

From: Karen McCall <elephantsalive@gmail.com>
Sent: Monday, June 5, 2023 10:02 PM
To: pb.admin@effinghamnh.net
Subject: Fwd: Vote against Meena LLC

To the Effingham Planning Board:

A few years ago, Effingham citizens wisely voted to protect the Ossipee Aquifer by creating a groundwater protection ordinance that explicitly prohibited gas stations. Once groundwater is contaminated, it is nearly impossible to restore an aquifer to its pristine state or to contain the damage because polluted plumes migrate throughout the aquifer. Also, while it is possible to mitigate the damage, the cost of doing so is often exorbitant. Gas stations are one of the most dangerous kinds of businesses to put in ecologically vulnerable areas because gas stations inevitably pollute groundwater with toxic materials. It does not matter that the underground storage tanks are state of the art. Experience shows that underground tanks inevitably leak at some point in the future and gas stations always will have toxic runoff from their above ground operations.

A grievous mistake has been made. A mistake that may imperil human lives and threaten the economies throughout the Ossipee watershed. The Effingham ZBA made a mistake when they granted a variance to Meena, probably because they did not understand the complex ecology of the Ossipee Aquifer. Now, however, we all have come to understand that Meena could not have picked a worse place to build their gas station. The old Boyle's Market location is one of the most sensitive recharge areas on the entire aquifer and one protective layer of gravel has already been excavated leaving this area even more vulnerable.

Meena cannot be trusted. This company installed underground storage tanks without a permit and without approval. This same company has also been red flagged for failing to protect the Aquifer in another location. Meena's attorney has frequently failed to cooperate with the Effingham Planning Board's requests to submit documents in a timely fashion. North Point engineering has reviewed Horizon's (Meena's engineering company) submissions approximately four times yet Horizon keeps doing it wrong. This company is either incompetent and untrustworthy. Throughout this entire lengthy and thoroughly avoidable process, Meena and its representatives have failed to follow local rules, regulations and requirements.

From: knuteogren@roadrunner.com
Sent: Monday, June 5, 2023 1:20 PM
To: 'pb.admin@effinghamh.net'
Cc: 'ctsheelan14@gmail.com'
Subject: Meena Case -- Vote no

June 5, 2023

Good afternoon to the Effingham Planning Board.

We are Knute Ogren and Colin Sheehan and are residents of Effingham. Though Knute (full disclosure) is on the board of Green Mountain Conservation Group, this letter is from the two of us as residents of Effingham.

We would like to add our voices to the chorus of those who oppose this gas station.

In the many, many months this case has received public scrutiny, it is clear -- the science tells us -- that a gas station at this location has a real potential to cause harm.

The question as to whether the new owner can make use of grandfather status has been answered. The answer clearly is "no." But there is evidence that some other significant questions are on the table. You have seen the feedback from a variety of folks who are opposing Meena's application. It has been shared widely.

We wish that the public scrutiny could have been so present when the zoning board discerned this case before it ever got to the planning board -- back when Knute was on the zoning board before recusing himself due to being on the board of directors of Green Mountain Conservation Group (a regretful decision to recuse, in hindsight).

There are many regrets we can all have about this whole chaotic case. We can:

Regret that Effingham's attorney gave skewed and overtly one-sided advice to the zoning board that, in our opinion, was poorly conveyed to the zoning board and is part of what put all of us on this path (in a 60 minute call, the zoning board got 55 minutes of why we should vote yes) ...
Regret ineffective efforts to persuade others that this is not JUST an Effingham concern -- but a concern for the surrounding area as well ...
Regret that some people in these small towns have been disrespectfully at each others throats

these last many, many months due to misinformation and a lack of trust ...
Regret that some within the opposition have chosen accusatory tactics (most recently
at the last
planning board meeting) that do not show respect and care to the planning board --
nor do they
reflect the whole of the opposition ...

There are real concerns that the applicant has chosen to strong arm their way from
the very beginning
by (1) taking a seriously long time in getting information to the zoning board (at
first) and then the
planning board, (2) going against a well-understood process by installing
underground tanks before
getting permission or a permit, (3) ignoring -- for many months anyway -- the advice
and suggestions
from the zoning board which I think may have been the beginning of the bad blood
between the
applicant and the town, (4) taking too long in finally seeking both the legal and
professional engineering
representation needed to more capably engage the challenges of this case, and (5)
being -- or perhaps
it's a perception on the part of others as being -- arrogant when it comes to the
real scientific concerns
that have been brought forward.

Dr. Newton has raised appropriate concerns in his latest testimony submitted to you
in recent days. He
has helped us see what before was not so clearly understood.

In the end, whether there is a gas station at the Route 25 parcel or not, we all
have to live together in
Effingham and the towns that make up the Watershed. We hope that we all will have
learned how we
can be better the next time a big concern like this comes before the town. We deeply
respect and are
profoundly thankful for the work of the zoning board and the planning board. Even
when we might
disagree with a decision made, it is important that these volunteers -- you,
yourselves -- are made to feel
respected and valued.

We appreciate your commitment.
We value our water.
And we urge you to vote no on the application on the basis of simple ethics.
You are well within your right to vote no.

Thank you.
Sincerely,

Knute Ogren & Colin Sheehan
117 School Street

Effingham
knuteogren@roadrunner.com
ctsheehan14@gmail.com

From: Todd Dickinson <toddalan92@gmail.com>
Sent: Monday, June 5, 2023 11:31 AM
To: pb.admin@effinghamnh.net
Subject: Please vote NO on Meena gas station

Dear Members of the Effingham Planning Board,

Today I write to you to ask that you vote NO on the Meena application to build a gas station at the former Boyle's Market site. With this note, I am adding my voice to the hundreds of voices throughout our Watershed imploring the Effingham Planning Board to stand by its citizens, and the Groundwater Protection Ordinance that they voted in, and protect our water supply, our health, and our precious natural resources. The science is very clear and supports you in taking the right action: the proposed plan, including the latest set of revised plans, puts the health of the community in direct danger by threatening the very water supply we all count on every day. Dr. Bob Newton, who has studied the geology of this area for over 20 years, has clearly identified numerous deficiencies, and in some cases illegalities, in the plans submitted by Meena. But beyond all these problems with the application, the fact is that this site is a fragile, primary recharge site for our aquifer and the risk of contamination (ANY contamination) is too great to our community.

As the authorities who have the power to determine whether this dangerous and ill-conceived project moves forward, you have the ability to put our citizens health and safety first, above all else. I thank you for the important work that you do, and for making the right decision and rejecting this gas station proposal once and for all.

Regards,

Todd Dickinson
Chair, Aquifer Protection Committee, GMCG
Freedom resident

From: Kit Morgan <kitm@comcast.net>
Sent: Friday, June 2, 2023 5:45 PM
To: pb.admin@effinghamh.net
Subject: June 6 public hearing

Please submit these comments for the public hearing on the Meena proposal.

I am a Tamworth resident and a member of the Conservation Commission and the town's groundwater protection ordinance committee. Our committee worked hard for more than a year to develop a proposed ordinance to submit to town meeting. We made several revisions in response to constructive comments we received at three public hearings, and the ordinance was overwhelmingly approved at the March town election.

From that perspective, I am writing to ask that you reject the proposed gas station.

