

April 26, 2022

Effingham Planning Board
Attn: Theresa Swanick, Chair
68 School Street
Effingham, NH 03882

Subject: Engineering Review Letter
 Meena, LLC
 NH Route 25 & Leavitt Road
 Effingham, New Hampshire
 NPE Proj. No. 22026

Dear Board Members,

At the request of the Planning Board, Northpoint Engineering, LLC (Northpoint) has performed a technical review of the plans and material for the subject project that have been provided to us. We were informed that the subject site is located within the town's Groundwater Protection District and that the Town of Effingham Zoning Board of Adjustment (ZBA) has granted a Variance for the proposed use subject to conditions that the project prepare a Stormwater Management Plan and a Spill Prevention, Control and Countermeasure Plan. The Planning Board requested that our review focus only on the stormwater management design and the SPCC plan and that we provide any comments and recommendations that we deem appropriate. The application material and plan documents were reviewed to determine conformance with local regulations, state and Federal requirements as well as generally accepted engineering practices.

The material that we reviewed included, but was not limited to, the following items:

- Completed Site Plan Application & Checklist;
- UST Site Plan prepared by Christopher P. Williams, PE dated 11/05/20;
- Effingham ZBA Notices of Decision;
- Three Letters from Paul L. King, PE, all dated 10/03/21 and one dated 12/22/21;
- Site and Aerial Photographs;
- Letter from Mark McConkey dated 12/20/21;
- Spill Prevention Control and Counter Measure Plan prepared by Meena, dated 12/13/21;
- "Site Plan Review Plat," prepared by Jacob & Mark McConkey, dated 12/21/21;
- "Site Plan Review Plat 2 (Stormwater & Errosion Control Plan)," prepared by Jacob & Mark McConkey, dated 12/21/21;

We offer the following comments and recommendations:

Local, State and Federal Permits

1. The project is very limited in size and does not appear to require any additional state or federal permitting, related to stormwater management or spill prevention and control. However, as discussed in the following comment, it does appear that the project is subject to a Special Use Permit from the Planning Board, in addition to the Site Plan application currently pending before the Board.

Zoning Ordinance

2. As noted, the Effingham ZBA granted a Use Variance from Z.O. Article 22, Section 2207A(8) to permit the proposed gas station. However, Article 22 Groundwater Protection contains other sections that would appear to apply to this project, including Section 2208 which requires that the Planning Board grant a Special Use Permit for any use that will store, handle or use regulated substances in quantities exceeding 100 gallons. We are not aware that the applicant has applied for a Special Use Permit from the Planning Board but it would appear that one is needed. We recommend that the Applicant submit a formal Special Use Permit application to the Planning Board. Section 2208 outlines the application process and requirements for a Special Use Permit including, but not limited to, the following items:
 - A. The project must demonstrate that it is meeting the Performance Standards of Section 2210, (further discussed in the following comment)
 - B. Identification of all stormwater infiltration practices and depths to the average seasonal high water table;
 - C. A narrative description of maintenance requirements that shall be recorded at the registry of deeds;
3. Section 2210 includes Performance Standards that “apply to all uses in the Groundwater Protection District.” The applicant has submitted material that appears to address some of the performance standards but it does not appear to fully comply with the requirements. We recommend that the applicant document how they have addressed the specific performance standards and/or supply additional material as necessary. The performance standards include, but are not limited to, the following items:
 - A. Develop a stormwater management and pollution prevention plan to address:
 - Setbacks between water supply wells and stormwater practices;
 - Source control plan to minimize release of regulated substances;
 - Maintain vertical separation between the bottom of a stormwater practice and the average seasonal highwater table;
 - B. 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;
4. Section 2211 includes the specific requirements for a Spill Prevention, Control and Countermeasure (SPCC) Plan. The applicant has submitted an SPCC Plan that addresses

some of the requirements but does not fully comply. We recommend that the applicant revise the SPCC to address the specific criteria of this Section, including but not limited to, the following items:

- A. Facility diagram, including all surrounding surface waters and wellhead protection areas;
- B. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate regulators;
- C. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure;
- D. The SPCC Plan needs to be approved by the Fire Chief;

Site Plan Regulations

- 5. Section 6.4I of the Site Plan Regulations addresses the requirements for stormwater drainage and peak flows. The project is not increasing the impervious area of the site so it will not cause any increase in peak stormwater runoff.
- 6. Section 6.2B(14) discusses the need for spot elevations, where appropriate. Both the UST Site Plan and Site Plan Review Plat indicate general drainage arrows – although the two plans don't seem to match – but there is not sufficient data available on either plan to verify the actual drainage patterns of the paved area. We recommend that the applicant add additional spot elevations (existing and proposed) to the existing pavement area in order to ensure that that stormwater runoff will be drain in the intended direction.
- 7. The UST Site Plan is identifying a concrete gas dispensing pad at the fuel pumps and a separate concrete pad above the UST's. Presumably these are both proposed concrete pads that will be added to the site by cutting out some of the existing pavement. However, it is unclear on either Site Plan how this will be accommodated and what the grades of the concrete pads will be. Given that the paved area appears relatively flat, we would recommend that the applicant confirm the limits of pavement that will need to be removed and the limits of any regrading that is necessary – as part of the above comment relative to spot elevations.
- 8. The applicant is proposing a shallow paved swale in the driveway – presumably to prevent stormwater runoff from draining to Leavitt Road. Similar to the above comments, additional spot elevations are needed to ensure that this swale will drain in the direction intended and without the need for any other areas of regrading.

General Comments - Stormwater Management Plan

- 9. It is recognized that this project is not proposing a significant amount of land disturbance activities nor is it increasing the impervious area of the site. Therefore, there is no real concern relative to the peak flows or quantity of runoff being discharged from the site. However, the project is proposing to add gasoline fuel pumps and will be considered a

“high load area” – with regulated substances that could be exposed to precipitation and runoff – which will have a potential impact on the quality of stormwater runoff that is discharged from the site. Due to the fuel dispensing activity, the stormwater runoff from this site has the potential to generate higher concentrations of hydrocarbons than are found in typical stormwater. It is common industry practice for any high load area to be held to a higher standard when it comes to the quality of stormwater runoff. In this instance, the location of the site within the Groundwater Protection District only enhances the need to ensure that stormwater runoff is being properly treated before it is allowed to recharge back into the ground. As documented in one of the letters provided by Paul E. King, PE, it is noted that the runoff from the site drains to a “huge natural retention basin, between the site and Route 25.” We recommend that the applicant further elaborate on the nature of this retention basin to the extent that any stormwater runoff from the site – and particularly from the fuel dispensing areas – is being infiltrated into the ground, and what stormwater pre-treatment measures, if any, exist in place that will help to remove hydrocarbon pollutants from the stormwater prior to infiltration. And furthermore, to consider the ability of adding any additional stormwater treatment facilities for the stormwater runoff prior to it being infiltrated or otherwise discharged from the site.

10. The proposed silt socks shown the plans would appear provide adequate temporary erosion control for the limited amount of site work anticipated. These are temporary bmp’s (best management practices) that are utilized during construction and should be removed from the site once construction is complete and all disturbed areas are stabilized.
11. The UST Site Plan indicates that the concrete gas dispensing pad at the fuel pumps will be equipped with positive limiting barrier (PLB) which are grooves around the perimeter of the pad that will help to contain any small spills. However, the plan does not indicate that there will be any PLB around the concrete pad over the UST’s. We recommend that the plan be revised to indicate a PLB at all locations that could be subject to spills.

General Comments – SPCC Plan

12. Although the project may not be subject to the US EPA’s SPCC Rule, it is required to implement an SPCC Plan per Section 2211 of the Zoning Ordinance and per the ZBA’s notice of decision. An SPCC Plan and/or a Source Control Plan are considered industry standards for a high load area that is located within an aquifer or groundwater protection area. The Tier 1 SPCC template from US EPA is effectively the industry standard for this type of project and it can be downloaded from the EPA’s website. The SPCC Plan submitted by the applicant addresses many of the typical items that we would expect to see in an SPCC Plan for a small gas station. However, we would recommend that the following items be added to the plan or that the plan be revised to follow the format of the EPA template:
 - A. We recommend that the Plan contain a certification signed by either the owner/applicant (i.e. self-certification) or by the professional who prepared the plan;
 - B. We recommend that the plan list each storage container, including type and capacity;

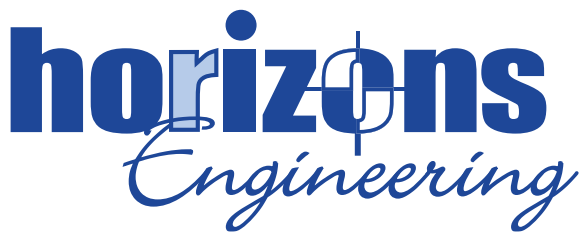
- C. We recommend a discussion of potential flow pathways for uncontained discharges, including proximity to waterbodies and other receptors (wells, etc.);
 - D. We recommend that emergency procedures be included in the plan, as well as contact information for emergency notifications;
13. As noted above, we recommend that the SPCC plan be revised to include all items required by Section 2211 of the Zoning Ordinance and that it be approved by the Fire Chief, if that has not already occurred.

This completes our initial review of the submitted items. If you have any questions please feel free to reach out to me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. W. Lewis', with a stylized flourish at the end.

Jeffrey W. Lewis, PE
Principal Engineer
Northpoint Engineering, LLC



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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

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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

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- 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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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,

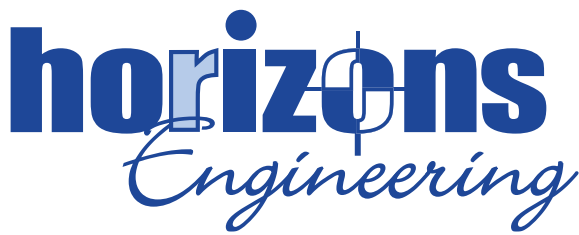


Don Bouchard
Regional Project Manager
Horizons Engineering, Inc.

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Project No. 220473

October 6, 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 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.

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 management plan is included in the submittal.

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

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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 proposal includes a stormwater management plan and a pollution prevention plan.

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;

There will be no manures, fertilizers or composts used as part of this project.

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;

There are no containers larger than 5 gallons proposed on site.

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 proposed but the main building will be locked or under employee supervision at all times.

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

There is no outdoor storage areas proposed.

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);

There is no outdoor storage areas proposed.

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;

All containers will be clearly labeled.

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 site.

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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.

There is no proposed blasting as part of this project.

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 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 agree with North Point that an infiltration practice would not be appropriate at this location. Based on North Points recommendation, the pond has been changed to a lined bioretention basin. The proposed drainage analysis report and design have been revised accordingly.

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

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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.

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 AoT BMP 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.

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:

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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 bioretention basin that will treat the runoff from the drainage area. 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 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 pond design.

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 the plans.

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.

The difference between the existing and reconstructed pavement has been revised to show more clearly on the plans. Proposed sawcut lines are now shown on the site plan. In addition, more spot grades and flow arrows have been added. The entire area between the fuel pumps and curb is pavement to be reconstructed. By constructing the site as shown, 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).

The inverts on the catch basin have been revised to be correct.

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 have been revised to be correct.

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.

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.

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.

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 detail 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.

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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.

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 place of existing impervious gravel.

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.

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 and more spot elevations and flow arrows have been added 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.

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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 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 they found there to be no issues with the proposed plans and did not think that the utility pole would have to be relocated.

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 will be sent to NHDOT. Final approval from NHDOT will be presented to the Town upon approval.

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 a factor of safety to the design. The rate of 3.0 in/hr has been removed from the design due to the conversion of the detention basin to a 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.

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. 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 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.”

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

Horizons Engineering, Inc.

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April 24, 2023

Effingham Planning Board
George Bull, Vice Chair
68 School Street
Effingham, NH 03882

Subject: Engineering Review Letter
Meena, LLC
NH Route 25 & Leavitt Road
Effingham, New Hampshire
NPE Proj. No. 22026

Dear Board Members,

At the request of the Planning Board, Northpoint Engineering, LLC (Northpoint) has performed a **fourth** technical review of the updated plans and material for the subject project that have been provided to us. The application material and plan documents were reviewed to determine conformance with local regulations, State and Federal requirements as well as generally accepted engineering practices.

The material that we reviewed included, but was not limited to, the following items:

- Letter from Horizons Engineering dated January 26, 2023 (Horizons September Letter);
- Seven sheet plan set prepared by Horizons Engineering last revised 4/13/23 that includes a Cover Sheet, a Boundary Survey, an Existing Conditions Plan, a Site Plan, a Stormwater Management Plan, a Stormwater Management Detail Plan sheet and a Bioretention Basin Details sheet (collectively referred to as the Current Plans in this letter);
- Spill Prevention, Control, and Countermeasure (SPPC) Plan prepared by Horizons Engineering, dated April 13, 2023;
- Stormwater Summary drainage report prepared by Horizons Engineering, last revised April 12, 2023 (referred to as Drainage Report or Report in this letter);
- Inspection and Maintenance Manual prepared by Horizons Engineering, last revised April 12, 2023 (referred to as I&M Manual in this letter);

We offer the following comments and recommendations:

1. The stormwater management design has been modified to include a bioretention basin that will collect and treat stormwater runoff from the paved areas of the parcel surrounding the fuel dispensers. This basin has been designed in compliance with the New Hampshire Stormwater Manual (the NH Manual) and is appropriate for the subject site. It includes a multiple level treatment train that will provide additional protection for the receiving soils within the Groundwater Protection District.

2. The I&M Manual has been updated to reflect the final stormwater management design elements. Implementation of the procedures outlined in this manual will help to ensure the long term viability of the stormwater management system to collect and treat stormwater runoff.
3. The SPCC Plan has been updated to include additional provisions for a Source Control Plan in accordance with the NH Manual. This will help 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.
4. The Drainage Report has been updated to include the bioretention basin design and to include a narrative describing how the project intends to comply with the Performance Standards of Section 2210 of the Zoning Ordinance relative to the Groundwater Protection District.
5. Based on the above comments, the submitted material appears to meet the applicable criteria of Town of Effingham Site Plan Regulations and the Town of Effingham Zoning Ordinance Section 2210 Performance Standards of the Groundwater Protection District. In addition, the submitted material appears to meet general industry standards and to be in compliance with the NH Stormwater Manual. We have no further comments relative to the proposed stormwater management design.
6. We offer the following minor comments that the Planning Board may wish to impose as conditions of approval and/or have the applicant address prior to formal approval:
 - A. The Existing Conditions Plan should contain the seal of the Certified Wetland Scientist identified on the plan;
 - B. 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.”

This completes our fourth review of the submitted items. If you have any questions, please feel free to reach out to me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J.W. Lewis', is written over a light blue horizontal line.

Jeffrey W. Lewis, PE
Principal Engineer
Northpoint Engineering, LLC