#  DRAFT

#  Pittsford Planning Commission Special Meeting

#  May 25, 2023

**Board Members Present**: Kevin Blow, Mark Pape, Chuck Charbonneau, Donna Wilson, Derek Blow, Mike Norris, Robb Spensely, Rick Conway

**Others Present:** Jeff Biasuzzi, Mark Winslow, Alicia Malay, Jim Rademacher, Anne Rademacher, Craig Billings, Chris Billings, Lawrence Marzec-Gerrior, Mary Marzec-Gerrior

**1. Meeting - Call to order**

The meeting was called to order at 7:00PM by Kevin Blow – Chair.

**2. Approval of Meeting Agenda**

A motion was made by Robb Spensely and seconded by Donna Wilson to approve the agenda. **The motion passed unanimously.**

**3. Approval of Minutes**

***. April 27, 2023***

A motion was made by Chuck Charbonneau and seconded by Mark Pape to approve the April 27, 2023 Planning Commission meeting minutes as amended. **The motion passed with one abstention - Rick Conway.**

Chuck Charbonneau noted his question regarding an update on the bridge project was asked of Rick Conway as a resident of Pittsford, not as a Planning Commission member.

***. May 11, 2023***

Meeting minutes tabled for approval at the next meeting.

**4. Public Comment**

 There was no public comment.

**5. Preferred Solar Sitings Discussion with Select Board Members**

Alicia Malay stated with the Adams and Furnace Road solar projects, the Select Board thought there needs to be some solar siting language for future projects to have more substance in the Town Plan. Mark Winslow stated the Planning Commission has members that have solar knowledge and though the Town has done its part for the State, some towns are starting to include information in their town plans as far as larger projects. Mr. Winslow suggested it could be a standalone Energy Plan and could then be added to the Town Plan when it is rewritten. Mike Norris advised he has previously brought up this subject and it has gotten more traction as there have been several community members asking about this topic. He has been looking at the precedence in other towns and is aware of the State statutes as a solar developer. Mr. Norris provided copies of draft language for consideration that could be amended at a later date if necessary. Mr. Norris noted that it could also be put into the zoning and not wait until a revision of the Town Plan. From 2008 to 2016 Vermont towns have seen large solar projects being built with some municipalities receiving only a notice but no opportunity to comment as a result of State regulations. In 2016, 150 to 200 towns petitioned the State to request regional planning have some control over these projects. Places like New Haven were getting inundated as it was an appealing location and was being adversely affected. In 2017 Act 174 was passed indicating a town can develop and amend town plans to restrict the placement of solar projects. This now means now towns have the ability to create ordinances and control where solar projects are placed, but language is required in their local ordinances. Mr. Norris suggested the language he drafted could be placed in zoning and in the Town Plan that would indicate projects under 150kW that would benefit the Town could be built. For those projects over 150kW, there would be a conditional approval process by the Planning Commission and sent through to the Select Board. Mr. Norris noted he did not want to impede solar projects but a 30-acre megawatt site, other than the land tax revenue would be less than the pure value of a house and does not help the town.

 Mr. Norris submitted the following wording for the Planning Commission’s consideration to approve for zoning:

*“Benefits: Ground mounted solar arrays in excess of 150kW must demonstrate a local public need that outweighs adverse impacts to local residents. The public benefit must be documented for municipal support of new solar facilities located within or which may otherwise affect Pittsford. Facility development must benefit the Town of Pittsford and State residents, businesses, and property owners in direct proportion to the impacts of the proposed development. In addition to the above conditions, projects greater than 150kW AC are subject to conditional approval of both the Planning Commission and Select Board.”*

Mr. Norris stated the Planning Commission has seen large projects come to Town for a letter of recommendation, but currently the Planning Commission’s opinion means nothing if the proposed project satisfies State requirements, as local approval is not needed. The addition of language would impede unfavorable projects for Pittsford but would not restrict the projects. Mr. Norris does not want to restrict people from utilizing their land that is not in use, but he does not want a developer from another country to come in and place a project that is not desirable as long as it satisfies the State requirements. This does not prohibit large-scale development but provides restrictions on projects the Town does not feel are a fit.

Donna Wilson stated some solar companies have large pockets and will go to litigation. Mike Norris stated this would not be the first time there have been disputes between a town and large solar developers. The PUC will not consider requests if a town does not have language in their Town Plan, a solar ordinance or zoning that speaks to restrictions. If a CPG is not awarded by the PUC, it would restrict the project. The State has had their own language since 2017 and the proposed language provides a path to allow a conversation required by the developers and the PUC takes this into consideration. Robb Spensely reviewed the language and agreed it is a good idea to add the language that could be amended going forward. Chuck Charbonneau asked if this was the Select Board’s wishes and Alicia Malay confirmed it was. Mr. Charbonneau noted concern as a business that deals with restrictions that this is done correctly as there are landowners that may be disappointed if there are restrictions. Mr. Charbonneau suggested every solar project should be screened so that it can’t be seen and he is in agreement as the Select Board is requesting this action, but there needs to be caution about what is done. Mark Winslow stated this would provide information to the PUC about what the Town desires, but it is ultimately the PUC’s decision. Mr. Charbonneau noted the Town also needs to be courteous to the landowners of Pittsford. Donna Wilson asked if current projects being built would be grandfathered in. Mr. Norris advised currently a developer does not have to come to the Planning Commission.

Mary Marzec-Gerrior is an abutting landowner to the 3.5megawatt solar project on Furnace Road. She stated there are panels that are 18 feet tall and are what people are looking at in their back yard. She noted they are going to be fluctuating and turning. The developers are out of State. Ms. Marzec-Gerrior advised that she and her husband are selling their home and have lost a purchaser of their property due to this project. Their expectation was to have rural living and the whole valley has been open with beautiful views and having this big of a project that everyone can see is an eyesore and has changed the community. Ms. Marzec-Gerrior urged the Planning Commission to accept Mr. Norris’ proposal.

Rick Conway stated currently the Zoning Board hears conditional use and it would have to be written into the zoning. As a conditional use permit, the decision could be appealed and the Town could incur legal fees. Mr. Conway asked at what point will the Select Board put a figure for filing an appeal as enforcing a regulation could cost if appealed. Mark Winslow thought the proposed verbiage is an excellent start and encouraged the Planning Commission to approve it and bring it before the Select Board. The State is responsible for what is happening and there is not a need to focus on any one project but there is a need for the Town to have a say in something that is adversarial. The developers are going to the towns with the least amount of resistance. Mr. Norris stated they are coming to Town because there is no language in zoning. Robb Spensley noted the Town is not forced to fight a legal battle. Mr. Norris stated by having language, the PUC gets this information for any project to consider. Mr. Norris will provide the Planning Commission with information from other towns. Jeff Biasuzzi reminded the Planning Commission there is a statutory process for adoption of a municipal plan and zoning regulations. If a Town has under 2500 residents, it will require one hearing for both the Planning Commission and the Select Board. Mr. Biasuzzi recommended anything that is done has to be compatible with the Town Plan if the zoning is done first and suggested running any changes through VLCT to assure that it fits the statutes. To enforce, standards will have to be established to apply uniformly that will stand up in environmental court. When drafting, Mr. Biasuzzi also suggested considering enforcement language, such as a landscape plan or screening plan maintenance to include a fine schedule. Alicia Malay asked if vague is better than more specific and Mr. Norris thought stronger language would be vague. Mr. Norris noted he is not looking to stop solar development completely but to have support and a say.

Chris Billings stated they live near the solar project and had previously removed trees to have a view prior to the start of this project. Mr. Norris stated before he does a project that is visible, he always discusses the project with the adjacent property owners and advises them that they have party status. Mr. Norris encouraged the property owners to write a letter and noted the property owners do have the power to object to projects and have party status.

Ms. Marzec-Gerrior stated the Town still has a say and the Planning Commission piece is critical for the direction of the Town when indicating that a project is not favorable. It was noted a letter of support was never issued for the Furnace Road project. Anne Rademacher asked about the timeframe for having the hearings and what would be the shortest amount of time for implementation. Jeff Biasuzzi stated once the final document is approved by the Planning Commission for the Town Plan, they will hold a public hearing and advise the neighboring towns and State entities of the change. In the case of a change in zoning, this is a 15-day warning and the Planning Commission can hold the public hearing and vote and forward it to the Select Board. The Select Board then repeats the 15-day warning and has to report back to the Planning Commission within 150 days. Mr. Biasuzzi suggested for adoption in zoning, it would be a 60-day process at best.

Kevin Blow stated a letter was sent to the Planning Commission on May 23rd regarding the Furnace Brook project. Christine Heffernan is the project manager of the 474 Furnace Road solar project. An overview was presented to the Select Board on April 5th and the RRPC on May 16th. The letter indicated an invitation had been extended to the Planning Commission to attend the Select Board presentation. Mark Winslow noted that the Select Board had barely been notified of the project. Alicia Malay advised a presentation was provided to the Select Board that was very short. The letter also extended an offer for the project to be presented to the Planning Commission.

A motion was made by Robb Spensely and seconded by Derek Blow to accept the proposed language provided by Mike Norris for an amendment to Section 501 of the zoning ordinance regarding solar to ultimately be forwarded to the Select Board for their approval. **The motion passed unanimously.**

Jeff Biasuzzi advised one has to register for every project and people need to write to the PUC for party status. Mr. Norris stated abutting landowners do not need to request and automatically have party status, but noted municipalities and community members can submit comments after the CPG has been approved, but he is not sure if it would change a decision. Rick Conway asked if the Town Plan was amended, would it put it in jeopardy without doing a complete revision and it was noted that changes can be made without a complete renewal. Mr. Conway suggested the Town Plan and the zoning should be done simultaneously.

Robb Spensely suggested the Planning Commission could consider writing a letter to the PUC regarding the Furnace Road project and provide the language to possibly consider the criteria to make a point to the PUC. Donna Wilson noted the letter could also be provided to the RRPC. Mark Winslow suggested holding off on a letter until the Select Board has taken action. Alicia Malay indicated the Select Board was not in favor of the Furnace Road project and will confirm with a letter to the RRPC. Derek Blow suggested the abutting landowners also write individual letters. Mr. Norris recommended the individual landowners send their letters to the PUC.

Larry Marzec-Gerrior advised they have been included in the minutes of the PUC and the abutters are all part of the action to intervene and have party status. It was noted the abutters include the Billings, Carraras, Davenports, Rademachers and Marzec-Gerriors.

Jeff Biasuzzi suggested since the Town Plan is up for readoption in 2027 that the Planning Commission go through a renewal to add the language to the Energy Section. Mark Winslow suggested doing just the solar amendment and getting the process started at this point.

Robb Spensely suggested the Planning Commission should respond to the Mazzaronis with regard to their letter.

A motion was made by Robb Spensely and seconded by Chuck Charbonneau to authorize the Board Chair to respond to Christine Heffernan’s email and extend an invitation to attend the next Planning Commission meeting to discuss their ideas. **The motion passed unanimously.**

**6. Old Business**

There was no old business discussed.

**7. New Business**

Kevin Blow received a letter from the RRPC indicating an agenda has to be sent 20 days prior to their meetings. Donna Wilson advised the by-laws have changed, which is the reason the RRPC sent the letter to the local Planning Commission.

Jeff Biasuzzi stated the VLCT has changed its website as of March 30th. As panel members the Planning Commission members can contact the league and it is required to have a username and password. Members can go to VLCT.org to set up an account. There will be a 2-day zoning training seminar in June that is $78/member and the Town will pay the registration fee for any board members. Mr. Biasuzzi will send additional information to the board members and recommended all members set up their access account to view information on the VLCT website.

**8. Next Meeting**

A motion was made by Chuck Charbonneau and seconded by Robb Spensely to cancel the June 22nd regular meeting and schedule a special meeting for June 15th. **The motion passed unanimously.**

June 15, 2023, 7:00PM at the Pittsford Town Office

**9. Adjournment**

A motion was made by Rick Conway and seconded by Chuck Charbonneau to adjourn the meeting at 8:21PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

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The Pittsford Planning Commission