It is important to honor and enforce the environmental protections that our citizens have voted to put in place. In Tamworth, some residents were skeptical about enacting a groundwater protection ordinance, but after we heard and responded to their concerns, and people had a chance to learn more about groundwater protection, the voters of the town approved the ordinance. We were very pleased that the vote brought Tamworth in

line with most of the neighboring towns that already have groundwater protection ordinances. Obviously, our groundwater is a regional resource, and all towns in the region should protect the resource by enforcing the ordinances we have enacted.

The site for this proposed gas station is a particularly inappropriate one from the standpoint of protecting the groundwater that we all rely on in the Ossipee Aquifer.

The flaws in the proposal have been well documented. Please reject the proposal.

Kit Morgan
Tamworth

From: D <danaasimpson@aol.com>
Sent: Tuesday, May 9, 2023 7:10 PM
To: pb.admin@effinghamnh.net
Subject: Meena Gas Station

Dear Planning Board,

Much discussion has occurred over Meena's proposed gas station on Route 25 in Effingham. Because the proposed station is in a Groundwater Protection District, I reviewed the existing information on this site as a retired environmental consultant with over 30 years of experience. During those years, I have overseen more than 800 hazardous waste sites and my fair share of gasoline stations. I started my review with the files on record at the NH DES. What I found was that the property of the proposed station was a former gasoline station that initially had three underground storage tanks installed in 1991. The tanks were 8 feet in diameter and covered with three feet of fill. Because groundwater is approximately 10 feet or less below surface grades, the tanks were strapped to concrete slabs to prevent them from heaving during high groundwater. The tanks were double-walled steel tanks with interstitial monitoring, cathodic protection, double-lined piping with leak detection, spill containment buckets at each fill port, and overflow protection. Tank testing and annual inspections were performed to ensure tightness. Except for some minor deficiencies, the tanks and piping passed all testing and inspections. However, despite all these precautions and meeting state requirements, a release occurred and was only encountered when the tanks were removed in 2015. Evidence of contamination was documented in the tank closure report that was submitted to the NH DES after the tanks were removed. The report indicated that seven soil samples were screened for volatile organic compounds (VOCs) reflective of petroleum hydrocarbons. VOCs were detected in the headspace of the samples collected beneath each of the tanks at concentrations ranging from 68 to 156 part per million by volume (ppmv), and at a concentration of 239 ppmv in a sample collected from beneath the east fuel dispenser. No screening data were provided for the west fuel dispenser. Because the levels did not exceed the project specific action level of 400 ppmv, none of the impacted soil was excavated. There was no reference to how the project specific action level was established, However, in Massachusetts, VOC headspace levels exceeding 100 ppmv in soils would have required a 72-hour MA DEP notification and approval for Immediate Response Actions, and a risk assessment to demonstrate that no significant risk to human health and the environment was achieved. Unfortunately, no such response actions were conducted at this site.

After reviewing the tank closure report, the NH DES required an Initial Site Characterization to further assess site conditions. The assessment involved the installation of four soil borings/monitoring wells to assess impacts to soil and groundwater. Two of the wells were placed hydrologically upgradient of the USTs and fuel dispensers and obviously showed no evidence of a release. The third well was placed so far to one side that it would likely detect only a massive release from the tanks or fuel dispensers. Only one well was placed downgradient of the tanks, but it too was placed upgradient of the fuel dispenser where contamination was the highest. In the absence of any significant contamination detected in the samples collected from the borings and wells, the DES required no further action. However, the number and locations of the borings/wells for adequately assessing site conditions appear to be minimal .

When the new tanks were installed, the impacted soils were undoubtedly excavated and transported off site. However, I found no Bills of Lading or Uniform Hazardous Manifests documenting the transportation of the excavated soils or test results that the licensed receiving facility would have required.

In my 30+ years as an environmental consultant, I can't remember ever seeing a gasoline station without some level of contamination in the soil or groundwater. The gas station at this site was no different, and there is nothing I have seen or heard that would make the proposed gas station any different. While precautionary measures may reduce the risk of a release, accidents still happen, and systems eventually fail. This is why Effingham's Groundwater Protection Ordinance prohibits the operation of a gas station in a groundwater protection district.

My professional license required that I held human health paramount in all of my decisions. I hope that the town will do the same to protect our aquifer which we depend on for our drinking water and is vital to our economy. I respectfully urge you to deny the Meena, LLC application.

Sincerely,
Dana Simpson, LSP-retired

From: Dennis Sullivan <dennissullivanh@gmail.com>
Sent: Monday, May 8, 2023 11:13 AM
To: pb.admin@effinghamh.net
Subject: Mean Gas Station Proposal

We continue to be concerned about the proposed gas station on Route 25 since it impacts the aquifer that many Eaton residents rely on for their water. It is also alarming that the proposal seems to keep changing.

Could you please email me a copy of the final set of plans so that we can review them before your next hearing on them.

Thank you.

Dennis Sullivan
Chair, Eaton Planning Board



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ALL EYES ON EFFINGHAM BOARD

📅 June 4, 2023 👤 David Smith 📁 Alliance Report, Effingham Gas Station Case

💬 0 comments

Editor's Note: The following editorial appeared in the Conway Daily Sun a year ago. Meena LLC's latest plan—its fifth—still does not specifically address the unique nature of the location and the potential risk to the Ossipee Aquifer. We are reprinting this editorial to as a reminder of that information gap. The next hearing is Tuesday, June 6, at 6:30 p.m. in Effingham Elementary School.

Editorial

The argument in support of a gas station at the former Boyle's Market on the border of Ossipee and Effingham centers on the claim that gas stations are safer than ever. Or, in the words of the applicant's agent, Mark McConkey, they are practically "fail-proof."

Last year, the “fail-proof” claim and DES’s approval of permits for the underground storage tanks (USTs) helped persuade Effingham’s ZBA to grant McConkey’s client, Meena LLC, relief from the town’s prohibition against new gas stations in the Groundwater Protection District. It’s an argument that continues to be used as a rationale for the ZBA approval, even though it only tells part of the story.

Gas station equipment is better than it used to be, thanks to regulations mandating improved environmental protections. Double-walled tanks, automated alarms and related improvements in USTs have lowered risk, and there have been improvements above ground as well, including automatic shut-off valves for hoses.

Despite that, DES’ latest gas station Environmental Fact Sheet (2020) reminds us that regulators and equipment designers have not succeeded in eliminating all groundwater contamination risks.

Each year DES publishes data showing spills and leaks continue to be a fact of life. In Carroll County alone, there have been nine spills of more than ten gallons in recent years, including a 2020 spill in Bartlett that released 45 gallons.

So, here’s the rub: While the risk of a major gas leak or spill has been lowered, it is not zero; and that makes *where* a gas station is located a critical factor.

Consider two brand-new gas stations, both with state-of-the-art tanks and technology. Both have experienced operators and on-site personnel trained in DES’ best management practices. We can assume the risk of a contamination event at both sites has been lowered, but is not zero.

Let’s further assume that one station is situated in the kind of location DES recommends (which is away from drinking water sources) and the other is the Meena LLC property, a former gravel pit with highly transmissive soils sitting atop the region’s drinking water supply and adjacent to dozens of residential wells and a tributary that empties into Ossipee Lake.

The risk of a major gas spill is identical for both stations—reduced, but not zero. But if a major spill *were* to occur, the results would be quite different. A major spill at the first site could likely be contained and mitigated, while the environmental impact at the Meena LLC site would likely be catastrophic, with gasoline entering the aquifer and migrating to private wells and beyond.

As we said, what Mr. McConkey told the ZBA last year about the equipment and permits was only half the story. The other half concerns the high level of risk embedded in a worst-case scenario in which the location will determine the level of environmental damage.

DES has something to say about locations in its aforementioned Environmental Fact Sheet. It advises that even in an age of improved gas station equipment, the “likelihood” of spills, leaks and contaminants in stormwater runoff means towns should “consider restricting the siting of gas stations as they would any other land use that is likely to contaminate groundwater.”

Further: “If the municipality’s zoning ordinance prohibits the location of certain high-risk land uses in wellhead protection areas, aquifer protection areas, or other areas of high-value groundwater, gas stations should be considered for inclusion in the list of prohibited land uses.”

The state doesn’t mandate these protections in the same way that it regulates USTs. Instead, it delegates responsibility to the towns, 109 of which have created groundwater ordinances. That includes Effingham, where gas stations are prohibited in aquifer protection areas like the former gravel pit where the applicant proposes to pump gas—the site the ZBA last year said was suitable for a gas station because ‘the tanks are fail-proof and DES issued permits.’

Since that ruling, more than 850 people have viewed Dr. Bob Newton’s [video](#) about why the Meena LLC site is the “worst possible location” for a gas station. Additionally, the site plan application has been determined to be a Development of Regional Impact (DRI) affecting ten communities, some of which plan to exercise their abutter status and take a figurative ‘seat at the

table' when Effingham's Planning Board begins deliberations on April 7. [Note: views have now exceeded 1,000].

As Effingham planners prepare for that hearing, we hope they will consider the example of how two brand-new gas stations can present the appearance of having the same low risk to the public's health and safety while actually having a much higher level of risk based on location.

Note: The next hearing is Tuesday, June 6, 2023, at 6:30 p.m. at Effingham Elementary School. There is no Zoom option.



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

****BY MAIL AND EMAIL****

Dear Chairman Bull:

Section 6.1(B)(4) of the Site Plan Review Regulations requires "An estimate of peak period traffic generated by the development, and an assessment of peak period traffic impacts at all adjacent intersections."

Meena LLC has requested a waiver from this requirement, stating: "This property has operated as a convenience store with gas, apartments, and a laundry mat (sic). The laundry has been discontinued and that will diminish both peak period traffic generated and the traffic existing to the adjacent Route 25 and Leavitt [Road] roadway."

Section 11 of the Site Plan Review Regulations authorizes the Planning Board to waive any portion of the regulations if "in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of the regulations."

Meena's waiver request was made in its April 12, 2021 Site Plan Application and has been in all subsequent versions, including the current version submitted in April, 2023. During those two years, the applicant has neither provided, nor been asked to provide, evidence that complying with the requirement would impose an unnecessary hardship.

Approval of a waiver request without evidence of hardship would also be "contrary to the spirit and intent" of Section 6.1(B)(4) for the following reasons:

Impact of Population Growth

Census data shows the population of Effingham has grown 20%, Freedom's has grown 16%, and Ossipee's has grown 4% since the previous gas station at the site was abandoned in 2015. In addition, it has been well-reported that many non-resident taxpayers moved to their local homes at the start of the pandemic, with an unknown number continuing to reside here. It is

not unreasonable to assume that this growth has resulted in an increase in traffic volume, making it imperative for the board to have this data as part of its Site Plan Application review.

Impact on School Bus Stop

The Meena site is a school bus stop, and a change in traffic volume and patterns could pose safety risks that need to be quantified. It is not unreasonable to assume that the volume of traffic at the site was lower after the Boyle's gas station closed eight years ago, and that a new gas station would increase traffic volume. Any potential threat to the safety of children and parents using the Meena school bus stop must be established and addressed by the applicant.

Lack of Supporting Data

The applicant states that "The laundry has been discontinued and that will diminish both peak period traffic generated and the traffic existing to the adjacent Route 25 and Leavitt [Road] roadway."

There is no basis in fact for this assertion. The applicant has not defined "peak hours" and has not provided an estimate of traffic specific to the laundromat to justify a diminishment of such traffic. Since there are no traffic estimates provided for the period of time both prior to and after the September 2015 closure of the Boyle's gas station, there is no baseline data to distinguish between "existing" traffic and "generated" traffic.

On Page 13 of the April 2023 Site Plan Application, the applicant states: "12: Additional requirements. Traffic estimate: 100-150 vehicles per day on average."

The "12" appears to refer to the twelfth item in the Site Plan Application Checklist, on which the applicant notes it is applying for a waiver of the Traffic Estimate requirement. Since the applicant has asked for a waiver of the requirement without providing reasonable justification, and since it had not provided data supporting any of its assertions, the Planning Board must reject these traffic estimates as speculative, at best.

Conclusion

Meena LLC has not justified that the Traffic Estimate requirement would impose an unnecessary hardship. The company's experience in gas stations and convenience stores give it access to credible resources needed for it to comply with the requirement. Moreover, population growth data and the presence of a school bus stop at the site are public issues central to the "spirit and intent" of the Site Plan Review Regulations.

For these reasons, we ask the Planning Board to deny the waiver request and defer action on the Site Plan Application until the applicant satisfies the requirement.


Susan M. Marks
Co-Executive Director


David L. Smith
Co-Executive Director



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Commissioner William Cass
N.H. Department of Transportation
John O. Morton Building
PO Box 483 | 7 Hazen Drive
Concord, New Hampshire 03302-0483

****BY MAIL AND EMAIL****

Dear Commissioner Cass:

I am writing in regard to a highway right of way in Effingham listed in town records as Tax Map 401-9 and located at the intersection of Leavitt Road and N.H. Route 25. It is adjacent to a commercial property previously known as Boyle's Market and now owned by Meena LLC. The Meena property is listed in town records as Tax Map 401-5.

On August 4 last year we wrote to then-Commissioner Sheehan to express our concern that Meena LLC, which is applying to build a gas station on the property, was representing to Effingham's Planning Board that it had DOT's approval to use the right of way to process gas station runoff, including locating its equipment on state land.

We pointed out the state's potential legal liability in such a scheme, due the proximity of the Ossipee Aquifer and the presence of wetlands on the DOT property. Commissioner Sheehan resolved our concerns in an August 24 letter stating DOT would "not become an integral part of the development's stormwater management plan," and would advise the developer to "consider alternative means to meet their regulatory requirements."

We understand through emails obtained in an RSA 91-A:4 request that discussions between DOT and the developer's agents have continued. We also understand through those emails that DOT is relying, at least in part, on the assessment of the Planning Board's technical advisor in the Meena matter, North Point Engineering.

North Point Engineering recently concluded that Meena's latest Site Plan Application meets the applicable criteria of the town's Site Plan Regulations and Zoning Ordinance, and "appears to meet" general industry standards and the requirements of the N.H. Stormwater Manual.

I am writing to advise you that North Point's findings are being disputed by geoscientist Dr. Robert Newton, an acknowledged expert on the geology of the area, and an advisor to our organization and several residential property owners abutting the Meena site.

On May 17, Effingham's Planning Board invited Dr. Newton to submit a written assessment of the latest Meena application. His eight-page report to the board is attached for your review.

Several aspects of it again raise the possibility of state liability in the event that Meena's stormwater management plan fails, and contaminated stormwater or gasoline from leaks and spills enter the Ossipee Aquifer and Ossipee Lake through the state's ditchline, which, as I said, is barely above groundwater level.

We urge you to review Dr. Newton's findings as you continue your communications with Meena's agents on its application and the potential impact on DOT's property.

Respectfully,



Susan M. Marks
Co-Executive Director



David L. Smith
Co-Executive Director

MEMORANDUM

TO: Effingham Planning Board
FROM: Mark Longley, Center Sandwich
DATE: 1 June 2023

SUBJECT: **Proposed Gas Station in Effingham**

I am retired polymer chemist living in Sandwich. As the coordinator of our town's well water quality assessment program, I have become familiar with our aquifer's challenges. Consequently, I would like to express two serious concerns about the proposed gas station in Effingham.

1.) Watershed Interdependence

Sandwich and Effingham share a common water source in the Ossipee Aquifer. Although Sandwich has the advantage of being in the 'upstream' position with respect to water flowing in Effingham's direction, any town's actions have effects on 'downstream' localities. Sandwich has a strong groundwater protection ordinance, but if we approved a variance allowing the construction of underground storage tanks in one of our aquifer's sensitive recharge locations, and if there was a contamination incident causing harm not only to our residents but also downstream localities, I certainly would concur with the folks in Effingham should they rebuke Sandwich authorities for their unwise decision to approve the variance.

2.) Precedence

The role and responsibility of municipal governments is to uphold their groundwater protection ordinances, especially as these regulations directly involve the health and safety of its residents. We in neighboring towns are concerned that abating an ordinance in one town opens the door to similar actions in other towns in the watershed, placing us all at risk. Many people in my town share the opinion that Effingham should be a positive example in standing up for the laws protecting our people and environment.

Thank you for taking so much of your board's time to review and consider feedback from local folks, including residents from other towns in the watershed. We sincerely hope you decide to do the right thing and prevent the construction of a gasoline station as currently proposed.

Sincerely,

Mark Longley
North Country Farm, Sandwich, NH



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Mr. George Bull, Chair
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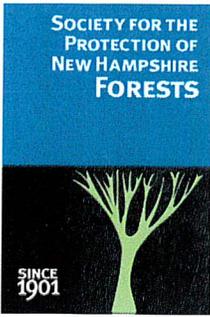
Conclusion

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Susan M. Marks
Co-Executive Director


David L. Smith
Co-Executive Director



May 31, 2023

54 Portsmouth Street
Concord, NH 03301

Tel. 603.224.9945
Fax 603.228.0423

info@forestsociety.org
www.forestsociety.org

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

Dear Chairman Bull:

As you know, the Society for the Protection of NH Forests High Watch Preserve is located in Effingham. We therefore try to stay informed about important environmental matters happening in the region.

We have taken note of the proposal currently before the Planning Board by Meena LLC to operate a gas station in Effingham's groundwater protection district. We are encouraged that the Planning Board has determined that this is a proposed Development of Regional Impact "due to the proximity of the proposed operation to groundwater in the aquifer".

Among the Forest Society's priority goals when we undertake a conservation project is the protection of water supply lands and important aquatic resources. Given the problems New Hampshire has experienced in the last fifteen years from contaminants like MBTE and PFAS, we believe that goal should be paramount for organizations, municipalities and state agencies. Fortunately, steps like the establishment of the New Hampshire Drinking Water and Goundwater Trust Fund reflect a commitment to carry out that goal.

As the Board reviews the site plan application, we would urge the Planning Board to closely study the potential negative effects this project poses to the water resources in this region. Furthermore, we would ask the Board to consider how interconnected those resources are to other important natural resources. For example, Ossipee Lake connects to the Ossipee River which flows past the Forest Society's Dr. Melvin A. Harmon Preserve in Freedom.

Development can be compatible with the protection of critical water resources if the development project is sited in the appropriate location. As the Board considers this project, we urge you to consider carefully whether the proposed site is an appropriate spot or if viable alternatives exist within town that will not have similar impacts to the Ossipee Aquifer and other important water resources.

Thank you for considering these comments.

Sincerely,

Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests



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MEENA GAS STATION PLAN IS NOT APPROVABLE, NEWTON SAYS

📅 May 29, 2023 👤 David Smith 📁 Alliance Report, Effingham Gas Station Case

💬 0 comments

Effingham—May 29, 2023—Conway developer Meena LLC’s latest plan for a gas station in Effingham’s Groundwater Protection District fails to protect the public’s health, safety and welfare in four critical ways and must be rejected, according to geoscientist Dr. Robert Newton.

In an eight-page report submitted to Effingham’s Planning Board, Newton said the location of the underground gasoline storage tanks and the design of the bioretention basin, whose purpose is to address contaminated stormwater runoff, do not meet state requirements.

In addition, hydrologic modeling of the proposed stormwater drainage system shows it will fail in a ten-year storm, and a number of required plan

components, including those related to the diesel gas pumps, do not meet state or local regulations.

Calling the Meena property “the most sensitive recharge area of the Ossipee Aquifer,” Newton, who has studied and written about the geology of the region for decades, said his company, Geoscience Solutions LLC, is advising Ossipee residents Bill Bartoswicz and Tammy McPherson, who are abutting residential property owners.

The Planning Board asked Newton for his assessment of the plan in the wake of its May 17 hearing, at which a request for the scientist to speak at the next hearing in June was opposed by Meena attorney Matthew Johnson, who said Newton had “zero relevant experience” and “no standing to speak.”

Newton, who was in the audience but was not planning to speak that night, was asked by Board Chair George Bull if he wanted 15 minutes to respond. Agreeing to do so, Newton summarized his concerns about the site, and said he believed elements of the plan would be illegal if approved by the board.

That prompted a heated outburst from Meena agent Mark Lucy of Horizons Engineering, who called Newton’s claim “reckless.”

“After hearing that, I question what else from Dr. Newton you can believe,” Lucy said.

Board Chair Bull ended the confrontation by inviting Newton to submit his assessment of the plan in writing by May 24, and giving Meena until June 2 to respond to Newton.

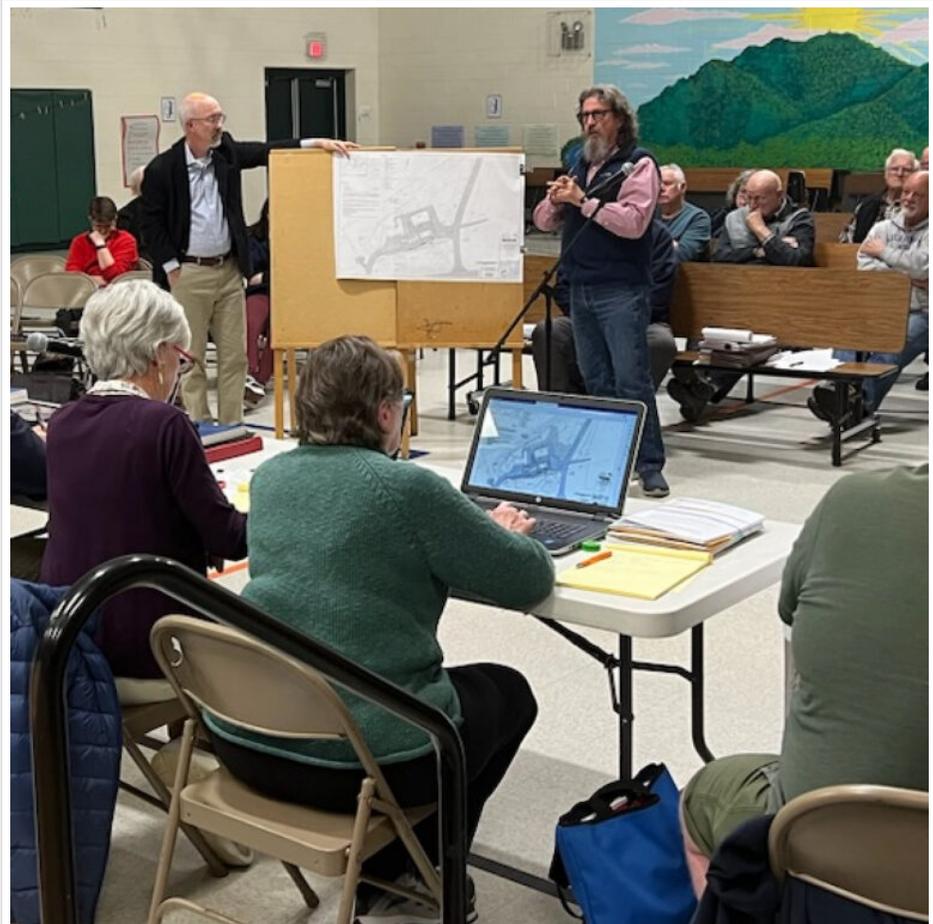
Public Water Supply Well

One of the issues Newton identified in his report to the board is the Public Water Supply well on the property, which serves the currently-shuttered convenience store and the site’s residential apartments.

The state requires that new installations of Underground Gasoline Storage Tanks (USTs) be located more than 500 feet from a Public Water Supply well.

Meena's plan has the tanks less than 200 feet distant from the well. Abutter Bill Bartoswicz's well is 300 feet away.

Newton said DES documents show that the USTs from a previous gas station at the site were removed eight years ago with state funds and state supervision, and in accordance with state regulations for the permanent closure of UST facilities.



Meena agents Matthew Johnson and Mark Lucy at the May 17 hearing. The two questioned the credibility of geoscientist Newton, telling the board he had “no standing.” *Contributed Photo*

The property's previous UST site, known as a “grave,” is listed as “Permanently Closed” in the state's OneStop database, meaning a new installation of USTs must comply with the 500-foot set-back, Newton said.

Bioretention Basin Plan

After Meena's plan to funnel untreated gas station runoff onto adjacent state-owned land was rejected by the Department of Transportation, the developer proposed a plan to treat runoff in an oil/water separator and send it to a bioretention basin to be slowly released into the soil.

In his report, Newton said there are four ways in which Horizon Engineering's bioretention basin plan does not conform to state regulation Env-Wq 1507.02, “Criteria for Permanent Methods for Protecting Water Quality.”

For one thing, the proposed location is partially in the permanently closed UST “grave,” meaning water from the basin could cause the release of the gas station contaminants DES found in the soil and documented during the 2015 closure process.

Second, bioretention basins are required to be at least 50 feet from steep slopes, defined as slopes having a gradient greater than 15%. The proposed basin is “located directly adjacent” to slopes that exceed that limit and approach 58%, “the angle of repose for sand,” Newton said.

Third, Env-Wq 1508.07 states that bioretention basins are not allowed in areas of “hydrologic soil group A” soils without an impermeable barrier, and the proposed bioretention basin is not designed with an impermeable barrier.



Meena’s proposed bioretention basin, in orange, is adjacent to steep slopes, in red, and is within a High Load Area, both of which would violate state regulations.

“Most significantly,” Newton wrote, the basin design violates Env-Wq 1507.02’s prohibition against the use of infiltration and filtering practices in High Load Areas, “including but not limited to groundwater protection areas where the stormwater comes from one or more areas where petroleum products are dispensed or otherwise transferred for commercial or industrial purposes.”

The Meena property is a High Load Area and is in the town's Groundwater Protection District.

"As designed, Newton wrote, "the proposed basin is specifically prohibited from being located at this site."

Additional Issues

Newton also took issue with Horizons Engineering's estimates for stormwater flow. Matching Horizons' HydroCAD (stormwater runoff modeling) and his own LiDAR (3D scanning) data, Newton said the plan's "subcatchment divides" and boundaries do not conform well to the plan's contour lines, resulting in Meena underestimating the amount of runoff that would flow through the stormwater system.

Newton said the modeling shows the stormwater system would be unable to handle runoff from a 10-year storm event, which means that it would also fail in 25- and 50-year storms. In that case, contaminated runoff would overflow the system and be carried toward protected wetlands and Phillips Brook, which empties into Ossipee Lake.

Since the site is a High Load Area, Newton said the state's Stormwater Management Guidelines require a canopy over all fueling areas. He said the current plan—as well as the five previously submitted plans—do not show a canopy over the diesel fueling area. Moreover, he said the diesel pumps appear to be closer than 15 feet from the apartment building, which would violate Effingham's zoning regulations.

The Planning Board said Meena and its agents would have until June 2 to submit a written reply to Newton's report. The assessments will be part of the June 6 continued public hearing on the application at the town's Elementary School at 6:30 p.m.

Newton's full report may be read at <https://bit.ly/robertnewtonreport>.



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MEENA PRESENTS ITS GAS STATION PLAN

📅 May 24, 2023 👤 David Smith 📁 Alliance Report 💬 0 comments

Effingham—May 24, 2023—In a special hearing last week, Conway developer Meena LLC presented its plan to pump gas again at the former Boyle’s Market on Route 25, a commercial activity that was abandoned by the previous owner in 2015.

As Effingham’s Planning Board, members of the public, and an array of attorneys watched, Mark Lucy of Horizons Engineering highlighted the company’s site plan, the most recent version of a document that was first submitted two years ago.

Planning Board Chair George Bull asked Lucy if the plan was for a “good” gas station, a “better” gas station or the “best” gas station, to which Lucy replied, “best.”

Referring to the company's stormwater runoff plan, Lucy said the intent was "to do all that is possible on this small site to remove anything harmful from the stormwater before it can hit the native soils."

Lucy's presentation was bolstered by the fact that the Planning Board's independent consultant, North Point Engineering, recently signed off on the new plan after finding three previous versions were flawed.



Attorney Biron Bedard, left, and geoscientist Dr. Robert Newton speak to Effingham's Planning Board on behalf of Bill Bartoswicz and Tammy McPherson, who live next to Meena LLC's proposed gas station.

Contributed Photo

The improvement in documents appears to be the result of collaboration between Horizons and North Point during a court-ordered stay of the board's proceedings from last October to mid-April this year, when the stay was lifted.

After Lucy's presentation, critics of the proposal pointed out that even a plan for the "best" gas station doesn't change the fact that the site itself, rather than the equipment and operating protocols, is what creates long-term risk to the Ossipee Aquifer, the region's source of drinking water.

After the attorney for Meena's abutting residential property owners asked that geoscientist Dr. Robert Newton be granted equal time to respond, saying the board would benefit from his "valuable insight" before it reaches a final decision, Meena attorney Matthew Johnson argued against the idea.

Johnson said he had researched Newton’s credentials, and he offered the board a list of things that Newton is not: not a state-licensed engineer, not an architect, not a septic system expert and not a land surveyor.

“Newton has zero relevant experience and should have no standing in these proceedings,” Johnson concluded.

Newton, who was sitting in the audience but was not planning to speak, was given 15 minutes to respond by Board Chair Bull.

He briefly discussed the nature of the site, which is a recharge area for the aquifer where the already porous soil was made more vulnerable to contaminants by years of being mined as a gravel pit.

