

Pittsford Planning Commission Meeting

July 22, 2021

Board Members Present: Kevin Blow, Rick Conway, Mark Pape, Mike Norris, Robb Spensely

Board Members Via Zoom: Tom Markowski

Others Present: Jeff Biasuzzi

Others Present Via Zoom: Jake Clark

1. Call to order

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

2. Approval of Meeting Agenda

A motion was made by Mike Norris and seconded by Robb Spensely to approve the agenda. The motion passed unanimously.

3. Approval of Minutes

June 24, 2021 – Planning Commission Meeting and Hearing

Jeff Biasuzzi stated there were two public hearings on 6/24/21 with the hearing for Zamera Group recessing to July 15th. He suggested rescheduling approval of the minutes to the next meeting as the tape of the hearing ended and Mr. Biasuzzi needed clarification for the recess of the second hearing. Rick Conway advised Derek Blow had made the second for the hearing recess.

A motion was made by Mark Pape and seconded by Derek Blow to postpone the approval of the minutes of the June 24th hearings and the July 15th hearing to the next meeting. The motion passed unanimously.

4. Public Comments

There was no discussion held.

5. Kendall Hill Solar Presentation – Jake Clark

Jake Clark, project developer of the proposed Kendall Hill solar project was present to provide a presentation. Mr. Clark noted Encore was founded in 2007 and has built 40 to 50 solar projects in Vermont. The Kendall Hill project is a 2.2 megawatt project on 11 acres of Jim Buzzell's property off Kendall Hill Road. Currently the land is used for production of hay. The project will be about 6,000 or 7,000 panels mounted on driven steel posts. The low edge of the panel is 3 feet off the ground and the high edge is 9 feet. There is an agriculture style fence that will go around the project that is required by electrical code to have for the project. The fence would be 7 feet high. They will need to make improvements to the access road to assure delivery of the project and to allow maintenance vehicles and GMP to get to the project for any maintenance. It will require an extension of the power line of about 5 new poles to get up to the field and there will be a transformer on the site that

has a protective encasement that can hold 100% of the oil that is in the transformer with no risk of oil escaping. The company needs to file an application to the PUC and there are a host of statutory criteria. The PUC will look at all the environmental considerations, aesthetics, and acoustics. The company needs from the local authority a determination if the project complies with the Town Plan. The PUC, in the absence of an interaction between Encore and Town would send a letter to see if there are any issues and whether it complies with Town Plan. The project is in a long narrow field and will be visible from Kendall Hill Road. Mr. Clark provided a screenshare on Zoom of the site plan and advised the visibility is limited to the southern end of the project. They are planning to plant vegetative screening in that area to provide a hedge to break up the view of the project from Kendall Hill Road.

Robb Spensely noted for full transparency, he has had discussions with Mr. Buzzell about the contract. Mr. Spensely asked when the site plan copy will be provided and Mr. Clark advised he will send it to the Planning Commission this evening. When the application is filed, Mr. Clark noted the Town will receive an entire package that will include the site plan, aesthetic memo and all analyses that were done. Mr. Spensely asked when a letter of support would be required. Mr. Clark stated the timing is flexible but Encore would like an indication from the Town before the PUC issues the Certificate of Public Goods. Mr. Clark will send the Board Chair the site plan for distribution to the members. The company does not need a decision, but if there are issues, it would be good to talk about those items. The rest of the Certificate of Public Goods package is not complete, but Mr. Clark felt the site plan should be sufficient for making a determination. Jeff Biasuzzi stated most introductory packages do not include a landscape plan and he felt that is important as he has seen projects that are put up and ignored and the landscaping may be problematic. Mike Norris noted he is a solar developer and stated it is the understanding the 45-day notice has not been issued. Mr. Clark advised that the 45-day notice had been issued quite some time ago. Robb Spensely noted he reviewed the contract with the landowner 4 or 5 months ago and Mr. Norris suggested Mr. Spensely may want to recuse himself from any action taken. Rick Conway asked if Encore had received Pittsford's Enhanced Energy document and Mr. Clark confirmed the aesthetic consultant had reviewed it for his analysis. Mr. Conway read the document relative to a commercial project and noted that a decommissioning plan should be provided ahead of construction. Mr. Clark noted the 45-day notice was sent out late October of 2020 and unless there was a significant error it was sent to the Town via certified mail. Mr. Clark stated the project is in final form and this is intended to be a proactive conversation to resolve any issues before they file with the PUC. Mr. Conway requested a written plan for the decommissioning and bonding of the project. Mr. Clark stated every project of this size when going through the PUC is required to have a decommissioning plan and funding in place and they do a bond the PUC holds for the life of the project. Mr. Clark will also provide the decommissioning plan to the Commission. Mr. Biasuzzi stated it is the practice of some companies to go through the permitting process and then sell the permit and asked if they are leasing the land and own the equipment. Mr. Clark stated the CPG is issued with legally binding requirements and they are binding for the life of the project by whoever owns the project. Every commitment made is enforceable by the PCU and they have enforcement and penalty authority. Mr. Clark did not think there is a risk, even if the project ownership changes. Mr. Clark advised that the PUC has changed

its rules to require screening be maintained for the life of the project with a report to be provided to the PUC every three years and he can share this plan with the Commission. Mr. Clark stated if the PUC thinks there is a violation, they will hire an aesthetic consultant as part of their enforcement action. Mike Norris asked what stage of the process the project is in. Mr. Clark advised the application for the Certificate of Public Goods has not been submitted but will be ready for submission in the next couple of weeks. Mr. Conway confirmed the information will be sent to the Board Chair, Mark Winslow and will include the site plan, screening plan and the decommissioning plan. Mr. Clark stated typically the discussion starts with the Planning Commission and then moves to the Select Board. The Planning Commission thought that a decision on the letter of recommendation could be available by the next Planning Commission meeting and Mr. Clark noted he will plan to attend the meeting.

6. Other New Business

Jeff Biasuzzi noted concern that the Planning Commission had not received the 45-day notice. Mike Norris stated by the time a 45-day notice is issued, there is normally a lot more information on the project available. Rick Conway stated the Town does not have an Energy Plan but has two criteria for projects. Mr. Biasuzzi stated if the Town is not proactive and identify that they wish party status, updates will not be received. Mr. Norris stated the RRPC usually requests party status. Mr. Norris stated this is a large project and there are a lot of things that can happen. Mr. Conway stated the Planning Commission does not have jurisdiction over these projects but did create an Energy Guidance document for the Town, but the PUC has the final say. Mr. Conway stated there is already solar happening and he does not see what the issue is. Mr. Norris stated as a developer, he agrees, but a Planning Commission or Select Board can choose to send a letter of support or not. Mr. Conway stated it is good for the environment and asked why the Planning Commission wouldn't support it. Mr. Norris noted he is not against the project but is in favor of due process and the Planning Commission can request to see the entire package for the project. He thinks that as a town we need to have eyes wide open as he has seen some developers run rough shod over towns. Mr. Norris noted the Town should have received the comprehensive 45-day notice. Kevin Blow stated the Planning Commission needs to see what had been submitted to the Town. Derek Blow asked what would be a good reason for a developer to not give the entire project package. Mr. Norris noted that it is a lot of work to get a letter of support and sometimes a project starts out one way and perhaps ends a different way and the language in a lease agreement could have a lot of ambiguity. Robb Spensely stated Mr. Buzzell is still the landowner and suggested the Planning Commission should request all the information available for the project for Mr. Norris to review. Mr. Conway stated the Planning Commission has to live within the legislative laws that are written and does not want to see the Planning Commission make it difficult for a project. Mr. Norris noted all the information should be known before the project is started, as the Planning Commission holds the pen on the letter of support. Mr. Conway stated the PUC would not approve a project if it does not meet the statutory requirements. Mr. Biasuzzi noted the Planning Commission or Select Board, as a matter of routine, usually applies to the PUC for party status to keep track of what is going on. Mr. Norris thought an 11-acre solar site would be more of a conditional use. He noted that a project needs three signatures for approval; the local planning commission, select board and the regional

planning commission. Mark Pape felt that it is worth taking a chance on solar. Mr. Conway stated the developer could potentially think that Mike Norris may be consider having a conflict of interest. Mr. Norris stated the Planning Commission should just want to see the entire plan for review. Mr. Spensely noted the Planning Commission is fortunate to have someone like Mr. Norris and it was confirmed that Mr. Norris would be available to review the entire project. Mr. Norris noted the 45-day notice has to be sent to several entities and could potentially miss one. It was noted that the 45-day notice would be posted on the PUC website.

8. Old Business

There was no discussion held.

9. Schedule Date/Agenda for Next Meeting

August 26, 2021 @ 7:00PM – Regular Planning Commission Meeting

11. Adjournment

A motion was made by Derek Blow and seconded by Mark Pape to adjourn the meeting at 8:04PM. The motion passed unanimously.

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission