

To: Effingham Planning Board June 13, 2023  
From: Blair Folts 984 Province Lake Road, Effingham, NH 03882

Dear Effingham Planning Board,

For over two years I have expressed my concern about the urgency to protect the Town's Water Resources including groundwater, Phillips Brook and Ossipee Lake. The application before the Board currently by Meena, LLC poses so many concerns to this planning board. For the record I had asked before the "last hearing," when the application would be available and was told by Chairman Bull over and over (I think I asked 5 or 6 times that night and I have that recording and happy to share it with the board should you want to listen.) "you have to wait until the hearing, that's how hearings work, Blair." I went on to question how could we review a lengthy application in five minutes at the hearing but was told that is just the way it is. This seems to not be in the public's best interest if even legal. And that is how this application has progressed from the start when the applicant installed the tanks illegally. You have heard and continue to hear from many residents about so many things missing in this application as well as so many technicalities that volunteers just aren't qualified enough to resolve. Will this project create a greater risk if it is permitted? One of my biggest concerns as a tax payer is that the applicant illegally installed these gas tanks during COVID in the Town's Drinking Water Protection area. During that time Boards were not meeting in person and I know this posed a huge problem for public and municipal discussion. When the Town finally learned about the proposal it was because gas tanks had already been illegally installed. If this had happened in a bigger town or a city, the applicants would have been asked to remove them or fined, but alas, little rural towns are intimidated to do that and so we have been left with community drinking water resources placed in harm's way.

You have heard from the applicant and others "I have talked to DES and they have permitted this." DES does not "permit" gas stations. They approved the tanks and in that very approval application it states the applicant must get Town approval. The ZBA did grant a variance which meant that the application next was to go to the Planning Board. Think about that. The ZBA granted a variance that the gas station could be a "use" if it could meet all the Town approvals via the Planning Board. This became complicated because how to look at a prohibited use that is now permitted? Very complicated for our rural town. And very complicated for the fact that the site doesn't have enough room on it to handle the storm water and runoff and that because this was an old gravel pit ground water is very close to the surface.

Listen closely to Northpoint Engineers and their reviews about the bioretention basin. If this basin is not lined, then contaminants will have an easier way to infiltrate into ground water. Note that Linda Edwards asked the Meena, LLC engineers if they would sample the soils in the basin for contaminants. She asked this question several times and was ignored by the engineer. Instead, she was told that they would plant butterfly weed to take up any contaminants. Can they answer her now? Also, after the June 6, 2023 hearing, the Planning Board has waived the need for a landscaping plan so there will be nothing required unless the planning board asks for it. On closer review, if you look at this site specifically you will see that the land where run off will occur is on a different owner's lot.

Several people asked if the public water supply well (PWS) would be tested and the engineer for Meena responded "yes it is tested once a month." What he neglected to mention is that it is not tested for contaminants from a gas station only for bacteria and coliform.

We are here tonight because this is a site plan review. The planning board is tasked with looking at this very site and seeing if this application fits into our town rules as well as making sure that this site will not

harm the health and safety of residents. Each site is different for each project in town. I have watched over the years the planning board be very firm with other applications and yet with this one, which has the potential to create a much more threatening risk, the board has not even talked about the groundwater or all the wells that are in very close proximity to this gas station. Why? You have continued to site DES as having “permitted” the tanks but all they have done is “approve” the tanks as new tanks. I too have talked to DES and in fact have worked with DES for over 25 years. When I worked for GMCG we even received funding from DES and other organizations to help Towns create Aquifer Protection Ordinances. DES is STILL providing funding for Towns to create these ordinances. When GMCG helped to work on them in 2008 there were only a few other towns that had them in place and now there are over 110 throughout NH. DES feels these are important enough to have in place that they are still funding projects to create them across the State. My point is water protection is a critical part of Town planning. As the Effingham Planning Board, you need to look closely at this specific site in reviewing this site plan. Does the applicant’s design meet enough protection that you can feel you are doing a responsible job permitting it? The ZBA granted the **use** if it could meet protections established by the planning board. As a board, you need to have the courage to deny this permit or seek important changes in order to protect the health, safety and welfare of our residents. You need to look careful and seek to understand the risk to groundwater and water resources that are more extensive than Effingham borders. There is the possible risk of harm to hundreds of people. You have a bigger responsibility to all those people who could be harmed rather than this one company seeking to pump gas after illegally installing gas tanks in our drinking water protection zone. Please also review the letter from Lakes Region Planning Commission and their recommendation to require an Environmental Impact Statement for this proposal.

Another important concern that was quickly waived on June 6, 2023 is the need for a traffic study. Did you take into consideration how much the population has increased since Dyn-o-mite was first put in back in the 1990s? Also, have you considered how much population increase we have seen since COVID? Plus, did you take into consideration that this site is also a local school bus stop? Don’t you think you need to conduct a traffic study here? You cannot rely on data from the 1990s to understand how traffic will flow into and out of this commercial business.

Finally, I ask you to please remember Tammi McPherson and Bill Bartowicz. These are our Ossipee neighbors who abut this site. Bill’s well is 325 feet from the tanks. While I know this is not a legal issue since a private well only has to be 250 feet away from tanks, These are real people that will be drinking from their wells and using this water every day and all day. What is in place to protect them? Most families do not have budgets to allow them to sample their wells for VOCs on a monthly basis, but shouldn’t that be a requirement of folks living right next to this proposal? These families both have health issues and are also compromised and cannot have any more chemical impacts in their life. Not only does a gas station pose concerns about contaminating water in their wells from leaks, spills, drips, but also fumes from fueling and tank deliveries. While you consider the protection of the aquifer, brook, and Ossipee Lake—a vital economic resource for our entire community, please also remember that there are real people whose lives will be majorly impacted by your decisions.

Thank you.

Blair A. Folts