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Project No. 220473
August 11, 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 July 7, 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.

- 1. The Applicant has provided a legal opinion stating that the project is not subject to the Special Use Permit requirement of Zoning Ordinance Article 22 Groundwater Protection. The Planning Board will need to make a decision on that matter. We recommend that the Board consult with your Town Council if you feel that an additional legal opinion is warranted. Regardless of whether the Special Use Permit is required, the Applicant has recognized and agreed that the applicable performance standards set forth in Section 2210, would still apply to the project. Conformance to the performance standards would have the same practical effect as obtaining the Special Use Permit, relative to the desired protection of the aquifer and groundwater.**

Northpoint is incorrect. Meena reiterates its position that the plain language of the zoning ordinance makes it clear that Meena does not require a Special Use Permit from the Planning Board for its project.

Section 2207(8) of the Ordinance makes Meena's project a prohibited use. This means the only avenue for approval would be a variance from this section of the Ordinance obtained through the Zoning Board of Adjustment. Meena obtained this variance which is now a final order. The Ordinance language further establishes that this is the only reasonable interpretation of the Ordinance. 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 so there

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is no way the Planning Board can find that the use is not a Prohibited Use. Thus, the special use process is inapplicable by its own terms.

The only special exception needed has been obtained when Meena obtained a special exception in accordance with Article 9 of the Ordinance for an Automobile Service Station.

(Response provided by Matthew R. Johnson of Devine Millimet Attorneys at Law).

2. *We assume that the Horizons Plans are intended to replace the McConkey Stormwater Management Plan. However, it would seem that the McConkey Site Plan is still intended to be part of the application. The McConkey Site Plan contains references to grading and drainage design, including the previously proposed paved swale in the driveway. It should be revised accordingly or a separate Site Plan should be prepared. We recommend that all applicable site improvement plan and detail sheets be included in one plan set under a common cover sheet, for clarity purposes.*

A site plan has been prepared by Horizons Engineering, Inc. and there is now one plan set under a common cover sheet.

3. *The Horizons Plans include a new design for the grading and stormwater management that involve a closed stormwater collection system. The Horizons Letter describes the system as containing deep sump catch basins, oil water separator, infiltration basin and level spreader. The plans do contain three deep sump catch basins, two of which are “off-line” basins – meaning that they do not have inlet pipes. Off-line, deep sump catch basins are used as an initial measure to capture coarse sediment and floating materials before stormwater is released downstream. It appears that intent of the grading design is for all stormwater runoff from the fuel dispensing and fuel storage areas to drain to one of these three catch basins. The catch basins then outlet to an oil/water separator which is an underground storage structure that contains multiple chambers designed to further capture coarse sediments, floating debris and some hydrocarbons. The oil/water separator then outlets to a level spreader, which is a mechanism that disperses runoff as sheet flow, rather than concentrated flow – this helps to prevent downstream erosion. The level spreader discharges the stormwater runoff into the existing DOT retention basin, which the Horizons Letter refers to as an “infiltration basin” and “infiltration area.” We recommend that Horizons document this proposed stormwater treatment train design in a narrative fashion (i.e. drainage report) as part of the formal application approval process. The narrative should identify the area of the site that is draining to this stormwater system and provide an appropriate analysis of each treatment device.*

A stormwater narrative has been included in this response letter.

4. *The NH Stormwater Management Manual – Volume 2 published by NHDES contains the design criteria for industry standard treatment and pre-treatment of stormwater runoff. “Treatment” or primary treatment, refers to the permanent and primary method(s) or devices installed in stormwater management practices that minimize the discharge of pollutants to surface waters and groundwater. “Pre-treatment” refers to methods or devices that are installed upstream of the primary treatment that are intended to collect coarse sediment in order to help prevent excessive sediment build-up in the primary treatment device. Treatment*

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and pre-treatment devices are commonly referred to as Stormwater BMP's (best management practices). The deep sump catch basins and the oil-water separator, as designed, appear to meet industry standards for pre-treatment for the stormwater runoff from the site. However, it is not evident how the design is intending to meet the primary treatment standards. The pre-treatment devices will provide some ability for hydrocarbon containment but they do not meet the industry standards for pollutant removal levels. If the intent is for primary treatment to be accomplished via infiltration through the DOT retention basin, then additional design criteria should be evaluated. It does not appear that there is adequate separation to groundwater based on the test pit data and the presence of wetlands. We recommend that the engineer document how the proposed treatment methods are meeting current industry standards for stormwater treatment and revise the design if necessary. It would appear to us that the onsite runoff should be fully treated prior to being discharged to the DOT right-of-way. Our expectation is that this would include appropriate treatment and pre-treatment for the water quality flow or water quality volume of stormwater runoff from the subject area of the site.

The project is not required to provide the stormwater pre-treatment or treatment requested, per the "NH Stormwater Management Manual – Volume 2" as this project meets the criteria under NHDES "General Permit by Rule" Env-Wq 1503.03 (e) (1-6). The project disturbance is less than 100,000sf, which all disturbed areas are outside the protected shoreland, the work is not part of a larger development plan, the work will not significantly alter the characteristics of the land, the plans provide temporary methods of stormwater management and erosion control measures, no work is planned within jurisdictional wetlands. The revised drainage design does include an additional stormwater treatment practice that goes above the General Permit by Rule. A new stone infiltration trench has been added to treat the canopy roof runoff.

The main source of pollutants in runoff from the site will be the hydrocarbons from any potential oil spills. The oil water separator will allow the oils and hydrocarbons to float to the top of the tank while the runoff passes through the outlet to the level spreader. The proposed drainage design, as noted by North Point Engineer, will be sufficient as there will be no change in impervious surface on site, thus no change in runoff to the DOT right of way. A copy of the drainage analysis has been sent to DOT for review.

5. We recommend that the applicant provide a Stormwater Inspection and Maintenance (I&M) Manual (I&M) or some other form of a long-term operation and maintenance procedure that complies with the industry standards of the NH Stormwater Manual. We acknowledge that that the SPCC Plan does include a brief narrative description of the stormwater system and also includes an inspection form for some of the stormwater management devices. However, the content contained in the SPCC Plan is not sufficient to ensure the long-term integrity of the stormwater system.

A "Stormwater Inspection and Maintenance Manual" for the new stormwater management systems is attached to this response letter.

6. The current design includes proposed grading and proposed drainage structures within the DOT right-of-way. This work will require a separate permit or approval from DOT and an agreement with DOT pertaining to the long-term maintenance of the drainage structures.

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We agree with Northpoint Engineering that a maintenance agreement is needed with DOT for the drainage structures in the right of way. A copy of the maintenance agreement will be provided to the Town when acquired.

7. **The SPCC Plan prepared by Horizons appears to address the requirements of Section 2211 of the Effingham Zoning Ordinance as well as the industry standard. We have several minor comments on the SPCC Plan, as follows:**

a. The plan should be updated to align with any changes that are made to the stormwater management design. Currently it refers to a treatment swale (on pages 5 & 8) which is not a part of the current stormwater design.

The SPCC plan has been updated to align with the current stormwater design, and the reference of the treatment swale has been removed.

b. The plan requires monthly routine inspections along with an annual comprehensive inspection. It states that all inspection records shall be made a part of the plan and shall be maintained for at least three years. The Planning Board may want to have those inspection forms made available to the Town upon request. If so, we would recommend adding such language to the SPCC Plan.

Section 8.2 of the SPCC Plan has been updated to include language the inspections forms shall be made available to the Town upon request.

c. The SPCC Plan will need to be approved by the Fire Department;

The applicant understands the SPCC Plan will need to be approved by the Fire Department.

8. **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 design plans of been updated to include additional topography, flow arrows and spot elevations to ensure positive drainage from the concrete pad and buildings to the down gradient basins.

9. **We recommend that the plans include the location of the existing well on the property along with all required protective well radii, including those that may apply to fuel dispensing areas and underground storage tanks.**

The existing well and well radii have been added to the existing conditions plan.

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10. We recommend that the Existing Conditions Plan clarify the edge of wetlands that are shown in the DOT right-of-way. Was that delineated by a certified wetland scientist?

The wetlands were delineated by Adam Doiron, certified wetland scientist and the plan has been revised to identify who delineated the wetlands and show them more clearly.

11. We recommend that the Existing Conditions Plan include a note indicating the vertical datum and provide an onsite or nearby benchmark.

The vertical datum has been added to the “Existing Conditions Plan” along with four benchmarks.

12. We recommend that the Existing Conditions Plan be stamped by a Licensed Land Surveyor or Professional Engineer.

The existing conditions plan is stamped by the Professional Engineer.

13. We note that the NHDES approval letter for the UST construction was dated February 23, 2021 and was valid for one year. We recommend that the Planning Board require receipt of a current and valid approval from NHDES, if one has not yet been provided.

The NHDES approval letter with an expiration date of February 23, 2023, is attached to this response.

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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