.

Motion to enter Executive Session: DeChiara; second: Hastie. Discussion: Murphy notes that even though this litigation has ended, Town Counsel has indicated that the Board can go into Executive Session to review and vote to approve and then release the minutes from the Executive Sessions during which the litigation was discussed. Vote: Bressler - aye; Hastie - aye; DeChiara - aye; Pyecroft - aye; Weston - aye; Siefert - aye; Murphy - no vote. *The motion is approved unanimously with one not voting.*

Adjournment

Adjourned from Executive Session.

Adjourned: 9:19pm

List of Documents Used:

- Approved Conservation Restriction for Lot H-151
- Draft of proposed data center amendment to the Zoning Bylaw
- Three past job descriptions for the Land Use Clerk position
- Executive Session Minutes for 2024-11-4, 2024-11-25, 2025-02-10, 2025-04-09, 2025-05-07, 2025-05-12, 2025-06-09, 2025-06-17, and 2025-07-14