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Project No. 220473

January 26, 2023

Town of Effingham Planning Board
c/o Theresa Swanick, Chair
68 School Street
Effingham, NH 03882

Subject: Site Plan Application for Meena, LLC

Dear Board Members:

On behalf of the Applicant, Meena, LLC ("Meena" or "Applicant"), this letter shall constitute Meena's response to the September 28, 2022, engineering review letter provided by Northpoint Engineering, LLC ("Northpoint") to the Board relative to the Meena, LLC Application, and is being updated to also consider comments and concerns made by the NHDOT. I will follow the headings in Northpoint's letter for ease of review.

1. We understand that the Board has made a determination that the project is not subject to the Special Use Permit requirement of Zoning Ordinance Article 22 Groundwater Protection. However, as discussed in the previous review letters, the project is subject to the Performance Standards of Section 2210. In fact, in their June submittal package, the applicant recognized and agreed that the Performance Standards apply to the project – refer to item #1 in the Horizons cover letter of June 30, 2022. With a couple of exceptions discussed below, it appears that the project is meeting, or is attempting to meet, most of the performance standards listed in Section 2210. For clarity purposes, we recommend that the applicant prepare brief a narrative that discusses how the project is meeting each performance standard and/or why a particular standard does not apply to this project.

The following in *italics* are the Zoning performance standards listed in Section 2210 and our narrative discussing how the project meets the standards is list directly below the standard:

2210 - 1. For any use that will render impervious more than 15% or more than 2,500 square feet of the groundwater protection district area of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3, NH Department of Environmental Services December 2008 or any subsequent revisions.

The site has more than 15% impervious and 2,500 SF of impervious area within the groundwater protection district. Therefore, a stormwater/source control plan, narrative is included in this response, see attached revised SPCC & Source Control Plan.

2210 - 2. Special uses, as defined under Section 2208, Special Uses, shall develop stormwater management and pollution prevention plans and include information consistent with Developing

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Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites, US EPA #833R06004, May 2007 or any subsequent revisions. The plan shall demonstrate that the use will: a. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (DES, 2008 or later edition); b. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater; c. Stipulate that expansion or redevelopment activities shall require an amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI); d. Maintain the following minimum vertical separation between the bottom of a stormwater practice and the average seasonal highwater table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board: four-foot vertical separation for a practice that infiltrates stormwater; one-foot vertical separation for a practice that filters stormwater.

The revised plans and reports include a stormwater management plan, source control plan and a pollution prevention plan. We have removed the infiltration system and replaced it with a new bioretention basin per North Points recommendations, and the new system maintains the required one-foot of separation to the average seasonal high water elevation.

2210 - 3. *Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, July 2008 and any subsequent revisions.*

The project is a fueling station and does not anticipate or plan on storing manure, fertilizers, or composts at the project site.

2210 - 4. *All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;*

The project does not propose to store regulated substances in above ground containers that are larger than 5 gallons. Fueling stations are protected with concrete slabs that include Positive Limiting Barriers (PLB), that will direct excessive spills, should this occur to a series of additional protective stormwater devices; deep sump catch basins, oil water separator, and lined bioretention system.

2210 - 5. *Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner;*

There are no special facilities or above ground storage containers proposed, and the main building will be locked, or under employee supervision at all times and shall be inspected by the facility owner.

2210 - 6. *Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm*

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drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems.

The project does not propose outdoor, above ground storage containers for regulated substances. A screened in solid waste dumpster is proposed at a location that not within the sanitary protective radius of wells used by the public water system.

2210 - 7. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);

The project does not propose outdoor, above ground storage containers for regulated substances, and therefore secondary containment is not provided. Fueling stations are protected with a concrete slab that includes PLB. Precipitation runoff will be directed to a series of stormwater devices; deep sump catch basin, oil water separator, and a lined bioretention system.

2210 - 8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;

There are no outdoor, above ground storage containers/areas proposed at the project site. Fueling stations, and the solid waste dumpster will be clearly labeled, and kept closed and sealed when material is not being transferred.

2210 - 9. Prior to any land disturbing activities, all inactive wells on the property not in use or properly maintained at the time the plan is submitted shall be considered abandoned and must be decommissioned in accordance with We 604, or must be properly maintained in accordance with We 603 of the New Hampshire Water Well Board Rules. Rev 3/11/22 57 of 70

There are no inactive wells on the project site.

2210 - 10. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells.

The project does not anticipate requiring blasting activities during construction.

2210 - 11. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall be conducted over an impervious surface having a positive limiting barrier at its perimeter.

The fueling pads have positive limiting barriers at their perimeters.

2. The very first item listed in the Performance Standards of Section 2210 requires that a Stormwater Management Plan be prepared that is consistent with the New Hampshire Stormwater Manual (the Manual). The purpose of the Manual is to help ensure that development projects include measures to control peak runoff rates, provide stormwater quality treatment, provide for groundwater recharge and

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provide for stream channel protection. The Manual includes specific parameters and design criteria for sizing stormwater management practices to meet these objectives. There are four main design criteria that should be addressed on development projects – they are: Peak Runoff Control, Channel Projection, Groundwater Recharge and Stormwater Treatment. Because the subject project is not proposing any measurable increase in impervious surface area onsite, the first three criteria do not apply. However, the requirement for stormwater treatment does apply and should be properly addressed.

In the current submission, the applicant is stating that “the project is not required to provide the stormwater pre-treatment or treatment requested, per the (Manual)” – refer to item #4 in the Horizons September Letter. Their justification is that the project meets the criteria under NHDES “General Permit by Rule” and therefore does not need an NHDES Alteration of Terrain (AoT) Permit. However, this justification mistakenly conflates the AoT Permit requirements with the requirement to meet the stormwater treatment criteria outlined in the Manual. When, in fact, these are two separate and distinct requirements. We acknowledge and agree that the project does qualify as meeting the NHDES General Permit by Rule and that it is not subject to an individual AoT Permit. However, that does not preclude the project from needing to meet the requirements of the Town of Effingham Zoning Ordinance, which specifically require that the stormwater management plan conform to the Manual. In addition, the Manual specifically recommends that “all development projects” adhere to its design parameters, and not just those projects that require an AoT permit. In adopting a reference to the Manual in the Zoning Ordinance, the Town is clearly expecting that all development projects within the Groundwater Protection District comply with the stormwater requirements set forth in the Manual, which include the requirement for stormwater treatment.

We recommend that the applicant revise the Stormwater Management Plan and Drainage Report to comply with the stormwater treatment criteria outlined in the Manual. In addition, the following comments include several specific thoughts and recommendations related to the stormwater management design and compliance with the Stormwater Manual.

We have revised the plans to include a lined bioretention basin per the North Point recommendation. A revised drainage analysis and report is attached to this response letter, that meets the stormwater treatment criteria outlined in the NHDES Manual, see attached NHDES BMP work sheet.

3. The plans, as currently designed, contain deep sump catch basins and an oil/water separator. Both of these are identified as “pre-treatment” devices in the Manual and are suitable for use on this site. They are intended to provide pre-treatment of the stormwater runoff prior to entering a treatment practice and will serve to capture coarse sediments, floating debris and some hydrocarbons. However, the combination of these devices does not meet the design criteria outlined in the manual for treatment. In order to receive proper stormwater treatment, an additional stormwater structure will need to be implemented downstream from these devices. A common practice would be to utilize a lined filtration BMP, which would need to meet the design criteria contained in the Manual for the contributing Water Quality Volume (WQV) or Water Quality Flow (WQF) and would need to take into consideration the requirements associated with a groundwater protection area and a high load use.

The drainage basin has been converted into a bioretention basin in order to provide treatment for the runoff generated from the existing impervious area. Water Quality Volume calculations are included in note (7) on sheet SMP 1.01 to show that the proposed rain garden meets the WQV requirements. Also see attached NHDES BMP worksheet.

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4. As currently designed, the project is proposing to utilize infiltration as one component of the stormwater management system. The Stormwater Manual specifically prohibits infiltration into a groundwater protection area where the stormwater is from a high-load area and from areas where gasoline is dispensed from vehicles. The exception would be for any roof runoff that can be isolated from the pavement surface runoff. The project is currently proposing an infiltration trench that receives runoff from the proposed canopy only – this is acceptable. However, runoff from the paved surfaces that is captured by the catch basins should be properly treated prior to discharge and should not include any infiltration component. The design plans currently include a shallow, surface drainage basin that is proposing to infiltrate stormwater runoff from the paved parking area, including the fueling area. This is not acceptable. We would recommend that the project utilize a different BMP, such as a bioretention basin or a filter basin that contain an impermeable liner to ensure that runoff from the high load area is not infiltrated into the groundwater.

We agree with North Point that a bioretention basin would be better suited for this location. The drainage basin has been converted into a bioretention basin and the NHDES BMP work sheet for a bioretention basin has been included in the submittal. Given the location of the project, we agree with North Point that infiltration should not be utilized. Therefore the basin will be lined.

5. The Stormwater Manual recommends that “high load areas,” such as gas stations, implement a “Source Control Plan,” which should be developed to minimize the volume of stormwater coming into contact with regulated substances and to segregate relatively clean stormwater from stormwater with a potentially higher concentration of pollutants. This project has prepared an SPCC Plan, which is similar to a Source Control Plan and covers many of the same items. However, there are a few additional aspects of the Source Control Plan that should be addressed - and could likely be accomplished by supplementing the SPCC Plan. We recommend that the applicant review the Source Control Section of the Stormwater Manual make any necessary adjustments to the SPCC Plan and/or prepare a separate Source Control Plan.

The source control plan has been added to the SPCC plan, see attached revised plan.

6. As currently designed, the shallow, surface drainage basin is located off the pavement between Catch Basin 1 and the NHDOT right-of-way at the southeast corner of the site. It is documented in the drainage report as Pond P-5 and it currently includes an infiltration component as well as an overflow into the DOT right-of-way. We have several comments on the design of this basin:

a. If this basin is intended to be utilized for treatment it should be properly designed to meet the criteria contained in the Manual and it should include a BMP that is suitable for use in a high load area (i.e. not infiltration).

The drainage basin has been revised to a lined bioretention basin that will treat the runoff from the drainage area, see sheet SMP 1.03 for details of the new basin. The basin will be lined so as not to infiltrate. The drainage analysis has been revised accordingly.

b. It is unclear on the plans how the proposed grading of this basin will be accomplished as there appear to be vertical conflicts between the proposed contour elevations and that proposed elevations of the catch basins. For example, Catch Basin 1 has a rim elevation of 423.50 and is backed by a 5” high sloped granite curb. Immediately behind the curb is a proposed contour

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elevation of 422.00. The grading design should be checked in this area to ensure that it is constructible.

The grading has been revised to show a proposed 424.00 contour along the back of the proposed curb.

c. The proposed grades shown on the plan do not match the elevations identified in the Drainage Report. This should be revised or clarified accordingly.

The drainage report has been revised based on the new basin design and elevations have been clarified.

d. The Report identifies surface areas of the basin that appear to be significantly larger than what is shown on the plans. This should be revised or clarified accordingly.

The drainage report has been revised accordingly.

e. The elevation of the emergency spillway should be identified on the plan and a typical construction detail should be provided.

A detail for the emergency spillway is now shown on sheet SMP 1.02.

7. The Drainage Report includes a Drainage Plan exhibit that illustrates the drainage (or subcatchment) areas of the proposed catch basins. However, it is not clear on the grading plan how the stormwater runoff will actually drain to the catch basins. Specifically, it appears that the majority of drainage area S-1 will actually drain down the driveway towards Leavitt Road and not towards Catch Basin 1 as intended. There is not sufficient detail on the grading plan to ensure that stormwater runoff is directed towards the catch basins. Furthermore, it is still not clear on the plans the extent to which the existing pavement onsite will need to be regraded in order to accommodate the desired drainage patterns. Since the primary purpose of the Stormwater Management Plan, Drainage Report and Inspection and Maintenance Manual are to ensure that the stormwater runoff from this front portion of the site is appropriately managed, treated and maintained, it is critical that the front paved area of the site be graded in a manner that will guarantee the stormwater runoff drains to the catch basins where it can be properly intercepted before flowing offsite. We recommend that the engineer revise/clarify the grading design accordingly to ensure that all stormwater runoff from the fuel dispensing areas is directed to the onsite stormwater management system and to identify the limits of new pavement/grading within the subject area of the site.

Proposed sawcut lines, spot grades and runoff follow direction arrows have been added to sheet SMP 1.02. The entire area between the fuel pumps and curb is existing pavement to be reconstructed. Spot grades have been shown to ensure runoff will flow to the proposed catch basins as intended. Because the proposed fuel pumps are higher than the surrounding paved area, the subcatchments between the existing building and proposed fuel pumps have been revised.

8. We recommend that the engineer recheck the following design details on the Stormwater Management Plan:

a. Catch Basin 2 outlet pipe invert (420.80) does not match the 12" culvert label (418.80).

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The inverts on the catch basin have been revised.

b. Catch Basin 2 appears to have two conflicting pipe connections – the 12” inlet pipe from Catch Basin 1 and the 12” outlet pipe.

The pipe callouts for the inlet and outlet pipes have been corrected.

c. There is a proposed contour (elev. 424) shown in close proximity to Catch Basin 2 which has a rim elevation of 423.50.

The grading in this area has been revised so that it has a 4% cross slope from the high contour to the catch basin, see sheet SMP1.02.

d. Additional spot elevations should be considered along the proposed curb line to ensure proper slopes and drainage towards the catch basins to avoid puddles.

Additional spot elevations have been added, along with additional flow arrows, and high and low point flow lines, see sheet SMP 1.02.

e. Similarly, additional spot elevations should be added between the fueling area and the parking spaces adjacent to the building, along with flow arrows.

Additional spot elevations have been added along the building and along the proposed sawcut line to show the existing elevation at the saw cut. The saw cut line can be seen on sheet C1.01.

f. We note that the Concrete Pad Grading Plan on sheet SMP 1.02 does not contain any additional information from what is shown on sheet SMP 1.01 other than some drainage flow arrows. Was there some other design information intended on this detail that was not plotted?

The intent of the plan sheet SMP 1.02 is to show the flow arrows for drainage and show the fueling areas at a closer scale for construction purposes and to ensure the design intent is conveyed to the contractor, additional spot grades and flow arrows have been added.

9. Is there a reason why only Catch Basin 2 is equipped with a hood? Typically, hoods are most effective when installed on offline basins. Catch Basins 1 and 2 are the only true, offline, deep sump catch basin in the design. Installing hoods on those two catch basins would be an easy way to provide additional pretreatment measures.

The detail has been added to call out sumps and hoods on all basins. We agree that the sump and hood is not necessary on catch basin #2 but it will add an additional level of protection for hydrocarbon removal, and the attached plans have been updated see sheet SMP 1.02.

10. Is there a reason why the dumpster is being installed on porous pavers? It would seem that a dumpster pad could be a potential source of groundwater contamination and should be installed on an impervious surface. The dumpster is not located in an area that will surface drain to the catch basins, therefore, it may be prudent to install an impervious concrete pad equipped with PLBs to help ensure

that any small spills at the dumpster are captured. We recommend that the dumpster be addressed in the Source Control Plan or SPCC Plan.

We agree with North Point that having porous pavers under the dumpster could lead to a potential source of groundwater contamination. Therefore the proposed dumpster location has been revised to a location behind the convenience store. The dumpster will be installed on concrete pad in an area consisting of an existing impervious gravel surface.

In addition, we recommend that the project narrative discuss what material will be disposed of in the dumpster, with attention paid to Performance Standard 2210.A.6 which states that outdoor storage areas for regulated substances, including waste, must be located outside the sanitary protective radius of wells used by public water systems. We note that the proposed dumpster is located within the protective radius of the existing onsite well. If that dumpster will contain any waste from petroleum products or regulated substances than it may need to be moved to a different location on the site that is outside the protective radius.

The proposed dumpster has been moved to a location outside the well radius, and installed on a concrete pad. See the attached SPCC and Source control plan for information regarding the material to be disposed of in the dumpster.

11. The Stormwater Management Details plan contains a Concrete Pad Grading Plan detail. It is not clear on that plan how the grading works between the fuel pumps and the existing building and whether or not that paved area can drain to the catch basins. We recommend expanding the grading detail plan to show additional existing and proposed spot grades and flow arrows throughout the entire portion of the site that will drain to the proposed catch basins, to ensure that there is adequate positive drainage.

The detail has been expanded to include more spot elevations and flow arrows along with high and low points shown to ensure the design intent is clear during construction. These flow arrows and spot elevations will ensure that runoff flows to the catch basins as designed.

12. The Existing Conditions Plan should include the stamp of the certified wetlands scientist who performed the wetland delineation on the parcel and/or a separate letter/plan should be provided containing the stamp.

The wetland scientist has stamped and signed the existing conditions plan.

13. We recommend that snow storage areas be shown on the plans and discussed in the narrative/report as they can have an impact on the functionality of the stormwater basins.

Snow storage areas are now shown on sheet C 1.01.

14. We note that the plans indicate a 20' right-of-way easement along the southern boundary that benefit the existing overhead utilities, and that the proposed stormwater infrastructure, including the surface basin, are located within this easement. The applicant will need to ensure that the proposed improvements are allowed with this easement area and obtain a joint use agreement with the easement holder if necessary. In addition, the plans note that an existing utility pole may need to be relocated in order to construct the surface basin. There does not appear to be a lot of space in that corner of the site

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and utility companies typically require that poles be installed 6' to 8' away from driveway entrances and parking areas. We recommend that the applicant consult with the owning utility company to determine a feasible location for the pole relocation prior to finalizing any final stormwater treatment design, in order to avoid any potential re-designs after the fact.

An on-site meeting was held with the applicant and a representative from Eversource. During this meeting, the proposal was conveyed to Eversource, and it was determined the work proposed in the right-of-way would be acceptable and did not think that the utility pole would need to be relocated. The meeting was with Bradley Perry on October 13, 2022.

15. The plans have been revised to eliminate drainage structures from within the DOT right-of-way and we understand that the applicant intends to continue to coordinate with DOT on the project. It does appear as though some temporary impacts may be necessary within the DOT right-of-way to install the oil-water separator and possible other features of the stormwater management plan. We recommend that the applicant provide the Town with any final approvals received from NHDOT.

Revised plans have been sent to NHDOT, which has deferred to the North Point review. Horizons will continue to update the NHDOT and upon approval notify the Town.

16. We have the following comments specific to the Drainage Report:

a. The Report states that the combination of the deep sump catch basin and oil/water separator will “remove any hydrocarbons in the runoff.” As discussed above, the combination of these pre-treatment devices will capture some hydrocarbons but they do not meet the design criteria for treatment and they will not remove all hydrocarbons. A permanent treatment method should be incorporated into the design, taking into consideration the additional design criteria of a high load area and a location within a groundwater protection area. All added provisions in the design should be documented in the Report.

The proposed drainage basin has been converted into a bioretention basin to provide treatment for the existing paved areas, while not allowing infiltration.

b. The Report includes field infiltration testing results that demonstrate measured infiltration rates of 1.0 and 2.6 in/hr. Typically, a factor of safety would be applied to the measured rates and then utilized as the design infiltration rate. The drainage calculations utilize design infiltration rates of 3.0 and 2.8 in/hr. The design infiltration rate should be revised and/or clarified accordingly.

The infiltration rate for the infiltration trench has been revised to a rate of 1.3 in/hr, so that it is half of the measured rate. This will add the required factor of safety to the design.

The rate of 3.0 in/hr has been removed from the design since the infiltration basin has been converted to a lined bioretention basin.

17. We offer the following comments on the I&M Manual:

a. We recommend that the Owner’s contact information be included within the I&M Manual.

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The I&M manual is included in the same document as the SPCC and Source Control Plan which contains the owners contact info and address.

b. The I&M Manual refers to an “attached Location Plan” that shows the device locations – this Plan appears to be missing. We recommend that the I&M Manual contain a plan exhibit (8 ½” x 11” or 11” x 17” would be adequate) that identifies the locations of each Stormwater BMP onsite that is subject to routine inspections along with snow storage areas.

An 11” x 17” plan will be bound with the I&M manual upon approval so that a copy can be kept on site.

c. The I&M Manual should address the need for sweeping / sediment removal from paved surface areas.

Street sweeping and sediment removal has been added to the I&M Manual.

d. The summary table in the I&M Manual lists five separate stormwater structural devices but inspection forms are only provided for three. The I&M Manual should include inspection forms for all devices or should otherwise specify how each are to be inspected and maintained.

The inspection and maintenance manual has been revised accordingly to include all stormwater devices, see attachment 5.

e. The I&M Manual should discuss de-icing and snow storage procedures and should include a de-icing log.

A deicing log and snow storage procedures have been added to the I&M manual as attachment 4.

f. The I&M Manual should be updated to include any additional BMPs added to the stormwater management design as part of the plan revisions.

The I&M manual has been revised based on North Point’s recommendations and has been expanded to include the lined bioretention basin.

18. The SPCC Plan should be updated to align with any changes that are made to the stormwater management design. Also, the date on the cover page should match the date on the document.

The SPCC plan has been revised based on the changes to the design and the dates have been revised accordingly.

19. The Planning Board may want to consider that the I&M Manual be a recorded instrument, in accordance with the apparent intent of the Ordinance which states in Section 2208.J that “a narrative description of maintenance requirements for structures required to comply with Performance Standards of Section 2210, Performance Standards, shall be recorded at the Carroll County Registry of Deeds so as to run with the land on which such structures are located. The description so prepared shall comply with the requirements of RSA 478:4-a.”

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We agree with North Point that the I&M manual should be recorded at the Registry. We recommend that this be a condition of approval.

If you have any questions regarding our response, please feel free to give me a call.

Respectfully,



Don Bouchard

Regional Project Manager

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