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Project No. 220473
June 30, 2022

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 initial response to the April 26, 2022 engineering review letter provided by Northpoint Engineering, LLC ("Northpoint") to the Board relative to the Meena, LLC Application. I will follow the headings in Northpoint's letter for ease of review.

Local, State and Federal Permits

1. Respectfully, the Northpoint engineer is legally incorrect in this part of his letter. Meena does not require a Special Use Permit from the Planning Board. Pursuant to the zoning ordinance, Meena obtained a variance because the Applicant's proposed use was a prohibited use under the zoning ordinance. See Ordinance, 2207(8). Section 2208(A) of the Zoning Ordinance states: "The Planning Board may grant a Special Use Permit, in accordance with the provisions of this Section, for a use otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:." Section 2208(B) then states that "[i]n granting such Special Use Permit approval the Planning Board must first determine that the proposed use is not a Prohibited Use, as listed in Section 2207" Pursuant to Section 2207(8), Meena's proposed use is prohibited. Thus, the special use process is inapplicable. Having said that, the Applicant recognizes and agrees that the performance standards to the extent applicable to its project, set forth in Section 2210, would still apply to the project.
(Response provided by Matthew R. Johnson of Divine Millimet Attorneys at Law).

Zoning Ordinance

2 Thru 4

Again, the engineer is incorrect regarding the need for Meena to apply for and the Planning Board to grant a Special Use Permit for the reasons outlined above. The Planning Board is not permitted by the plain language of the zoning ordinance to require Meena to obtain a Special Use Permit when it already obtained a variance from Section 2207(8) as well as an earlier Special Exception for an Automobile Service Station as required by Article 9 of the Zoning Ordinance given the zoning district in which the property sits.

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With respect to the development of a stormwater management pollution prevention plan, the Applicant is working with consultants to provide an updated stormwater management plan to address the bulleted items set forth in Section 3A as well as the information required in 3B of Northpoint's letter. The Applicant is also working with consultants to provide an updated Spill Prevention, Control and Countermeasure ("SPCC") Plan to address the items as set forth in Section 4 of Northpoint's letter. *(Response provided by Matthew R. Johnson of Divine Millimet Attorneys at Law).*

Site Plan Regulations

5. The applicant agrees with North Point Engineering the project will not cause any increase in peak stormwater runoff.
6. Spot elevations have been provided on the Stormwater Management Plan sheet SMP 1.02.
7. The Stormwater Management Plans include spot elevations for the new slabs and include the limits of the paved areas.
8. The previously proposed swale has been removed and a closed stormwater collection system has been added to the Stormwater Management Plan, which includes deep sump catch basins, oil water separator, infiltration basin and level spreader, see attached plans.

General Comments – Stormwater Management Plan

9. The stormwater management plan includes several layers of protection from potential spills by providing:
 - On-site spill kits
 - PLB = positive limiting barrier - grooved perimeter on slabs where small fuel spills can be captured
 - Installed Sloped Granite Curb (SGC) to direct runoff to the deep sump catch basins.
 - Deep Sump Catch Basin (DSCB) located down gradient of the fueling areas, to collect surface runoff.
 - DSCB's will direct stormwater to a three chambered Oil/Water Separator.
 - Stormwater will finally be directed to a level spreader and then to the infiltration area.
10. See note (5) on the Stormwater Management Plan to remove all temporary erosion control measures once the site is stabilized.
11. All concrete slabs where fuel transfer occurs have the PLB, and note the additional stormwater management structures included in comment 9 above.

General Comments – SPCC Plan

12. Please see the attached SPCC plan prepared by Horizons Engineering, Inc.
 - A. The SPCC plan was reviewed and sealed by Mark Lucy, PE, CPESC.
 - B. The Storage Containers type and capacity are provided in Section 3.0 the SPCC

- C. Section 7.0 of the SPCC plan provides a discussion of the potential flow paths and proximity to waterbodies.
- D. Emergency procedures and emergency contacts are provided in Section 8.4 of the SPCC.
13. The SPCC plan will be submitted to the Fire Chief for review and approval.

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

Respectfully,



Don Bouchard
Regional Project Manager
Horizons Engineering, Inc.

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