

EARTH EXCAVATION REGULATIONS

TOWN OF

GILMANTON, NEW HAMPSHIRE

Adopted: July 14, 1983

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SECTION I. AUTHORITY AND PURPOSE

- A. Authority - In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 155-E, the Gilmanton Planning Board adopts the following regulations governing the excavation of earth and the reclamation of excavation sites in the Town of Gilmanton, New Hampshire.
- B. Purpose - The purpose of these Regulations is to allow the Town of Gilmanton to cope with the recognized safety hazards which open excavations create; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization. The purpose is also to identify existing sources of supply and utilize same without undue disruption of local land use plans and patterns, without creating simultaneous state and local regulations of the same activity, and without allowing some excavations, such as stationary manufacturing plant sites and sites covered by voluntary pit agreements, to continue to be completely unregulated. It is found that except where state regulations apply or where sites are exempt or excepted by RSA 155-E and these regulations, comprehensive and extensive local regulation of excavation of rock, sand, and gravel for the production of construction materials is in the best interest of the citizens and taxpayers of the Town. It is also found that such regulation and its implementation should give weight both to state and local needs for locally available material and to the land use plans and patterns of the municipalities in which these deposits are situated.
- C. Applicability - These regulations are intended to regulate the commercial taking of earth.

SECTION II. EXEMPTIONS

A. Existing Excavations: In conformance with RSA 155-E:2, the owner of an excavation which lawfully existed and was in use on or before August 24, 1979, may continue such existing excavation on the excavation site without a permit, subject to the following:

1. Such an excavation site shall be exempt from the provisions of local zoning or similar ordinances regulating the location of the excavation site, provided that at the time the excavation was first begun, it was in compliance with such local ordinances and regulations, if any, as were then in effect.
2. Such an excavation site may not be expanded, without a permit, beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site as of that date, as modified by the limitations of RSA 155-E:4-a, I and II. In this paragraph the term "contiguous" means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town. It is further provided that when such excavation is not allowed by the Gilmanton Zoning Ordinance in effect as of August 4, 1989, regulating the location of the excavation site, expansion may be restricted or modified with conditions by order of the Planning Board if after notice to the owner and a hearing, the Board finds that such expansion will have a substantially different and adverse impact on the neighborhood.
3. Such an excavation shall be performed in compliance with the operational standards of RSA 155-E:4-a and the reclamation standards of RSA 155-E:5 and 155-E:5-a. Any violations of those standards shall be enforceable pursuant to RSA 155-E:10.
4. The owners or operators of any existing excavation site for which no permit has been obtained under these regulations shall file a report with the Planning Board within one year after receiving written notice of this requirement from the Planning Board. The report shall include:
 - a. The location of the excavation and the date the excavation first began;
 - b. A description of the limits of permissible expansion, as described in subparagraph (2), which are claimed to apply to the excavation;
 - c. An estimate of the area which has been excavated at the time of the report; and
 - d. An estimate of the amount of commercially-viable earth materials still available on the parcel.

B. Abandoned Excavations: The permit and Zoning exemptions under RSA 155-E-:2,I shall not apply to any abandoned excavation as defined below:

1. For purposes of this section, any excavation, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of

RSA 155-E:5 shall be deemed "abandoned" if excavation occurred on the site any time subsequent to August 24, 1979 and:

- a. No earth material has been removed from that excavation site during any 3-year period, provided, however, that before the end of such 3-year period, the owner or operator may extend the period by submitting to the regulator a timetable for reclamation, and posting a bond or other security with the Town in a form and amount prescribed in Section IV.D. sufficient to secure the reclamation of the entire site in accordance with the standards of RSA 155-E:5; or
- b. The excavation is still in use, but the owner or operator of the excavation has not, within 3 years of the effective date of these regulations, either brought the area affected by the excavation into compliance with the incremental reclamation requirement of RSA 155-E:5-a, or posted a bond or other security, as described in Section IV.D.
- c. The owner or operator of the excavation has not secured a permit pursuant to these regulations nor filed a report of an existing excavation pursuant to Section II.A.4. within the prescribed period.
- d. Annual renewal of permits have not been obtained for a three year period or longer.

Whenever any of the above conditions apply, the Board shall hold a public hearing to determine the status of the excavation, the amount of reclamation necessary and the bonding requirements. Notice shall be given to the land owner and abutters as required by RSA 155-E:7.

