

**Town of Canaan NH**

**Excavation Regulations**

**Adopted July 23, 2015**

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**TOWN OF CANAAN  
NEW HAMPSHIRE**

**REGULATIONS GOVERNING EARTH EXCAVATIONS**

**SECTION I: AUTHORITY**

Chapter 155-E of the New Hampshire Revised Statutes Annotated stipulates that, with some exceptions, all commercial earth excavations in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Planning Board by the voters of the Town of Canaan and RSA 155-E, the Planning Board adopts the following regulations to govern the excavation of commercial earth materials in the Town of Canaan.

**SECTION II: PURPOSE AND SCOPE**

The goals of this regulation are to: provide for reasonable opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the Town. For the purpose of achieving these goals, no earth materials in the Town shall be excavated except in conformance with these regulations.

These regulations supplement the provisions of RSA 155-E and provide further clarification of the statutory requirements and their application in the municipality of Canaan, NH. They are adopted as provided in RSA 155-E: 11. And, as adopted, whenever local regulations differ from the most recent provisions of RSA 155-E, those which impose a greater restriction or higher standard shall be controlling.

Applicants should familiarize themselves with both RSA 155-E and these regulations to be fully informed as to requirements.

**SECTION III: DEFINITIONS**

- A. **AGRICULTURAL EXCAVATION** means excavation of earth by the owner of the land to be used on the owners land exclusively for agricultural use.
- B. **AGRICULTURAL USE** means land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.
- C. **BOARD** means the Planning Board of Town of Canaan, New Hampshire.
- D. **COMMERCIAL EXCAVATION** means excavation of 1,000 cubic yards or more (approximately seventy 10-wheeler dump truck loads) of earth intended for commerce; this may also include excavation that is strictly conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. .
- E. **DIMENSION STONE** means rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or

engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.

- F. EARTH means sand, gravel, rock, top soil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- G. EXCAVATION means a land area that is used, or has been used, for the commercial taking of earth, including all slopes.
- H. EXCAVATION AREA means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.
- I. INCIDENTAL means subordinate to something of greater importance.
- J. MINOR TOPOGRAPHICAL ADJUSTMENT means a one-time removal of earth from the site that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- K. NORMAL LANDSCAPING means the on-site alteration and contouring of the land exclusively devoted to improving the functional utility and planting of the grounds.
- L. PHASED EXCAVATION means excavation over a limited part of the permitted area, with reclamation of that area to be inspected before expanding to a new portion of the permitted area.
- M. RECLAMATION means the restoration of an excavation site to an acceptable standard as determined and approved by the Board.

**SECTION IV: PROJECTS REQUIRING A PERMIT**

Any commercial excavation of earth unless specifically exempted by either RSA 155-E:2 or specifically excepted in Section V of these regulations.

**SECTION V: EXCEPTIONS FROM AN EXCAVATION PERMIT**

- A. The following projects are deemed to be an exception from a permit:
  - 1) Excavations that are exclusively incidental to the lawful construction or alteration of a building or structure, parking lot or way including a driveway on a portion of the premises where the removal occurs, provided all state and local permits have been issued.
  - 2) Excavation that is incidental to agricultural activities, normal landscaping or minor topographical adjustment as defined in Section III of these regulations.
  - 3) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).
  - 4) Excavations for the construction and maintenance of Class I, II, III, IV, and V highways as regulated by RSA 155-E:2 IV.

**SECTION VI: PROHIBITED PROJECTS**

- A. Excavations below road level and within 50 feet of the right-of-way, except in those cases where the edge is not readily defined, then one hundred feet (100) feet of a highway centerline, unless for the construction or maintenance of the highway.
- B. Excavations within fifty (50) feet of the boundary of a disapproving abutter or within ten (10) feet of an approving abutter. Excavations within one hundred and fifty (150) feet of any dwelling.
- C. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the department of environmental services. Within 250 feet of water, shoreland permits may be required.
- D. Excavations not permitted by other applicable ordinances.
- E. When the issuance of a permit would be unduly hazardous or injurious to the public.
- F. Where existing visual barriers in the areas specified in RSA 155-E:3 would be removed except to provide access to the excavation.
- G. Where the excavation would damage an aquifer listed by the United States Geological Survey.
- H. When excavation is planned beneath or adjacent to inland surface waters in such manner that permits are required from the Department of Environmental Services or other state or federal agencies with jurisdiction over the premises. The Board may approve the application when all necessary permits have been obtained.
- I. Where the project cannot comply with the reclamation provisions of RSA 155-E:5 and 155-E:5-a or the operational standards of RSA 155-E:4-a.

