

## Anita Burroughs: McConkey and the Environment

Oct 17, 2024



State Rep. Mark McConkey, who is running to replace Sen. Jeb Bradley, calls himself an environmentalist, but the facts say otherwise.

Consider his attitude toward groundwater protection ordinances. As a gas station owner for decades, McConkey understands the environmental purpose of such ordinances. But he has shown that his decision to either support them or seek relief from them is based on what's best for his personal business interests.

For example, since 2021, McConkey has been Conway developer Meena LLC's agent in seeking relief from the Effingham groundwater protection ordinance's prohibition against a gas station on Meena-owned property at the Effingham-Ossipee border.

The Meena site exemplifies why groundwater protection ordinances were created. Its highly transmissive soils are on top of a recharge area of the Ossipee Aquifer, the region's primary source of drinking water. The site is adjacent to wetlands, and its runoff drains into Phillips Brook and flows into Ossipee Lake.

A gasoline spill at the site would be environmentally catastrophic, which is why a gas station there is opposed by abutters, conservation organizations and residents and municipal officials of six surrounding towns.

Yet, Meena's agent, McConkey, successfully obtained relief for his client by arguing to Effingham's ZBA that a variance would not be contrary to the public interest, the surrounding residential property owners would not be affected, and the developer would suffer financial hardship if a variance were denied.

He said the proposed gas station equipment was "fool-proof," and he asked the town to waive its professional qualifications requirement so he could write the stormwater management plan himself. In the same application, he asked the town to waive the stormwater management plan requirement entirely.

Shamefully, the ZBA approved a variance, and McConkey's role in helping his client create a threat to the aquifer where one did not previously exist is now on his permanent record.

Also on McConkey's record is that six years earlier, in 2015, he took the opposite side of the Groundwater Protection Ordinance argument by asking Ossipee's ZBA to reverse its decision to grant a variance to Four Pond Realty Trust to build a gas station where gas stations are prohibited. The property in question was less than a mile from McConkey's gas station.

Four Long Pond Realty Trust had successfully argued to the town that a variance was justified because a new gas station would not be contrary to the spirit of the ordinance, would benefit the public interest, and would not harm surrounding property values.

Denying a variance, it concluded, would cause the company unnecessary hardship.

Appealing the variance decision under the name "Whittier Coalition," McConkey pushed back hard on his competitor's arguments, and in summary wrote: "This new owner purchased the property aware of the zoning ordinance and should adhere to those standards if they wish to be a Conscientious Steward of the environment and conduct business in this district."

"The only hardship the new owner has is financial, and that is not an acceptable reason to grant him a variance," McConkey concluded. He lost the appeal by submitting it after the appeal deadline had expired.

By his actions in these well-documented cases, we know that Rep. McConkey's view on ordinances that protect the public's drinking water is transactional. He's for them when a potential competitor poses a threat to his business, and against them when he has a client who needs regulatory relief. It's on the record.

Senate District 3 deserves an environmental champion as its next senator. That person is not Mark McConkey.

Rep. Anita Burroughs

Glen