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Mr. George Bull, Chairman
Planning Board
Town of Effingham
68 School St.
Effingham, NH 03882

June 30, 2023

****BY EMAIL****

Dear Chairman Bull:

We wrote to you on June 12 to ask that you require Meena LLC to produce a Traffic Study so that the board can assess the impact of increased traffic before ruling on the gas station application.

On June 19, the board held a site visit at the Meena property, and on June 20, the board held a brief discussion about traffic and determined, without a vote, that a study was unnecessary.

We believe the board's discussion was insufficient, and its decision was unreasonable because it did not address the facts presented in our letter, facts that should have been all the more apparent from the site conditions viewed by the board the previous day.

Our letter stated:

- The Meena site is a school bus stop, and there has been a large increase in the number of students and parents using it since the gas station closed in 2015.
- Census data show there has been substantial population growth in the three towns surrounding the site, likely increasing local traffic.
- There is currently no traffic at the site and no traffic patterns have been established.
- Information submitted by the applicant when it believed a Traffic Study was required was deficient and misleading, and a waiver was requested.

- There is a conflict between the Site Plan Regulations for Major Applications and the Site Plan Application and Checklist document in regard to whether a Traffic Study is a requirement or is at the board's discretion.

An audio recording of the board's June 20 traffic discussion consists of the following:

- Mr. Bull's observation that "I used to go to Boyle's when it was a gas station and restaurant and I never had any traffic issues."
- Mr. Bull's observation that "Demographics in the area have changed, but I don't know that they have changed to the degree that there's going to be any major impact."
- Select Board representative Seamans's comment that his aunt used to own the property and he worked there "during the nineties."
- Representative Seamans's comment that he was correcting "misinformation from public comment" that the bus stop is new, and the number of buses has increased.
- Mr. Bull's observations that the school system determines where buses stop, and Meena is not obligated to allow buses to use its property.
- Mr. Bull's observation that Route 25 is a "notorious area for car accidents," but "there have never been any issues that I know of" at that site because of "good line of sight and a relatively straight stretch of road."
- Planning Board alternate Mike Cahalane's observation that he has "traveled quite a bit" in the state and has seen "congestion" in Chester, Conway and North Conway, but "Route 25 is just not a high-volume area."

The observations about what the property was like years ago and what traffic is like in Chester and Conway, as well as commentary about where and how the school system establishes bus stops is irrelevant to how much a gas station will increase traffic at the Meena site.

Your observation that demographics (by which you presumably mean population and traffic) have changed, but in a way that you "don't know," underscores the fact that the board has no reliable data on the traffic issue, historically or at present, and therefore has no basis on which to conclude a study is unnecessary.

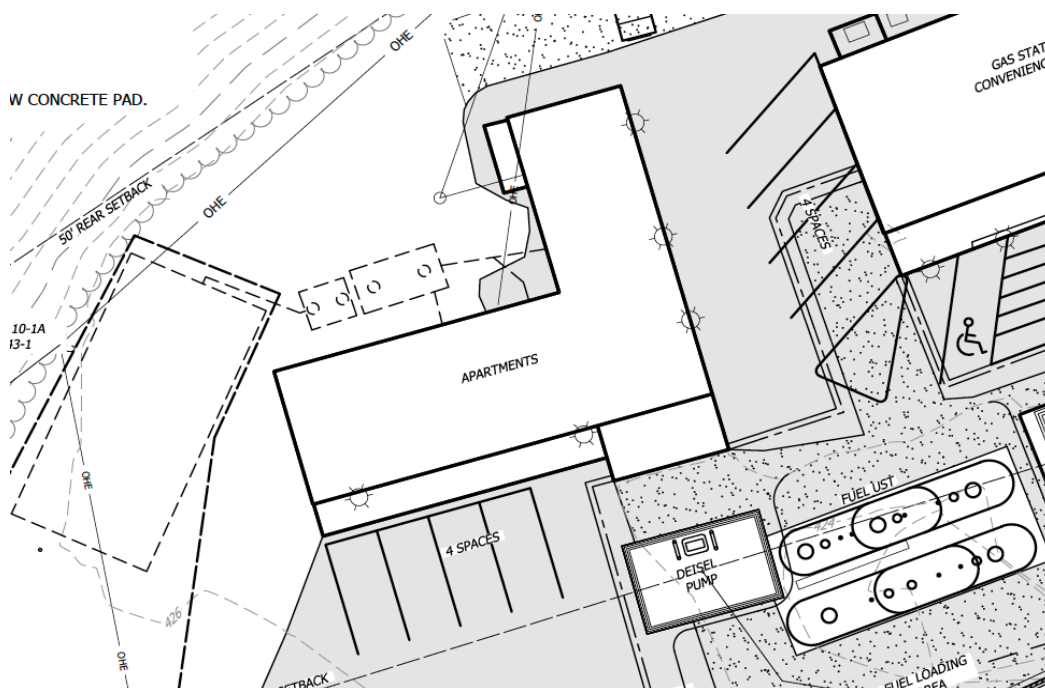
The claim that the need for a Traffic Study was based on the bus stop being "new" or based on an increase in the number of school buses was not in our letter and is not found in the public comments section of the June 13 draft meeting minutes.

In addition to the entire discussion missing the point of the issue we raised, the board's decision took place one day after the Meena site visit, at which this picture was taken:



The picture shows the form work and rebar for the Diesel Pump concrete pad. In the middle is the piping and electrical conduit, which will extend up out of the concrete to be connected to the pump. Behind it are the residential apartments, residents' cars and their parking spaces.

The picture makes clear there is at the very least a question of safety in the likely traffic pattern for the Diesel Pump because of its proximity to the apartments and their occupants and cars. The need for a Traffic Study is also evident from this Site Plan drawing of the same area, which the board has had since June 2022:



In addition to potential traffic safety issues at the diesel tank site, Meena's lack of detail on building exits and entrances makes it difficult to determine what other safety issues exist for autos and pedestrians due to traffic patterns caused by an increase in traffic.

You observed in the discussion that you were unaware of any traffic hazard issues at the site. The picture below shows a demolished SUV, the result of a rollover accident in the DOT infiltration basin in front of the Meena site. This accident took place subsequent to the cease-and-desist order that stopped the illegal construction of the gas station, as indicated by the safety fencing around the site.



Conclusion

The lack of a Traffic Study is one of many missing pieces of information that the board must have in order to make a reasonable, fact-based decision on Meena's Site Plan Application. The board's June 20 decision to not require a study was based on anecdote rather than data, and does not reassure the public that the board understands the impact a gas station could have on public safety. We respectfully ask that you reassess your decision and vote to require such a study before ruling on the Meena application.

Susan M. Marks

Susan M. Marks
Co-Executive Director

David L. Smith

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