

Chapter 200. Zoning
Article 9: Special Regulations
§ 9.12 Data Centers

A Purpose

The purpose of this section is to establish clear standards for the siting and operation of Data Centers in order to protect public health, safety, and welfare; to ensure compatibility with surrounding land uses; and to allow for review of site-specific impacts related to energy demand, water use, noise, emissions, site design, and municipal infrastructure.

B Applicability

Data Centers shall be permitted only by Special Permit granted by the Planning Board in districts as specified in the Table of Uses.

All applications for a Data Center Special Permit shall comply with Article XI Site Plan Review and the additional performance standards set forth in this section.

C Use Regulations

DATA CENTERS													
	CSBD	NRBD	WCBD	BD	BP	OSBD	BRHD	GBHD	ID	SFD	RHDD	RMDD	RMFD
Tier 1 Low-Impact Data Center	-	-	-	-	-	-	SPPB	SPPB	SPPB	-	-	-	-
Tier 2 Moderate Impact Data Center	-	-	-	-	-	-				-	-	-	-
Tier 3 High Impact Data Center	-	-	-	-	-	-	-	-	-	-	-	-	-

D Performance Standards

In addition to general Special Permit criteria, the Planning Board shall make written findings demonstrating compliance with the following performance standards.

(1) Electrical Demand and Infrastructure Capacity

- (a) The applicant shall submit an estimate of maximum electrical demand, expressed in megawatts (MW), at full build-out, including anticipated load profiles and any proposed phasing.
- (b) The applicant shall demonstrate, through written documentation from the **XXX (energy supplier?)**, that sufficient electric capacity exists or can be made available to serve the proposed facility without impairing reliability, capacity, or service levels for existing municipal electric customers.
- (c) The applicant shall identify any required on-site or off-site electric

infrastructure improvements, including substations, feeders, or transmission upgrades.

- (d) The Planning Board may impose, as a condition of approval, a maximum approved electrical demand expressed in megawatts (MW), and may require compliance monitoring.

(2) **Water Use and Cooling Systems**

- (a) The applicant shall submit estimates of average daily and maximum daily water usage associated with facility operations, including cooling systems, expressed in gallons per day, as well as a narrative explaining the relationship between projected electrical demand (MW) and anticipated water usage, including cooling system type and seasonal variation.
- (b) Written documentation from the Department of Public Works shall be provided demonstrating that the proposed water usage can be accommodated without adverse impacts to system reliability, fire protection, or existing users.
- (c) Cooling systems shall be designed to minimize the use of potable water. Applicants shall identify efficiency measures employed to reduce consumption, including the use of closed-loop, air-cooled, recycled-water, or other low-water technologies where feasible. Systems that rely on continuous or seasonal evaporative use of potable water as the primary cooling method are strongly discouraged and must demonstrate that no reasonable alternative with lower water demand is practicable.
- (d) The Planning Board may condition approval on limits to maximum daily or annual water usage, require monitoring of consumption, restrict seasonal use during drought conditions, or on phased occupancy tied to demonstrated system capacity.
- (e) Where the proposed facility necessitates upgrades or extensions to municipal water, wastewater, or stormwater infrastructure, the applicant shall submit a planning-level cost estimate of such improvements, prepared by a qualified professional, together with a narrative describing the scope of work, timing, and responsibility for implementation.

(3) **Noise**

- (a) Continuous operational noise, including mechanical equipment, cooling systems, transformers, and other exterior equipment, shall not exceed applicable local or state noise standards and the limits set forth herein, whichever individually or collectively results in the more restrictive regulation as applied to the Data Center.
 - i **Continuous Operational Sound:** Sound generated by the normal, ongoing operation of facility equipment, including mechanical systems, cooling systems, transformers, and similar infrastructure, measured under typical operating conditions and excluding short-term, intermittent, or emergency events such as maintenance activities or backup generator operation during power outages.
 - ii **Point of Compliance:** The exterior of the nearest existing Sensitive Receptor, or

the nearest residential zoning district boundary to the subject property where no Sensitive Receptor exists within 1,000 feet of the subject property, unless otherwise specified by the Planning Board.

- iii **Sensitive Receptor:** Any existing residence, school, daycare facility, medical facility, hospital, nursing home, assisted living facility, elder care facility, place of worship, or other building regularly occupied by persons for residential, educational, medical, or congregate purposes at the time of Special Permit application.
- (b) Noise compliance shall be evaluated at the Point of Compliance. In no event shall continuous operational sound, as measured at the Point of Compliance, exceed:
 - 50 dBA between 7:00 a.m. and 10:00 p.m.; or
 - 45 dBA between 10:00 p.m. and 7:00 a.m.
 - (c) Backup generator testing shall be limited to days and hours approved by the Planning Board. Emergency operation during actual power outages shall be exempt.
 - (d) A noise study prepared by a qualified professional may be required to demonstrate compliance with applicable local or state noise standards and to evaluate potential impacts from continuous or cumulative industrial operations. Such study may include multi-day ambient monitoring, modeling at full build-out, evaluation of tonal characteristics, and assessment of cumulative impacts. Post-construction sound monitoring may be required to verify compliance, and corrective mitigation measures may be required if standards are exceeded.
- (4) **Backup Power and Emissions**
- (a) The applicant shall identify the number, size, fuel type, and location of all backup generators.
 - (b) Backup generators shall be limited to emergency operation and scheduled testing, in accordance with manufacturer specifications, except where otherwise required by applicable codes.
 - (c) Compliance with all applicable state and federal emissions standards shall be demonstrated.
- (5) **Site Design and Physical Impacts**
- (a) Building height, massing, and setbacks shall, in addition to complying with the applicable baseline dimensional regulations, be designed to minimize visual and operational impacts on adjacent properties.
 - (b) Mechanical equipment, generators, and substations shall be screened from view from public ways and adjoining properties.
 - (c) Exterior lighting shall be designed to prevent light spillover beyond the site.
 - (d) Air Quality and Emissions. The facility shall comply with all applicable federal, state, and local air quality regulations. Applicants shall identify the number, size, fuel type, and anticipated operating schedule of all combustion equipment, including backup generators. The Planning Board may require documentation demonstrating that

