



# Town of Porter

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January 18, 2023

Effingham Zoning Board of Adjustment  
ATTN: Chair James Pittman  
68 School Street  
Effingham, NH 03882

## **Re: Gas Station variance within the Ossipee Aquifer**

Effingham ZBA Chair James Pittman and Board members,

The Town of Porter and many other municipalities have been recognized by the Effingham Planning Board as having potential negative regional impact (*ref. N.H. RSA 36:54-58*) regarding the Meena LLC gas station proposal and our shared Ossipee Aquifer. Many of Porter's citizens rely on this shared aquifer for safe drinking water including our town's public water supply.

It has come to the attention of the Porter Planning Board and Porter Code Enforcement Officer that there is an appeal before the ZBA due to the Effingham Planning Board's decision to disregard a requirement that Meena LLC apply for a Special Use Permit (*SUP*) for this proposed gas station over Effingham's Aquifer Protection District. Per the Effingham Ordinance under Section 2208, an *SUP* is required for the use/storage of 100 gallons or more of gasoline. The applicant is proposing **30,000** gallons of gasoline be stored and used over the aquifer. As the ZBA is aware, gas stations are a prohibited use in Effingham's Groundwater Protection District. The variance granted to Meena LLC introduces a high-risk permitted use.

It is appreciated that the Effingham Planning Board voted to hire an unbiased independent engineering firm (*Northpoint Engineering*) to assist in assuring that all regulations and requirements are met for the proposed gas station, in the best interest of the health and safety of Effingham and surrounding communities. On two (2) separate occasions, Northpoint Engineering has stated that under Section 2208, Meena LLC should apply for a Special Use Permit (*SUP*). The Porter Planning Board and Code Enforcement Officer agree with Northpoint Engineering's interpretation of Section 2208.

It is the understanding of the Porter Planning Board and Code Enforcement Officer that the Effingham Planning Board disregarded the recommendation from Northpoint Engineering, which may put community members at risk if this proposal is able to move forward. The referenced Northpoint Engineering letters are dated April 26, 2022 and July 7, 2022 and are available in the Town of Effingham Planning Board records.

It is respectfully requested that the ZBA consider Section 2208 and the recommendation of Northpoint Engineering on the matter, warranting this proposal to be remanded back to the Planning Board to acquire the *SUP*, in the best interests of protecting of the health, safety and welfare of all those that rely on the shared aquifer.

Your careful consideration on this matter is appreciated.

Respectfully submitted,

David Newman, Porter, Maine Planning Board Chair

Daniel Davis Porter, Maine Code Enforcement Officer #2202