

Pittsford Planning Commission Meeting

April 22, 2021

Board Members Present: Mark Winslow, Rick Conway, Kevin Blow, Mark Pape, Chuck Charbonneau

Board Members Via Zoom: Tom Markowski, Robb Spensely

Others Present: Jeff Biasuzzi, Ralph Meima, David Carpenter, Matt Hart, Ed Barnard

Others Present Via Zoom:

1. Call to order

The meeting was called to order at 7:02PM by Mark Winslow – Chair.

2. Approval of Meeting Agenda

A motion was made by Rick Conway and seconded by Kevin Blow to approve the agenda. **The motion passed unanimously.**

3. Approval of Minutes

. February 25, 2021 – Eugair Subdivision Hearing

A motion was made by Rick Conway and seconded by Kevin Blow to approve the minutes of the February 25, 2021 Planning Commission Hearing. **The motion passed unanimously.**

. February 25, 2021 – Planning Commission Regular Meeting

A motion was made by Kevin Blow and seconded by Rick Conway to approve the minutes of the February 25, 2021 Planning Commission Meeting. **The motion passed unanimously.**

. March 11, 2021 – Adams Subdivision Hearing

A motion was made by Kevin Blow and seconded by Mark Pape to approve the minutes of the March 11, 2021 Planning Commission Hearing, as amended. **The motion passed with one abstention – Chuck Charbonneau.**

Remove Jeff Biasuzzi from the zoom attendance. Mr. Biasuzzi was present in person at the meeting.

4. Public Comments

There was no discussion held.

5. Furnace Brook Solar Project Proposal- David Carpenter- Green Lantern

David Carpenter of Green Lantern and David Hart, landowner, were present to discuss the Furnace Brook Solar project. Mr. Carpenter provided the Commission members preliminary landscape information and a memo from the landscape engineer. The proposed 500 kilowatt net meter project is at the north end of Route 3 in the Town's Commercial zone. There is some landscape proposed to shield the southbound site on Route 3. It is similar to a number of projects the Town has seen. Green lantern is based in Waterbury, VT and has done over 100 projects in Vermont using Vermont contractors and consultants. They will sell the net metering credits to towns and schools and currently have 15 schools and 66 towns that they sell the credits to. Mr. Carpenter requested the Planning Commission provide approval of a preferred site for this project and provided a draft letter that is consistent with other letters the Planning Commission has signed, if approved. They have reviewed the Pittsford Energy Plan and guidance document that was published last year and advised they do a decommissioning plan that is tied into the 20-year lease. Green Lantern will be purchasing this piece of property and will be their responsibility. The buffers will be going in at the same time as the project. The buffers are listed and will go in relatively small around 3 to 4 feet and then fill in naturally. The goal is to have something that is natural and there will be some maples and other native plants. There is a 45-day notice period and they will propose a final landscaping plan and will have it approved when the CPG plan goes in. The northeast corner goes up in a straight line and they will try to bend it back to the northwest to allow more space for the property owner to hay. It is the intent to subdivide the parcel that the solar project will be on and Green Lantern will purchase the land. Matt Hart advised he had this parcel surveyed last summer and this is based off the tax map. There is a 50-foot buffer and another 50 feet of setback. Mark Winslow stated there are three items in the Energy Plan and he asked the company to respect those items. Jeff Biasuzzi stated Mr. Carpenter answered his question in that the property is not subdivided and they will have to come before the Planning Commission for a subdivision.

A motion was made by Kevin Blow and seconded by Mark Pape to accept the Furnace Brook Solar Project proposal for Green Lantern. **The motion passed unanimously.**

6. Colburn 2 Solar Project Proposal- Ralph Meima- Green Lantern

Ralph Meima from Green Lantern and Ed Barnard, landowner, were present to discuss the Pico View GLC Solar project. Mr. Meima clarified that it is called Pico View GLC Solar and the project has no relation to Rick Colburn's project and is located on the Barnard property. Mr. Meima stated David Carpenter previously presented who the company is that applies to this project as well and they were present to also request preferred site designation. Mr. Meima will be going before the Select Board on May 5th. The project's preliminary drawing and impact study were sent previously. The project is located on a subdivided piece of property next to the Coburn's. This is a 500 kilowatt project that will be next to a similar

permitted solar project but will be financed differently and will have a different access road. Mr. Meima stated the project would be north of the Coburn project that the Planning Commission had completed a site visit for. Jeff Biasuzzi advised the property owner did a 2-lot subdivision of the property two years ago. Mr. Meima stated the panels will face the same direction and the rows will be perpendicular to the south but should be pretty close to parallel. He stated the RRPC created a solar resource map and this location is right in and next to areas that are color coded as prime and secondary solar. It is near a separate solar project that had received its certificate of public goods and this project will not have an adverse effect on the scenic or natural area. Mark Winslow stated for the record that he is an abutting landowner. Mr. Meima stated no natural resources will be affected and the soil is mapped as prime agriculture but no soil will be disturbed. Mr. Winslow asked if the PUC gets involved with the agriculture soil and Mr. Meima noted the Department of Agriculture gets involved. David Carpenter stated if one looks at a CPG, it usually has 15 to 20 conditions and Green Lantern agrees to those before the PUC gets into reviewing the project. The soils are stockpiled and preserved in accordance with Act 250 guidance. All criteria in the PUC decisions have been pulled over from Act 250 and all agencies get involved early in the project. Mr. Meima stated there is no flood hazard area and there will be little to no tree trimming or clearing. Jeff Biasuzzi asked if there was a driveway access permit and Mr. Barnard noted that he did have one. Mr. Meima stated there is a reference to the access road and the project is also near 3 phase power on Corn Hill Road that has capacity for this project. Mr. Barnard thinks this will be beneficial for Pittsford and he is glad that Green Lantern will be purchasing the property. He stated the project is quiet and clean and the most that is done in this area is haying. Tom Markowski stated during the last site visit, it was noted there is a house that was visible to the first project and they were planning to place a buffer to block view of the project. Mark Winslow stated there is a house to the south of the first project and Mr. Markowski stated the previous project took care of that.

A motion was made by Kevin Blow and seconded by Rick Conway to accept the Pico View GLC Solar Project for Green Lantern. **The motion passed unanimously.**

Mr. Winslow read the proposed letter for the two projects to be sent to the PUC from the Pittsford Planning Commission. Commission members agreed with the letter. ([See Attachments, Attachments](#))

7. Report on State Webinar- Open Meetings- Robb Spensely

Mark Winslow asked Robb Spensely to provide a brief report on the state webinar that he and Mr. Spensely attended on open meeting rules that provided information on the open meeting law and how it has been affected by the pandemic. Mr. Spensely stated the law says that the open meetings are open to the public except under Section 313. It is assumed that the open meeting law always applies to the Planning Commission and transparency is very important. The law applies when there is a quorum and this Commission's quorum of a 7-member body is 4 people and the discussion or action taken relates to subject matter the body has the authority to make decisions on. There are things that are not a meeting because the open meeting law applies to only a meeting. Items that do not require a

quorum include written correspondence for scheduling a meeting or correspondence about organizing an agenda is not subject to the open meeting law. If a quorum of the Committee attends a social gathering it would only be a meeting if they were talking about business that they could make a decision on in the future. The public is supposed to have access to anything that is affecting the public and the Commission should not talk about something that is going to be a proposal or something that will come up in the meeting. A dually warned meeting of a body such as the Select Board, a quorum of the Planning Commission could attend, but they are not supposed to discuss business that is the responsibility of the Planning Commission. There are other exemptions, but assume the Commission wants to be open to the public and have the public feel that they can give their comments. Due to COVID, there has been alterations. Act 92 has been adopted and indicates when there is a remote meeting it has to be technology that allows the public to access the meeting and has to include post meeting information and recordings of the meeting unless there are unusual circumstances. The meeting minutes are supposed to be posted within five days of the meeting but can be up to ten days if there is a staff shortage. Electronic participation is always allowed and the physical location is waived. Remote meetings are encouraged right now while still under a state of emergency. The Commission is supposed to provide advance public notice of at least 48 hours for a meeting, a 24-hour notice for a special meeting and for emergency meetings the Commission needs to do its best to advise the public. The agendas are supposed to include a way to access the meeting by Zoom or phone. The law indicates the public will be given a reasonable opportunity to express comments and will be subject to reasonable rules of the Chair. The Commission wants people to participate, but the Chair can determine reasonable limits to express comments. The minutes have to be sure they cover all topics and all motions. There are exemptions to open meetings, such as a site visit, clerical work, routine day to day work that does not require action by the Committee and the ability to do executive sessions. Executive session can include such discussions as negotiations or real estate purchases, appointment or employment of a public officer and disciplinary action. These discussions can be held in executive session however, any actions must be taken during public session.

Rick Conway noted there were executive sessions held by a prior Planning Commission that were deemed by an attorney to not be appropriate. He advised that the Zoning Board used to be able to go into executive session, but now go into a deliberative session. Mark Winslow stated this was an all encompassing webinar that pertained to all boards. Mr. Spensely has contacted the facilitator for the notes of the webinar and will forward them to the Board Chair to distribute to the Commission members. Tom Markowski asked if Zoom meetings will be required after COVID. Mr. Spensely did not know what the permanent changes will be but suggested to err on the side of access for everyone. The Commission should probably have that as a possibility, but it is not sure if the State is going to make that a requirement. Mark Winslow stated there is a possibility that Zoom may continue as an option for meetings but is up in the air at this point.

8. Old Business

Rick Conway advised that he met with Tom Markowski concerning the historic marker. Mr. Markowski emailed him the application and supporting data and they will be working on this item. The application requires that there be documentation included and Mr. Conway has retrieved some of the historical data. Mr. Markowski will review some of the other signs in Town. John Haverstock has advised that applications were not being accepted last fall but the State is now accepting applications.

9. Other New Business

Jeff Biasuzzi reported there are a number of permits being received.

10. Schedule Date/Agenda for Next Meeting

May 27, 2021 @ 7:00PM – Regular Planning Commission Meeting

11. Adjournment

A motion was made by Kevin Blow and seconded by Rick Conway to adjourn the meeting at 7:58PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission