

Pittsford Planning Commission Meeting

April 28, 2022

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

Others Present: Jeff Biasuzzi, Alicia Malay

Others Present via Zoom: Representative Stephanie Jerome, Representative Butch Shaw, Senator Brian Collomore

1. Call to order

The meeting was called to order at 7:00PM by Mark Winslow – Chair.

2. Approval of Meeting Agenda

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

3. Approval of Minutes

. March 24, 2022– Planning Commission Meeting

A motion was made by Robb Spensely and seconded by Kevin Blow to approve the minutes of March 24, 2022. **The motion passed unanimously.**

4. Public Comments

There was no discussion held.

5. State House and Senate Representatives -Discussion of Private Property Rights and Regulations

Mark Winslow welcomed members of the Legislature and thanked them for their service. He advised the Planning Commission is concerned about land use, town planning and property rights. The Planning Commission has been reviewing Act 171 regarding the forest block, Act 250 regarding Route 3 and 7, H492, the Nature Conservancy and Bill H06 about preserving more land in the State. Mr. Winslow opened the floor to comments and questions from the Planning Commission members and noted that Pittsford’s Select Board Chairperson, Alicia Malay was also present for the discussion.

Robb Spensely is aware of current use and different destinations and in talking about the Nature Conservancy there is a new classification. He asked if a private individual might some day be able to qualify for a similar designation if the State has deemed an important item to conserve and questioned why this did not happen at the same time as for larger groups. Stephanie Jerome noted it would have been helpful to have the questions ahead of

time to research answers. It was noted there was discussion about the possibility of classifications for individuals. Brian Collomore stated there is something on the calendar regarding this topic. Mr. Collomore is on the Agriculture Committee and H697 does have language about reserved forest land but he is not aware of any individual options. In Agriculture and Forestry, there are statutes that deal with current use and the Agriculture Committee carved out pieces to keep open and keep in current use to take advantage of tax implications. Mr. Spensely stated there is a new way to put lands into something other than current use for larger groups, related to areas that are deemed to be important and he thought there may be a way to have this for individuals as well. Stephanie Jerome advised that she can look into this and get back to the Commission. Butch Shaw advised the target adjournment date is next Friday and today they referred a bill concerning downtown growth to the Ways and Means Committee as it has an affect on the State's revenue, but he will not know what will happen to that. Mr. Collomore stated for any questions that are posed, they will research an answer for the Commission. Mr. Winslow stated this conversation is about passing along the Planning Commission's concerns. S234 about neighborhood planning will affect the Planning Commission and as that bill gets closer, Mr. Shaw will be happy to talk to the Planning Commission about it. He noted the Ways and Means Committee is the taxing committee and there is some Act 250 language in the bill that talks about connecting habitats. He looks forward to hearing the concerns about this item.

Mike Norris advised he is a 5th generation Vermonter and suggested his comments are felt by other Vermonters. Many Vermonters are self-employed and small businesses are often run out of the home. Creating barriers for these businesses would be a crushing blow and decline in the State. Many work several jobs to make ends meet and we as a State need to assure that opportunities are provided in rural areas to thrive. The spirit and culture of rural Vermont is created from self-reliance and those who own several acres of land had done so with the idea that we would have the sustained property rights when those investments were made. To curtail this entrepreneur experience would be a crushing blow as we do not enjoy the large salaries and opportunities to weather the cost of services. If we own several acres and can generate revenue, those opportunities need to be encouraged and not discouraged. The severity and impact of these intentions could be the decline in what the spirit of Vermont is as we grow and change. Rural Vermont needs to utilize everything we can to survive. Stephane Jerome noted that she relates with much that Mr. Norris said and she is also a 5th generation Vermonter and a small business owner. She serves on the Commerce Committee and understands what he is saying. She noted that 80% of Vermont's businesses have 10 employees or less and is the norm. Mr. Norris is correct that we do pay the same as other parts of the country for items. She stated it is hard to run a small business in rural Vermont due to premiums paid for mailing services like UPS, higher electrical costs, and many extra costs. She believes the flavor and culture of Vermont is based on small business and is what keeps Vermont afloat. Mr. Norris noted having acreage to do that is important. Ms. Jerome noted Pittsford has a town plan and the zoning is created by the Town and is under Pittsford's purview. Butch Shaw stated there is a big difference between urban and rural legislators in Montpelier that is seen every day. Our voice for in Rutland County is as loud as we can make it but there is a big divide. We are losing ground in representation due to the reduction in the population base. A

representative in the House was lost about 10 years ago. We carry the message of the county as strong as possible but the power of Vermont is gravitating to western Vermont. Brian Collomore stated Representative Jerome is correct that 80% of Vermont businesses are local people and his view is that we are not business friendly and interfere in people's businesses and we owe a lot more to our local businesses. Every policy that changes the local businesses affect everyone and we need to support the smaller businesses. With the change in the representative districts, the census shows that every district lost population except for Chittenden, Franklin, Essex, and Lamoille counties. The migration is to the Northwest part of Vermont. He applauded Mr. Norris' comments about the independent spirit that many people have in this State and the less the State gets involved, the better the businesses are.

Derek Blow asked if the landowners would have a method of appeal for the new classifications that are being developed. Butch Shaw asked for clarification of the question. Mr. Blow stated as far as Act 171, whether there is an appeal process after the designation is placed on their property. Mr. Shaw will research this and get back to the Commission. Stephanie Jerome asked if the RRPC is helping Pittsford with this type of land use issues. Mark Winslow noted that Ed Bove was in attendance a couple of months ago and there is a representative from Pittsford that goes to the RRPC meetings. Mr. Bove provided some guidance around Act 171. Mr. Winslow expressed concern that this is very intrusive when it comes to private lands since he could not use his land if it were designated as a new wildlife corridor. Mr. Winslow noted the Planning Commission uses the RRPC as a source for information and asked their assistance when rewriting the town plan. Mike Norris asked if a habitat study is done and it is determined his land has a habitat trail, whether he can hire his own expert to appeal the decision. Butch Shaw advised Act 171 is a current act and he will research this topic and get back to the Commission. Mr. Winslow advised the Planning Commission is reviewing these types of items for a future rewrite of the town plan and would appreciate additional information.

Chuck Charbonneau noted he has been on the Planning Commission for many years and was under the impression the Town developed the town plan that was sent to the RRPC for approval and then to the State. He sees that actually directives come down from the State and the Planning Commission has to provide these directives to the community. The last town plan was contested as the RRPC wanted to follow more guidelines from the State. He noted there is a decline in people in Rutland County that is due to the regulations from the State and that is where our legislators can assist with this effort. He noted that lands going into conservation are then lands that cannot be developed for more people to build and move into the area. He stated Act 250 permit applications are not affordable for a lot of Vermonters. Pittsford has upland conservation and it is confusing when we have to have conservation, but Chittenden is doing something totally different and seeing what has been done in Killington cannot be done in other areas due to restrictions. Land rights and young entrepreneurs no longer can do this because of all of the restrictions. Brian Collomore totally agreed but unfortunately the direction state-wide in a lot of arenas is from the top down, but he thinks that the opposite works better. He stated locally you get more buy in and work more smoothly. The planning commission process is statewide and he would like to see it turned around so that people have more of a local impact for themselves, whether

talking about schools, land use or taxes. The local people are the best ones to make the decisions. We have lost sight of that at the state level and there are people that think they know better at how to run businesses rather than the business owners. There are advantages to a top down with resources, but he agrees with the local people. Mr. Collomore tries to vote the way Rutland County residents feel. Stephanie Jerome stated there are a lot of strong communities and there is not a state planning commission and noted the regional planning commissions are supposed to be a voice for the local planning commissions. Mr. Collomore noted Chittenden County had made the suggestion for a state planning commission but was voted down. Butch Shaw agreed with both Mr. Collomore and Ms. Jerome as the local commissions know what the people need and the top-down approach is heavy-handed and is seen on a daily basis in Montpelier. There are people who would like to see everyone live in a village but there are many who understand the values of Vermont. They need the local planning commissions to express their wants and desires and he appreciates the Planning Commission's comments. Ms. Jerome stated the perceived economic engine is Chittenden County. She chose to live in Brandon because she wanted to live in a town that has a strong sense of community. She knows it is difficult to build all over the state and find employees or jobs that are in people's professions. Chuck Charbonneau stated we are spending billions of dollars to educate our students and many then leave the state. Assistance in the growth of business is needed. Ms. Jerome has been working on a Work Development bill, noting that we need certain professionals and are providing scholarships and loans, with the stipulation they remain in the State for a number of years. The State has several college and universities and they would like to entice students to remain here after graduation. They are making incremental changes but there is no one answer. Mike Norris noted the Planning Commission has expressed its concerns and asked what it can do to make a change in the legislature. Butch Shaw stated anything that does not pass by next Friday will be postponed. He requested the local groups watch what is going on in the legislature and express opinions on bills before they become law. They can then provide information to the legislature when the bills are being discussed as once a law is passed, it is difficult to change. Stephanie Jerome suggested there could be a volunteer to watch the legislative website and advise Butch or her about concerns on the bills so that they could provide updates to the Planning Commission. She also noted the VLCT provides resources like this and they can keep the Planning Commission up to speed on the legislative bills. Brian Collomore stated they are always willing to talk to constituents and advised there are delegation meetings every Wednesday that people can join either in person or via Zoom. Mr. Collomore noted if there is a bill that is causing concern, he encouraged people to provide testimony.

Kevin Blow stated there was discussion at the last Planning Commission meeting concerning bill H606 that states 30% of Vermont land will be held in conservation by 2030. Brian Collomore stated he will vote no on this bill. Mr. Winslow noted there was concern that discussion was even happening about the goal of preserving 30% by 2030 and 50% by 2050. Stephanie Jerome thought that this bill is considering all land that would include the Vermont National Forest. It was noted that 16% of the land is owned by state and federal, and 9% by nature conservancy so 25% is already controlled. Alicia Malay stated the Nature Conservancy had come before the Select Board regarding the purchase of additional land in Pittsford. The Select Board learned there was different use criteria and voted to oppose the

purchase. It was concerning that the Vermont Housing and Conservation Board allowed them funding for this purchase prior to the Select Board meeting. It was noted this bill is on the action calendar for tomorrow and Brian Collomore will look into this item.

Rick Conway stated sprawl in Chittenden County has occurred but did not understand how it occurred with Act 250. In Rutland there used to be many businesses with good paying jobs. The population is declining but there have been no solutions to resolve it. In the years he has been on zoning and planning boards, there has been a disconnect. Many times, the representatives to the RRPC do not know what is happening. This Commission was supposed to meet with the TAC Committee and that has been postponed and all things are left in limbo. Mr. Conway noted the planning commissions come under Title 24 and asked if every town has to have the same language, does that not constitute a state plan. Mr. Conway expressed concern about the concept of cluster development and indicated the government should not be telling us how to live. The State has very clean water and air, and the biggest concern he hears from commission members, townspeople and businesses is why it is not getting to the powers to be. Population decline here is not good. We have a beautiful community, sense of community and beautiful areas and there are a lot of smart people on these committees that can turn this around. Butch Shaw agreed people have an issue with Act 250 and these issues lie with the legislature. Sometimes due diligence is not done and allow agencies to make rules the legislature does not come back to, which is a weakness in the system. The planning commissions are carrying out the will of the legislature and the local planning commissions are struggling with the issues and he agrees the issues are important. He noted that H606 that is on the floor and up for action in the Senate are the types of things the legislature does. The buck stops here and some of these bills get passed with some supporting and some not. Mr. Conway stated there are ten criteria with Act 250 and it should be equitable. The Act 250 process can drag on and measures are not in place to stop that. It takes a lot of money to get through an Act 250 application and if one can spend enough money there are just a few things they can deny someone for. Mr. Shaw stated there was a bill that will have some major changes in Act 250. Ms. Jerome stated Pittsford is not alone in its complaints with Act 250 as it is statewide. They were working on it last year and she thought they will be seeing incremental changes with the new bill. It was suggested the Planning Commission speaks to the representatives or to the RRPC, and also submit something in writing so that its voice is heard. Brian Collomore stated H606 is an example and to expect to conserve more land, he does not know why this is going to happen. He noted that he will be a very loud "no." Butch Shaw reported S234 is an extensive bill that deals with some issues that were talked about in Act 171 such as forest blocks and habitats. Mark Winslow stated the Planning Commission definitely has major concerns with Act 171 and S234 is not what we need. Mr. Winslow left an open invitation for the legislators to join any of the Planning Commission's meetings and thanked them for their service to Vermont. Ms. Jerome welcomed correspondence and if she hears from constituents, she takes it seriously and can invite them to come to the committee to provide comments as it is good to hear the pros and cons of the opinions. Butch Shaw stated the Rutland delegation is twenty-one strong and are united when it comes to Rutland County. A major Act 250 rewrite that was going on a couple of years ago would have killed the slate industry and the County delegation got behind the bill and the slate industry shepherded them through testimony in the House and the language was

removed from the bill. He noted changes can be made if we pull together with a collaborative effort. Ms. Jerome noted Mr. Shaw leads the Rutland County delegation in the State House and they work well together. Regardless of the party, we work for our towns and Rutland County.

6. Update on Historic Green

Rick Conway reported that Donna Wilson indicated the text is currently under review.

7. New Business

The Zoning Administrator provided information on marijuana as the latest new business endeavor in Vermont. The document provided guidance from the State regarding how to move forward. Mr. Biasuzzi stated there is also an item for future discussion regarding the State's current policy on commercial firewood operation. The State has been working on a policy and noted this could be something to tweak in the town plan.

Mr. Biasuzzi reported the Humane Society is looking to purchase part of the Shooting Club's acreage to build a new facility. They would like to expand the commercial zone either along Stevens Road or along Route 3. There is a rule that will expand the commercial zone along Route 7 that will allow to have the commercial zone extended to the rear of the property line but it is not relative to Route 3. The rule should have read along Route 7 and along Route 3. The Zoning Administrator has to give an answer to the project. The zoning does not allow to expand from Route 3 but the project might be able to obtain a variance. Mr. Biasuzzi suggested the Planning Commission may want to update this item in the zoning regulations.

8. Old Business

Rick Conway suggested the Planning Commission needs to get a response from TAC so that there is action taken with regard to the Route 7 project. It is difficult to keep it fresh in everyone's mind as it has been postponed and could have been presented to the district commission. All responses from Mr. Conway have been submitted and there were issues that were raised at the Act 250 hearing and the State did not answer the questions. Chuck Charbonneau stated the RRPC needs to work with Pittsford in getting some answers. Mr. Conway stated the regional delegates should be able to come back and provide updates. Mr. Mills has advised that not a lot has been done at the regional level. Mark Winslow noted the RRPC should be weighing in on Act 250 matters because they have automatic party status. Mr. Winslow will touch base with Donna Wilson regarding this matter.

. Schedule Date/Agenda for Next Meeting

May 26, 2022 @ 7:00PM – Planning Commission Meeting (In Person and via Zoom)

9. Adjournment

A motion was made by Kevin Blow and seconded by Robb Spensely to adjourn the meeting at 8:30PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission