

**Pittsford Planning Commission Meeting  
January 26, 2023**

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

**Others In Attendance:** Jeff Biasuzzi, Ed Brutkoski, Sandy Conway

**1. Special 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 Chuck Charbonneau and seconded by Rick Conway to approve the agenda. **The motion passed – Robb Spensley was absent.**

**3. Approval of Minutes**

*. November 17, 2022– Planning Commission Special Meeting*

A motion was made by Mark Pape and seconded by Donna Wilson to approve the minutes of November 17, 2022. **The motion passed with one abstention – Robb Spensley.**

*. November 17, 2022 - Pittsford Planning Commission Hearing - Omya Tailings Management Facility  
. Pittsford Planning Commission Hearing - Furnace Brook Wesleyan Church Sign*

A motion was made by Chuck Charbonneau and seconded by Derek Blow to approve the minutes of November 17, 2022, Wesleyan Church Sign Hearing, and the Omya Tailings Management Facility Hearing. **The motion passed with one abstention – Robb Spensley.**

Jeff Biasuzzi noted when the minutes are approved and recorded, a note is made on the draft minutes so that signatures are not required.

**4. Public Comments**

There were no comments at this time.

**5. Old Business**

Rick Conway recused himself as a Planning Commission member. As a public participant, Rick Conway reported the District Commission issued its findings and conclusion and an amended permit approving the bridge replacement with the changes to the road. Mr. Conway and his wife filed a motion to alter within the 15-day requirement that stopped the appeal time. The appeal clock has not started and today they received notice that VTrans responded to the motion to alter, which is part of the process. They are waiting the District Commission's decision regarding the issues that were not addressed in the decision or the findings. It was noted the Planning Commission has party status and can appeal to the environmental court, which would be the next step if the District Commission does not adhere to the request to alter their decision. The Conways have spoken with the Select Board, noting Alicia Malay, the Select Board Chair had attended the Act 250 hearing, and they are awaiting a response. Once the appeal time starts, there is 30 days to act and the Planning Commission will have the opportunity to file a motion. Mr. Conway will advise the Planning Commission Chair once they have received a response. Mr. Conway encouraged the Commission members review the findings and conclusion and noted the Select Board will be using Gary Kupferer, the Town's attorney, if an appeal is needed.

Mr. Conway stated the historic marker was approved by the Advisory Council due to historic preservation and that fact was not brought to the District Commission's attention until the Conways appeal to halt was submitted. The marker was approved in 2022 and Kaitlin O'Shea informed VTrans that the green area has historic significance. Under the new plan, the island will be removed, but it was known a historic maker was being done because when it was decided where it was to be placed, the State had indicated due to the construction the Mobil station was recommended as a temporary location. Donna Wilson stated this was also brought up in the Act 250 hearing and it was obvious the green was there and suddenly it was not historic anymore. The District Commission met in 2021 and made their decision in December 2022, which is over a year and Mr. Conway's concern is that they lost track of this point. They did issue three recess orders for requesting more information from the State and the Conways responded to VTran's response. There was a request for traffic statistics relating to the entrance to Route 3 and the State submitted crash statistics for Oxbow Road. The Conways provided statistics for the slip lane area and there were no crashes in the slip lane going back 7 years. It was noted the information on what is to be appealed needs to be provided to Gary Kupferer. Mr. Conway advised if this goes to an appeal, the Planning Commission can request to be part of the appeal and will be provided the chance to give the information to an environmental court judge. The Select Board has an issue because the Fire Department is concerned with safety. At the Act 250 hearing it was agreed that a warning system would be installed for the Fire Department but the District Commission does not feel it is warranted. It was also noted that Route 3 is a major truck route to Route 4. Mr. Conway advised the Town Plan focuses on planning efforts for safe, convenient transportation but in the Act 250 permit, it does not indicate the project is in the village and notes the traffic should move in a fast and efficient manner.

