

BUSINESS & ECONOMY

Injunction Seeks To Stop Elimination of Dalton Planning Board and Conservation Commission

By DAMIEN FISHER, InDepthNH.org (InDepthNH.org) 10 hours ago



Wayne D. King photo

Jon Swan is pictured at Forest Lake in this file photo

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The years-long fight over a Granite State Landfill site on Forest Lake in Dalton has spawned a new battle over the town's Planning Board and Conservation Commission.

A citizens' effort to abolish both government bodies at the upcoming March Town Meeting is seen as an attempt to make the town more receptive to the solid waste facility, according to an injunction filed in Coos Superior Court.

Planning Board alternate member Adam Finkel and Conservation Commissioner Jon Swan sought the injunction to stop the petition warrant articles set for vote at Town Meeting that would abolish the Planning Board and Conservation Commission.

The injunction is against Dalton resident James Dannis, Pam Kathan, Vic St. Cyr, Robin Pilotte and the Town of Dalton.

"The Article Petitioners are seeking to reconstitute the Planning Board and Conservation Commission with members who will support the construction of a landfill in Dalton that has, to date, been opposed by a majority of the public," Finkel and Swan write in an affidavit attached to the lawsuit.

Dalton residents gathered the legally necessary number of signatures in order to place articles on the Town Meeting warrant; one to simply abolish the Planning Board, and the other to simply abolish the Conservation Commission. Members of both bodies have been staunch opponents to the Granite State Landfill project.

Granite State is owned by Vermont-based Casella Waste Systems, Inc.

Dalton residents may generally oppose the landfill, and at the same time they oppose zoning restrictions. Residents voted down adopting permanent zoning articles in June. The town enacted a set of temporary zoning articles to curb Casella, but once the company withdrew its permits residents voted against keeping the restrictions.

It is anticipated that Casella could file new permits to build the landfill in the coming weeks.

According to Finkel and Swan's statement, the real purpose of the petition articles is not to get rid of the Planning Board and Conservation Commission, but to get rid of the current members. Some of those behind the articles have been going on social media and explaining they want the Select Board to be able to appoint new slates to both bodies made up of people ready for large scale industry.

One of the residents behind the petition articles, Jim Dannis, said in a Facebook Post the current members are anti-development extremists who do not speak for the town's majority.

"These are extremists who want to prevent all commercial and industrial development in Dalton, or at least in our current industrial zone," Dannis wrote.

Dannis believes most Dalton residents want the landfill in town. Once the Select Board's majority agrees, which he said could take a couple of elections, the town can bring back the Planning Board and Conservation Commission and appoint members who agree with them.

Dannis did not respond to a request for comment.

Swan and Finkel call this effort an end-run around the statutory process. Rather than working through the normal mechanism of government by convincing voters to support their Select Board candidates, who can then make gradual change to the Planning Board and Conservation Commission, they are seeking wholesale change, the pair write.

Swan and Finkel also claim many residents may support eliminating the Planning Board and Conservation Commission because they do not favor zoning regulations. The petition articles on the warrant do not state the intent is to bring the two bodies back with different members, something Swan and Finkel call a bait and switch.

The injunction is asking the court to remove the petition articles from the warrant.

The proposed landfill has been widely opposed by North Country residents, particularly those living near Forest Lake and the Ammonoosuc River, because it would be sited within 2,800 feet of Forest Lake State Park.

Casella currently operates a landfill in nearby Bethlehem which also has been a subject of controversy. In 2021, the landfill experienced the largest leachate spill in the state's history.
