

**ENVIRONMENT & SCIENCE**

# Vote On Whether To Abolish Dalton Planning Board, Conservation Commission To Go Ahead

By  Nancy West  43 mins ago



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By NANCY WEST, InDepthNH.org

LANCASTER – Judge Peter Bornstein denied an injunction to keep the citizens of Dalton from voting on abolishing the Planning Board and Conservation Commission during the upcoming town meeting at a hearing Wednesday in Coos County Superior Court.

The injunction asked the court to remove the petition articles from the warrant or allow a special town meeting later where the “true intent” of the articles could be further discussed before voting.

Bornstein denied the injunction filed by Planning Board alternate Adam Finkel and Conservation Commissioner Jon Swan against the town and four residents.

Representing Swan and Finkel, Attorney Jeremy Eggleston told the judge the intent of both petitions is not to abolish these entities on a permanent basis but to recreate, reconstitute them later so the membership has viewpoints and opinions that are more like those of the individual petitioners.

He said there is nothing wrong with that.

“The issue here is that this isn’t manifest in the question itself so the voter doesn’t know that the real purpose of these articles would be to wipe out the present members and put new members on the boards,” Eggleston said.

Attorney Rick Lehmann represented the town and four citizens named in the case. Lehmann questioned Bornstein’s jurisdiction in the matter.

“Everything attorney Eggleston has put before you describes protected First Amendment activity being engaged in by people who are actively participating in our system,” Lehmann said.

He said there are no laws describing the degree to which people can zealously argue positions they favor and no laws that govern what can and can’t be said.

At the end of the hearing, Bornstein ruled that the two petitioned warrant articles meet the legal requirements and will therefore go before Dalton town meeting voters March 14.

The town of Dalton has been divided over whether to allow Casella Waste Systems to construct a solid waste landfill 2,800 feet from Forest Lake.

Casella’s application has been withdrawn, but is expected to be refiled in the months ahead.

Members of the current Planning Board and Conservation Commission have been opposed to the Granite State Landfill project, which is owned by Vermont-based Casella Waste Systems.

The named defendants were thrilled with Bornstein’s decision.

“This is an important victory for citizens’ democracy,” said Pam Kathan, the head of Concerned Citizens of Dalton and one of the individual defendants in a news release. “The right of New Hampshire citizens to submit warrant articles for a town-wide vote is the sacred cornerstone of our state’s centuries-old local governance traditions. This includes the right of town residents to dissolve town boards, and that’s exactly what our petitions seek to do.”

Another named defendant Robin Pilotte, said: “These two petitions had more than 100 signatures of Dalton residents.

“We’re grateful the court respected our town and our residents and our rights to make decisions about our own town government,” Pilotte said.

Finkel, a professor of environmental studies at the University of Michigan and a Dalton resident, said after the hearing:

“The lawyer for the defendants succeeded by admitting that it’s not illegal to ‘say things that aren’t true in a political debate.’ Since our entire case was that the two warrant articles are *not true*, I’m glad we all agree, even though the law apparently doesn’t police these kinds of truths,” Finkel said.

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.

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