As for Meena’s latest plan, Newton said among the issues he has with it is that the design of the bio-retention basins will violate state regulations. That prompted an angry retort from Lucy, who called the accusation “reckless.”

Bull said he would allow Newton to submit a written assessment of the application by May 25, and would allow Horizons to respond prior to the next hearing on June 6, at which time public comment will also be permitted.

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ZONING OFFICER RESCINDS LETTER BEFORE GAS STATION HEARING

📅 May 22, 2023 👤 David Smith 📁 Alliance Report 💬 0 comments

Effingham—May 22, 2023—Two days before last week’s special hearing on the Meena LLC gas station application, Effingham Zoning Officer Rebecca Boyden **revoked** her April 20 letter stating that the store had lost its grandfathered non-conforming use status after being closed for more than two years.

In her April letter, Boyden said a convenience store is a permitted use at the Meena site, but the company must bring the operation into compliance with current ordinance requirements as a result of its long period of discontinued use. She said a plan for the store should be added to the gas station Site Plan Application.

In a strongly worded **response**, Meena attorney Matthew Johnson told Effingham’s Town Counsel Matthew Serge that if Boyden’s letter wasn’t retracted by May 15, his client would appeal the decision to the ZBA and serve

the town with a right-to-know request for all communications between the zoning officer and opponents of his client's application.

"A representative of my client has personally observed Ms. Boyden communicating directly with individuals affiliated with these groups during public hearings," Johnson wrote.

Days later, the letter was revoked, and the discontinued use issue was effectively taken off the table for the May 17 Planning Board hearing, even though the rescission letter states the parties agree the store has been closed for more than two years.

In his letter to Town Counsel, Johnson said his client wanted to reopen the store but was prevented from doing so because of the town's cease-and-desist order, which was issued on May 12, 2021 to halt weeks of construction work performed at the site without town permits or an approved site plan.

The cease-and-desist order, issued by the Zoning Officer with the Select Board's approval, was sustained by the Select Board six months later after Meena asked to complete the construction work while it waited for the Planning Board to review its construction plan.

Johnson blamed Boyden for the company's decision to start work without approvals, saying she had provided "inaccurate information" about zoning ordinance requirements. The cease-and-desist order was "a direct result" of her inaccurate information, he wrote.

As has been previously reported, emails between Boyden and Meena agents Mark McConkey and Jim Doucette show the two agents accepted responsibility for not understanding the zoning ordinance, and understood that starting construction without approvals would put the company at legal risk.

Emails also show that Meena's agents told Boyden and others that they started construction in order to take advantage of a "window of opportunity"

to get the tanks in the ground rather than “wait for months” for the workers to be available again.

The cease-and-desist order halted the installation of underground gasoline storage tanks but did not address the store. Boyden told Meena, with the Select Board’s approval, that the company could operate the store while it applied for approval to pump gas, even while the construction cease-and-desist order was in effect, according to publicly-released emails.

Attorney Johnson said Meena operated the store on a “limited” basis to serve the construction workers until the cease-and-desist order was issued on May 13, 2021 and the workers left. The closure date Johnson cited is later than what has previously been reported, but still means the store has been closed for more than two years.

At last week’s Planning Board hearing, Attorney Biron Bedard, representing Meena’s abutting property owners, asked for a stay in the proceedings until the discontinued use issue can be resolved or the store is added to the site plan, a request Johnson called a “red herring” designed to stall the process.

Planning Board attorney Chris Boldt, who said he has known Zoning Officer Boyden for years, said the discontinued use question is a zoning issue for the ZBA, not an issue for the Planning Board. He said whether or not the rescinded letter is appealed, the Planning Board’s review process should continue.

With the concurrence of Planning Board Chair George Bull, the issue was tabled at the hearing.

This is not the first time that discontinued use, as defined in Section 703 of the ordinance, has figured in Meena’s legal proceedings. It became part of the evaluation process of the developer’s application to the ZBA for a variance to override the prohibition against gas stations in the town’s Groundwater Protection District.

At the ZBA’s request, Town Counsel Serge advised the board in an email that the previous gas station at the site, which was closed in 2015, became a

discontinued use—that is, abandoned in a legal sense—after two years.

“The automobile service station use ceased to operate more than 2 years prior and, regardless of the reason for the operation ceasing, that use was abandoned,” Serge wrote to then-ZBA Chair Theresa Swanick.

Serge’s email became the basis of the board’s determination that pumping gas at the site was no longer grandfathered.

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Comments*

Name*

E-mail*

Website



*Noreen Downs
97 Black Brook Road
P. O. Box 27
Madison, NH 03849-0027*

George Bull, Chair
Elaine Chick, Vice Chair
Paul Potter
Chris Seamans, Select Board Rep.

Grace Fuller Signing Secretary
Gary Jewell

Dear Members of the Effingham Planning Board,

May 11, 2023

I have written to this board in the past to convey my concern about the decision before you to consider and deliberate the Meena LLC. request to re-install a gas station along Rt. 25. Please let me remind you the would-be financial benefit to a town is not worth the risk to health and safety of the residents and the impact on the surrounding ecosystems.

As an elected board your first obligation is to the residents of Effingham to place their health and safety before town potential financial gain (ie., tax revenue). This is not a decision of convenience to business owners or an emotional one.

- The **SCIENCE** shows that gas stations, no matter how secure through technology, leak bits of gas into the groundwater over time. And as this happens, you risk people's health, and the town liability for 100 times the cost to reverse this decision (clean-up, medical bills, installation of a municipal water system, frequent well water testing...the list goes on).
- The **SCIENCE** shows that the placement of this gas station on an old gravel pit poses the most risk for ground water contamination.
- The **SCIENCE** shows that a clean-up of an actual spill (and it will happen) would be impossible to accomplish given the features of the surrounding terrain and within this most permeable ground material location.

I have to tell you that one visit I made to the M&V Gas station on Rt. 16 ("M" stands for McConkey) a couple of years ago resulted in my being totally dismayed at an event that happened and the staff response. A gentleman spilled gas onto the pad next to the pump. I ran inside immediately to seek assistance from staff who might have some media to soak it up before it ran any further beyond the pad. The two staff were closing out a register and said they had to do that first. There was no urgency, or concern, and I wonder if they ever went out to correct the spilled gas. THIS can happen anywhere...even at the Meena station. The spill wasn't intentional...just goes to show you "**SPILLS HAPPEN THAT DON'T GET CONTAINED**". Staff need to be fully trained in clean-up and urgency.

Please deny this application. You have the science and the well-being of your residents covering your decision.

Sincerely,

A handwritten signature in black ink that reads "Noreen C. Downs".

Madison Resident, 603-733-8711



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NEIGHBORING TOWNS IN THE DARK ABOUT GAS STATION PROPOSAL

📅 May 14, 2023 👤 David Smith 📁 Alliance Report, Effingham Gas Station Case

💬 0 comments

Effingham—May 14, 2023—The last time Effingham’s Planning Board held a special hearing to consider Meena LLC’s gas station proposal was August 22 last year. As 115 people sat in the meeting room and watched on Zoom, Board Chair Theresa Swanick, visibly angry, canceled the meeting.

The reason, she said, was that Meena had once again submitted a flurry of new and revised documents at the last minute, leaving insufficient time for the board, its independent third-party consultant and the public to review them.

In frustration, Swanick and Vice-Chair George Bull mustered a board vote mandating that the applicant provide a final Site Plan Application by September 9. Meena complied, but the board’s independent consultant, North

Point Engineering, found the submission unapprovable—its third negative report on Meena’s submissions.

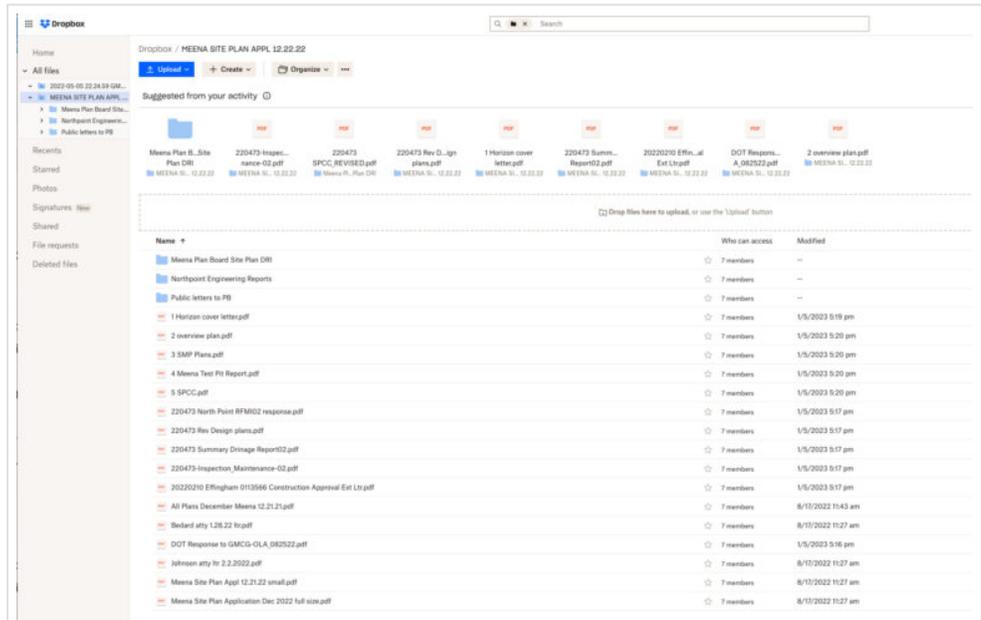
A scheduled October 6 hearing to review the final application was scuttled after a judge issued a stay in the proceedings to consider an appeal of a previous Planning Board decision. There the matter remained until the stay was lifted in mid-April, and a special hearing was scheduled for this Wednesday, May 17, at 6:30 p.m. at the Elementary School.

This time there will be a new board chair and several new board members, but the confusion surrounding the Site Plan Application materials remains the same.

On top of hundreds of previous documents, Meena has submitted close to 300 pages of material since the board’s September deadline—including materials submitted in February while the court-ordered stay was in place.

Asked at the Planning Board’s

May 4 meeting whether the board had voted to rescind the deadline or had voted to accept the additional materials, Board Chair George Bull declined to comment. Nor would he comment on reports that Meena’s attorney sent revised materials directly to North Point Engineering for review, which the board voted last year to prohibit.



The Planning Board concedes its limited-access Dropbox of Meena application documents doesn’t have an index or master list. Municipal officials have been unable to access a final Site Plan Application document for this week’s board hearing.

Bull said questions about the submissions would be answered at the hearing on May 17, adding that neither he nor the board knows what Meena will present that night.

Also in the dark are municipal officials of towns affected by the Development of Regional Impact proposal, some of whom have taken a serious and active interest in assessing whether the Meena proposal is a long-term environmental threat to the Ossipee Aquifer, which provides drinking water to their residents.

Emails from officials in Eaton and Tamworth requesting a copy of the final Site Plan Application last week went unanswered as of Friday. Similar requests from Ossipee and Effingham residents have also gone unanswered in the past two weeks.

The Planning Board has acknowledged the disorganization of the Meena materials, which span two years and comprise hundreds of pages of documents. Physical copies are housed in a large box in the town office, and digital copies are stored in the board's limited-access Dropbox account. Neither storage method has an index or a master file.

Convenience Store Issue

In an additional complication to this week's hearing, a zoning ordinance issue directly related to the Planning Board proceedings remains pending.

On April 20, Zoning Officer Rebecca Boyden ruled that Meena's convenience store had lost its grandfathered status after being closed for more than two years. She instructed the company by letter to include its plan for the store as part of the gas station Site Plan Application.

A convenience store is a permitted use at the Meena site, but the loss of grandfathered status means the store must be brought into compliance with the ordinance's current requirements, including building size and parking spaces.

An email thread from two years ago shows that Boyden told Meena it could keep the store open while it applied to the Planning Board for approval of a gas station. A separate email exchange at the time shows Boyden's position on abandonment to be consistent with Town Counsel Matthew Serge's position on abandonment. Serge submitted his opinion on abandonment during the ZBA's Meena variance hearings after being asked by the board to do so.

At the Planning Board's April 20 work session, Chairman Bull took issue with Boyden's letter, which had been issued several hours earlier. He said there was no abandonment, and he called on the Select Board to rescind the document, saying it was a "time sensitive matter."

Days later he appeared before the Select Board and reiterated his opposition to the letter and asked for Town Counsel to review it, saying he was speaking as a town resident, not as Chairman of the Planning Board. The Select Board later sent the letter to Town Counsel for review.

An official in one of the towns affected by the Meena application, who requested anonymity, called Bull's public opposition to Boyden's decision "disturbing" and a "serious loose end" that could present a conflict of interest as the Planning Board's proceedings get underway again.



The Meena hearing will be at the Effingham Elementary School, 6 Partridge Road, at 6:30 p.m. this Wednesday, May 17. There will be no Zoom access.



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QUESTIONS RAISED ABOUT NEW PLANNING BOARD MEMBERS

📅 May 15, 2023 👤 David Smith 📁 Alliance Report, Effingham Gas Station Case

💬 0 comments

Effingham—May 15, 2023—Ten minutes into last week’s lightly-attended Planning Board meeting Thursday night, Board Chair George Bull asked the five candidates applying for open board seats if anyone had a conflict of interest in the Meena LLC gas station case, which is currently before the board. Each said they did not.

By the end of the meeting, however, the board had appointed two new members whose votes on the ZBA helped the Conway real estate developer obtain relief from the Groundwater Protection Ordinance’s prohibition against a gas station at the Route 25 site.

Nate Williams, who will fill the voting seat vacated by David Garceau last month, was a member of the ZBA in 2021 when Meena first requested the

variance. Meeting minutes show he voted in favor of the variance and against the application being a Development of Regional Impact.

Michael Cahalane, who will be an alternate on the Planning Board, also served on the ZBA in 2021. Like Williams, Cahalane voted to grant Meena a variance for a gas station.

In framing the conflict of interest question, Bull cited the need to avoid clear conflicts such as working for the applicant or being an abutting property owner. In response to a question from an audience member, he said it was “less clear” whether past votes on the Meena issue would also be a conflict.



Attendance was sparse as the Planning Board installed five new members on May 11.

Bull said if there is a question of conflict about a member during the Meena hearing, which is Wednesday night, it can be raised by a member of the public.

He said it was “fortunate” there are alternates on the board if someone is recused, but he conceded that recusal is voluntary and cannot be mandated.

“This board does not have that power once someone is seated,” he said.

All five candidates submitted an application to the board by Tuesday’s deadline, and each was allowed to verbally present their credentials.

Cahalane said the board was familiar with his municipal experience, and cited his time on the ZBA in 2021, and being on the Select Board that year as it addressed Meena’s unlawful gas station construction activities.

In addition to his former role on the ZBA, Williams told the board he is the Deputy Fire Chief of Ossipee, has a mechanical engineering background, and is a volunteer with the school.

Bridget Perry said she is familiar with evaluating site plan applications from six years of serving on Ossipee's Planning Board. She said it was sometimes hard to deny an application, but "you have to do what you have to do according to the rules."

Linda Edwards said she has lived in town for more than 50 years. She said she has no municipal board experience but is open to learning. Her interest was solely in a one-year position as an alternate, she said.

Edwards was quickly appointed as an alternate, and a rank-ordered vote was held to replace Garceau as a voting member. Williams and Perry tied, so Cahalane and Racine were assigned to be alternates. A second vote was held in which Williams and Perry again tied.

After the second tie, Select Board representative Chris Seamans suggested that the next vote focus on the candidates' experience. Bull said both candidates were experienced, and added that Williams' work for the Ossipee Fire Department is "relevant to what we're doing as well."

Without further discussion, board member Elaine Chick made a motion to seat Williams, saying it was "Just because Nate's young. He's got a young face coming in."

After Chick was cautioned by member Grace Fuller to "not say that," Chick explained that it was based on Williams telling the board it needed more young people.

Chick's motion for Williams was seconded by Fuller and passed unanimously, with Gary Jewell abstaining.

Requests made to the Planning Board for copies of the application documents prior to the meeting were denied, as was a request for copies of the

applications during the meeting.



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TAMPLANBOARD@GMAIL.COM

WWW.TAMWORTHNH.ORG

Date: May 10, 2023

From: Sheldon Perry

To: The Effingham Planning Board

RE: Input regarding a Development of Regional Impact (DRI) in Effingham.

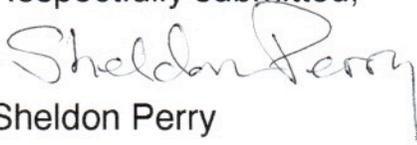
Dear Effingham Planning Board,

As a development of regional impact, the Tamworth Planning Board would expect to be informed of the latest developments regarding the Meena LLC application. This would include the complete and final documents as presented for the site plan review Public Hearing on Wednesday, May 17. A zoom link for the public benefit is encouraged. Thank you.

The protection of clean drinking water is highly valued by the residents in Tamworth with the recent adoption of the Tamworth Groundwater Protection Ordinance. Each town within the Ossipee watershed has the shared responsibility to protect this vital natural resource. As a chain is only as strong as its weakest link, the protection of the Ossipee Aquifer is dependent on the best process and decisions made by municipal officials.

The Tamworth Planning Board stands by our letter to the Effingham Planning Board dated March 23, 2022. The proposed development is a prohibited use on a sensitive site within Effingham's Groundwater Protection District. The approval of a variance to allow this prohibited development sets a precedent which will encourage further inappropriate developments, thus weakening and threatening our own efforts to protect this essential resource. Even the slightest risk is an unacceptable risk when our drinking water is at stake.

Respectfully submitted,



Sheldon Perry

Chair, Tamworth Planning Board

84 Main Street

Tamworth, NH 03886

(603) 717-2702



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SPECIAL MEENA HEARING SET AS APPLICATION CONFUSION CONTINUES

📅 May 8, 2023 👤 David Smith 📁 Alliance Report, Effingham Gas Station Case

💬 0 comments

Effingham—May 8, 2023—Effingham’s Planning Board last week approved a special hearing date to continue its consideration of the Meena LLC gas station application. The board will convene at 6:30 p.m. at the Elementary School, 6 Partridge Cove, on Wednesday, May 17.

The continuance to a later date was expected, as the board signaled its intent in advance of the meeting, which was attended by approximately 30 people at the Town Office. What was unexpected was that the meeting would end without a decision on which materials the board will be reviewing in order to rule on the merits of the application.

Meena has submitted hundreds of pages of documents since the Site Plan Application process began in September, 2021. That includes at least two sets

of materials submitted this year, eight months past the board's deadline for the developer to submit a final application.

The board set the cut-off date after Meena caused several scheduled hearings to be canceled when materials were submitted several days—and in one case several hours—before meetings were to be held.

The board had previously instructed the company to identify and remove extraneous, outdated and revised materials as new ones were submitted. That never happened, and the materials proliferated.

Planning Board Chair George Bull fielded questions about the submissions on Thursday night after Ossipee resident Rich Fahy asked how the public can know which documents comprise the official Site Plan Application and which materials are no longer relevant.

Former Ossipee Planning Board member Tim Otterbach pointed out that municipal officials in the ten towns affected by Meena's Development of Regional Impact face the same challenge.

Bull said he was frustrated by the situation and was committed to having a better process, but he did not offer a timeline for doing so. He said the board's digital Dropbox account contains the application information and related documents, but conceded "There is no master list."

Asked about an agenda for the May 17 special meeting, Bull said simply "They are going to make a presentation at the hearing."

"I don't know exactly how they're going to do that," he added. "They haven't told the board."

Abandonment Issue Discussed

Another issue looming over the proceedings is Zoning Officer Rebecca Boyden's April 20 ruling that Meena lost grandfathered status for its convenience store after keeping it closed for more than two years. Boyden's

letter to the developer instructed the company to include plans for the store in its gas station Site Plan Application.

At a Planning Board work session two weeks ago, Bull asked the Select Board to rescind Boyden's letter, and offered his opinion that there was no abandonment, and the store was already part of the application.

Last week he appeared before the Select Board, solely as a town resident, he said, to ask about the letter. The board said the letter would be reviewed by Town Counsel.

At Thursday's Planning Board meeting, Effingham resident Blair Folts asked Bull whether it was appropriate for him to be publicly commenting on an issue that will affect the Site Plan Application process.



Approximately 30 people attended last week's Planning Board hearing at the Town Office. Contributed Photo

In the ensuing discussion, Bull said his primary purpose in attending the Select Board meeting was to encourage the board to seek legal guidance.

Turnover Issues

The complications surrounding the Meena matter come as the Planning Board continues to adjust to an unusual level of turnover that began when long-time board member and former chair Theresa Swanick decided not to run for re-election in March, creating a vacancy for a three-year position.

Victoria Garceau won the position, running unopposed, but then declined to be seated. Shortly after the board filled her position with Planning Board alternate member Gary Jewell, board member David Garceau resigned, leaving one active member vacancy and two alternate openings.

Speaking last week, Board Chair Bull set a deadline of 5 p.m. on Tuesday, March 9, for those interested in applying. He said the board will review the applications at a special meeting for that purpose this Thursday, at 6:30 p.m. at the Town Office.



LEAVE A REPLY



Your email address will not be published. Required fields are marked *

Comments*

Name*

E-mail*

Website

A mistake has been made. One with potentially life-threatening consequences. We cannot trust Meena LLC to fix it. We cannot trust Horizon to fix it. In fact, there is no "fixing it." What we are asking for is that the Effingham Planning Board to demonstrate their wisdom and courage to vote against Meena and protect the health and livelihoods of the citizens who elected them and to avoid causing economic upheaval and disastrous health consequences to the surrounding towns that rely on the Ossipee Aquifer for clean water.

Thank you,

Karen McCall
GMCG Aquifer Protection Committee
Tamworth Resident