**SECTION VII: EXCAVATION EXPANSION**

When the scope of an approved permitted excavation is proposed to be altered as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner must submit an amendment (or new application), plans, and other required submission items for the excavation permit hearing process.

**SECTION VIII: OPERATIONAL STANDARDS**

- A. Processing of Earth Material:
  - 1) Processing machinery shall be erected or maintained on the lot as approved within the operational plan and such machinery shall be removed from the lot upon expiration of the permit or as otherwise provided in the permit.

- 2) No earth material processed for sale shall be stock piled or located outside the permitted area without prior approval by the Board.
- 3) No blasting shall occur without receiving prior approval during the permitting process.
- 4) The Board will determine the acceptable hours of operation with consideration taken on resident's needs and the needs of the owner of the excavation.

**B. On-site Storage – Solid Waste:**

- 1) Waste, building materials and rubble (i.e. “demolition and construction debris” or “C&D waste”) shall not be stored or buried on the site without written approval by the Board. If approved by the Board, the burial/storage site will be noted on the plan and performed in accordance with all local, state and federal regulations.
- 2) The site will not be used for storage of junk vehicles, machinery, etc. as defined in RSA 236:112.

**C. Aquifers and Seasonal High Water Tables**

- 1) Excavation over aquifers and seasonal high water tables shall be performed in accordance with the Canaan Drinking Water Protection Ordinance.

**SECTION IX: SITE RECLAMATION STANDARDS**

- A. For excavations requiring a permit, the standards contained in RSA 155-E:5 are considered to be the minimum standards and the Board may require more stringent reclamation standards as deemed necessary by the nature and scope of the operation. The reclamation will be done in accordance with the approved plans and reclamation sequence.
- B. Any excavation permit applicant that requires a RSA 485-A:17 Alteration of Terrain Permit (AOT) from the NHDES shall incorporate the requirements of these regulations, to the extent that they are more restrictive, and not in conflict, with the AOT permit. Copies of all such AOT permits and update plans shall be filed with the Board.
- C. For any excavation plan not requiring an Alteration of Terrain permit, the applicant may, in conjunction with a Town employee or agent, design a reclamation plan acceptable to the Town. Such a plan shall meet all of the criteria established by SECTIONS IX and XII.

**SECTION X: PERFORMANCE GUARANTEE**

- A. Prior to the granting of any permit, the applicant shall submit to the Selectmen a bond or other sufficient surety as determined by the Board after consultation with the Board of Selectmen. For any surety that may bind the Town of Canaan to potential or actual liability, the Board of Selectmen must concur. The purposes of the bond are to guarantee reclamation of the area, compliance with the permit, and any inspections. Off-site improvements for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.
- B. The surety may be in the amount and form acceptable to the Board after consultation with the Board of Selectmen and/or their designee and its legal counsel, determined by the Board based on the review by an engineer hired at the expense of the applicant,. The surety may be phased to coincide

with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The phased surety shall not be released until the Board is satisfied that all conditions of the phased site reclamation plan have been complied with and that no erosion or die off has occurred, for at least two years after closure. Areas used for stockpiling and processing machinery and other non excavation uses shall not be included in surety requirements. There are four major acceptable forms of surety: 1) bond issued by surety (insurance) company, 2) letter of credit issued by financial institution (bank), 3) cash held under "escrow" agreement (cash bond), or 4) escrow payment per ton (or yard) removed or stockpiled (incrementally) each year with the payment to be paid annually to the Town and retained in a Town managed escrow account.

C. Surety provided by option 4 above shall be calculated as follows:

The amount of surety required shall be based on the total cost of the proposed closure plan (limited to the current phase where phasing is used) less the value of the material needed for back fill and final cover, and the manpower and equipment needed to complete the closure, to the extent that this material, manpower and equipment is available on site. The final amount of surety will be divided by the total tons (or yards) anticipated for removal during the life of the plan (limited to the current phase where phasing is used) to create a tonnage (or yardage) payment OR the Town may establish a minimum payment to be raised each year based on the total closure cost that is purchased from others divided by the total years (limited to the current phase where phasing is used) of approval for the plan if the contributions from this formula are greater than the contributions from the per ton (or yard) payment. The use of owner provided offsets will greatly reduce the amount needed for closure surety. To assure the availability of the material and equipment and manpower, a security interest to the benefit of the Town may be required in the stockpiled reclamation material and equipment needed. That security interest shall also provide resources for manpower to complete the closure. In the event that this agreement is entered into and surety is provided by on-site material and equipment, the Town will inspect the site annually to assure that there is adequate material and equipment needed to meet the agreed upon offset for the reclamation. In the event that the Town determines at a future date that the original agreement is insufficient for closure, the Town may reopen the amount of the performance guarantee. This option may be used in conjunction with other options.

D. Other forms of surety may be acceptable to the Board but may not create a real or potential liability for the Town other than as defined herein.

E. Other than as provided in C above, the performance guarantee will be calculated as \$3,000 per acre of the phased excavation area, unless it can be demonstrated that less is required.

## **SECTION XI: APPLICATION PROCEDURES**

Prior to the Board rendering a decision for an excavation permit, a public hearing shall be held, with due notification of all abutters and the public. The procedure for holding these public hearings is as follows:

A. Excavation Permit Application Review

- 1) Applications for an excavation permit shall be filed with the Planning Board . A completed application shall consist of a completed application page, the required submission items, a completed abutters list, and the appropriate fees as required. A completeness review and public

hearing will be scheduled within 30 days after a completed application has been received at the Town office.

- 2) The application will be reviewed with the applicant at the scheduled meeting. If the application is found to meet all submission requirements it will be accepted and voted by the board as complete and the hearing held. Should the application not be accepted as complete, another review meeting must be scheduled for re-submission as outlined in Section XI, A, 1.
- 3) Within 20 days of the close of the hearing on the application, or any continuation thereof, the Board shall make a decision. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town office within 144 hours.
- 4) The applicant shall receive a copy of the minutes along with the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

**B. Notices Required for Public Hearing**

- 1) All abutters will be notified by certified mail, not less than 10 days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of abutters must be taken from Town records not more than five (5) days before filing the application.
- 2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 10 days prior to the meeting.
- 3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

**C. Fees**

- 1) A filing fee of \$150 shall be paid upon submission of an application for an excavation permit, to defray the costs of posting notice for the public hearing. This fee includes the postage and advertising costs. Failure to pay such cost shall constitute grounds for the Board to not accept the application.
- 2) An excavation permit fee of \$50 shall be paid upon the issuance of a permit, to defray the costs of permit compliance.

**SECTION XII: APPLICATION SUBMISSION ITEMS**

Unless exempted by section V, any owner or owner's designee shall, prior to excavation of his land, apply to the Board for a permit for excavation. Such application shall be signed and dated by the applicant and shall contain at least the following information:

Where a NH DES Alteration of Terrain permit is required, the applicant may submit a copy of that AoT application and/or permit to the Board. While the AoT contains most of the following, the applicant shall provide supplemental items, such that the Board receives all of the following:



1. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed;
2. A sketch and description of the location and boundaries of the proposed excavation, the number of acres to be involved in the project and the municipalities and counties in which the project lies;
3. A sketch and description of the access and visual barriers to public highways to be utilized in the proposed excavation;
4. The breadth, depth and slope of the proposed excavation and the estimated duration of the project;
5. The elevation of the highest annual average groundwater table within or next to the proposed excavation;
6. A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography, and fill material, and may address future land use consistent with the approved master plan, and shall include a timetable for reclamation of fully depleted areas within the excavation site during said project. The Board may grant an exception to RSA 155-E:5 & 5a per RSA 155-E5b;
7. Specific actions to be taken by the applicant on the excavation site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons;
8. Such other information or other special investigative studies as the Board may reasonably deem necessary. The Board may request these after application submittal and prior to permit approval;
9. All application material shall be submitted to the Board in duplicate. The applicant shall also send a copy of the application to the conservation commission; and
10. Filing fee.

### **SECTION XIII: ADMINISTRATION AND ENFORCEMENT**

#### **A. Permits**

- 1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- 2) A permit shall be valid until the specified expiration date. Permits may be amended in accordance with RSA 155-E 6. A permit is automatically withdrawn if no substantial work is done on the site for a period of two years from the date of the issuance of the permit.
- 3) Excavation of earth without a valid permit is a violation of RSA 155-E and these regulations. Violators may be issued a cease and desist order for non-compliance.
- 4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.
- 5) The Board may establish a schedule by which all permitted sites may be inspected on an annual basis. Incidental excavation exceptions that will remove more than 1,000 cubic yards may have an inspection schedule as determined by the Board.

- 6) Town administration may audit the records and measure stockpiles to assure compliance with the collection of payments due under Section X. B. method 4.

B. Bonding

Bonding or other surety shall be determined prior to the issuance of a permit. Bonding will be reviewed at the time of periodic inspections.

C. Inspections

The Board or its designee may make periodic inspections of all excavation sites, or incidental excavations, to determine if the operations are in conformance with these regulations, the approved plans, or the exception criteria. The owner or operator will be contacted to arrange a mutually acceptable time for each inspection. A site inspection review letter will be sent to the owner citing any deficiencies and providing a timeline for correction of the deficiency.

D. Suspensions and Revocations

The Board may suspend or revoke a permit if the Board determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist, or failure to correct any deficiency after notice. The Board may suspend or revoke incidental excavation status if the Board determines that any provision has been violated, Such suspension or revocation shall be subject to a motion for hearing, rehearing and appeal in accordance with these regulations.

E. Historical Excavation Sites:

State law has required applicants to seek excavation permits from the Planning Board since 1979. This requirement was effective, and was independent of the town having excavation regulations. For any excavation site closed prior to August 24, 1979, and for any property owner of any excavation site that should have had a permit at any time since August 24, 1979, where the current or prior owners failed to obtain a permit, and where the site has not been reclaimed, the site shall be subject to a review to determine if the site is a hazard to public health or safety. The review shall be undertaken after complaint by any party that has been impacted or is likely to be impacted, directly or indirectly, by the excavation site. Any party so impacted may notify the Board of an identified hazard to public health or safety. The Board will hold a hearing, and if it concludes that there is an identified hazard to public health or safety, it shall require reclamation sufficient to eliminate the hazard. If needed, a bond may be required in accordance with these regulations. The Board may vote to impose fines or other take other enforcement actions where there has been willful disregard for the permitting process. The Board will not impose fines for excavations prior to 2016, unless the property owner had knowledge or should have had knowledge of the hazardous condition.

F. Appeals

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or

deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.

G. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 676:17.

**SECTION XIV: SEPARABILITY**

The invalidity of any provision, sentence, paragraph, etc. of this regulation shall not affect the validity of any other provision, sentence, paragraph, etc.

**SECTION XV: EFFECTIVE DATE**

These regulations shall take effect upon adoption by the Board and as amended.

**APPLICATION FOR EARTH EXCAVATION PERMIT**

**TOWN OF CANAAN, NEW HAMPSHIRE**

Name of Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature of Owner(s): \_\_\_\_\_ Date Signed: \_\_\_\_\_

Telephone Number(s): (Day): \_\_\_\_\_ (Night): \_\_\_\_\_ (Mobile) \_\_\_\_\_

Name of Owner's Designee/Agent: \_\_\_\_\_

(A notarized letter required indicating assigned agent, agent's address, telephone numbers and the amount of authority given.)

Name of Person Actually Doing the Excavating: \_\_\_\_\_

Location of Proposed and/or Existing Excavation: \_\_\_\_\_

Tax Map #: \_\_\_\_\_ Lot #: \_\_\_\_\_

Type of Operation: \_\_\_\_\_

Reason for Application: [ ] New Excavation Site [ ] Permit Expired [ ] Exception [ ] Amendment  
(RSA 155-E:3                      155-E:8                      155-E:5-b                      155-E:6)

A complete application includes this application form, fees (Section XI: C 1) and all Application Submission Items (Section XII):

Date Application Received by Town: \_\_\_\_\_ Received by: \_\_\_\_\_

Date Application Sent to Conservation Commission by Applicant: \_\_\_\_\_

Application Determined to be Complete: [ ] YES [ ] NO Date: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

COMMENTS: \_\_\_\_\_

CANAAN PLANNING BOARD  
LIST OF ABUTTERS

(To be attached and submitted with excavation application. Use additional sheets if necessary. Listings generated by Town office may be used in place of this form.)

Name of Property Owner(s) \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Owner Address \_\_\_\_\_

Name of Agent/Designee: \_\_\_\_\_

Abutter means any person whose property is located in Canaan or adjoining towns, and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

1. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

2. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

3. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

4. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

5. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

6. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

7. Name \_\_\_\_\_ Tax Map # \_\_\_\_ Lot # \_\_\_\_

Address \_\_\_\_\_

Zip Code \_\_\_\_\_

Town of Canaan, New Hampshire

# EXCAVATION PERMIT

PURSUANT TO RSA 155-E

PERMIT #: \_\_\_\_\_ ISSUE DATE: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

LOCATION: \_\_\_\_\_

STREET ACCESS: \_\_\_\_\_

MAP #: \_\_\_\_\_ LOT #: \_\_\_\_\_

OWNER (S): \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TOWN \_\_\_\_\_ ST \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

EMERGENCY NUMBERS: (Day) \_\_\_\_\_ (Night) \_\_\_\_\_

FUEL SPILL RESPONSE CO. \_\_\_\_\_

FUEL SPILL RESPONSE CO. NUMBERS: (Day) \_\_\_\_\_ (Night) \_\_\_\_\_

THIS PERMIT IS NON-TRANSFERABLE WITHOUT THE PRIOR, WRITTEN APPROVAL OF THE CANAAN PLANNING BOARD PURSUANT TO RSA 155-E:8

Issued by:

\_\_\_\_\_  
Chairman, Canaan, NH Planning Board

NOTE: Pursuant to RSA 155-E:10 – The Board or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which this permit was granted.

THIS PERMIT IS TO BE PROMINENTLY POSTED AT THE EXCAVATION SITE OR AT THE PRINCIPAL ACCESS PURSUANT TO RSA 155-E:8.

TOWN OF CANAAN  
NEW HAMPSHIRE

**EXCAVATION PERMIT APPLICATION CHECKLIST**

MAP & LOT: \_\_\_\_\_ OWNER/APPLICANT \_\_\_\_\_

|   | <u>Rec'd</u> | <u>Waived</u> |
|---|--------------|---------------|
| 1. <b>Signed and dated application form.</b>  | 1. [ ]       |               |
| 2. <b>Copies of any required local, state, or federal permits.</b>  | 2. [ ]       |               |
| 3. <b>Excavation plan</b> at a suggested scale of 1" = 100' showing the information listed below:   | 3. [ ]       |               |
| a. Name and address of owner, excavator, and all abutters.  | a. [ ]       |               |
| b. Name, address, and signature of person preparing the plan; date of plan, scale, and north arrow.   | b. [ ]       |               |
| c. Sketch and description of the location and boundaries of proposed and any existing excavations in square feet and acres and the municipalities involved. | c. [ ]       |               |
| d. Water protection and Historic district boundaries of excavation area and within 50' of the project area boundary.  | d. [ ]       |               |
| e. Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 50' of the boundary of the project.*                        | e. [ ]       | [ ]           |
| f. Locations of existing buildings, structures, septic systems, and wells within 150' of the excavation.*   | f. [ ]       | [ ]           |
| g. Topography at contour levels of ten feet or less. *  | g. [ ]       | [ ]           |
| h. All surface drainage patterns, including wetlands and standing water.*   | h. [ ]       | [ ]           |
| i. Sketch and description of existing and proposed access roads, including width and surface materials.*  | i. [ ]       | [ ]           |
| j. Breadth, depth, and slope of the proposed excavation, proposed duration, and estimate of the total volume of earth to be excavated.                      | j. [ ]       |               |
| k. Elevation of the highest annual average groundwater table within or next to the proposed excavation.   | k. [ ]       |               |
| l. Test pit data or log of borings to within either the seasonal high water table or a minimum of six feet below the proposed excavation depth.*            | l. [ ]       | [ ]           |
| m. Fencing, buffers, or other visual barriers, including height and materials.*   | m. [ ]       | [ ]           |
| n. Measures to control erosion and sedimentation, water and air pollution, and to prevent any hazards to public safety.*                                    | n. [ ]       | [ ]           |
| o. Methods and plans for storm water management and equipment maintenance.*   | o. [ ]       | [ ]           |

- |   | <u>Rec'd</u> | <u>Waived</u> |
|---|--------------|---------------|
| 4. <b>Reclamation plan</b> at a suggested scale of 1" = 100' including the information below:   | 4. [ ]       |               |
| a. Name, address, and signature of the person preparing the plan; date of plan, scale, and north arrow.                                       | a. [ ]       |               |
| b. All boundaries of the area proposed for reclamation and the land within 200' of the project area.  | b. [ ]       |               |
| c. Final topography at contour intervals of ten feet or less.*  | c. [ ]       | [ ]           |
| d. Final surface drainage pattern including the location and physical characteristics of all artificial and/or modified drainage facilities.* | d. [ ]       | [ ]           |
| e. Timetable as to reclamation fully depleted sites within the project area.  | e. [ ]       |               |
| f. Schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.*          | f. [ ]       | [ ]           |
| 5. <b>Evidence of ability to be bonded.</b>   | 5. [ ]       |               |

### EXCAVATION OPERATIONS CHECKLIST

- |   | <u>Ck'd</u> |
|---|-------------|
| 1. The excavation is not within 50' of a disapproving abutter or 10' of an approving abutter boundary.  | 1. [ ]      |
| 2. The excavation will not be unduly hazardous to the public welfare.   | 2. [ ]      |
| 3. Existing visual barriers will not be removed except to gain access to the excavation.  | 3. [ ]      |
| 4. The excavation will not substantially damage a known aquifer.  | 4. [ ]      |
| 5. The excavation is not closer than 150' to an existing dwelling or to a site for which a building permit has already been issued.   | 5. [ ]      |
| 6. The excavation is not below road level within 50' of the public right-of-way.  | 6. [ ]      |
| 7. Vegetation is maintained within the peripheral areas of the requirements contained in 5 & 6 above.   | 7. [ ]      |
| 8. Fuels, lubricants, or other pollutants are not stored on the site.   | 8. [ ]      |
| 9. If temporary slopes exceed 1:1 grade, an appropriate barricade is provided.  | 9. [ ]      |
| 10. The excavation will not cause the accumulation of freestanding water for prolonged periods.   | 10. [ ]     |
| 11. The excavation is not within 75' of any great pond, navigable river, or any other standing body of water ten acres or more in area.   | 11. [ ]     |
| 12. The excavation is not within 25' of any stream, river, brook that normally flows throughout the year, or any naturally-occurring standing body of water less than ten acres, prime wetland, or any other wetland greater than five acres in areas defined by NH Department of Environmental Services. | 12. [ ]     |
| 13. The excavation will comply with federal Mine Safety and Health Administration requirements.   | 13. [ ]     |



## RECLAMATION PROCEDURE CHECKLIST

|   | <u>Rec'd</u> | <u>Waived</u> |
|---|--------------|---------------|
| 1. Tree seedlings will be planted in areas visible from a public way to replace trees that were removed.*       | 1. [    ]    | [       ]     |
| 2. All disturbed areas will be reseeded.  | 2. [    ]    |               |
| 3. Provision is made for the lawful removal of all stumps and other debris.                                     | 3. [    ]    |               |
| 4. Soils will be graded according to soil type, changes in slope will not be abrupt and will not cause erosion. | 4. [    ]    |               |
| 5. No standing bodies of water created by the excavation will be left if they create a public safety hazard.    | 5. [    ]    |               |
| 6. The topography will be left so that drainage reverts to its original points and proportions of flow.         | 6. [    ]    |               |

\*Items marked with an asterisk may be fully or partially waived for good cause upon application to the Board, provided that relief is allowed by the excavation regulations and federal, state and local laws.