

# HOUSE . . . . . No. 5031

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## *The Commonwealth of Massachusetts*

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HOUSE OF REPRESENTATIVES, May 11, 1993.

The committee on Energy, to whom was referred the residue of the petition (accompanied by bill, House, No. 1997) of Sally P. Kerans, Barbara Gardner, Lida E. Harkins and Frederick E. Berry relative to the Energy Facility Siting Board, reports recommending that the accompanying bill (House, No. 5031) ought to pass.

For the committee,

ALBERT HERREN.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-Three.

## AN ACT RELATIVE TO THE ENERGY FACILITY SITING BOARD.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 69J of Chapter 164 as appearing in the  
2 Massachusetts General Laws shall be amended by adding the  
3 following new section:

4 Section 69J½. Any application to the Energy Facility Siting  
5 Board by any gas company, electric company, oil company or any  
6 other utility for the construction, placement, assembly or  
7 installation of facilities or equipment, shall within 14 days of  
8 making application to the Energy Facility Siting Board notify by  
9 certified mail all abutters to the property upon which said  
10 proposed construction, placement, assembly or installation of  
11 facilities or equipment shall occur. In addition, within 14 days of  
12 said application to the Energy Facility Siting Board, said  
13 applicant shall place a public notice of said plans with all local  
14 newspapers for three weeks in sequence.

1 SECTION 2. Section 3 of Chapter 40A as appearing in  
2 Massachusetts General Laws shall be amended by adding after  
3 line 47 the following:

4 Any gas, electric or oil utility company making application to  
5 the Department of Public Utilities through the Energy Facilities  
6 Siting Board to bypass local zoning boards of appeal to site an  
7 energy facility shall be required to notify in writing, by certified  
8 mail within 5 days of making its application to the Department  
9 by bypass local zoning boards of appeal, the chairman of the  
10 zoning board of appeals in the city or town affected by the  
11 application that said applicant has filed with the Department of  
12 Public Utilities to bypass the local zoning board of appeals in the  
13 siting process.

1 SECTION 3. Section 70A of Chapter 164 as amended in 1992  
2 shall be amended by adding the following new section:

3 Section 70A $\frac{1}{2}$ . Any gas company making application to the  
4 Department of Public Utilities through the Energy Facilities  
5 Siting Board to bypass local zoning boards of appeal to lay a main  
6 for transmission of gas which will of necessity pass through one  
7 or more cities or towns to connect to the termini of such main,  
8 shall be required to notify in writing, by certified mail within 5  
9 days of making its application to the Department to bypass local  
10 zoning boards of appeal, the chairman of the zoning board of  
11 appeals in the cities or towns affected by the application that said  
12 applicant has filed with the Department of Public Utilities to  
13 bypass the local zoning board of appeals in the siting process.

