

Woman dies trying to save young son. Page 3

# The Conway Daily Sun

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## Group sues Effingham planners

By DAYMOND STEER  
THE CONWAY DAILY SUN  
EFFINGHAM — The Ossipee Lake Alli-

ance and two area residents are suing the Effingham Planning Board over the board's approval of a controversial gas station that

will be located over a sensitive area of a

see **LAWSUIT** page 7

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#### LAWSUIT from page one

large aquifer.

Meena LLC wants to build a new gas station at the former Boyle's Market at 41 Route 25. Its proposal was approved by the planning board July 11. The approval followed several years of meetings with the Effingham Zoning Board of Adjustment and planning board as well as multiple court cases brought by abutters and environmental groups.

The lawsuit was filed Aug. 10 by the Ossipee Lake Alliance and proposed gas station abutters/Ossipee residents William Bartoszewicz and Tammy McPherson. Biron Bedard of Ransmeier & Spellman in Concord is representing them.

The 13-page suit asks the court to declare that "the Effingham Planning Board acted illegally/unreasonably." It says Bartoszewicz's well is 310 feet from an underground storage tank that Meena has installed and that McPherson is "likewise directly affected."

Ossipee Lake Alliance's mission involves defending Ossipee Aquifer, which provides drinking water to 14 towns in Maine and New Hampshire. "Its (Ossipee Lake Alliance) members are directly affected by the Planning Board's decision here, particularly due to the Property's location within the Town's Groundwater Protection District and 'the most sensitive recharge area of the Ossipee Aquifer,'" states the lawsuit citing a report from Geoscience Solutions LLC.

The lawsuit alleges that the approval was both "illegal" and "unreasonable"



The former Boyle's Market gas station site is seen June 20. (DAYMOND STEER PHOTO)

because using the property as a gas station is "dangerous" and "threatening" to the aquifer and abutters. The lawsuit says the stormwater management system is in adequate and the site is located on "highly transmissive soils" making the site "uniquely unsuitable for a gas station."

Further, it says the the planning board "erroneously" believed that their approval of the gas station was "inevitable" in part because the ZBA granted it a variance.

The suit says in 2011, Effingham residents voted to adopt a groundwater protection ordinance in the interest of the "public health, safety and general welfare." The ordinance prohibited gas stations from being built where Meena wants its station to go.

The lawsuit says that in the spring of 2021, Meena began installing under-

ground tanks without permits or site plan approval. The town issued a cease-and-desist order in May of that year.

In August 2021, the zoning board of adjustment gave Meena a variance from the groundwater protection ordinance. The Carroll County Superior Court upheld the variance.

After the ZBA gave the project the OK, Meena's proposal moved to the planning board for site plan review.

That process took nearly two years.

During that period, Bartoszewicz and McPherson hired Geoscience Solutions LLC to review Meena's site plan application. Geoscience Solutions is headed by Dr. Robert Newton.

The report says many private wells are less than 500 feet from the tanks.

"The project makes no effort to protect their water supply with monitoring wells and regular testing programs to alert them of any contamination," said Newton. "The hydrologic modeling of the stormwater drainage system shows the system fails under a 10 year storm."

The lawsuit says despite Newton's report, the planning board approved the project with a number of conditions July 11 but the plaintiffs say the conditions are "inadequate."

On Aug. 11, Carroll County Superior Court Clerk Abigail Albee issued a writ of certiorari, which said the appeal will stay the previous decisions. "The planning board shall deliver certified or sworn copies of all papers acted on by the board to the Superior Court Clerk at the Carroll County Superior Court."

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