

**PLANNING BOARD
PIERMONT, N.H. 03779**

**APPLICATION FOR
EXCAVATION PERMIT**

NOTE: A completed application and all additionally required information with Pertinent fees must be submitted to the Planning Board at least Three (3) weeks before the public hearing is scheduled. A copy of the Application must also be submitted to the Piermont Conservation Commission:

The undersigned hereby submits to the Piermont Planning Board an Excavation Permit application dated _____, and the description and location of proposed excavation:

Names, addresses and telephone numbers of owners of subject property:

The names and addresses of all abutters located within two hundred (200) feet of any boundary of the property being considered for excavation:

Time table of excavation project with approximate termination date:

An Excavation and Restoration Plan is attached for approval, providing the following information:

a. Excavation Plan:

Property lines
Existing topography
Limits of excavation
Excavation depths
Total area of excavation in acres
Access road(s) and intersection with state or town highways
Vegetation buffer
Abutters names and addresses
Distance from excavation limits to abutters property lines
Groundwater elevations
Drainage

b. Restoration Plan:

Restored topography
Specification of soil fertilization, seeding and mulching
Plant material (quantities and sizes)
Phasing of restoration plan (areas and dates)

To the best of my knowledge, the information accompanying this request for earth excavation approval is true and correct. I understand that any approval based on incorrect information or data may be withdrawn for review and a re-hearing.

Date: _____ Signed: _____

EARTH EXCAVATION REGULATIONS

TOWN OF PIERMONT, N.H.

Section I. Authority

In accordance with the provisions of New Hampshire revised Statutes Annotated, Chapter 155-E, the Piermont Planning Board adopts the following regulations governing the excavation of earth and the reclamation of excavation sites in the Town of Piermont, New Hampshire.

Section II. Definitions

- 2.1 Abutter – Any person who owns land within 200 feet of the boundaries of the excavation site under consideration. A way as defined in RSA 259:1, XXXV, shall not be considered to be a barrier, but shall be included in the distance requirement for purposes of determining whether a person is an abutter.
- 2.2 Applicant – The owner of the excavation site or person designated by the owner in writing at the time of application.
- 2.3 Application – A complete submission of information and plans as required by statute RSA 155-E, local regulations and in the excavation permit application.
- 2.4 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 Groundwater.”
- 2.5 Excavation – Means a land area which is used or has been used for the commercial taking of earth, including all slopes.
- 2.6 Excavation Pit Agreement – An agreement between the excavation site owner and the contractor describing the terms and procedure for material excavation.

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

Section III. Application Procedure

3.1 General Procedure

Whenever any earth excavation for commercial purposes is proposed, before any land clearing is begun or the removal of any sand, gravel 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.

A copy of the application must also be sent to the Piermont Conservation Commission.

Excluded from the permit are the following activities:

- a. Excavation for construction or alteration of a building or structure, or the lawful construction or alteration of a parking lot or driveway.
- b. Excavation for agricultural or silvicultural activities, landscaping or Minor topographical adjustments.
- c. Excavation from contiguous land in common ownership with a stationary manufacturing and processing plant in operation as of the effective date of RSA chapter 155-E, which was earth obtained from such area.
- d. Excavation for the lawful construction or maintenance of Class I, II, III, IV or V highways by a unit of government, provided that a copy of the pit excavation agreement signed by the pit owner and the governmental unit shall be filed with the Planning Board prior to starting of the excavation. Such excavation shall not be exempt from the provisions of RSA 155-E:4 and 155-E:10.

3.2 Application for Amendment

Whenever any alterations in the excavation project are anticipated (such as size, location, rate of removal or changes in the restoration plan), the landowner or person designated by the owner shall submit to the 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.

3.3 Application Requirement

The application permit shall be signed and dated by the applicant. The Completed submission shall contain the following information:

- a. 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 of the land on which the excavation is proposed.
- b. An excavation plan showing the excavation site and the scheme for removal of excavated material.
- c. A restoration plan describing the process of site regarding and re-vegetation following completion of the excavation project.
- d. Related permit approvals or other documents which may be required pertinent to the excavation proposal.

3.4 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.

- a. Permit Fee – An excavation permit application shall be accompanied by a permit fee of ten dollars (\$10.00) plus actual cost of certified mail and cost of newspaper notice.

