

STATE OF NEW HAMPSHIRE
WETLANDS COUNCIL

Docket No. 24-21 WtC

Appeal of Dalton Conservation Commission

NOTICE OF PREHEARING CONFERENCE

A prehearing conference in this matter has been scheduled for February 5, 2025 at 1:00 PM, to be held electronically via Microsoft Teams. The Appeals Clerk will send the parties an email with information necessary for accessing the prehearing conference prior to the date of the conference.

The parties should be prepared to discuss the following at the prehearing conference:

1. Simplification of the issues, to include but not be limited to:
 - a. Whether the parties agree that Dalton Conservation Commission has standing to maintain this appeal;
 - b. Whether the parties agree that RSA 483-B:5-b, IV-a required Granite State Landfill, LLC (“Granite State Landfill”) to provide the Town of Dalton’s governing body with notice of its underlying permit application under RSA 483-B;
 - c. Whether there is any dispute about whether the Dalton Conservation Commission or the Town of Dalton’s governing body received actual notice of the underlying permit application at any point prior to July 26, 2024;
 - d. Whether the parties agree that RSA 482-A:11, V, required the New Hampshire Department of Environmental Services (“Department”) to consider Granite State Landfill’s underlying permit application under RSA 483-B “in the aggregate” with other permit applications that Granite State Landfill has submitted to the Department under RSA 482-A and other statutes;
 - e. Whether the parties agree that any avoidance and minimization requirements under *N.H. Admin. R.*, Env-Wt 311.06, 313.03, and 524.02 apply to Granite State Landfill’s underlying permit application under RSA 483-B;
 - f. The sources of legal authority that the Dalton Conservation Commission intends to be incorporated within its “*inter alia*” references in Paragraph 26 of the supplemental Section IV of its notice of appeal; and

- g. Whether in Paragraphs 27(b) and 27(c) of Section IV of its notice of appeal, the Dalton Conservation Commission intends to assert claims of error that it does not otherwise describe in the notice of appeal, and to the extent it does, whether the Dalton Conservation Commission set forth such claims in its preliminary notice of appeal.
2. Whether any party intends to file a motion to dismiss this appeal, either in whole or in part.
3. Scheduling with respect to dispositive motions, requests for information, prehearing motions deadlines, and the appeal hearing;
4. Requests for changes to or waivers of any standard procedures as specified in the applicable administrative rules and statutes.
5. Stipulations or admissions as to issues of fact or proof, including but not limited to whether, through its underlying permit application under RSA 483-B, Granite State Landfill sought to impact any jurisdictional area other than area within the New Hampshire Department of Transportation's right-of-way involving Route 116 (*i.e.*, did Granite State Landfill seek to impact any jurisdictional area located on property involving Douglas Drive).
6. Motions for intervention (and particularly whether Granite State Landfill must affirmatively move to intervene to the extent it intends to intervene in this matter), and any conditions to be placed on the participation of any intervening party; and
7. The status of any settlement offers and the possibility of voluntary resolution of this matter.

To the extent the parties or the hearing officer wish to address other matters that may aid in the disposition of this appeal, such other matters may also be addressed at the prehearing conference.

Dated: January 6, 2025

So ordered,



Nathan W. Kenison-Marvin
Assigned Hearing Officer