emissions from such equipment will not create nuisance conditions or adversely affect nearby Sensitive Receptors. Where appropriate, the Planning Board may require emission control measures, operational limitations on testing, or other mitigation measures to minimize potential air quality impacts.

(6) Municipal Services and Infrastructure

The applicant shall demonstrate that the proposed facility will not create an undue burden on municipal services, including fire, police, and public works, water, sewer, and electric systems.

If mitigation measures or capital improvements are required to maintain acceptable service levels, the applicant shall provide an estimate of the cost of such measures and identify the party responsible for funding them. Fire protection systems and emergency access shall be reviewed by the appropriate municipal departments.

E Conditions and Safeguards

The Planning Board may impose conditions necessary to ensure compliance with this section, including but not limited to:

- (1) Limits on maximum electrical load;
- (2) Caps on water usage;
- (3) Noise monitoring or reporting requirements;
- (4) Restrictions on generator testing schedules; and
- (5) Phasing tied to demonstrated infrastructure capacity.

F Post-Approval Monitoring and Reporting

(1) Operations Reporting Schedule - As a condition of approval, the Planning Board shall require submission of Operations Reports in accordance with the following schedule:

Phase	Time Period	Frequency	Purpose
Startup Monitoring	Months 1–3	Monthly (Month 1, 2, 3)	Verify early compliance during initial operations
Early Operations	Months 4–12	Twice per year (Month 6, 12)	Confirm stable system performance
Long-Term Operations	Year 2 onward	Annual (Month 24, 36, 48, 60)	Ongoing compliance tracking
Permit Term	Years 1–5	Monitoring continues	Supports 5-year permit renewal review

The Planning Board may modify the reporting frequency upon a finding that the facility has demonstrated sustained compliance with all approved operational limits.

- (2) As a condition of approval, the Planning Board may require submission of an Annual Operations Report for the duration of the Special Permit. At a minimum, the report shall include:
 - (a) Maximum electrical demand for the preceding calendar year (MW);
 - (b) Average daily and maximum daily water usage for the preceding calendar year (gallons per day);
 - (c) Confirmation of compliance with approved operational limits; and
 - (d) Identification of any discharge of cooling or process water to the municipal sewer system, where applicable.
 - (e) Description of any operational changes affecting electrical load, cooling systems, or water usage.

The report shall be prepared or certified by a qualified professional and provided to the Planning Department and Department of Public Works, as applicable.

G Transferability and Continuing Obligations

- (1) Any increase in approved electrical demand beyond the permitted MW threshold shall require modification of the Special Permit.
- (2) Any Special Permit issued pursuant to this section shall run with the land and shall be binding on the property owner and any successors, assigns, or operators.
- (3) A change in ownership or operator shall not relieve the property of compliance with all permit conditions.
- (4) Prior to a change in operator, written notice shall be provided to the Planning Department by the new owner/operator (## days) prior to transfer confirming continued compliance.

H Term of Special Permit and Renewal

- (1) **Term** - A Special Permit issued for a Data Center under this section shall be valid for a period of five (5) years from the date the decision is filed with the Town Clerk, regardless of the date of commencement of construction or operations.
- (2) **Renewal Required** - Continued operation of the facility beyond the initial five-year term shall require approval of a Special Permit Renewal from the Planning Board.
- (3) **Application for Renewal** - The permit holder shall submit a complete application for renewal of not less than ninety (90) days prior to the expiration of the Special Permit term. The renewal application shall include documentation demonstrating continued compliance with all conditions of approval, operational limits, and reporting requirements, together with any updates to facility operations, infrastructure demand, or system design.
- (4) **Scope of Review** - The Planning Board's review of a renewal application shall be limited to evaluation of:
 - (a) Operational performance and compliance history;
 - (b) Electrical demand, water usage, and other infrastructure impacts;
 - (c) Adherence to approved limits and conditions; and
 - (d) Any material changes proposed to the facility or its operations.

- (5) **Action on Renewal** - Following review, the Planning Board may:
- (a) Renew the Special Permit with no changes;
 - (b) Renew the Special Permit with modified conditions reasonably related to demonstrated impacts; or
 - (c) Require submission of a new Special Permit application where substantial changes to the use or its impacts are proposed.

Substantial changes may include, but are not limited to, increases in approved electrical demand, significant changes to cooling systems or water usage, installation of additional generators or major mechanical equipment, expansion of floor area devoted to data center operations, or other modifications that materially increase operational impacts.

- (6) **Failure to Apply for Renewal** - Failure to submit a timely renewal application shall cause the Special Permit to lapse upon expiration of the five-year term, and continued operation thereafter shall constitute a violation of this ordinance.
- (7) **Enforcement**- Failure to comply with approved limits, conditions, or reporting requirements may constitute grounds for enforcement or denial of renewal.

I **Severability**

If any provision of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.