2. In addition to the enforcement remedies of RSA 155-E:10, the Planning Board may order the owner of any land upon which an abandoned excavation is located to either file a reclamation timetable and bond or other security as described in Section IV, or to complete reclamation in accordance with these Regulations within a stated reasonable time. Such an order shall only be made following a hearing for which notice has been given in accordance with RSA 155-E:7, if the Planning Board finds that the public health, safety, or welfare requires such reclamation.
 - a. If the owner fails to complete reclamation within the time prescribed in the order, the Planning Board may request the Selectmen to cause reclamation to be completed at the expense of the Town. The Town's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. Highway Excavations: No permit shall be required under these regulations for excavation which is 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 for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, subject, however, to the following:

1. A copy of the pit agreement executed by the owner, the agent, and the governmental unit shall be filed with the Planning Board prior to the start of excavation. The failure to file such agreement, or the failure of the excavator to comply with the terms of such agreement, shall be deemed a

violation of these regulations, and may be enforced pursuant to RSA 155-E:10. The agreement shall limit the volume of the material to be exempted to that necessary for the public project.

2. Such excavation shall not be exempt from the operational and reclamation standards of RSA 155-E:4-a, 155-E:5 and 155-E:5-a, or from the Ordinances and Regulations of the Town of Gilmanton unless such an exemption is granted pursuant to subparagraph 3.
3. The Department of Transportation or its agent may apply directly to the appeals board created under RSA 21-L to be exempted from the provisions of the Ordinances and Regulations of the Town of Gilmanton with respect to the excavation or transportation of materials being used exclusively for the lawful construction, reconstruction, or maintenance of a class I, II, or III highway. Such appeal process shall comply with the provisions of RSA 155-E.

D. Other Exceptions: In conformance with RSA 155-E:2-a, no permit shall be required for the following types of excavation.

1. Excavation that is exclusively incidental to the construction or alteration of a building or structure, or the lawful construction or alteration of a parking lot, driveway or installation of a septic system on a portion of the premises where the removal occurs; provided, however, that no such excavation shall be commenced unless all state and local permits required for the construction or alteration of the building, structure, parking lot, driveway or septic system have been issued.
2. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment.

E. Stockpiling of Material:

As allowed under RSA 155-E:2-a any person proposing to stockpile materials must present a plan to the Planning Board identifying setbacks, erosion control measures and completion date.

Section III. Application Procedure

A. Pre-Submission Discussion - As provided for under Section VI.A. of the Site Plan Regulations, an applicant may appear before the Planning Board to discuss the preliminary thinking on the proposal with the Board and to receive information on the requirements for submitting site plans. A "rough drawn" preliminary sketch may be submitted at this time to aid in the discussion. The applicant must request such a discussion not less than 15 days prior to a regular meeting. The proposal will be discussed in conceptual form only and in general terms such as desirability under the master plan. Such discussion may occur without the necessity of giving formal public notice, but may occur only at formal meetings of the Board. Such discussion is non-binding on the applicant and the Board.

B. General Procedure - Whenever any earth excavation for commercial purposes is proposed, before any land clearing is begun or the removal of any sand, gravel, rock, soil or construction aggregate and before any permit for earth excavation is granted, the landowner or person designated by the owner shall provide the Planning Board with an application for a permit. The applicant shall use an application form supplied by the Planning Board. The applicant must send a copy of the application to the Gilmanton Conservation Commission.

C. Application Requirement - The permit application shall be signed and dated by the applicant. The completed submission shall contain the following information:

1. The name and address of the owner of the land to be excavated, the name and address of the person who will actually do the excavation and the name and address of all abutters to the land on which the excavation is proposed.
2. An Excavation Plan showing the excavation site and the scheme for removal of excavated material.
3. A Reclamation Plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 including the process of site re-grading and re-vegetation following completion of the excavation project and a timetable therefore as to fully depleted sites within the excavation area during said project.
4. Any state, federal or other municipal approvals or other documents which may be required pertinent to the excavation proposal.

D. Fee Schedule - Before the Planning Board issues a permit for excavation, the landowner or person designated by the owner must post a bond and pay a permit fee and an excavation fee.

1. Permit Fee - An excavation permit application shall be accompanied by a permit fee and abutters fee as shown on the Fee Schedule (see Appendix Fig. 2).
2. Excavation Fee - An excavation fee as shown on the Fee Schedule (see Appendix Fig. 2) shall be paid for the excavation project. Such fee shall be paid prior to issuance of the permit.

The excavation permit once issued shall specify the date upon which the permit expires, shall not be assignable or transferable without the prior written approval of the Planning Board, and shall be prominently posted at the excavation site or the principal access thereto.

3. Annual Renewal Fee - Permits must be renewed annually on the anniversary date of the original approval. The fee shall be as shown on the Fee Schedule (see Appendix Fig. 2) in effect at the time of the renewal. Such fee does not include inspection cost if incurred. Such additional cost shall be borne by the applicant.

E. Hearing - Prior to the approval of an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held as required by the provisions of RSA 155-E:7.

All abutters and the applicant shall be notified of the hearing by the secretary by certified or registered mail, return receipt requested, not less than fourteen (14) days before the date fixed for the hearing. The hearing notice shall also be posted in at least three public places in Town and published in a newspaper of general circulation at least 14 full days before the hearing date.

