

Planning Board Meeting – October 2, 2024

In person: Carl Lindquist, Mike Trudeau, Emily Thompson, Terri Parks

Adam Finkel, Cathleen Fountain

Zoom: Kris Ennis

Meeting called to order at 7:07 PM

Minutes motioned and approved

HB1221 Discussion

- Approved by NH House and NH Senate, signed into law by Governor Sununu 7/26/24. Effective as of 9/17/24. Enacted to amend RSA 36:55-56 (Developments of Regional Impact) regarding landfills. Per the amendment, after going into effect on 9/17/24 all proposed (not fully permitted) solid waste landfills shall become projects of regional impact and notice shall be made to all communities within the same watershed or within 10 miles of the proposed landfill.
- Amendment to 36:55 (bold text represents additions/changes):
 - 1 Development of Regional Impact; Definition. Amend RSA 36:55, VI to read as follows:
VI.**(a)** Shared facilities such as schools and solid waste disposal facilities; **and**
(b) Solid waste disposal facilities includes a solid waste landfill requiring a department of environmental service permit under the department of environmental services administrative rules contained in Env-Sw 800.
- New paragraph added to 36:56(bold text represents additions/changes):
 - 2 New Paragraph; Regional Impact. Amend RSA 36:56 by inserting after paragraph II the following new paragraph:
III. All proposed solid waste landfills shall be projects of regional impact and notice shall be made to all communities located within New Hampshire that are:
 - (a) Located within any watershed (as defined by the 8-digit Hydrologic Units from the National Hydrography Dataset 2011 and as may be from time to time amended) where such landfill may be proposed; and**
 - (b) If outside the watershed, located within 10 miles of the boundaries of such proposed landfill location.**
 - 3 Applicability. Nothing in this act shall be construed to include landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted. For the purposes of this section, the term “site” shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.
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- Carl explained NHMA and Town Council stances on this new legislation: because the first sentence of 36:55, “In this subdivision "development of regional impact" means any proposal before a local land use board...” was not also amended by HB 1221, the

updated RSA does not apply because there is no application in front of the Dalton Planning Board for the proposed Casella landfill in Dalton.

- Because of that sequence of sentences, the conclusions of both NHMA and town council are that the amended RSA has no new effect on Dalton.
- Adam Finkel, a Dalton resident who worked with NH Legislators on this amendment, spoke and explained the intent of the legislation. He made clear that if it was necessary to submit a new amendment for approval by the Legislature and the Governor in order to achieve the intended purpose that the authors of HB1221 would do so.
- While the amended version of RSA36:55-56 does not succeed in empowering the Dalton Planning Board to formally declare a Development of Regional Impact (DRI) the intent of the amendment (approved by NH Legislature and signed by the Governor) is clear. For a town like Dalton without zoning, a loophole exists where the Planning Board is unable to declare a DRI simply because of the fact that there is no application before the board, even if the development in question meets the stated criteria for a DRI.
- Since Dalton is ineligible to follow the defined process to declare a DRI, NHMA was asked if the North Country Council (NCC) was able to formally declare a DRI on Dalton's behalf. According to NHMA the Review of Developments of Regional Impact statute, "does not contemplate a regional planning commission independently declaring a development of regional review process." NCC is not empowered to declare a DRI without the town having declared it first.
- The board discussed the fact that the proposed landfill in Dalton meets the literal definition of a development of regional impact (proposed landfill in Dalton, road access from Bethlehem, traffic through Whitefield and/or Littleton, close to Ammonoosuc River, etc), and that HB 1221 clearly was intended to eliminate the loophole.
- After some discussion it was unanimously agreed that the board would reach out to those communities in the region described by HB 1221 and host an open discussion between those communities and Dalton. It will not be a formal declaration of a DRI as described in RSA 36 but will rather be a community discussion about a development of regional impact, the proposed Dalton landfill.
- This community discussion would be made up of representatives from each community in the applicable region. The board will develop a letter to be sent out to these specific communities after the November board meeting. Carl to draft letter for board review in November. Community meeting date TBD, likely Spring 2025.
- The intent of the community discussion will be to review the factual components of the application, and how those facts affect each community. The Casella application is currently on file with the state for all to see. At the November Planning Board meeting the board will review that application to see what facts are most established.

Under Canvas:

- Per email from Under Canvas, an application is expected from them during November. Assuming that schedule is maintained, abutters would be noticed for the December 4th Planning Board meeting.
- Under Canvas had asked about how the tax assessment will be done. They were directed to talk with Jeanette as Tax Collector.
- Department of Revenue Administration (DRA) is covering the town at the moment while Dalton is without a tax assessment firm but DRA is only doing the established properties. They would not perform an assessment of a new development like Under Canvas is proposing. Likely another firm would need to be hired to assess the Under Canvas proposal.
- Current Use change will be required for some parcels.

- Board discussion about the overall project. How do we come to mutual agreement on what road condition they need, for example, and what will that cost? How do we arrive at win-win solutions that satisfy both Under Canvas and the town?

New RSA books

- Need 6 copies for the board, Carl to request through Jeanette

Elizabeth Sudol property

- A lot line adjustment was filed at the Coos County Courthouse April 2006.
- A copy of the signed boundary agreement was provided, also signed April 2006
- All parties were in agreement but the lot line adjustment was never approved by the Dalton Planning Board. As a result the tax maps have never been updated.
- Tax records say "Roman", should be "Sudol".
- Porfido parcel shows 10 acres on tax map but should be 8.1 acres based on this history
- Since this lot line adjustment was agreed upon by all parties and filed at the courthouse almost 20 yrs ago, discussion about how to proceed.
- Unanimous agreement by the board to have Ms. Sudol provide a mylar copy that Carl would sign. Ms Sudol to pay for mylar to be recorded at the courthouse and the tax maps will be corrected as a result.
- Carl ask Jeanette to respond to Ms. Sudol and request the mylar.

Meeting was adjourned at 9:49PM

Next Meeting 7PM November 6, 2024