- b. Excavation Fee – An excavation fee of twenty-five dollars (\$25.00) for up to three acres with an additional fee of five dollars (5) for each additional acre over three, not to exceed fifty dollars (\$50.00) in total, shall be paid for an annual site inspection of the excavation project. The total excavation fee shall be based on the duration of the project permit. Such fee shall be paid prior to the issuance of the permit.

3.5 Bonding

A performance bond shall be required prior to the issuance of an excavation permit. The bond must be sufficient to guarantee restoration of the total excavation site, the amount to be negotiated at the time of issuing the permit, based on current per acre cost of site restoration. All bonds shall be in the amount of 100 percent of the estimated cost. The bond shall not be released until after a final site inspection has been made in accordance with the reclamation plan.

As of September 21, 2016 per acre fee set at \$1,500.00.

3.6 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

A notice of said hearing shall be sent to all abutters at least five days before the hearing date. The hearing notice shall also be posted in at least three public places and published in a newspaper of general circulation at least 14 full days before the hearing date.

The public hearing shall be held within 30 days of receipt of a completed application submission including all required related materials. The Planning Board shall approve or disapprove the application within 2 days of the hearing, giving reasons for disapproval.

Section IV General Submission Requirements

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

4.1 Excavation Plan

An excavation plan at a scale and contour interval which provides a Thorough understanding of the project, indicating the specific location and extent of the proposed excavation project. The excavation plan, prepared by a registered land surveyor, shall contain the following information:

- a. The number of acres to be involved in the project, including existing topographic and site boundaries.
- b. The distance between excavation areas and closest property line.
- c. Existing visual barriers to be retained between the excavation areas and public roadways.
- d. Known limits of any aquifer areas, as identified by the United States Geological Survey. Also, indicate any surface water body or stream adjacent to the proposed excavation.
- e. The elevation of the highest annual average groundwater table within or next to the proposed excavation.
- f. 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 State Commissioner of Public Works and Highways or by the local Road Agent when a local road is involved.

4.2 Restoration Plan

A restoration plan of the excavation site shall be prepared and submitted by all new restoration site owners except as noted in RSA 155-E:2 and as outlined in Section III-3.1, a-d of these regulations.

Within twelve months after the expiration date, as indicated on the excavation permit or the completion of the excavation, whichever occurs

first, the excavation site shall be restored to blend into the landscape of surrounding natural features and in compliance with RSA 55-E:5.

The restoration plan shall be drawn at the same scale and shall use the same base survey information as that utilized in the preparation of the excavation plan. The restoration plan shall contain the following information:

- a. Restored topography and drainage, eliminating any standing water created during the excavation project or from standing water occurring in the future.
- b. The phasing of site restoration, indicating areas and dates the restoration will be completed.
- c. Cross section of sections showing existing, excavated and restored, topography configuration
- d. Indicate soil fertilization, seeding and mulching specifications and plant material to be used in restoration, their size and quantities.

All existing excavation operators shall be notified by the Planning Board of their site restoration responsibility. Such restoration shall be performed in compliance with RSA 155-E:5

Section V. Site Requirements

5.1 Top Soil

Prior to excavation of material, all top soil shall be stripped and stored on site for site restoration upon the completion of the excavation project. This shall be done in a phased manner to minimize possible erosion.

5.2 Visual barriers

A vegetative or topographical visual barrier or buffer shall be maintained between surrounding roads, commercial and residential land uses and the excavation site wherever possible.

5.3 Blasting Conditions (if applicable)

Any blasting shall be conducted according to State and Federal standards. The operator shall attempt to notify owners of structures, within 2000 feet of the blast site by telephone or some other means of notification within 24 hours of a blast. Notice will also be provided to the Selectmen, Police Chief and Fire Chief in the Town of Piermont. The notice will provide that a blast will occur within a specified timeframe.

Section VI. Administration

6.1 Enforcement

The Planning Board or its duly authorized agent is responsible for the enforcement of these regulations as provided by RSA 155-E:10. The excavation permit may be suspended or revoked of any person who has violated any provision of this permit, these regulations or of Chapter 155-E or made a material misstatement in the permit application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for a rehearing thereon and appeal in accordance with RSA 155-E:9.

6.2 Appeals

Any person, aggrieved by the official decision of the Planning Board, may appeal for a rehearing of such decision as provided by RSA 155-E:9

6.3 Other Regulations

Where these regulations are in conflict with other local ordinances and/or regulations, the more stringent shall apply.

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