Mr. Conway stated the Planning Commission received a letter from the RRPC TAC Committee that was submitted to the District Commission. The District Commission had indicated the 2017 Plan was what was being considered. In a discussion about a letter of support, David Allaire of the TAC Committee had made the motion to approve the 2015 plan but did not say that they did not support the new plan. To assure the environmental court judge receives this letter, someone from the TAC Committee would need to indicate they do not support the 2017 plan. In the Act 250 application, under criterion 10, the project will allow for small businesses by maintaining the existing road and replacing the bridge. They are still saying that they are going to maintain the existing roadway, but if they remove the slip lane over to Route 3 and do the Oxbow change, it will cause congestion. VTrans position is that people don't respond to yield signs but they are going to obey a right turn lane. All are awaiting the District Commission's decision and once that is received the 30-day appeal period will begin for any statutory parties. The Select Board will be working with Gary Kupferer on their appeal. A significant point is the historic marker that was deemed historic by the Vermont Advisory Council. The Conways had indicated the Advisory Council had approved the historic marker, but it was not thought that it could be included as evidence. Currently, the District Commission has to decide whether to accept the appeal to alter and once they have rendered a decision, the clock will start on the appeal. The Planning Commission needs to have a discussion as to what they are going to do and what points will be put before the environmental court judge. Derek Blow suggested the Planning Commission touch base with the Select Board and Mr. Kupferer. Mr. Conway noted the Planning Commission has status specific to the Town Plan. The Select Board, Planning Commission and the RRPC are all statutory parties. Mr. Conway noted the Conways brought up things that affect the Mobil station and the historic marker. Robb Spensley clarified that there is nothing to do unless there is an adverse decision from the District Commission. The timeline for the District Commission's decision is not known, but once the decision comes down, the parties need to be prepared to appeal. It was noted the Planning Commission could resubmit the letter of their findings that had been submitted at the Act 250 meeting. Derek Blow noted a lot of the information is already collected and a reorganization of the information in connection with their findings could be done. The Planning Commission had indicated the 2015 Plan was what was thought to be moving forward as the hearings had been held concerning this plan. VTrans had been shown information about the historic marker. The Planning Commission would address the Town Plan in an appeal as to how the project conforms to the Plan. When Historic Preservation said the area was historic that was relied upon and four years later, they came in with something completely different and indicated it was not historic. The historic marker was being worked on long before the Act 250 hearing. Mark Pape asked if there were any other Town Plan issues other than the historic marker. Mr. Conway noted all of the points the Planning Commission had originally put forward would be valid to reiterate, noting safety and historic preservation need to be outlined.

Mr. Conway reiterated that by the Conways filing the motion to alter, the appeal time has not started for the Planning Commission and the Select Board to appeal. Mr. Conway noted concern due to the length of time that the District Commission remember all that was submitted to them. Many people do not realize the changes will require a right-hand turn to go to Proctor. Also, there is an issue with crossing from Oxbow Road in adding another lane to go across. For current traffic from Oxbow Road, they only have to yield to Route 7, but once the change is made, it will require yielding to Route 3. Mark Pape questioned how an Illinois expert's comments are relative to this Town. Robb Spensely reiterated the Planning Commission only has to gear up for an appeal if the Conway's appeal is denied and noted he would like to have a discussion with Mr. Kupferer. Mr. Spensely requested the Conways forward the decision they receive to the Planning Commission. Mr. Charbonneau suggested Mr. Kupferer could possibly represent both the Select Board and the Planning Commission. Jeff Biasuzzi advised for the environmental court, the appellant can request an interested party list and the window to respond is 5 business days. The Planning Commission, Select Board, Zoning Administrator and Town Clerk receive the notice. Once this list is to the appellants, they have 20 days to reach out by certified mail to notify of the action to be appealed and then the process really starts. Kevin Blow stated a special Planning Commission meeting could be called and include Gary Kupferer once the decision is received. Sandy Conway suggested the Commission members read the findings so that when the time comes the Planning Commission will be ready to move. Mr. Conway also noted it would be good to determine whether Donna Wilson is speaking for the Planning Commission or the RRPC. Ms. Wilson stated she could speak as the RRPC regional representative. Mr. Charbonneau suggested it would be helpful to have someone from the TAC Committee to represent as well. Ed Brutkoski stated as a truck driver this will be an issue with all trucks that are traveling that way. He also noted for information that the new intersection in West Rutland is a nightmare for trucks in now having to make a turn to get on Route 4 now that they have removed the slip lane. Mr. Brutkoski stated Vermont has become anti-truck and many out-of-state drivers have indicated it is a challenge to drive these roads. Mr. Conway reiterated the Conways had provided traffic studies from 2011 to 2018 and there were no accidents in this area. Kevin Blow will speak with Mark Winslow from the Select Board once the decision is received from the District Commission with regard to how the Select Board will be move forward. It will then be determined if a special meeting is required of the Planning Commission.

Rick Conway rejoined the meeting as a Committee member. Kevin Blow advised the Planning Commission has not received a response from Brian Collomore or Butch Shaw regarding the Planning Commission questions submitted to the representatives. Chuck Charbonneau stated with the Act 250 decision, the representatives are not backing the Town and it is important they attend a Planning Commission meeting for a discussion. He noted the State wants the Planning Commission to do work but every time a decision is made, it appears they do not care and he felt the representatives need to step up. Rick Conway noted Terry Williams is a Rutland County representative from Poultney and a representative on TAC and suggested reaching out to him. Rick Conway noted Mark Pape drafted a letter to the representatives asking for their response to the questions posed by the Planning Commission and suggested sending the letter via certified mail noting it is a second request. Mr. Charbonneau noted the representatives should be involved in the project that is being appealed.

## **6. New Business**

Jeff Biasuzzi provided suggestions for future Planning Commission meetings in 2023 with possible updates in zoning and floodplain rules and noted that any objectives that are changed would not require an amendment to the Town Plan if they comply with the current Plan. Rick Conway stated if going to subdivisions, there would no longer be a Zoning Board, with the Town then having a DRB (Development Review Board). Mr. Biasuzzi advised there is not a lot of difference between the boards and they could be the same individuals. This would be in addition to the zoning and subdivision regulations could be a free-standing document. Mr. Biasuzzi stated the Planning Commission would not be affected by this change as the main function of the Commission is developing the rules and the DRB has different functions. The benefit of this change is if a smaller parcel wants to change to a commercial process, it would not be impacted by Act 250 as currently it can be involved. Mr. Conway noted if subdivision regulations are adopted, it would take Act 250 jurisdiction away up to 10 acres and suggested with what is going on with Act 250, this change may want to be considered. With subdivision regulations, the Town would have more authority. Mr. Biasuzzi noted the average cost for an Act 250 process for a business is around \$60,000. The real problem is not the cost of permitting, but the time involved and the

impact of the rules that one has to follow. Act 250 permits run forever and anyone that has had Act 250 permitting is still jurisdictional. Mr. Biasuzzi also noted stormwater for impervious areas went from 1 acre to ½ acre last summer. Mr. Biasuzzi advised he has drafted subdivision regulations that he can provide to the Planning Commission. Chuck Charbonneau would also like to receive the pros and cons of a switch to subdivisions. Mr. Biasuzzi advised some people will not look at a property that Act 250 is involved with. Act 250 has jurisdiction on all of one's property, even if it is not part of the commercial property that is within 5 miles of the business. Mr. Biasuzzi advised the Town can set whatever fees they want for subdivisions and Act 250 gets jurisdiction on 10 lots or more. Mr. Conway noted this would be more advantageous for small businesses. It was suggested to place this item on the agenda for future discussion and Mr. Biasuzzi will summarize the details for a change. Mr. Biasuzzi noted any commercial venture over one acre of land triggers Act 250 or the creation of more than nine dwelling units. It was noted the Planning Commission writes the rules for either a Zoning Board or DRB. Mr. Charbonneau asked if the Town Plan will need to be changed if there is a change to a DRB. Mr. Biasuzzi advised one change could possibly have to do with housing to ease up on setbacks and make houses more usable such as the conversion of a large house into multi-family use. There are currently requirements that indicate ¼ acre per housing unit which is not possible in the village. Some towns are making changes to their setbacks that allows for more people to live in the village. Mr. Biasuzzi noted the West Rutland Town Plan does encourage multi-family housing so the change did not affect the Town Plan. Mr. Biasuzzi will provide the Planning Commission information on new ideas for housing.

## **7. Next Meeting**

February 23, 2023 at the Pittsford Town Office

## **8. Adjournment**

A motion was made by Robb Spensley and seconded by Chuck Charbonneau to adjourn the meeting at 9:18PM.  
**The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

Approved by,

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The Pittsford Planning Commission