

APPENDIX 11: COMPARING NOTICE PROVISIONS FOR A FILING/APPLICATION – MA, NH, RI, VT

Of the New England states, Connecticut has the broadest statutory requirements for service of an application and/or for notice of such application.

Massachusetts, however, does include an additional public notice requirement, that notice be posted in the town hall of an affected municipality. Generally, however, all of the states require some form of municipal and public notice. The majority also contemplate individual abutting landowner notice under certain circumstances. Public notice is still done by newspaper.

Massachusetts

In Massachusetts, each Petition for Approval of Construction must be served on: the mayor of each city and the board of selectmen of each town in which any part of the proposed facility is to be located, the secretary of each executive office and the attorney general. Public notice containing a summary of the petition and the date on which notice is to be filed needs to be given by publication, in such manner as the board may by regulation provide.¹⁰⁴

An applicant is also instructed to distribute a Public Notice of the project via the following methods: (1) Publish a notice of its proposal to construct the project in at least two newspapers having a reasonable level of circulation within the community or region prior to the Public Comment Hearing; (2) Mail notice to owners of all property within a certain distance of the boundaries of the proposed project; and (3) Post the notice in the city or town halls of communities in which the proposed project would be located.¹⁰⁵

New Hampshire

The public and municipal governments are already notified prior to the application being submitted through the pre-application process.¹⁰⁶

Rhode Island

The RI-EFSB, upon receiving a utility company application, immediately notifies, in writing, the Councils of the towns and cities affected by the construction. The applicant notifies the citizens in towns and cities affected thirty (30) days prior to public meetings through local papers. The applicant also notifies abutting landowners individually, in writing, thirty (30) days prior to the hearings, by certified mail, postage prepaid.¹⁰⁷

¹⁰⁴ [M.G.L.A. 164 Sec. 69L](#), [M.G.L.A. 164 Sec. 69L1/2](#).

¹⁰⁵ [EFSB and DPU Siting Process | Mass.gov](#)

¹⁰⁶ [N.H. Sec. 162H:10](#).

¹⁰⁷ [R.I. Gen Laws Sec. 42-98-9.1](#).

Vermont

After the Commission determines that a petition is complete, the petitioner serves copies of the complete petition on the Attorney General and the Department of Public Service, and, with respect to facilities within Vermont: the Department of Health; Agency of Natural Resources; Historic Preservation Division; Agency of Transportation; Agency of Agriculture, Food and Markets; and to the chair or director of the municipal and regional planning commissions and the municipal legislative body for each town and city in which the proposed facility will be located.¹⁰⁸

¹⁰⁸ [30 V.S.A. Sec. 248\(a\)\(4\)\(C\)](#).