At a public hearing within 30 days of delivery of the application, fees and other required materials, or at the next regular meeting of the Board for which notice can be legally given as required by RSA 676:4(d), the Board shall determine the completeness of the application. An application which does not contain all the information and data as required under these Earth Excavation Regulations shall not be accepted as complete unless appropriate waivers are granted by the Board. Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board or its designee shall notify the applicant of the determination in accordance with RSA 676:3. Reasons for the rejection of the application as incomplete shall be stated in the official records of the Board, with notice thereof being given to the applicant. If the application is accepted as complete, the Board shall act to approve, conditionally approve or disapprove the application as provided in RSA 171-E and this regulation within 20 days of the finding of completeness. The 20 and 30-day limits for action are subject to extension or waiver as may be mutually agreeable to the applicant and the Board. The Board shall not grant a permit for any projects prohibited by RSA 155-E:4.

F. Application for Amendment - Whenever any alteration in the excavation project is anticipated (such as size, location, rate of removal or changes in restoration plan) the landowner or person designated by the owner shall submit to the Planning Board an application for amendment of his excavation permit. The application for amendment is subject to the same approval procedure as the original excavation permit. The application procedure and fee schedule required in Section III of these Regulations will be applied.

G. Annual Renewals - Permits shall not be written for more than one year. The applicant must apply in writing for a renewal at least 30 days prior to the expiration of his permit. An annual Renewal Fee as shown on the Fee Schedule (see Appendix Fig. 2) shall accompany the application for renewal.

Such renewal will not require a public hearing. However, the Board may require an on-site inspection of the site to determine compliance to the approved excavation plan. Any costs of such inspection shall be paid by the applicant prior to issuance of the permit renewal. The permit renewal shall be granted provided the site is in conformance with the approved plan.

Section IV. General Submission Requirements

As part of the application for an excavation permit, the owner or applicant shall submit the following:

- A. Excavation Plan - Each application shall file with the Board six (6) paper prints of an Excavation Plan at a scale of not more than 100 feet to the inch indicating the specific location and extent of the proposed excavation project. The Excavation Plan shall contain the following information:
1. Name and address of owner(s) of record; name of excavator; name and stamp of engineer and/or surveyor; date; north point and scale.
 2. Names of owners of record of abutting properties as indicated in the Town Records not more than 5 days before the date of filing, identified by the sheet and parcel number as shown on the Gilmanton Tax Map; abutting subdivision names; streets and easements; public areas; and other pertinent facts regarding abutting property. A list of the names and mailing addresses of owners of record of abutting properties shall also be included.
 3. Location of property lines and their approximate dimensions; existing buildings, water courses, ponds or standing water, exposed rock ledges, stone walls, woods roads, trails, discontinued road beds and other significant natural and man made features.
 4. Area in acres of the entire parcel and the area of all proposed excavation.
 5. Estimate of the volume and type of materials to be excavated.
 6. Location, name and width of existing abutting streets. When new interior streets/ROW's are proposed, temporary stakes shall be driven along the center lines to facilitate site inspection. Indicate access roads leading to and from the excavation site. Access roads shall intersect existing roads at locations that will not endanger the safety of highway users and local residents. Such locations shall be approved by the Commissioner of the Department of Transportation or by the Gilmanton Road Agent when a local road is involved.
 7. The elevations of significant points and sufficient contour lines to indicate the general topography. Contour intervals of two (2) feet or less may be required.
 8. Location of buildings, septic systems and wells within 100 feet and intersecting roads and driveways within 200 feet of the parcel to be excavated.
 9. Known limits of any aquifer areas, as identified by the United States Geological Survey. Also, indicate any surface water body or streams adjacent to the proposed excavation.
 10. The boundaries of proposed permanent easements on, over or under private property.
 11. A locus map at a scale of approximately 1" = 2,000'.
 12. Location of each proposed driveway access point.

13. The distance between excavation areas and closest property lines.
14. Existing visual barriers to be retained between the excavation areas and public roadways or abutting property owners.
15. The breadth, depth and slope of the proposed excavation.
16. The estimated duration of the project.
17. The elevation of the highest annual average groundwater table within or next to each proposed excavation area.
18. The final plat shall be based upon a transit and tape survey of the entire parcel. The error of closure of the survey shall be shown and shall not exceed one in 10,000.
19. A block in which to record approval by the Board shall be affixed and shall contain the following:

