

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

H.660

Introduced by Representatives Trieber of Rockingham, Devereux of Mount
Holly, Dickinson of St. Albans Town, Evans of Essex, Hebert
of Vernon, Higley of Lowell, Keenan of St. Albans City, Lewis
of Berlin, Martin of Wolcott, Partridge of Windham, Townsend
of South Burlington, and Viens of Newport City

Referred to Committee on

Date:

Subject: Energy; natural resources; public service; land use; municipal and
regional planning

Statement of purpose of bill as introduced: This bill proposes to require the
Public Service Board, when making a siting determination for energy facilities
within its jurisdiction, to defer to municipal and regional recommendations
unless there is a clear and convincing demonstration that they are outweighed
by other factors affecting the general good of the State.

An act relating to energy facility siting

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

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

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

5 * * *

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

9 (1) With respect to an in-state facility, will not unduly interfere with the
10 orderly development of the region with ~~due consideration~~ substantial deference
11 having been given to the recommendations of the municipal and regional
12 planning commissions, the recommendations of the municipal legislative
13 bodies, and the land conservation measures contained in the plan of any
14 affected municipality. In this subdivision (1), "substantial deference" means
15 that a recommendation or land conservation measure shall be applied in
16 accordance with its terms unless there is a clear and convincing demonstration
17 that it lacks a rational basis or that other factors affecting the general good of
18 the State outweigh application of the recommendation or measure. However:

19 (A) with respect to a natural gas transmission line subject to Board
20 review, the line shall be in conformance with any applicable provisions
21 concerning such lines contained in the duly adopted regional plan; and, in

1 addition, upon application of any party, the Board shall condition any
2 certificate of public good for a natural gas transmission line issued under this
3 section so as to prohibit service connections that would not be in conformance
4 with the adopted municipal plan in any municipality in which the line is
5 located; and

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

14 * * *

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on July 1, 2016.