

1 S.63

2 Introduced by Senators Rodgers and Starr

3 Referred to Committee on

4 Date:

5 Subject: Energy; conservation and development; land use; natural resources;

6 Act 250; local bylaws; meteorological stations

7 Statement of purpose of bill as introduced: This bill proposes to move siting

8 jurisdiction for temporary meteorological stations to 10 V.S.A. chapter 151

9 (Act 250) and to enable local regulation of these stations.

10 An act relating to siting jurisdiction for temporary meteorological stations

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

12 Sec. 1. 10 V.S.A. § 6001 is amended to read:

13 § 6001. DEFINITIONS

14 In this chapter:

15 * * *

16 (3)(A) “Development” means each of the following:

17 * * *

18 (xi) The construction of a meteorological station. As used in this

19 section, “meteorological station” means a temporary tower, which may include

1 guy wires, and attached instrumentation to collect and record wind speed, wind
2 direction, and atmospheric conditions.

3 * * *

4 Sec. 2. 24 V.S.A. § 4414 is amended to read:

5 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

6 Any of the following types of regulations may be adopted by a municipality
7 in its bylaws in conformance with the plan and for the purposes established in
8 section 4302 of this title.

9 * * *

10 (16) Meteorological stations. A bylaw may require a municipal land use
11 permit for a meteorological station.

12 Sec. 3. 24 V.S.A. § 4303 is amended to read:

13 § 4303. DEFINITIONS

14 The following definitions shall apply throughout this chapter unless the
15 context otherwise requires:

16 * * *

17 (38) "Meteorological station" means a temporary tower, which may
18 include guy wires, and attached instrumentation to collect and record wind
19 speed, wind direction, and atmospheric conditions.

1 Sec. 4. 30 V.S.A. § 246 is amended to read:

2 § 246. ~~TEMPORARY SITING OF METEOROLOGICAL STATIONS~~

3 ~~(a) As used in this section, a “meteorological station” consists of one~~
4 ~~temporary tower, which may include guy wires, and attached instrumentation~~
5 ~~to collect and record wind speed, wind direction, and atmospheric conditions.~~

6 ~~(b) The Public Service Board shall establish by rule or order standards and~~
7 ~~procedures governing application for, and issuance or revocation of, a~~
8 ~~certificate of public good for the temporary installation of one or more~~
9 ~~meteorological stations under the provisions of section 248 of this title. A~~
10 ~~meteorological station shall be deemed to promote the public good of the State~~
11 ~~if it is in compliance with the criteria of this section and the Board rules or~~
12 ~~orders. An applicant for a certificate of public good for a meteorological~~
13 ~~station shall be exempt from the requirements of subsection 202(f) of this title.~~

14 ~~(c) In developing rules or orders, the Board:~~

15 ~~(1) Shall develop a simple application form and shall require that~~
16 ~~completed applications be filed with the Board, the Department of Public~~
17 ~~Service, the Agency of Natural Resources, the Agency of Transportation, and~~
18 ~~the municipality in which the meteorological station is proposed to be located.~~

19 ~~(2) Shall require that if no objections are filed within 30 days of the~~
20 ~~Board’s receipt of a complete application and the Board determines that the~~
21 ~~applicant has met all of the requirements of section 248 of this title, the~~

1 ~~certificate of public good shall be issued for a period that the Board finds~~
2 ~~reasonable, but in no event for more than five years. Upon request of an~~
3 ~~applicant, the Board may renew a certificate of public good. Upon expiration~~
4 ~~of the certificate, the meteorological station and all associated structures and~~
5 ~~material shall be removed, and the site shall be restored substantially to its~~
6 ~~preconstruction condition.~~

7 ~~(3) May waive the requirements of section 248 of this title that are not~~
8 ~~applicable to meteorological stations, including criteria that are generally~~
9 ~~applicable to public service companies as defined in this title. The Board shall~~
10 ~~not waive review regarding whether construction will have an undue adverse~~
11 ~~effect on aesthetics, historic sites, air and water purity, the natural~~
12 ~~environment, and the public health and safety.~~

13 ~~(4) Shall seek to simplify the application and review process, as~~
14 ~~appropriate, in conformance with this section.~~

15 ~~(d) A proposal for decision shall be issued within five months of when the~~
16 ~~Board receives a completed application for a certificate of public good for the~~
17 ~~temporary installation of one or more meteorological stations under the~~
18 ~~provisions of section 248 of this title.~~

19 ~~(e) Notwithstanding any contrary provisions of this section, the holder of a~~
20 ~~certificate of public good for a constructed meteorological station may apply~~
21 ~~under section 248a of this title or 10 V.S.A. chapter 151 to convert the station~~

1 ~~to a wireless telecommunications facility, provided the application is filed at~~
2 ~~least 90 days before the expiration of the certificate for the station. Any such~~
3 ~~application shall constitute a new application to be reviewed under the facts~~
4 ~~and circumstances as they exist at the time of the review. [Repealed.]~~

5 Sec. 5. 30 V.S.A. § 248(u) is added to read:

6 (u) For the purpose of this section, a meteorological station as defined in
7 10 V.S.A. § 6001 shall not constitute an electric generation facility.

8 Sec. 6. EFFECTIVE DATE

9 This act shall take effect on July 1, 2017.