

## **NOTICE OF DECISION**

On January 4, 2024, the Effingham Planning Board has determined the Conditions Precedent for the Meena Site Plan application have been met.

### Findings of fact:

-Conditions Precedent were based on the August 8, 2023 Notice of Decision were the following:

-soil testing underneath the Bioretention Basin area for VOC's within the threshold of DES standards

-the following changes to the final Site Plan were needed as conditions precedent to the signing of the same:

- (1) revised location of diesel pump at least 15 feet from building and 25 feet from the right of way with blockage to prevent usage of the pump between the building and the pump (or the Applicant shall return to the Board with a revised Site Plan if the Applicant decides upon a different traffic pattern for the diesel pump);
- (2) impermeable liner on the sides of the Bioretention Basin;
- (3) the drainage area between buildings needs additional spot elevations;
- (4) clarification of pavement removal on the plan;
- (5) gravel areas to be seeded need to be shown;
- (6) Basin Spillway shall be moved further to the east away from the steep slopes;
- (7) spot elevations and drainage flow arrows in the areas of the pumps shall be added.

-Applicant is required to pay all of the Board's expenses associated with Northpoint Engineering's review

On August 28, 2023 Jeff Lewis from Northpoint Engineering gave his final engineering review letter where he stated from his perspective all the conditions precedent had been met and no further action was necessary.

On November 30, 2023 During a Planning Board meeting, the Board determined the following:

-Planning Board was notified by Town Administrator that Northpoint invoices were reimbursed in full by applicant. This was confirmed by Town Treasurer. This condition has been met.

-Soil testing under the Bioretention basin. An independent company completed testing with no contaminants found, stating no further testing is necessary. Condition has been met.

For the site plan plats:

1. Locate Diesel Pump a minimum of 15 ft from the building and 25 ft from right of way with blockage to prevent usage between pump and building- Depicted on the revised plan. Condition has been met.
2. Impermeable liner on sides of Bioretention basin - Depicted on the revised plan. Condition has been met.
3. Additional spot elevations for drainage area between buildings – Depicted on the revised plan. Condition has been met.
4. Clarification pavement removal - Depicted on the revised plan - Condition has been met.
5. Show gravel areas to be seeded- Depicted on the revised plan - Condition has been met.
6. Basin Spillway to be moved further to the East from steep slopes- Depicted on the revised plan. Condition has been met.
7. Spot elevations and drainage arrows in the area of the Pumps- Depicted on the revised plan. Condition has been met.

At the November 30, 2023 Planning Board meeting, it was brought to the attention of the Board that the SPCC had an incorrect reference to a plan and that the corrections to the spot elevations may have changed the drainage calculations.

The Board reached out to Jeff Lewis and Mark Lucy for clarification.

In letter dated Dec 14, 2023, Jeff Lewis noted drainage basin numbers were effected by approximately 5% but the design should accommodate that.

On December 20, 2023 Mark Lucy from Horizons Engineering provided revised drainage calculations that demonstrate that the stormwater management system can accept the additional surface water runoff without further system design revision. In addition the SPCC was corrected to refer to the correct plans

At the December 21, 2023 meeting, it was determined there would be a final review of the Conditions Precedent at the January 4, 2024 meeting which was properly noticed.

At the Jan 4 2024 meeting, the Board noted the correction to the SPCC and the updated Drain plan which accounted for the updated elevations. No new plans or designs were necessary and the Planning Board determined the conditions had been met.

At the January 4, 2024 meeting, the Planning Board Chair signed the plans, noting on the first page, "The conditions precedent set forth in the amended Notice of Decision

dated August 8, 2023 having been met in the eyes of the Planning Board per its meeting on January 4, 2024, the Planning Board Chair hereby signs this Plan effective this 4th day of January, 2024.”

All the other plans were signed and dated by the Planning Board Chair.

Signed:

A handwritten signature, appearing to be "George N. B. M.", is written in cursive over a horizontal line. To the right of the signature, the date "02/22/2024" is also written in cursive.

Chair  
Effingham Planning Board