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H.362

Introduced by Representatives Van Wyck of Ferrisburgh, Canfield of Fair Haven, Christie of Hartford, Gamache of Swanton, Hebert of Vernon, Higley of Lowell, Morrissey of Bennington, Savage of Swanton, Smith of New Haven, and Strong of Albany

Referred to Committee on

Date:

Subject: Conservation and development; natural resources; land use; energy; telecommunications; utility poles

Statement of purpose of bill as introduced: This bill proposes to exempt from the State land use law, known as Act 250, new or replacement utility poles less than 50 feet tall, installed within a highway right-of-way.

An act relating to utility poles and Act 250

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

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

§ 6001. DEFINITIONS

In this chapter:

* * *

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

2 (i) The construction of improvements on a tract or tracts of land,
3 owned or controlled by a person, involving more than 10 acres of land within a
4 radius of five miles of any point on any involved land, for commercial or
5 industrial purposes in a municipality that has adopted permanent zoning and
6 subdivision bylaws.

7 (ii) The construction of improvements for commercial or
8 industrial purposes on more than one acre of land within a municipality that
9 has not adopted permanent zoning and subdivision bylaws.

10 * * *

11 (C) For the purposes of determining jurisdiction under subdivision
12 (3)(A) of this section, the following shall apply:

13 * * *

14 (vi) Distribution utility projects. In the case of a project
15 undertaken by a distribution utility subject to the jurisdiction of the Public
16 Service Board under Title 30, the computation of involved land shall exclude
17 each pole that is exempt under subdivision (D) of this subdivision (3).

18 (D) The word “development” does not include:

19 (i) The construction of improvements for farming, logging, or
20 forestry purposes below the elevation of 2,500 feet.

1 (ii) The construction of improvements for an electric generation or
2 transmission facility that requires a certificate of public good under 30 V.S.A.
3 § 248, a natural gas facility as defined in 30 V.S.A. § 248(a)(3), or a
4 telecommunications facility issued a certificate of public good under 30 V.S.A.
5 § 248a.

6 (iii) The installation of a new or replacement pole by a distribution
7 utility subject to the jurisdiction of the Public Service Board under Title 30, if
8 the pole height is less than 50 feet above grade and the pole is installed in the
9 right-of-way of a State or municipal highway.

10 * * *

11 Sec. 2. EFFECTIVE DATE

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