

Pittsford Planning Commission Meeting
April 27, 2023

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

Others Present: Jeff Biasuzzi, Anne Rademacher

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 Rick Conway and seconded by Mark Pape to approve the agenda. **The motion passed unanimously.**

3. Approval of Minutes

. March 23, 2023 - Planning Commission Meeting

A motion was made by Rick Conway and seconded by Mark Pape to approve the March 23, 2023, Planning Commission minutes. **The motion passed unanimously.**

4. Public Comment

Anne Rademacher asked if the Planning Commission was working on the upgrade of the Town Plan. She stated there was previous discussion of wind turbines with keeping them off the ridges. Now solar is on the increase and some towns have included preferred language in their town plans. It was noted this subject will be discussed later in the meeting.

5. Old Business

Chuck Charbonneau asked if there was anything new on the bridge project. Rick Conway reported he was sent a copy of the Town's questions from the Town's attorney, Gary Kupferer, and Mr. Conway's attorney has been sharing the Conway's information with Mr. Kupferer. Mr. Conway stated it is the same information that the Planning Commission had with regard to safety, the green and the traffic issue. The attorney wanted a list of the bullet points from the Planning Commission that was provided to him. Mr. Conway stated the Town and the Conway's appealed the Act 250 decision on the bridge project due to the Intersection of Route 3, as there was a decision to eliminate the slip lane and this is being appealed by both the Conways and the Town. Anne Rademacher stated there is concern the bridge is in disrepair and the longer it is delayed, the worse it will get. Mr. Conway advised that currently the appeal is in the environmental court and it is hoped that a decision can be reached via mediation. The bridge needs to be replaced and Mr. Conway does not see the reason for changing the road as it is not compatible with Pittsford. Ms. Rademacher noted there had been concern for the fire trucks and that is an important issue. Mr. Conway noted there is also concern with getting across from Oxbow Road with the most recent change. Another issue that just came up from the traffic expert is the concern with the right turn lane if someone is on a bike with the traffic not being able to see them. It was noted there are a lot of bikes that travel a route along Route 3. Mr. Conway will provide the Planning Commission with the information he has received, as the appeal has been submitted by the Town's attorney. Mr. Charbonneau suggested the Select Board and Planning Commission may need to have a meeting to determine what direction to go next. Mr. Conway stated his attorney will be getting together with the Town's attorney and a State judge. Mr. Conway noted the statement of questions deals with the criteria.

Kevin Blow had asked Mike Norris to speak about a solar project for the salvage yard that had been approved and is now with the PUC, but he was not available for this evening's meeting. They are moving forward with the project and it is assumed the scrap yard will still be operational. Jeff Biasuzzi stated the business is different and they do not need all of the property for salvage. The salvage yard was grandfathered, but it is not thought they had to go to Act 250 for the storage portion.

With regard to the historic green, Donna Wilson reported Dave Lacy looked at the archeological study that was done in 2001. In order for it to be protected in the project it has to be on the historic register, which is the result of either a historic event or the architecture. There were test pits done in 2000 that Mr. Lacy provided examples of, but there were no artifacts found. There is still the aesthetics point, but for the bridge project safety will be the larger point. Mr. Lacy stated when Kaitlin O'Shea said it had historic features, they met with the Town Manager but he indicated the State made a mistake by saying it was historic. This should have been brought up at the Act 250 hearing when Historic Preservation indicated it was and then it was determined it is not. Mr. Conway stated originally the green was going to be removed and then reconstructed. It was noted that the Town Manager was not in support of the appeal and the Select Board will not go for this if it entails a lot of money. Ms. Wilson stated it was confirmed the Planning Commission decided to move forward with the appeal. Chuck Charbonneau was concerned the Town Manager was not on board with the appeal that the Town's committees were in favor of. Mr. Charbonneau noted many people in Brandon do not like the project that was done and was concerned that after all the work that has been put into this subject one person is going to reject it. Rick Conway noted the Conways were also contacted by the Town Manager to discuss this item to try to work the issues out. Mr. Conway stated the problem is safety and there was an overwhelming response for the old plan, but not the current changes. Mr. Conway also did not think the project in Brandon is as well received as Mr. Atherton noted. This project is not in character with Pittsford and there are other green areas that are going to be subject to this same ruling, like the green in front of the library and the green in front of Kamuda's store. Mr. Conway has researched history that is called the Pittsford Green Historic District and it clearly states the greens have been reduced and now have a lot of traffic signs, and with the attitude they have with the Mills district, the other greens could also be affected. All through Vermont, slip lanes and greens are part of towns and villages. There is a 2015 scoping report that applied to the project and the State is still relying on it and the grassy island will be removed and replaced and was deemed historic. There were two bandstands in Pittsford and in 1907, there was information in the Rutland Herald that noted Memorial Day events were celebrated in the bandstands near the library and at Pittsford Mills. Mr. Conway noted there was a determination initially by Kaitlin O'Shea for the project to keep the bridge the same but in 2017 VTrans provided a presentation to the Select Board with a new plan. They issued a letter the green space was not historic the day before the Act 250 hearing. Ms. Wilson stated the archeology report starts at the bridge, but it does not mean there is no historical evidence south of the bridge. Mr. Conway has been in contact with Vermont Covered Bridges and received photos from them of the original bridge. Mr. Conway noted the site is associated with the lives and people in our past and is the site of the first covered bridge built by Nikolas Powers. Mr. Conway provided photo examples to everyone present. Mr. Conway stated the slip lane has been highly misrepresented by VTrans and is a critical item, but the District Commission made a finding based on testimony. Mr. Conway noted the bridge needs to be replaced but leave the road alone. It was noted the Conway's were in agreement with the original plan, and what is in the scoping report is not what is being proposed. The original plan showed the bridge flaring going south so that it lined up and with the new plan it is wider, but not aligned with the slip lane. Mr. Conway noted that one will have to turn to come off Oxbow Road to go across. Derek Blow noted concern that the residents will have to live with this a long time before any more changes and it is worthwhile to spend the money now to appeal the change in the project. Mr. Conway noted this will create traffic congestion and the Conway's met with VTrans about traffic and there were zero accidents over a period of 16 years regarding the slip lane. Anne Rademacher noted concern with the turn to Oxbow Road with people passing her on the right. It was noted that the Town Manager suggested a right turn lane and Mr. Conway stated the accident statistics for Oxbow Road and Route 7 are considered a high crash location. Mark Pape noted with adding vehicles into the moving traffic there will be more accidents. Mr. Conway is concerned with Oxbow Road as drivers will have to pay attention to two southbound lanes of traffic. Mr. Conway noted the judge could not deny an Act 250 permit on traffic, but they can condition it to try to make it safe. They can deny a plan on aesthetics or historic value. It was noted it is disappointing the Town Manager is not on board with the appeal. Mr. Charbonneau noted lowering the speed limit was suggested and will likely not make a difference, but keeping the cars apart will be more helpful. Mr. Conway also noted there are no traffic signals planned for the area.

6. New Business

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Kevin Blow advised the Town Manager asked him to share information regarding preferred solar sitings. He has been tasked to add a section to the Town Plan for preferred solar sitings as the Town has minimal input on solar projects due to the lack of an Energy Plan. Derek Blow noted Mr. Norris indicated the Town currently does not have any influence over solar in the Town Plan. Rick Conway stated there was a map provided by the RRPC of preferred solar sitings and it was Mr. Conway's understanding the State has a goal for solar energy. Jeff Biasuzzi stated Pittsford has more rural base and has more available sites, but was not sure if it has more power transmission. Mr. Biasuzzi noted Brandon has not totally utilized all of its sites, but there seems to be more interest in Pittsford. Brandon is one of two towns that have gone through the Energy Plan process to include critical points for substantial deference. They developed an Energy Plan that has been approved by the Regional Planning Commission and the State. Most of the projects have been favorable in that area and they have not had to use substantial deference. Substantial difference is granted by the State and is like zoning where there are standards to make a basis for determination. It requires a lot of mapping and other criteria that one can base the opposition to a solar project. Chuck Charbonneau asked how much influence Brandon has with an Energy Plan regarding proposed projects as the developers for the projects that have been proposed in Pittsford have not come to the Town, as they know that approval is not needed. Mr. Biasuzzi stated it depends on whether a project has opposition. Mr. Charbonneau noted if the PUC and State want everything green, there will not be the ability to stop it. He noted there are landowners that want projects due to income. Mr. Charbonneau was not opposed to rewriting the Plan but is concerned that it will not matter. Anne Rademacher stated if there is nothing it is an open door, but to have some criteria could be helpful. Mr. Biasuzzi stated flood plains and wetlands are the two most environmentally protected areas and multi-use is becoming more popular with solar projects. Ms. Rademacher asked if the Furnace Brook solar project has the ability to develop more than 18 acres. Mr. Biasuzzi advised that property has limitations, but most leases are boilerplate with the ability to expand. He also noted that taxation of solar equipment is set by the State and towns do not benefit greatly from solar projects. Rick Conway advised the Town Plan does indicate that hydro projects are not supported and the Town can request party status on any project. Mr. Biasuzzi suggested when the Town receives a 45-day notice, it should routinely request party status. With party status, developers have to notify the Town of any changes as an interested party. Derek Blow asked if anyone received information about the town water. It was noted that lead testing is currently being done. The Town is required to do this by the federal government. It was suggested to wait until Mike Norris is present for additional discussion on an Energy Plan. Mr. Conway stated the Planning Commission can create an Energy Plan, but if the project is approved at the regional level, the project would then go through. It was noted the Town has an Energy Guidance document the Planning Commission created. This item was postponed for further discussion at a subsequent meeting.

7. Next Meeting

May 25, 2023, at the Pittsford Town Office

8. Adjournment

A motion was made by Derek Blow and seconded by Chuck Charbonneau to adjourn the meeting at 9:05PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission