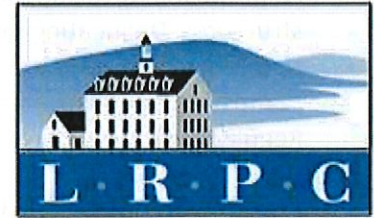


## LAKES REGION PLANNING COMMISSION

103 Main Street, Suite #3  
Meredith, NH 03253  
Tel 603-279-8171  
Fax 603-279-0200  
www.lakesrpc.org



**To:** Effingham Planning Board  
**From:** Jeff Hayes, Executive Director  
**Date:** April 7, 2022

**Re:** Meena LLC  
**Development of Regional Impact**  
Location: NH 25 and Leavitt Road  
Tax Lots: Map 401, Lot 5

The Lakes Region Planning Commission provides these comments as part of the Development of Regional Impact process, under RSA 36:54-:58 for the Effingham Planning Board's review of the Meena LLC site plan application.

The applicant proposes to redevelop the former Boyle's Market site by installing underground storage tanks and pumps to re-establish a gas station, re-establish the convenience store, operate two residential apartments in a separate structure on the site, and increase the number of parking spaces from 11 to 17. The site is in Effingham's Rural/Agricultural zoning district as well as the Groundwater Protection overlay district (Article 22 of the Effingham Zoning Ordinance). While gas stations are not a permitted use in the Groundwater Protection overlay district, the Effingham Zoning Board of Adjustment granted the applicant a variance for such use.

### Development of Regional Impact Factors

Several factors that define potential regional impact, according to RSA 36:55, should be considered as the Planning Board reviews the Meena LLC site plan proposal, including the proximity of the site to aquifers or surface waters that transcend municipal boundaries, proximity to the borders of a neighboring community, and transportation networks that provide access to the site.

### Transportation Network

Since the site was previously developed for commercial uses, it has established access to NH 25 and to Leavitt Road. The developer has driveway permits from the NH Department of Transportation and the Town of Effingham. Re-establishing use of the site is not likely to impact the transportation network already established. In fact, eliminating the previous laundromat may slightly reduce traffic volume. LRPC agrees with the applicant's proposal to discontinue the site's second entrance on Leavitt Road, which would provide the benefit of reducing potential traffic conflicts posed by multiple driveway cuts in close proximity.

As proposed by the applicant, the site will contain both commercial and residential uses in separate structures. Delineating sidewalks or walkways for apartment residents and designing the flow of traffic to direct motor vehicles away from the residential building and toward the convenience store and gas pumps would enhance pedestrian safety (Section 6.4, C Pedestrian Safety – Effingham Site Plan Review Regulations).

#### Proximity to Aquifers and Surface Waters That Transcend Municipal Boundaries

The site abuts the municipal boundary between Effingham and Ossipee, but the major factor for potential regional impact is the site's proximity to the Ossipee Aquifer, a groundwater source identified as the largest stratified-drift aquifer in New Hampshire. Due to the importance of this groundwater resource, a decade ago the Lakes Region Planning Commission, supported by funding from the NH Department of Environmental Services, worked with several municipalities in the Ossipee Watershed, including Effingham, to develop groundwater protection ordinances using the NHDES Model Groundwater Protection Ordinance as a guide. The most recent model ordinance (2015) lists gas stations as a prohibited use in groundwater protection zones. Although the Waste Management Division of NHDES reviews and permits underground tanks for the storage of gasoline and diesel fuel, NHDES Water Division guidance recognizes that not all risks of contamination can be eliminated from the operation of gas stations. State law empowers municipalities to rely on their zoning and planning regulations to determine appropriate land uses in a given location. Effingham's Site Plan Review Regulations seek to "avoid undesirable and preventable elements of pollution ... or any other discharges into the environment which might prove harmful or a nuisance to ... groundwater ..." The regulations state that site plans that don't "appropriately protect groundwater" will not be approved (Section 6.4, J – Pollution Control).

The conditions attached to the Effingham ZBA's grant of the variance require the applicant to submit a Stormwater Management Plan and a Spill Prevention Control and Countermeasure Plan for site plan review. Both plans must meet NHDES guidelines. The applicant is asking the Planning Board to waive these ZBA conditions, although the applicant has prepared and submitted his own Spill Prevention Control and Countermeasure Plan and Erosion and Stormwater Management Plan. Given the sensitive nature of the site of the proposed gas station above the Ossipee Aquifer, LRPC recommends that the Planning Board seek consulting services to review the adequacy of the applicant's proposed site plan, Spill Prevention Control and Countermeasure Plan, and Erosion and Stormwater Management Plan. (See RSA 673:16, II and RSA 676:4, I(g) for planning board authority to impose fees to cover the cost of consultant services).

The Board's regulations also permit it to require the applicant to provide an Environmental Impact Analysis of the proposed development (Section 6.2, D 3 – Effingham Site Plan Review Regulations) and a landscape plan that would minimize drainage toward abutting properties, including the nearby Leavitt Brook. (Section 6.4 A – "Design of the development should fit the existing natural and manmade environments with the least stress ...").

Thank you for the opportunity to provide these comments as the Planning Board reviews the proposed site plan and considers the potential impacts it may have on the region's important resources.