

TOWN OF WARNER, NEW HAMPSHIRE

EARTH EXCAVATION

REGULATIONS



Adopted: November 8, 2006

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Section I: Authority

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

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 removed except in conformance with these regulations.

Section III: Definitions

- A. Abutter means: Any person whose property is located in New Hampshire and (1) adjoins or is directly across a street or stream from, or (2) has a boundary which is within two hundred (200) feet of any boundary of the land under consideration by the Board, or (3) has frontage on a pond on which the land under consideration by the Board also has frontage. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Board of a hearing, in the cases 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. [RSA 672:3]
- B. Applicant means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.
- C. Board means the Planning Board of the Town of Warner.
- D. Commercial Excavation means excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation.
- E. Contiguous means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town, except in the case of stationary manufacturing plants as described in RSA 155-E:2, III, whose perimeter is not defined by town boundaries.

- F. 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.
- G. Earth means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- H. Excavation means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.
- I. Excavation Area means the land 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.
- J. Excavation Site means any area of contiguous land in common ownership upon which excavation takes place.
- K. Existing Excavation means any excavation which. has been in operation for at least two years prior to the adoption of this ordinance and which holds a valid Excavation Tax Certificate at the time of adoption of this ordinance
- L. Expansion:
 - (a) of existing excavations means excavation beyond the limits of the Town or expansion beyond the area which on August 24, 1979 and at all subsequent times thereto had been contiguous to and in common ownership with the excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the excavation site.
 - (b) of stationary manufacturing plants means to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989 whether or not state and local permits were granted before August 4, 1989.
- M. Reclamation means the restoring of an excavation site to a standard at least equal to those outlined in Section IX of these regulations.
- N. Stationary Manufacturing and/or Processing Plants means permanent facilities which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

Section IV: Projects Requiring a Permit

- A. Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted by Section V below.
- B. Any excavation proposing to begin operation after the effective date of these regulations.
- C. Those that have lawfully operated prior to August 24, 1979 and wish to expand the excavation area beyond the limits contained in the report submitted in accordance with RSA 155-E:2, I, (d).
- D. For stationary plants that have land that was contiguous and in common ownership as of August 4, 1989, no permit is required. Land acquired after August 4, 1989 will need to have a permit.
- E. Excavation that is exclusively incidental to the lawful construction or alteration of a building or structure, a parking lot or way including a driveway on a portion of the premises where total earth removal quantity is more than 1000 cubic yards. This excavation cannot be started, however, until any required state and local permits have been issued.
- F. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment when total earth removal quantity is more than 1000 cubic yards. In the event of questions, the Board shall determine what is incidental.
- G. Excavation from a granite quarry for the purpose of producing dimension stone (the town cannot regulate dimension stone quarries), if such excavation requires a permit under RSA 12-E (Mining and Reclamation).

Section V: Projects Exempt from a Permit

- A. The following projects do not require a permit, but are nevertheless subject to Sections VIII, IX, X and XI of these regulations. In the event of a question regarding compliance, the Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.

Existing Excavations, provided that within three months of adoption of this ordinance, the following information is submitted:

- 1. A Report to the Planning Board as required by RSA 155-E:2, I,(d) that includes:
 - a. the location of the excavation and the date the excavation first began;
 - b. a description of the limits of permissible expansion, as have been appraised and inventoried for property tax purposes and which are claimed to apply to the excavation;
 - c. an estimate of the area that has been excavated at the time of the report;

- d. an estimate of the amount of commercially viable earth materials still available on the parcel; and also
 - e. a narrative statement outlining the history of the excavation site, current anticipated excavation amounts, and proposed future excavation amounts.
2. A plot plan showing the overall area of the lot with the excavation sites identified. The plan shall be to scale, with the scale noted, dimensioned, and contain a north arrow. The plan shall contain the name and address of the land owner and show major features of the lot such as wetlands, ponds, streams, ledges, roads, buildings, etc. The plot plan shall be in any form deemed adequate by the Warner Planning Board.
 3. A reclamation plan as described in Section IX.
- B. The following projects do not require a permit, but are nevertheless subject to Sections VIII, IX, X, and XI of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the Board has given written notice that the excavation is not in compliance and the owner has failed to bring it into compliance within 30 days of receipt of such notice.
- 1) Excavations from a site which on August 4, 1989 was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979 and which use earth obtained from such excavation site.
 - 2) Excavations from a site that on August 4, 1989 was contiguous to, or contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979 and before August 4, 1989, which used earth obtained from such site.
 - 3) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway by a unit of government having jurisdiction, or by their agent pursuant to RSA 155-E:2, IV. A copy of the pit agreement executed between the pit owner and the governmental unit shall be filed with the Board; in addition, the provisions of Section VII, IX, X, and XI of this regulation shall be complied with.

Section VI: Abandoned Excavations

- A. Any excavation, except for those associated with stationary manufacturing plants, for which the affected area has not been brought into complete compliance with the reclamation standards of this regulation shall be considered abandoned if:
- 1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period. The time period may be extended if, prior to the end of the time period, the Board approves a reclamation

timetable, and a bond or other surety is posted in a form and amount prescribed by the Board sufficient to cover the costs of reclaiming the entire site.

- 2) The excavation is in use, but has not been brought into compliance with the incremental reclamation standards of this regulation, a bond has not been posted, or the Board has not approved a reclamation timetable.
 - 3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Board pursuant to RSA 155-E:2, I, (d).
- B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense. The Town's costs shall constitute an assessment against the owner, and shall create a lien against the property. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

Section VII: Prohibited Projects

The Board shall not grant a permit under the following conditions:

- A. For excavations within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.
- B. Where existing visual barriers would be removed, except to provide access to the excavation.
- C. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.
- D. Where the excavation would substantially damage a known aquifer, as designated by the United States Geological Survey.
- E. When the excavation cannot receive necessary approvals from state or federal agencies, such as Alteration of Terrain or Wetlands permits.
- F. Where the excavation is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for excavation exist in town, as described in RSA 155-E:4, III.
- G. Where the project cannot comply with the requirements of Sections IX, X, and XI of these regulations.

Section VIII: Operational Standards

- A. For excavations not requiring a permit, the following standards apply. For those excavations requiring a permit, these standards as considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Board.
- 1) No excavation shall be permitted closer than 150 feet to an existing dwelling or to a building site for which a building permit has been issued at the time the excavation permit is granted.
 - 2) No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.
 - 3) Vegetation shall be maintained or provided within the peripheral areas of items 1 and 2 of this section.
 - 4) No fuels, lubricants or other toxic or polluting chemicals shall be stored onsite unless in compliance with State laws or rules pertaining to the storage of such materials.
 - 5) Where temporary slopes will exceed a 1:1 grade, a fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.
 - 6) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.
 - 7) Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.
 - 8) 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 State of New Hampshire Department of Environmental Services.
 - 9) Nothing herein contained shall be construed to forbid the creation of a lake or pond; provided that adequate provision has been made for the runoff of water in such manner as will not injure any roads, highways, or abutting property. If more than 1000 cubic yards of earth will be removed from the parcel as a result of the project, an excavation permit shall be obtained. All ponds must have a slope no

less than 3:1. (Note: all ponds must be constructed in compliance with NH Department of Environmental Services' regulations regarding wetlands, excavation, and dam construction.)

B. Processing

- 1) No processing machinery shall be erected or maintained on the lot within less than 300 feet of any property line, and such machinery shall be removed from the lot upon expiration of the permit.
- 2) No material shall be stock piled or located outside the Excavation Area.

Section IX: Site Reclamation Standards

A. For excavations not requiring a permit, the following standards apply. For excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Board.

B. Within 12 months following the expiration date of a permit issued under these regulations, or the completion of any excavation, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

- 1) Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.
- 2) On any sites visible from the public way, the Planning Board may require planting of trees or other vegetation as screening.
- 3) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or other soil capable of maintaining permanent vegetation, and shall be planted with tree seedlings or grass suitable to prevent erosion.
- 4) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
- 5) All graded areas covered with soil shall be seeded or planted with tree seedlings. The area shall be maintained and nurtured until a permanent vegetative crop is established
- 6) All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Board. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

- 7) All finish grade elevations shall maintain a minimum six (6) foot separation above the seasonal high water-table, except for when a pond is created.
- 8) Any standing bodies of water created by the excavation that have been judged by the Board to constitute a hazard to health and safety shall be eliminated.
- 9) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the original and natural proportions of flow.
- 10) For excavation projects requiring an Alteration of Terrain Permit from the NH Department of Environmental Services, the provisions of RSA 485-A:17 shall supersede the regulation in number 9 immediately above. Copies of all such permits shall be filed with the Board.

Section X: Incremental Reclamation

Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with Section IX of these regulations within 12 months following such depletion or non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas within the reclamation site, shall be submitted to the Board for approval.

Section XI: Performance Guarantee

- A. Prior to the granting of any permit, or to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Selectmen a performance bond with sufficient surety as determined by the Planning Board. 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 form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the Board. 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 surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with.

Section XII: Waivers

Due to the diverse nature of excavation operations, the Board may, upon application and following a duly-noticed hearing, grant any waiver in writing to the standards contained in Sections, IV, VI, VIII, IX, X, XI, XIV, and XV of this regulation for good cause shown.

Section XIII: Application Procedures

A. Filing of the Application

1. Applications for excavation permits consisting of the application form and the plans required by Section XIV shall be received by the Planning Board at least 15 days before the regularly scheduled meeting at which it is to be submitted for acceptance.
2. The application will be reviewed with the applicant at the meeting, and will be accepted by the Board only if it is found to meet all submission requirements for a completed application. Should the application not be accepted as complete, another meeting must be scheduled for its submission.

B. Board Action on Application

1. Following a vote to accept the application as complete, the Board will hold a public hearing at that time or within 30 days.
2. Within 20 days after 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.
3. The applicant shall receive a written copy of the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices Required for Public Hearing

1. All abutters and the Warner Conservation Commission will be notified by certified mail, not less than 10 days prior to the meeting at which the application will be submitted for acceptance. The applicant will take names and addresses of abutters from Town records not more than 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.

D. Fees

1. A filing fee of \$50 (subject to change without notice) plus postage shall be paid upon submission of an application. Failure to pay such cost shall constitute grounds for the Board to not accept the application.
2. A permit fee of \$50 shall be paid upon the issuance of a permit.
3. Additional reasonable fees shall be charged should the Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

E. Plan Distribution

The applicant shall submit at least 4 copies of an Excavation and a Reclamation Plan to the Planning Board. The applicant shall send one copy to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved.

Section XIV: Application Submission Items

A. Excavation Plan

The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

- 1) Name and address of the owner, the excavator (if different) and all abutters.
- 2) Name, address, and signature of the person preparing the plan; date, bar scale and north arrow.
- 3) Acknowledgment block for Conservation Commission Chairman, and other Town Department Heads as deemed appropriate by the Board.
- 4) Approval line for Planning Board Chairman signature.
- 5) Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.
- 6) Sketch and description of the location and boundaries of the proposed and any current existing excavations; the area shall be shown in square feet and acre(s).
- 7) The location of existing buildings, structures, septic systems and wells within 200 feet of the boundary.

- 8) Public streets, driveways, intersections, rights-of-way, and all easements within 200 feet; road network to be affected; intended transportation routes to be used.
- 9) Existing topography at contour intervals of five feet or less.
- 10) All surface drainage patterns including wetlands and standing water.
- 11) Sketch and description of existing and proposed access roads, including width and surface materials.
- 12) The breadth, depth and slope of the proposed excavation and the estimated duration of the project.
- 13) The elevation of the highest annual average ground water table within or next to the proposed excavation.
- 14) A State Certified Soil Scientist shall evaluate test pits that extend to either the seasonal high water table or ledge, or to a minimum of six feet below the maximum proposed excavation depth, including location and soils data. Boring logs may be submitted separately.
- 15) Proposed fencing, buffers or other visual barriers, including height and materials.
- 16) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.
- 17) Plans for storm water management.
- 18) Plans for equipment maintenance.
- 19) Methods to prevent materials from the site from being tracked onto public roadways.
- 20) Copies of all necessary state and federal permits.

B. Reclamation Plan

The reclamation plan shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the Master Plan. The plan shall show or be accompanied by the following items:

- 1) Name, address, and signature of the person preparing the plan; date, bar scale and north arrow.
- 2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site.

- 3) Final topography of the proposed area to be disturbed by excavation at contour intervals of five feet or less.
- 4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- 5) Timetable as to fully-depleted sites within the excavation area.
- 6) Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

The Board reserves the right, per RSA 155-E:3,VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the Board by RSA 676:4, I, (g), any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

Section XV: 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 present at the site when it is operation.
- 2) A permit shall be valid for a maximum of three years. It will expire on the third December 31st following the date of issue. (For example: If a permit is issued on April 26, 2007, it will expire on December 31, 2009.) The expiration date shall be specified on the permit.
- 3) Failure to file for a permit shall be considered a violation and operators who fail to file will be issued an order to cease and desist.
- 4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

B. Amendments and Renewals

Permit holders wishing to alter the size or location of the excavation, the rate of removal or the plan for reclamation shall apply for a renewal or amendment, following the same procedures as those required for the original excavation permit.

Permit holders wishing to renew a permit where there are no changes to the permitted operation may do so by requesting a renewal from the Planning Board. The Planning Board may approve such a request without a public hearing if it finds the operation to be in compliance with all current plans and narratives describing the operation.

C. Inspections

The Board or its designee may make periodic inspections of all excavation sites to determine if the excavation operation is in conformance with the permit, town regulations, and the approved plans.

D. Suspensions and Revocations

The Board may suspend or revoke a permit;

- 1) If the Board determines that any provision of the permit has been violated,
- 2) If a material misstatement was made in the application upon which a permit was granted, or
- 3) If any unsafe or hazardous conditions exist as determined by a site inspection.

Such suspension or revocation shall be subject to a motion for rehearing thereon and an appeal in accordance with these regulations.

E. Appeals

Any person affected by the Board's decision to approve or disapprove an application by 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 677:4-14.

F. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 & 17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

Section XVI: Severability

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

Section XVII: Effective Date

The effective date of these regulations shall be _____.

Planning Board Members

Town Clerk

Date

EXCAVATION REGULATIONS

APPLICATION CHECKLIST

The following checklist is intended as a reference for the Board to use in determining whether an application meets all the requirements for submission as specified in the regulations (Section XIV). Items #3, a-n, and #4, a-f are those items the Board expects to see on the plan.

Required			Submitted	
Yes	No		Yes	No
_____	_____	1. Signed and dated application form.	_____	_____
_____	_____	2. Copies of any required local, state or federal permits:	_____	_____
_____	_____	wetlands dredge & fill permit,	_____	_____
_____	_____	alteration of terrain permit, or	_____	_____
_____	_____	NPDES Phase II requirements	_____	_____
_____	_____	3. Excavation Plan at a scale of 1" = 100' showing the following information:	_____	_____
_____	_____	a. Name and address of owner, excavator, and all abutters.	_____	_____
_____	_____	b. Name, address and signature of person preparing the plan; date of plan, scale, and north arrow.	_____	_____
_____	_____	c. Sketch and description of the location and boundaries of proposed and any existing excavations in square feet and acres, and the municipalities involved.	_____	_____
_____	_____	d. Zoning district boundaries of excavation area and within 200 feet of the area boundary.	_____	_____
_____	_____	e. Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200 feet of the excavation	_____	_____
_____	_____	f. Location of existing dwellings, structures, septic systems and wells within 200 feet of the excavation.	_____	_____
_____	_____	g. Topography at contour intervals of five feet or less.	_____	_____
_____	_____	h. All surface drainage patterns including wetlands and standing water.	_____	_____
_____	_____	i. Sketch and description of existing and proposed access roads, including width and surface materials.	_____	_____
_____	_____	j. Breadth, depth and slope of the proposed excavation.	_____	_____
_____	_____	k. Elevation of the highest annual average ground water table within or next to the proposed excavation.	_____	_____
_____	_____	l. Test pit data to within either the seasonal high water table or a minimum of six feet below the proposed excavation depth.	_____	_____
_____	_____	m. Fencing, buffers, or other visual barriers, including height and materials.	_____	_____

EXCAVATION AND RECLAMATION CHECKLISTS

The following checklist is used by the Board to determine compliance with the provisions of RSA 155-E during application review and inspections of excavation sites, both for new operations as well as yearly inspections of existing operations. For existing, non-permitted operation, only items #1-10 apply, while new, permitted operations are subject to all items in the checklist. The items in the reclamation checklist apply to all operations at the time of reclamation.

OPERATING STANDARDS

- | Yes | No | |
|-------|-------|---|
| _____ | _____ | 1. The excavation is not within 50 feet of the boundary of a disapproving abutter or 10 feet of the boundary of an approving abutter. |
| _____ | _____ | 2. The excavation is not closer than 150 feet to an existing dwelling or to a site for which a building permit has already been issued. |
| _____ | _____ | 3. The excavation is not below road level within 50 feet of a public right-of-way. |
| _____ | _____ | 4. Vegetation is maintained within the peripheral areas of items 2 and 3 above. |
| _____ | _____ | 5. Fuels, lubricants, or other toxic or polluting materials are not stored on the site, unless in compliance with applicable state regulations. |
| _____ | _____ | 6. If temporary slopes exceed a 1:1 grade, an appropriate barricade is provided. |
| _____ | _____ | 7. The excavation does not cause the accumulation of freestanding water for prolonged periods. |
| _____ | _____ | 8. The excavation does not result in continued siltation of surface water or degradation of water quality of any public or private water supplies. |
| _____ | _____ | 9. The excavation is not within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area. |
| _____ | _____ | 10. The excavation is not within 25 feet of any stream, river, or brook that normally flows throughout the year or any naturally-occurring standing body of water less than 10 acres, prime wetland, or any other wetland greater than 5 acres in area. |
| _____ | _____ | 11. The excavation is permitted by the zoning ordinance. |
| _____ | _____ | 12. The excavation will not diminish area property values or unreasonably change the character of the neighborhood. |
| _____ | _____ | 13. The excavation will not create any nuisance or health or safety hazards. |
| _____ | _____ | 14. The excavation will not unreasonably accelerate the deterioration of highways or create any safety hazards in their use. |
| _____ | _____ | 15. Existing visual barriers will not be removed, except to gain access to the site. |
| _____ | _____ | 16. The excavation will not substantially damage a know aquifer. |

