



# BELMONT PLANNING BOARD

April 3, 2015

Mr. John Hodsdon, Chairman  
Belknap County Conservation District Board of Supervisors  
2 Airport Road, Mailbox #1  
Gilford, NH 03249

RE: Bestway Waste Transfer Facility, Belmont, NH

Dear Mr. Hodsdon:

I wanted to take this opportunity to thank you for sharing a copy of your March 30<sup>th</sup> letter to Commissioner Burack with me. The Bestway application has been of great interest to our community for some time.

In 2012, we took the time to thoroughly research this matter in detail as Bestway clearly indicated their future interest in including MSW at the facility, and had, in fact designed the facility with this in mind. Based on our participation in the Tri-Town Aquifer Project, further research, discussions with DES, research of EPA publications and public input solicited through public hearing, the Town Website, direct notices, newsletters and press releases in all local papers, the Board did offer an amendment to Belmont voters to permit MSW transfer facilities in the Industrial Zone and identified this specific lot of interest. That vote to allow this use was passed by Belmont voters at the March, 2013 Town Meeting.

As you may know, the court has held that the state's statutory scheme under RSA ch. 149-M for disposal of solid waste constitutes a "comprehensive regulatory scheme" governing the design, construction, and operation of solid waste management facilities. Such an exhaustive treatment means the state scheme preempts municipal regulation except for those items related to Site Plan approval. In compliance with this ruling, the Belmont Planning Board reviewed and approved the current proposal for expansion of the use which does not include any expansion of the site. During that review the Board has required improvements to the existing above-ground fuel tank and the stormwater management facilities.

Based on the court's previous unrelated ruling, your comments are correctly directed to NH DES which is the sole statutory authority over the proposed MSW use. Although there are certainly local concerns regarding any use occurring on the aquifer, there has to be statutory authority and evidentiary findings related to a proposal for our Board or any other regulatory authority to reach a finding of denial.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Harris", written over a white background.

Peter Harris, Chairman

cc: Commissioner Burack, NH DES  
Ms. Ruth Mooney, Chairman - Belmont Board of Selectmen  
Ms. K. Jeanne Beaudin, Town Administrator – Town of Belmont  
Mr. Ken Knowlton, Chairman - Belmont Conservation Commission  
Ms. Pat Consentino, Chairman - Tilton Board of Selectmen  
Mr. Kevin Waldron, Chairman - Northfield Board of Selectmen  
Mr. Scott Davis, Chairman - Tilton-Northfield Water District  
The Honorable Shari LeBreche, New Hampshire House Representative – Belmont  
The Honorable Michael Sylvia, New Hampshire House Representative – Belmont  
The Honorable Dennis Fields, New Hampshire House Representative – Sanbornton, Tilton  
The Honorable Brian Gallagher, New Hampshire House Representative – Sanbornton, Tilton  
The Honorable Robert Fisher, New Hampshire House Representative – Belmont, Laconia