Chairman: _____

Approval Date: _____

20. As required by NH RSA 674:37, all boundary survey work shall be performed by a registered land surveyor, and all engineering work performed by a registered professional engineer as required by RSA 310-A.
 21. Additionally, as determined by the Board, any of the following may be required and shall be submitted:
 - a. A high intensity soils survey.
 - b. A master plan, in sketch form, showing potential future development of the parcel.
 - c. The grades of all existing and proposed access roads.
 - d. A copy of such private deed restrictions, covenants or conservation easements as are intended to cover part or all of the tract.
 - e. Preliminary designs of any bridges, culverts, or drainage ditches.
 - f. An environmental and economic impact statement prepared by a qualified consultant. Such a statement may require documentation on drainage, erosion, forest productivity, ground and surface water quality, traffic safety, public services and any other factors that could impact the short and long term well being of the public in the Town of Gilmanton.
 - g. Copies of any necessary permits from other permitting agencies.
 - h. Any other significant data or information.
- B. Reclamation Plan - A Reclamation Plan at a scale and contour interval which provides a thorough understanding of the restoration of the excavation site, and drawn at the same scale and using the same base survey information as that utilized in the Excavation Plan, shall contain the following information:

1. Restored topography and drainage, eliminating any standing water created during the excavation project or from standing water occurring in the future.
2. The phasing of site restoration, indicating areas and dates that restoration will be completed.
3. Cross section or sections showing existing, excavated and restored topography configuration.
4. Indicate soil fertilization, seeding and mulching specifications and plant material to be used in restoration, their size and qualities.
5. May require incremental reclamation for any site over five acres as per RSA 155-E:5-a.
6. Plan to be stamped by a licensed surveyor or engineer.

All reclamation shall be completed within twelve (12) months after the expiration date set forth on the excavation permit or the completion of the excavation, whichever first occurs. All restoration shall be in compliance with RSA 155-E:5 and the Plan approved by the Planning Board and shall be inspected for adequate stabilization of reclamation growth.

C. Review of Data and Information:

The Board may require an independent review of any engineering work or other data submitted by the applicant. The review shall be made by a qualified consultant selected by the Board and at the expense of the applicant.

- D. Bonding - A performance bond or irrevocable letter of credit shall be required prior to the issuance of an excavation permit. The surety must be sufficient to guarantee restoration of the total excavation site. The surety shall remain posted for a period of at least 12 months beyond the actual completion date to allow for inspection and approval procedures. In no event shall the surety be released or allowed to expire until after a final site inspection has been made and certification of completion of the required restoration has been made in accordance with the Restoration Plan. Inspection may be made by a Registered Professional Engineer selected by the Board at the applicant's expense for such inspection. As-built drawings must be submitted to and approved by the Board.

The surety shall be partially released as the improvements are completed, all in accordance with schedules and inspections as established by the Board in accordance with RSA 674:36,III(b). The amount of surety may be required to be increased if reclamation costs increase during the time of excavation.

The amount of the bond or letter of credit shall be based on an engineering cost estimate of the restoration. The Board may require an independent review of the cost estimate. The review shall be made by a registered professional engineer selected by the Board and at the expense of the applicant.

Section V. DESIGN STANDARDS:

- A. Topsoil - Prior to excavation of material, all topsoil shall be stripped and stored on-site for site restoration upon the completion of the excavation project. This restoration should be done in a phased manner to minimize potential erosion.
- B. Buffers - A vegetative or topographical visual barrier or buffer shall be maintained between surrounding roads, commercial and residential land users and the excavation site and shall not be less than 75 feet. A buffer shall be maintained and excavation activities shall not occur closer than 100 feet from streams, wetlands and water bodies.

C. Drainage

The existing and proposed methods of handling stormwater runoff must be such that there will be no increase in the rate of runoff that leaves the boundaries of the site.

Denote the direction of flow of runoff through the use of arrows.

1. Drainage Formula. The rainfall frequency to be used shall be as follows:

- | | |
|----------------------------|-----------------|
| a. Excavation Areas: | 10 years (min.) |
| b. Flood Protection Works: | 50 years (min.) |

Three copies of the engineered drainage calculations shall accompany all proposed excavation plan.

The Board reserves the right to require that storm drain systems be designed for more frequent intense rainfalls than stated where conditions warrant.

2. Depth of Drainage Pipes. The minimum depth of cover from road or ground surface to the crown of the pipe shall be 18".
3. Erosion Control. To prevent erosion, open channels, swales or ditches shall be stabilized to the Board's satisfaction where the grade equals or exceeds 5 percent.
4. Off-site Drainage. The applicant's engineer shall provide such information as the Board deems necessary to determine the effect of the excavation on the existing downstream drainage facilities outside of the area of the excavation. Where the Board anticipates that the additional runoff incident to the excavation activities will overload an existing downstream drainage facility so that there will be damage to private property or an increase of the expenditure of public funds the Board shall not approve the plan until the applicant makes adequate provision at the applicant's expense for all increased downstream drainage.
5. Culverts. On all driveways, culverts must extend at least two feet beyond the edge of the pavement toward the drainage ditches.
6. No water shall be permitted to run across adjacent streets on the surface but shall be directed into catch basins or otherwise into ditches, and shall be piped underground into a pipe of a size determined by engineering calculations and approved by the Board.

D. Erosion and Sediment Control Regulations

1. General. For the purpose of controlling soil erosion and sedimentation resulting from site construction and development, no excavation or site plan shall be approved without plans for erosion and sediment control, unless otherwise stipulated by the Board as provided below.
2. Where Required. The developer shall submit a soil erosion and sediment control plan for the entire tract of land unless there is a determination by the Planning Board that such a plan is unnecessary due to the size or character of the excavation, or to the natural conditions of the site. In no case shall a proposed excavation site which involves the construction of a street or road, or results in the disturbance (stripping of vegetation) of more than 100,000 square feet of contiguous area be approved without such a plan.
3. Activities Requiring an Erosion and Sediment Control Plan. A soil erosion and sediment control plan shall be provided for all excavation and site plans.
4. Erosion and Sediment Control Plan. A soil erosion and sediment control plan shall contain provisions to control accelerated erosion and sedimentation and reduce the likelihood of storm water runoff from the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Erosion and Sediment Control Handbook for Developing Areas of New Hampshire (1981) as amended. Alternative principles, methods and practices may be used with prior approval of the Board.

Said plan shall contain, but not be limited to:

a. A narrative describing:

- (1) the excavation;
- (2) the schedule for grading and excavation activities including:
 - (a) start and completion dates;
 - (b) sequence of grading and excavation activities;
 - (c) sequence for installation and/or application of soil erosion and sediment control measures;
 - (d) sequence for final stabilization of the project site.
- (3) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- (4) the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- (5) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- (6) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

- b. A site plan map at a sufficient scale to show:
 - (1) the location of the proposed development and adjacent properties;
 - (2) the existing and proposed final topography including soil types, wetlands, watercourses and water bodies;
 - (3) the existing structures on the project site, if any;
 - (4) the proposed site alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines, and the general location of proposed structures and driveways.
 - (5) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
 - (6) the sequence for installation and/or application of soil erosion and sediment control measures;
 - (7) the sequence for final stabilization of the excavation site.
- c. Any other information deemed necessary and appropriate by the applicant or requested by the Board or its designated agent.

5. Conditions Relating to Soil Erosion and Sediment Control

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be covered in a performance bond or other assurance acceptable to the Board.
- b. Site development shall not begin until the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- c. Approved soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.

E. Operational Standards

It shall be a violation of these Regulations for any person to excavate, or for any owner to permit excavation on his excavation site, whether such excavation is subject to a permit under these Regulations, or regulated under RSA 155-E:2, without complying with the following standards:

- 1. 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.
- 2. No excavation shall be permitted within 50 feet of the boundary of a disapproving abutter, within 150 feet of any dwelling which either existed

or for which a building permit has been issued at the time the excavation is commenced.

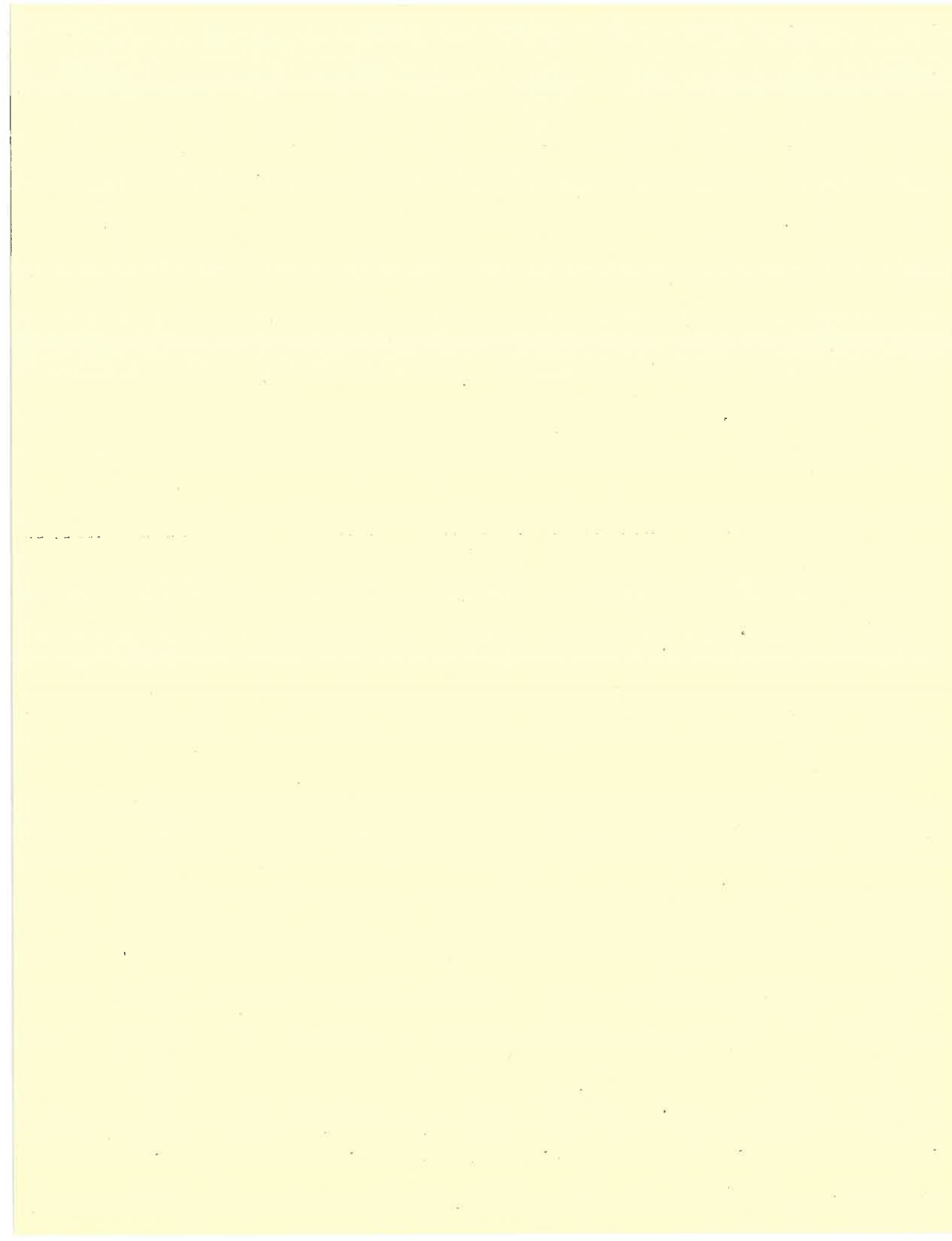
3. Vegetation shall be maintained or provided within the peripheral areas required by paragraphs 1 and 2.
4. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in siltation of streams or degradation of any water supplies are prohibited. For excavation projects which require a permit from the Division of Water Supply and Pollution Control pursuant to RSA 485-A, the provisions of that statute, and rules adopted under it shall supersede this paragraph. The excavator shall file a copy of the permit issued under RSA 485-A with the Planning Board.
5. No fuels, lubricants or other toxic or polluting materials shall be stored on site unless in compliance with state laws or rules pertaining to such materials.
6. Where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the site.
7. Prior to the removal of topsoil or other material from a new excavation area, the excavator shall file a reclamation bond or other security as prescribed by the Planning Board, sufficient to secure the reclamation of the site.
8. Nothing in these Regulations shall be deemed to supersede or preempt applicable environmental standards or permit requirements contained in Local or State laws, and no exemption under these Regulations shall be construed as an exemption from same.

F. Reclamation Standards:

Within 12 months after the expiration date in a permit issued, or of the completion of any excavation, whether subject to permit or not, whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum conditions:

1. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. 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. Earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
3. All slopes, except exposed ledge, shall be graded to natural repose for the type of soil of which they are composed, but shall not in any case be left steeper than 2:1, without an exception under RSA 155-E:5-a. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

4. The elimination of any standing bodies of water created in excavation project as may constitute a hazard to health and safety.
5. 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 natural proportions of flow. For excavation projects which require a permit from the Division of Water Supply and Pollution Control pursuant to RSA 485-A, the provisions of that statute, and rules adopted under it, shall supersede this paragraph as to areas of excavation sites covered thereby. The excavator shall file a copy of permits issued under RSA 485-A with the Planning Board.
6. Any excavated area of 5 contiguous acres or more, which either is depleted of commercial earth materials, excluding bedrock, or from which no earth materials have been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5, within 12 months following such depletion or 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership.



Section VI. Administration

- A. Enforcement - The Planning Board may suspend or revoke the permit of any person who has violated any provision of his permit or made a material misstatement in the application upon which his permit was granted.

Fines, penalties and remedies for violations of this Regulation shall be the same as for violations of RSA title LX, as stated in RSA 676:15 and 676:17.

To ascertain if there is compliance with these regulations, a permit issued hereunder or an order issued hereunder, the Planning Board or its duly authorized agent may enter upon any land on which there is reason to believe an excavation is being conducted or has been conducted.

- B. Appeals - Any person aggrieved by the official decision of the Planning Board, may appeal for a rehearing on such decision as provided by RSA 155-E:9.
- C. Other Regulations - Where these regulations are in conflict with other local ordinance and/or regulations, the more stringent shall apply.
- D. Adoption - These regulations shall become effective after a public hearing, adoption and certification by the Planning Board and placement on file with the Board of Selectmen, the Town Clerk and the Belknap County Registry of Deeds.
- E. Waivers - Where strict conformity to these Regulations would cause undue hardship or injustice to the owner of the land, an excavation plan substantially in conformity with the Regulations may be approved by the Board provided that the spirit of the Regulations and public convenience and welfare will not be adversely affected. The reasons for granting a waiver shall be duly noted in the minutes of the Board. In no case shall waivers be granted in opposition to the requirements of RSA 155:E.
- F. Inspections - The Board may require a project inspector to be employed by the Town at the applicant's expense to monitor phases of excavation and/or reclamation.

Section VII. Definitions

Abutter - An abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration. 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/her land will be directly affected by this proposal.

Applicant - The owner of the excavation site or person designated by the owner in writing at the time of application.

Application - A complete submission of information and plans as required by Statute RSA 155-E, these regulations and in the excavation permit application.

Aquifer - A water bearing stratum of permeable rock, sand, or gravel. These areas appear on statewide mapping prepared by the United States Geological Survey entitled, "Availability of Ground Water".

Commercial - A use primarily concerned with the making of profit from the sale of goods or services.

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.

Excavation - Means a land area which is used or has been used for the commercial taking of earth, including all slopes.

Excavation Pit Agreement - An agreement between the excavation site owner and the contractor describing the terms and procedure for material excavation.

Excavation Site - Any area of contiguous land in common ownership upon which excavation takes place.

Stationary Manufacturing and Processing Plants - Structures that are permanently placed and that are integral to the grading, crushing and stockpiling of excavated material.



APPENDIX FIG. 1a

GILMANTON PLANNING BOARD
APPLICATION INSTRUCTIONS

APPLICATION FOR EARTH EXCAVATION PERMIT
and
SITE PLAN APPROVAL

COMPLETING APPLICATION:

1. You may pick up application forms from the Selectmens Office. The forms provided by the Town must be used.
2. The applicant is responsible to submit all information correctly.
3. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted.
4. Zoning district information may be obtained in the Selectmens Office.
5. If Applicant is not owner, Applicant must have a letter from the owner authorizing Applicant to apply for necessary approvals.
6. A list of all abutting land owners and their mailing addresses must accompany the application form. This information must be taken from the Town records no more than five days before the day of filing.

For notification purposes, an Abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration.

7. The following must also accompany your application at the time it is submitted (unless otherwise waived).
 - A. Six copies of the proposed site plan
 1. Showing all existing conditions
 2. Showing all proposed improvements (including utilities & streets)
 3. All data sufficient to meet the requirements of:
 - a. Sections VII and VIII of the current Site Plan Review Regulations for the Town of Gilmanton.
 - b. Sections III and IV of the current Earth Excavation Regulations for the Town of Gilmanton.
 - c. Current requirements of NH RSA 155:E.

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APPENDIX FIG. 1b

8. Fees:

- A. Permit Fee as per Appendix Fig. 2, attached.
- B. Abutters Fee as per Appendix Fig. 2, attached.

NOTE: If there are TEN OR MORE ABUTTERS, the abutters fee is waived, but the applicant must provide the following for each abutter listed:

1. One 4"x9-1/2" envelope with the abutters address typed or printed legibly on the envelope and a return address to the Gilmanton Planning Board, P.O. Box 555, Gilmanton, NH 03237.

Sufficient postage shall be affixed to each envelope to permit mailing each letter via certified, return receipt mail. For postage meters, contact the Planning Clerk for the correct date to be printed by the postage meter.

See Appendix Fig. 3a attached.

2. The certified, return mail receipts shall be completed as shown and placed inside the envelope, but the envelope shall not be sealed and the certified, return mail receipts shall not be postmarked or affixed.

See Appendix Fig. 3b and 3c attached.

Your completed application along with all other necessary paperwork and fees must be submitted to the Selectmens Office prior to the application closing date. Closing dates may be obtained from the Planning Office.

The Planning Office will set a date, time and place for the public hearing and shall notify the Applicant and all abutting land owners by certified, return receipt mail, and shall cause a public notice of the hearing to be posted 14 days prior to the hearing date.

You or your representative must attend the Planning Board hearing. If no one is present at the meeting to present your application, it will be denied without prejudice and the Applicant must refile.

The public hearing will be held first, with the Applicant or his representative presenting his petition. Following this, those wishing to speak in favor or in opposition may do so. All comments must be directed to the Chair. Everyone rising to address the Chair shall identify himself, giving his name and address.

Decisions may be rendered by the Board at the same meeting at which the public hearing is held. In some instances, decisions may be made at a later date.

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APPENDIX FIG. 1c

DATE: _____

APPLICATION NO. _____

GILMANTON PLANNING BOARD
APPLICATION FOR EARTH EXCAVATION PERMIT
and
SITE PLAN APPROVAL

APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN.

APPLICANT: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

OWNER: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

EXCAVATOR: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

APPLICANT'S AGENT: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

LOCATION OF PREMISES: _____

The Applicant shall describe all the existing uses of the subject property:

The Applicant shall describe all the proposed uses, construction or modifications:

COMPLETE THE FOLLOWING GENERAL DATA OUTLINE:

1. Zoning District in which located: _____
2. Tax Lot Number: _____ Deed Book: _____ Page: _____
4. Project name: _____
5. Project area: _____ (acres), immediate developed area: _____ (acres)
6. Deed covenants or rights-of-way: _____
7. Private easements existing: _____
8. Proposed streets: Name: _____ Length: _____

APPENDIX FIG. 1d

9. Special Considerations:

- A. Variance of any regulations required: Yes_____ No_____
- B. Special Exception required: Yes_____ No_____

10. STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge the information on the form is valid and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Gilmanton and that I will provide, if required, a surety bond or letter of credit to the Town of Gilmanton before I or my associates begin development and/or excavation, and that I shall provide as-built plans to the Town before I request release of my surety.

Applicant's Signature

11. CERTIFICATION OF FILING WITH CONSERVATION COMMISSION

I hereby certify that I have submitted one copy of this completed application with all attachments and plans to the Gilmanton Conservation Commission, c/o Gilmanton Selectmen's Office.

Applicant's Signature

A LIST OF NAMES AND COMPLETE MAILING ADDRESSES OF ALL ABUTTING LAND OWNERS MUST ACCOMPANY THIS FORM.

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Earth Excavation Regulations

APPENDIX FIG. 1e

DATE: _____ APPLICATION NO. _____

GILMANTON PLANNING BOARD
APPLICATION FOR ANNUAL RENEWAL

of

EARTH EXCAVATION PERMIT and SITE PLAN APPROVAL

APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN.

APPLICANT: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

OWNER: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

EXCAVATOR: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

APPLICANT'S AGENT: _____ TELEPHONE NO. _____

MAILING ADDRESS: _____

LOCATION OF PREMISES:*****

DATE OF EXISTING PERMIT EXPIRATION: _____

The Applicant shall describe the status of the excavation including estimated date of completion, amount/type of material removed and to be removed, reclamation completed, etc.:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

APPENDIX FIG. 1f

List any area in which the existing or proposed excavation deviates
from the approved plans resulting in the existing permit:

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge the information on
the form is valid and that there is no violation of the approved
ordinances, codes, and/or regulations of the Town of Gilmanton

Applicant's Signature

CERTIFICATION OF FILING WITH CONSERVATION COMMISSION

I hereby certify that I have submitted one copy of this completed
application with all attachments and plans to the Gilmanton
Conservation Commission, c/o Gilmanton Selectmen's Office.

Applicant's Signature

11/13/90

TOWN OF GILMANTON
NON-REFUNDABLE FEE SCHEDULE

Abutters Fee, PER abutter	\$ 6.00
When abutters must be notified by ANY Board or Commission	
Belknap County recording fees	
A. First document page	\$ 12.50
B. Each additional document page	\$ 4.00
C. LCHIP-if applicable	\$ 25.00
Business Directional Sign per sign	
A. Filing Fee	\$ 25.00
B. Annual Renewal Fee	\$ 10.00
C. Removal Fee	\$ 50.00
Earth Excavation	
A. Filing Fee	\$200.00+
Plus	
(1) One to three acres	\$ 25.00
(2) Each additional acre (not to exceed \$50 total)	\$ 10.00
B. Annual Permit Renewal Fee	\$ 50.00
Historic District Commission	
A. Filling Fee requiring structural permit	\$ 35.00
B. Filling Fee NOT requiring structural permit	\$ 15.00
Planning Site Plan Review	
Filing Fee	\$100.00
Plus	
(1) Multi family dwelling – Per each unit	\$ 10.00
(2) Non residential g.f.a. & outside facility/ Per 10 s.f.	\$ 2.00
Planning Subdivision/Boundary Line Adjustment	
A. Filing Fee	\$200.00+
Plus each NEW Lot	\$ 50.00
B. Extension Application	\$ 50.00
Zoning Variance/Special Exception/ Appeal	
Filing Fee	\$ 60.00
Copies	
Capital Improvement Plan	\$ 5.00
Meeting Minutes, per printed page	\$.25
Meeting Tapes, per tape	\$ 5.00
Master Plan	\$ 5.00
Natural Resource Inventory	\$ 25.00
Ordinance Book	\$ 50.00
Property cards	\$ 1.00
Regulations - Excavation, HDC, Site Plan, Subdivision	\$ 5.00
Tax Map Page, reduced size 11x17	\$ 2.00
Zoning/Historic District Map 11x 17	\$ 2.00
Zoning Ordinance	\$ 5.00
Research Fee per hour	\$ 25.00

