

Dalton Conservation Commission (DCC)

Friday, January 8, 2021 Site visit at Casella's proposed Granite State Landfill (GSL) 11:30am – 3:00pm

Attendance: DCC Vice Chair Douglas Ingerson, property owner and business owner of Chick's Sand and Gravel; Joe Gay, Casella compliance and permitting engineer; Casella consultant Barry Keith, CWS, B. H. Keith Associates; Casella division manager for Bethlehem landfill Kevin Roy; DCC Secretary Vanessa Hines-Cardillo, girlfriend to Douglas; DCC consultant Jim McClammer, CWS, Connecticut Valley Environmental Services, Inc. (CVES) and DCC member Nancy Comeau

The group met on Douglas Drive. After introductions, Barry Keith fielded numerous questions from Mr. McClammer and viewed maps of the site. The group received an overview of the proposed GSL by visiting wetland areas, the location of the first phase for the landfill as well as a 244 acre parcel selected as a potential mitigation property. Mr. Keith informed the group that NHDES has approved one 60 day extension beyond Jan. 17 and most likely a second 60-day extension for completing the RMI.

The group agreed that another site visit in the spring when the ground is not frozen and covered with snow would be beneficial.

Nancy Comeau, DCC

NH Admin R Env-Wf 311, 11(g)
prop owner 5.9 ~~sites~~ constitutes permission



2
Nancy Comeau <nbcomeau419@gmail.com>

Dates for proposed landfill site visit

1 message

Nancy Comeau <nbcomeau419@gmail.com>

Tue, Apr 27, 2021 at 10:45 AM

To: Joe Gay <John.Gay@casella.com>, Douglas & Vanessa Ingerson Jr <rocksrus1313@gmail.com>

Bcc: "conservationcommission@townofdalton.com" <conservationcommission@townofdalton.com>, selectmen@townofdalton.com

Good morning,

Vanessa has inquired if the Dalton Conservation Commission has selected a date for a site visit this spring.

Our CWS is available any of the following days: Tuesday May 25, Wed 26, Thu 27, Fri 28, or Saturday May 29.

Please let us know which day would work best for those who will attend.

Thank you,
Nancy Comeau



Nancy Comeau <nbcomeau419@gmail.com>

Fwd: Dates for proposed landfill site visit

1 message

Nancy Comeau <nbcomeau419@gmail.com>
To: Jim <McClammer@aol.com>

Wed, May 12, 2021 at 7:17 AM

----- Forwarded message -----

From: **Douglas Ingerson Jr** <rocksrus1313@gmail.com>
Date: Tue, May 11, 2021 at 7:18 PM
Subject: Re: Dates for proposed landfill site visit
To: Nancy Comeau <nbcomeau419@gmail.com>
Cc: Joe Gay <John.Gay@casella.com>

Good Evening Nancy,

4

I Douglas Ingerson Jr, have not been asked from the DCC in regards to the site visit meeting that you are referring to. There wasn't any emails or calls from myself, (the landowner) to or from the DCC. I DO NOT ALLOW THE DALTON CONSERVATION COMMISSION PERMISSION TO COME ON MY LAND AT ALL. There will NOT be a second site visit.

Thank you,

Douglas Ingerson Jr

Doug Ingerson
Chick's Sand & Gravel,
104 Douglas Dr
Bethlehem, NH 03574
603-444-0676 Home/Office
603-616-1870 Vanessa's Cell
603-444-9999 Scale Office
rocksrus1313@gmail.com

On Mon, May 10, 2021 at 8:22 AM Nancy Comeau <nbcomeau419@gmail.com> wrote:

3

Good morning,

I am resending the email that was sent on April 27, 2021 in response to Vanessa's inquiry to the scheduling of the DCC's CWS spring site visit. Due to the fact that the January 8, 2021 site visit was conducted when the ground was frozen a spring site visit was agreed upon.

Please respond to any of the 5 days previously proposed: Tuesday May 25, Wed 26, Thu 27, Fri 28, or Saturday May 29.

Respectfully,
Nancy Comeau, DCC Chair

From: **Nancy Comeau** <nbcomeau419@gmail.com>
Date: Tue, Apr 27, 2021 at 10:45 AM



6

May 24, 2021

Nancy Comeau, Chair
Town of Dalton Conservation Commission
756 Dalton Road
Dalton, NH 03598

Re: Request for Property Access

Dear Chairperson Comeau:

This letter formally responds to the Town of Dalton Conservation Commission's ("DCC") request for access to property owned by Douglas Ingerson, on which Granite State Landfill, LLC (the "Company") has contractual rights related to the Company's proposed landfill development in the Town of Dalton.

We understand that the DCC wishes to enter the property to conduct an additional site visit. The regulations governing wetlands applications state that a property owner's signature on the application constitutes authorization for a municipal conservation commission to inspect the site of the proposed project. N.H. Admin. R. Env-Wt 311.11(g). Accordingly, the DCC has had many opportunities to access the property and gather information. The Company accommodated site visits for the DCC on November 2, 2020, and again on January 8, 2021. The DCC's consultant, James McClammer, attended the second visit and had an opportunity to access the property and ask questions about the proposed landfill development.

At this time, it is not necessary for the DCC to visit the property for a third time. The DCC and its consultant have already been permitted access for further investigation, and the statutory period for the DCC to officially comment on the application has closed in accordance with RSA 482-A:11, III(a). The DCC is welcome to submit comments to NHDES along with the rest of the public, and it can draw from its previous visits to the property and conversations with the Company and its representatives to provide those comments.

If the DCC insists on an additional site visit, additional information will be required to accommodate that request. RSA 36-A:4, III states that the commission must notify the landowner of "the purpose of the data gathering, the specific features that will be evaluated, the manner in which the data collected will be recorded and distributed, and possible known consequences of the data collection" before requesting permission to enter private property. None of this information has been provided to the landowner or the Company in the context of the DCC's most recent request. Please provide this information, along with a list of proposed attendees for the site visit, for consideration so we can further evaluate your site visit request.

Sincerely,

Brian G. Oliver
Regional Vice President

cc: Douglas Ingerson

Dear Mr. Oliver,

The Dalton Conservation Commission (DCC) herein formally requests access to property owned by Douglas Ingerson in order to gather growing-season data on existing site conditions where the Granite State Landfill is proposed to be developed.

The purpose of the data gathering is to enable an objective and informed evaluation of field conditions described in the wetland application (and supplemental information) submitted to NHDES in support of the proposed project.

The specific features that will be evaluated include: 1) wetland and upland vegetation, flora, fauna, hydrology and soils; 2) vernal pool distribution, abundance, flora, fauna and hydrology; and, 3) surface water distribution, flow regimes and hydroperiods.

Data will be primarily collected by visual inspection, recorded using iPhone cameras with GPS capabilities, and distributed, as necessary, to regulatory agencies. Soil profiles may be sampled using a hand-held auger and evaluated using a Munsell soil color chart.

Attendees will include myself; our wetland consultant, James McClammer, and two of his expert wetland and hydrology associates; and, possibly another member of the DCC.

Possible consequences of the data collection will be verification of field conditions and confirmation of project impacts.

We hope this information is sufficient for you to evaluate of our request. Please let me know if you need any additional information.

Sincerely,

Nancy Comeau

DCC Chair

8

Re: site visit

Inbox

mcclammer@aol.com

Mon, May 31, 8:53
PM (11 hours ago)

to me

Nancy,

Some quick thoughts.

As I understand the chronology, the DES's plans to issue a Notice on the Dalton landfill no later than June 24, 2021 and expects to conduct a Public Hearing on the application in mid-July. These deadlines are probably statutorily mandated. The Dalton Conservation Commission (DCC) intends to make detailed comments on the application after they have been afforded an opportunity to visit the site during the growing season with their wetland experts to assess the validity of the applicant's site information.

The occurrence of vernal pools and rare, threatened and endangered species, for example, can only be confirmed during specific times during the growing season. For this reason we requested a site visit during the last week of May. However, the landowner has obstructed DCC's access to the site, and to date no inspections have been permitted during the growing season, much less, during windows when critical observations need to be made.

As a result, we feel the DCC's statutory role in the permitting process has been foreclosed as an independent professional assessment of the project's impact has not been conducted. This obfuscation only increases our concerns over the credibility of the application and perception that the voices of the people most affected by the project are being muzzled.

Is it possible to obtain a court order allowing the DCC access to the property?
Is it possible to have the DES delay issuing a public notice and conducting a Public Hearing until site conditions can be verified by local land-use bodies, which have that responsibility and retained qualified consultants to perform that task?