

**From:** [Michael DeChiara](#)  
**To:** [Wang, Wayne \(DPU\)](#)  
**Cc:** [SitingBoard Filing \(DPU\)](#)  
**Subject:** Follow-up Info re: Indigenous notifications  
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Waye

At the Stakeholder Session last week, I said that I would send you Shutesbury's bylaw language regarding notification for Indigenous stakeholders. It is below

I am also including the 2023 version of the Shutesbury bylaw - our best thinking on solar and ESS. Unfortunately, the AG rejected this following Tracer Lane case stating this went against the Ch40A Section 3 para 9 solar exemption. However, EFSB can certainly adopt any of these approaches.

Michael DeChiara  
Shutesbury, MA

## **8.10-7 Required Documents**

### **A. Required Pre-Submission Documents**

1. Project Notifications for Historic and Cultural Mitigation. The purpose of the project notifications is to provide a reasonable opportunity for knowledgeable parties to: comment on the project, inform the Phase I Cultural Resource Survey Report required in 8.10-7 A2, or participate in the development of the Cultural Resource Management Plan 8.10-4 C5. Notifications shall at a minimum include: the project name, a narrative description of the project; contact information for the applicant; most recent U.S. Geological Survey (USGS) map section (7.5 minute quadrangle) showing actual project location, a site map showing the Area of Potential Effect as defined by the National Historic Preservation Act, and a narrative including relevant historical or cultural information about the site.

Project notifications shall be sent to the following parties: Massachusetts State Historical Commission; Shutesbury Historical Commission; the Tribal Historic Preservation Officers (THPOs) for tribes in Massachusetts, Connecticut, Rhode Island, Vermont, New York, and New Hampshire listed by the U.S Department of the Interior and the National Conference of State Legislatures. If a tribal government or organization has no THPO, project notifications shall be sent to the appropriate tribal representative for that given tribal government. At a minimum, project notifications shall be sent to the following Tribal governments or their successors: Wampanoag Tribe of Gay Head-Aquinnah, Mashpee Wampanoag Tribe, Stockbridge-Munsee Band of Mohican Indians, Nipmuc Nation, Nipmuck Tribal Council of Chaubunagungamaug, Chappaquiddick Wampanoag Tribe, Herring Pond Wampanoag Tribe, Mashantucket Western Pequot Tribal Nation, Mohegan Tribe of Indians of Connecticut, Narragansett Indian Tribe, Schaghticoke Tribal Nation, Elnu Abenaki

Tribe of Vermont, Golden Hill Paugussett Indian Nation, Eastern Pequot Tribal Nation, Saint Regis Mohawk Tribe, and Seneca Nation of Indians. Applicants are encouraged to contact the Massachusetts' Commission on Indian Affairs or the Massachusetts Historical Commission so that the applicant can notify additional tribes that have historical ties to the Algonquian-speaking Indigenous people of Western Massachusetts.

Project notifications shall be written with a requirement to respond within 45 days from date of receipt. A failure of parties to respond within 45 days from date of receipt shall allow the applicant to submit the special permit application under this Section 8.10. Late- responses shall be provided to the Planning Board.

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Michael DeChiara

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*Preferred pronoun: he/him/his ([why include this?](#) -- [about pronouns](#))*