

DRAFT
Pittsford Planning Commission Meeting
October 26, 2023

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

Others Present: Jeff Biasuzzi, Dave Atherton, Jeremy Gildrien, Logan Solomon

1. Meeting - Call to order

The meeting was called to order at 7:03PM by Kevin Blow – Chair.

2. Approval of Meeting Agenda

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

3. Approval of Minutes

. September 28, 2023

A motion was made by Mike Norris and seconded by Mark Pape to approve the September 28, 2023, Planning Commission Meeting minutes, as amended. **The motion passed unanimously.**

Add Mark Pape to Board Members Present.

4. Public Comment

There was no discussion held.

5. Old Business

There was no discussion held.

6. New Business

a) RRPC discussion with Planning Commission regarding Town Plan

The Board members were introduced to the RRPC personnel, Jeremy Gildrien and Logan Solomon. Kevin Blow noted the RRPC was invited to the meeting to discuss the Town Plan. Logan Solomon stated since the 2018 Town Plan update, the standards have stayed the same except for one item in the housing. All points have been hit and the revision is a matter of what the Commission's interest is, but the Plan satisfies State requirements. Mr. Solomon advised there needs to be extra data on housing stock, housing needs and required specific actions. The State has been encouraging accessory dwelling units and has a guide on how to navigate this if a property owner is interested. Mr. Solomon suggested there are some things that the Plan could go in-depth on, and depending on interest, the Plan could be reorganized and all data brought up to date. Mike Norris confirmed with Mr. Solomon that with some rewording or reformatting and the addition of the housing items, the Plan would be compliant as it stands. Mr. Solomon advised in looking at the timeline for the renewal, grants could be applied for and there is a good amount of time to do due diligence. There is a series of public hearings and notices and by having a draft completed by August 2025, it would provide sufficient time for renewal by February 2026. The draft is sent to the RRPC, adjoining towns and an electronic submission to the State, plus either a posting in the newspaper or a delivery to all residents of the Town. Robb Spensley asked if the zoning will be reviewed with an eye for the new legislation. Rick Conway noted information from the Vermont Planning Association about Act 147 that was

signed by Governor indicates the biggest piece of the legislation makes changes to municipal zoning, Act 250 and increasing equitability in the State with most statutory changes effective January 2024 but some July 2023. One change in zoning is having a density of five dwellings per acre and Mr. Conway noted the zoning must match the Town Plan. Currently in Town, there needs to be an acre of land for one dwelling. Mr. Solomon stated the law will supersede local law and is a state-mandate with all towns in the same position with the mandate. He noted there was an additional bill that amended S100 and changed a lot of the effective dates to July 2023. Mr. Solomon advised he will review the latest zoning bylaws provision by provision and will outline to assure compliance with the law. Dave Atherton advised the Town will be submitting the Bylaw Modernization grant application and noted with regard to the five-dwelling rule, the Town does not have a lot of area the sewer goes where this would apply. Mr. Atherton questioned whether capacity for the wastewater system was considered when creating the legislation, noting concern if adding five houses on an acre of land. Mr. Solomon stated the law does not speak to capacity and it is an important item and will get back to the Town with an answer. Mr. Norris asked if there were any caveats. Mr. Solomon noted building is contingent upon having fire, water, and sewer. Flood plains would be exempt. Mr. Solomon advised he will do due diligence in reviewing the zoning and provide the Commission with the changes required in each section and will site the exact provision. Mr. Conway noted concern the intent of the current zoning was to prevent overcrowding of the land, but the State is trying to cluster develop. Mr. Solomon stated there are provisions that are specific to covenants, but this does override them to some extent. Mr. Norris noted the Commission would be interested in receiving information about covenants, ordinances and whether there are exemptions. Mr. Atherton stated if this is going to be statute, it would be worth looking into how to make these changes fit the character of the town. Mr. Solomon stated a town could deny a request based on aesthetics. Mr. Conway noted concern with changes from a single-family home to potentially five units on one acre, as it is not in harmony with the character of the area. Mr. Solomon advised he will provide examples of how to achieve this and noted the plan was to apply for a municipal planning grant for the town plan and a bylaw modernization grant that will help with rewriting the zoning to allow them to be done at the same time. There would be an August 2025 timeline for having a draft for both zoning and the Town Plan. The Town Plan would be the vision and the zoning would be the implementation. Mr. Biasuzzi suggested the zoning discussion address whether to adopt subdivisions regulations, become a 10-acre town, address open storage and some smaller regulations. Mr. Biasuzzi will send Mr. Solomon a list of what has been discussed to change. Mr. Norris asked what happens if someone wants to do a five-unit plan before the changes are made to zoning. Mr. Solomon advised State law would supersede, but some of the laws do not address mechanics and suggested the Town's attorney could navigate what the Town should do. Mr. Solomon could also provide his feedback but would be on a case-by-case basis. Mr. Solomon will provide a contact at the State who could be used for specific cases. Mr. Biasuzzi stated some towns have decided a case can be denied by the zoning administrator and the applicant can appeal to the zoning board of adjustment and plead their case based on state law. Mr. Atherton stated the Zoning Board should be provided with all of this information prior to a hearing. Jeremy Gildrien noted the State is trying to increase density but not everywhere in towns. Mr. Conway stated there are many lots in the village that are large that have sewer and water, but there needs to be consideration about capacity for water and sewer and noted concern about encroaching on neighbors. Mr. Biasuzzi advised there is an ADU clause, and up to now it was 30% of the living area, and now the law is 30% or 900 square feet, whichever is larger. Mr. Solomon will provide clearer language and also send a FAQ document for the zoning. With regard to the Town Plan, it will depend on what the Planning Commission wants but could be just updating data and refining the actions of the Pittsford of today. Mr. Spensley suggested Mr. Solomon also provide suggestions for the Town Plan in bullet points.

Jeremy Gildrien noted the energy section of the Town Plan is thin and advised there are options that can be considered as an Energy section is required but could be revamped, or an enhanced energy section developed. There are legal terms within the Section 248 PUC process. If the PUC issues a Certificate of Public Goods and the Town appeals it, the Town could have substantial deference that has more weight than due consideration and the only way to do that is through an enhanced energy plan. The solar siting plan was before the enhanced energy plan legislation and is outdated. Having the energy section in a town plan provides due consideration but anything else would need an enhanced energy plan. Dave Atherton advised the Select Board approved moving forward with an enhanced energy plan for substantial deference. Jeff Biasuzzi asked if any of the enhanced energy plans had been tested. Mr. Gildrien stated it is on a case-by-case basis and if a town has an enhanced energy plan but not a good town plan, the PUC may indicate there is nothing in the town plan that it would relate to. Rick Conway asked when the RRPC's energy plan expires and whether they had challenged any projects. Mr. Gildrien advised work is currently being done on the plan that will expire in 2026 but was unaware of whether the RRPC had challenged any projects. Mr. Gildrien stated if a town and the RRPC are parties to a hearing, but a town's plan is not in line with the regional plan, it would be difficult for the RRPC to be a party, however if they are in

alignment, the RRPC could confirm that a project does not fit their plan. Mr. Conway asked what happens if a town does not meet its energy goals. Mr. Gildrien advised that with all town plans, if they are written authentically and genuine, there is no punitive damage. Mr. Gildrien advised the 2050 goal for solar for Pittsford is 11.2 megawatts and currently there is 5.7 megawatts. Mr. Gildrien noted the Planning Commission and Select Board need to determine how they want the Town developed to meet the 11.2 megawatts goal with a plan that people will be happy with. Mr. Atherton noted in coming from a town that had an enhanced energy plan, the plan was not challenged but worked a lot behind the scenes for developers that came to town with a proposed project. It kept developers honest and it did the job but allowed the municipality to increase their solar capacity. Derek Blow asked if the power is sold out of state, what is the benefit for the town. Mr. Gildrien advised there are renewable energy standards that govern what utilities have to buy and sell, and how much has to come from in-state and out-of-state sources. With the recs, GMP is a distribution system but if selling across state lines it is a federal transmission system. This discussion is about a distribution system that will be tied into the State. The actual electrons would be rerouted, but it goes to the closest place and all the solar in Pittsford is powering Pittsford before going anywhere else but may not be credited that way. Mike Norris stated the recs are retained by GMP and they in turn sell them. The Town would not keep the recs or the renewal attributes of the solar site. Mr. Gildrien advised long-term as GMP is developing micro-grids and battery storage, it will give the Town more resilience. Mr. Gildrien noted the PUC is in the rule-making process over distributing assets to have a market. Once the rules come out, it will regulate the market more. Mr. Atherton advised there are two resolutions that require signatures for the grants that have a deadline of next Wednesday.

A motion was made by Robb Spensley and seconded by Derek Blow to authorize the Board Chair to sign the two grant resolutions. **The motion passed unanimously.**

Jeff Biasuzzi noted that for PUC hearings, the Town would still need to send a letter to be identified as an interested party and Mr. Atherton confirmed the Town does send letters.

Mark Pape asked where the Town stands with an energy plan. Jeremy Gildrien advised that an enhanced energy plan would be part of the Town Plan, or the Plan could have just an energy section. Rick Conway confirmed that Mr. Solomon would provide the Planning Commission with bullet points for the Town Plan and for zoning since the Select Board does want to move forward with the enhanced energy plan. Mr. Gildrien advised the municipal planning grant will provide funds for work on both an energy and town plan with a completed draft to be done by August 2025, which is a requirement of the grant. Logan Solomon advised there are two separate grants to be applied for. Mr. Biasuzzi noted the Town Manager has asked that he provide input on the by-laws to make them clear and enforceable. There needs to be a decision on whether the Planning Commission wants to address subdivision regulations by updating the zoning that addresses the Act 250 question. Other items for consideration would be an outside storage ordinance, junk ordinance, and the changes regarding the Home Act.

b) Election of New Officers

- Board Chair

Kevin Blow advised he would be stepping down as Chair of the Planning Commission. Derek Blow volunteered to take over the Chair position.

A motion was made by Mike Norris and seconded by Robb Spensley to appoint Derek Blow as the Chair of the Pittsford Planning Commission as of October 27, 2023. **The motion passed unanimously.**

- Board Vice-Chair

A motion was made by Mark Pape and seconded by Mike Norris to appoint Kevin Blow as the Vice-Chair of the Pittsford Planning Commission. **The motion passed unanimously.**

Jeff Biasuzzi advised he would be willing to format the agenda if a Planning Commission member provides him with the details.

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7. Next Meeting

November 30, 2023, 7:00PM at the Pittsford Town Office

9. Adjournment

A motion was made by Robb Spensley and seconded by Mike Norris to adjourn the meeting at 8:45PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant
Recording Secretary

Approved by,

The Pittsford Planning Commission