

Pittsford Planning Commission Meeting
September 22, 2022

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

1. Call to order

The meeting was called to order at 7:02PM by Kevin Blow – Chair.

2. Approval of Meeting Agenda

A motion was made by Robb Spensely and seconded by Chuck Charbonneau to approve the agenda. **The motion passed unanimously.**

3. Approval of Minutes

. August 25, 2022– Planning Commission Meeting

A motion was made by Robb Spensely and seconded by Donna Wilson to approve the minutes of August 25, 2022. **The motion passed unanimously.**

4. Public Comments

Jeff Biasuzzi reported an application has been received from Omya for demolition of four silos. Their tailing pit is full and they want to open up a new one adjacent and get approval for a third one. Dave Carpenter, Omya's attorney, asked if a local permit is needed as they do need an Act 250 permit. Under Article 10 regarding Site Plan Review, Mr. Biasuzzi noted the Zoning Administrator can only do limited things and under 10.1 there are four criteria involved. Mr. Biasuzzi stated none of the exceptions apply so it is a decision of the Planning Commission. If the Planning Commission does not want to have a hearing on the issue, he will process the permit but suggested it should have a site plan review. The original tailing pit was approved by the Planning Commission. Rick Conway stated there were conditions put on the original pit and suggested the conditions be reviewed. Mr. Biasuzzi stated this is a form of quarrying and there is a definition for earth resource extraction and is a permitted use in the Industrial District. Mr. Conway wanted to be sure that it is reviewed as it had originally been contested by some of the neighbors. Mr. Biasuzzi stated this is a large enough project with a history of having panel review and suggested there should be a hearing to open it up for public review. Mr. Biasuzzi has a site plan and it is going to Act 250 and will be for next year. Mr. Biasuzzi will suggest to Mr. Carpenter if Omya has other projects they intend to schedule for 2023 to bring them forth for discussion at the same time. There are neighbors on the far west side of the plant and this does not involve any blasting or quarrying. They have received preliminary approval to discontinue a Class II wetland. Mr. Conway wanted to assure the Town has everything covered. Mr. Biasuzzi has not heard back from Mr. Carpenter. Mike Norris requested clarification on the procedure for requesting a site plan review from the Planning Commission. Mr. Biasuzzi advised he responded to Omya advising that he thinks it needs a site plan review based on Article 10.1. Mr. Biasuzzi has received the information but not a completed application and he would normally respond to an applicant once a completed application is received and would then refer it to the Planning Commission and schedule a hearing. Mr. Conway noted once the completed application is received, the Zoning Administrator will schedule a hearing and provide the Planning Commission information prior to the hearing.

5. Old Business

Donna Wilson advised Laura Trieschmann of Historic Preservation has indicated she will need to confer with VTrans regarding the temporary location for the historic sign. Rick Conway advised the places he indicated on a map are not in the State's right of way and noted the State does not have control over signs outside their right of way. Ms. Wilson will contact Ms. Trieschmann to clarify the location.

From the last Planning Commission meeting, Mark Pape has volunteered to draft a document with the questions the Planning Commission has for Representative Shaw. The document will be discussed at a subsequent meeting. Rick Conway noted he did not know the impetus for the Act 250 changes that govern small farm operations. It was noted there had been prior discussion and there is concern that this relates to people's private properties. Mr. Conway suggested contacting Mark Winslow and other property owners of farm stands. Jeff Biasuzzi reported to qualify for a farm under the Agriculture Act, it has to be documented that one sells \$2,000 of agriculture crop annually for items like honey, maple syrup, etc. Another trigger would be the responsibility of care and maintenance of a certain number of farm animals. Mr. Conway stated the proposed changes would provide Act 250 jurisdiction over farm activities that they currently do not have. Mr. Biasuzzi advised this would be for farm and silva activities and noted there are also details about mixed farm and non-farm uses, where farms have retired from farming and what can be done to support the real estate. The State has come up with broad-based guidelines for farm and non-farm activities. Mr. Conway noted the information provided was that Act 250 wanted the ability to have review over farms and silva-culture. Mike Norris requested to table this discussion until all Planning Commission members are provided the information. It was noted the email was sent on August 26, 2022.

A motion was made by Mike Norris and seconded by Chuck Charbonneau to place this item on the agenda for discussion at next month's meeting. **The motion passed unanimously.**

Mike Norris reported he has sent the TAC letter of support for the bridge project to all interested parties. He spoke to the RRPC before sending it to assure that it went through the proper channels. This was the letter the Planning Commission received from TAC for submission to Act 250 and has now been recorded.

6. New Business

Kevin Blow received another notice for the Town Fair that will be on October 7th in Killington for any Planning Commission members interested in attending. Donna Wilson has signed up to attend. Jeff Biasuzzi stated any Planning Commission member could still sign up to attend and the Town will pay the registration fee.

Donna Wilson reported there are no dues increase this year to the RRPC. Rick Conway asked if the RRPC is funded by non-government organizations and private parties as that issue came up when reviewing their budget and the Planning Commission had previously requested a list of their funding sources.

Kevin Blow received a call from Keith Mazzaroni regarding a proposed solar project and was advised that everything is on hold. Donna Wilson noted the RRPC took no action on this proposed project. Mike Norris advised with a lease option, the landowner could not change their mind once the lease option is signed and is locked in for a specified period of time, however, the developer could choose to release the lease.

Jeff Biasuzzi stated 911 has been going through a reorganization and have field teams checking the addresses on the roads. He noted there are people that have applied for an E-911 address going back to July. He stated the solar farm people are trying to get an E-911 address to hook up with GMP, but they have not been able to obtain an address.

Robb Spensely noted the Adams Road project was one that the Planning Commission did not provide a letter of support but the project is still moving forward and questioned what impact a letter of support has on a project. Mike Norris advised a developer can still get a certificate of public goods without a letter of support. It was noted the Planning Commission does not have authority over solar projects. Mr. Norris stated as a Town, there are no solar ordinances in place. He advised after 2017, towns were allowed to zone for solar and the State has indicated that regional planning can have rights. The towns and counties can now integrate solar requirements into their plans. The solar developers can request a letter of support that makes their process easier, but they can get the certificate of public goods without the letter. Chuck Charbonneau stated when the Town Plan was done, the Board thought the landowners of Pittsford should be able to do what they want with their land. Rick Conway stated the current zoning was amended in 2016 and there was no control over solar. Mr. Conway questioned whether a developer has to get final say from the PUC for towns that have zoning for solar. Mr. Norris confirmed the developers would need to get final say from the other agencies. Mr. Norris noted the large developers have the resources to appeal decisions and expressed concern if it is included in zoning as a conditional use, it would be deciding which landowners could have a permit. Mr. Norris also noted prime ag issues got involved with the permitting since 2017 and the Department of Agriculture has party status.

It was noted that currently the Town does not have restrictions regarding solar projects for landowners. Mr. Charbonneau stated the Town Plan and Zoning would need to be changed if there was to be an addition of solar regulations and the Town Plan is currently in effect until 2026. Rick Conway advised there was a lot of effort put in to writing the Town Plan. It was noted at the time the Town Plan was amended, the State did not know what they were going to do with solar and the Planning Commission did not feel that they should have authority over who could or could not have solar. It was also noted that Rutland Regional Planning Commission had adopted an energy plan and once they had their approval through the State, the Planning Commission decided there would be duplication if the Town wrote an energy plan in addition to the RRPC Plan. The Town currently has a Solar Guidance document.

8. Next Meeting

October 20, 2022 @ 7:00PM

9. Adjournment

A motion was made by Chuck Charbonneau and seconded by Donna Wilson to adjourn the meeting at 8:29PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission