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H.597

Introduced by Representatives Gamache of Swanton, Savage of Swanton,
Bancroft of Westford, Batchelor of Derby, Branagan of
Georgia, Browning of Arlington, Burditt of West Rutland,
Christie of Hartford, Cupoli of Rutland City, Devereux of
Mount Holly, Dickinson of St. Albans Town, Eastman of
Orwell, Fiske of Enosburgh, Forguites of Springfield, Gage of
Rutland City, Graham of Williamstown, Hebert of Vernon,
Helm of Fair Haven, Higley of Lowell, Hubert of Milton,
Keenan of St. Albans City, LaClair of Barre Town, Lefebvre of
Newark, Lucke of Hartford, Martel of Waterford, McFaun of
Barre Town, Myers of Essex, Parent of St. Albans Town,
Partridge of Windham, Quimby of Concord, Shaw of Pittsford,
Shaw of Derby, Strong of Albany, Tate of Mendon, Terenzini
of Rutland Town, Trieber of Rockingham, Van Wyck of
Ferrisburgh, Viens of Newport City, and Willhoit of
St. Johnsbury

Referred to Committee on

Date:

Subject: Energy; public service; siting; land use; municipal plan; municipal
land use bylaws

1 Statement of purpose of bill as introduced: This bill proposes to require the
2 Public Service Board, before issuing a certificate of public good for an in-state
3 facility, to consider any energy siting standards in the municipal plan and to
4 consider the land use bylaws of the municipality.

5 An act relating to Public Service Board consideration of municipal land use
6 plans and bylaws

7 It is hereby enacted by the General Assembly of the State of Vermont:

8 Sec. 1. 30 V.S.A. § 248 is amended to read:

9 § 248. NEW GAS AND ELECTRIC PURCHASES, INVESTMENTS, AND
10 FACILITIES; CERTIFICATE OF PUBLIC GOOD

11 * * *

12 (b) Before the Public Service Board issues a certificate of public good as
13 required under subsection (a) of this section, it shall find that the purchase,
14 investment, or construction:

15 (1) With respect to an in-state facility, will not unduly interfere with the
16 orderly development of the region with due consideration having been given to
17 the recommendations of the municipal and regional planning commissions, the
18 recommendations of the municipal legislative bodies, ~~and~~ the land
19 conservation measures and energy facility siting standards contained in the
20 plan of any affected municipality, and the provisions of the land use bylaws of

1 the municipality or municipalities in which the facility will be located.

2 However:

3 (A) with respect to a natural gas transmission line subject to Board
4 review, the line shall be in conformance with any applicable provisions
5 concerning such lines contained in the duly adopted regional plan; and, in
6 addition, upon application of any party, the Board shall condition any
7 certificate of public good for a natural gas transmission line issued under this
8 section so as to prohibit service connections that would not be in conformance
9 with the adopted municipal plan in any municipality in which the line is
10 located; and

11 (B) with respect to a ground-mounted solar electric generation
12 facility, shall comply with the screening requirements of a municipal bylaw
13 adopted under 24 V.S.A. § 4414(15) or a municipal ordinance adopted under
14 24 V.S.A. § 2291(28), and the recommendation of a municipality applying
15 such a bylaw or ordinance, unless the Board finds that requiring such
16 compliance would prohibit or have the effect of prohibiting the installation of
17 such a facility or have the effect of interfering with the facility's intended
18 functional use.

19 * * *

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on passage.