

REGULATIONS GOVERNING EARTH EXCAVATIONS

SECTION I: AUTHORITY

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

SECTION II: PURPOSE AND SCOPE

The goals of this regulation are:

- (A) to provide for reasonable opportunities for excavation;
- (B) to minimize safety hazards that can be created by open excavations;
- (C) to ensure that the public health and welfare will be safeguarded;
- (D) to protect natural resources including scenic views and the environment; and (Amended 2001)
- (E) to maintain the esthetic features of the Town.

For the purpose of achieving these goals, no earth materials in the Town shall be removed except in conformity with these regulations.

SECTION III: DEFINITIONS

- (A) "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. For the 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 land will be directly affected by the proposal under consideration. For purposes of notification and receiving testimony, "abutter" means all affected towns and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII, B.
- (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 Jaffrey.
- (D) "Contiguous" means land whose perimeter can be circumscribed without interruption in common ownership, except for roads or other easements, in a single town.
- (E) "Dimension Stone" means rock that is cut, shaped, or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for

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

- (F) "Earth" means sand, gravel, rock, 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.
- (G) "Excavation" means a land area that is used, or has been used, for the commercial taking of earth, including all slopes.
- (H) "Excavation Area" means the area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E.
- (I) "Excavation Site" means any area of contiguous land in common ownership upon which excavation takes place.
- (J) "Existing Excavation" means any excavation that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979.
- (K) "Expansion" means excavation beyond the limits of the Town and/or the area that in 1979 had been contiguous to and in common ownership with the excavation and has been appraised and inventoried for tax purposes as part of the same tract.
- (L) "Express Standards" means those operational and reclamation standards as outlined in this regulation that apply to any excavation not requiring a permit.
- (M) "Minimum Standards" means that the operational and reclamation standards outlined in this regulation are considered to be the minimum standards applied to any excavation that requires a permit. The Planning Board may apply more stringent standards than these minimums to such excavations.
- (N) "Reclamation" means the restoring of an excavation site to a minimum standard as outlined in Section X of these regulations.
- (O) "Stationary Manufacturing and/or Processing Plants" means facilities that are permanently 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 have operated since August 24, 1979, without first obtaining a permit and any excavation proposing to begin operation since the effective date of these regulations.
- (B) Those that have lawfully operated prior to August 24, 1979, and wish to expand the excavation area beyond the limits of the town in which they are situated and the area that 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.

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- (C) Those excavations from an area that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979, and wish to expand to any noncontiguous lands.

SECTION V: PROJECTS EXEMPT FROM A PERMIT

- (A) The following projects do not require a permit but are nevertheless subject to Sections IX, X, and XI of these regulations; the Planning Board may require the owner/operator to come before the Board at a fully-noticed public hearing to demonstrate compliance with these standards:

- (1) Excavations that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, subject to the following:
- (a) Such an excavation shall be exempt from local zoning or other ordinances regulating the location of the excavation site, provided that at the time the operation began it was in compliance with any local ordinances that may have been in effect.
 - (b) The owner or operator of such an excavation area shall have filed an excavation report per RSA 155-E:I(d) with the Board no later than August 4, 1991. Any existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the Planning Board before continuing excavation of the site.

- (B) The following projects do not require a permit, but are nevertheless subject to Sections IX, X, and XI of these regulations. Failure to comply with these standards will result in loss of the nonpermit status, and operations will not be allowed to continue until a permit has been granted.

- (1) Excavations from a site that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants were in operation as of August 24, 1979, and that 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 statutory manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, that used earth obtained from such site. The operation and reclamation of such excavations are regulated by the permitting authority or authorities.
- (3) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. 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 of these regulations are to be complied with. Exemptions from local zoning or other regulations are provided for in RSA 155- E:II, IV (c).

- (C) The following projects are exempt from a permit and are not subject to regulation by the Planning Board:

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- (1) 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 removal occurs. This excavation cannot be started, however, until any required state and local permits have been issued.
- (2) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment. (In the event of questions, the Planning Board shall determine what is incidental.)
- (3) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).
- (4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the Board.

SECTION VI: ABANDONED EXCAVATIONS

The following provisions do not apply to excavations connected with stationary manufacturing and processing plants:

- (A) Any excavation 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 earth material of sufficient weight or volume to be commercially useful has been removed from that site during any 2-year period either before, on, or after August 4, 1989. The owner or operator may extend this time period if, prior to the end of the time period, the Planning 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 either has not, as of August 4, 1992, been brought into compliance with the incremental reclamation standards of the regulation or a bond has not been posted and a reclamation timetable has not been approved by the Planning Board.
- (B) In the event the Planning 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 Planning 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.
- (C) The provisions of Paragraph B above also apply to any excavation that ceased commercially useful operation prior to August 24, 1977, if the Planning Board determines in writing that a danger to public health or safety exists.

SECTION VII: PROHIBITED PROJECTS

- (A) Excavation 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 the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Planning Board shall give particular consideration to such factors as: noise, traffic, dust, fumes, danger from operation, or any such other factors that may relate to and impact on the orderly, coordinated, and harmonious physical development of the Town.
- (C) Where existing visual barriers would be removed, except to provide access to the excavation.
- (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 land use permits from state or federal agencies.
- (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: CRITERIA FOR NONCONFORMING EXPANSIONS

Expansion of existing excavations located in an area in which excavations are no longer permitted by local zoning in effect on August 4, 1989, may be restricted or modified with conditions by the Planning Board if, after notice to the owner and a public hearing, the Board finds that the expansion will have a substantially different and adverse impact on the neighborhood. Any potential impacts will be determined by the Planning Board during a public hearing. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

- (A) The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.
- (B) The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
- (C) The excavation will not create any nuisance or create health or safety hazards.

SECTION IX: MINIMUM AND EXPRESS OPERATIONAL STANDARDS

For excavations not requiring a permit, the following express standards apply. For those 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.

- (A) No excavation shall be permitted closer than 150 feet to an existing dwelling or to a site for which a building permit has been issued at the time the excavation permit is granted.

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- (B) 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.
- (C) Vegetation shall be maintained or provided within the peripheral areas of paragraphs A and B of this section.
- (D) No fuels, lubricants, or other toxic or polluting chemicals shall be stored on site unless in compliance with State laws or rules pertaining to the storage of such materials.
- (E) 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.
- (F) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods. 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.
- (G) 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 that normally flows through out 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 Wetlands Board.

SECTION X: MINIMUM AND EXPRESS SITE RECLAMATION STANDARDS

For excavations not requiring a permit, the following express standards apply. For excavations requiring a permit, these standards are considered the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied as deemed necessary by the Board. Within 12 months of the expiration date in 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:

- (A) 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.
- (B) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation and shall be planted with seedlings or grass suitable to establish permanent vegetation.
- (C) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
- (D) 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.
- (E) Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.

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- (F) 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.
- (G) For excavation projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede this regulation. Copies of all such permits shall be filed with the Board.

SECTION XI: INCREMENTAL RECLAMATION

Except for excavation sites of operating stationary manufacturing plants, any excavated area of five contiguous acres or more that 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 X of these regulations within 12 months following such depletion or nonuse, 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 Planning Board for approval.

SECTION XII: RECLAMATION BOND (Amended 2004, 2005)

Prior to the granting of any permit or to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Selectmen a bond with sufficient surety, as determined by the Planning Board, to guarantee compliance with the permit. Off-site improvements for potential damage of town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.

The surety may be in the form of a performance bond, cash, or mortgages or 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. In requiring a bond or an irrevocable letter of credit, the Planning Board shall include provisions for partial release, upon satisfactory completion or portions of the development or excavation under consideration.

SECTION XIII: ADDITIONAL PERMIT REQUIREMENTS

For any excavation requiring a permit, the standards of Sections IX and X are considered minimum standards; the operation may be subject to additional conditions of the permit, consistent with the purpose of these regulations, as deemed necessary by the Planning Board.

SECTION XIV: EXCEPTIONS

Due to the diverse nature of excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed public hearing, grant any exception in writing to the standards contained in Sections IX, X, XI, and XII for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

SECTION XV: APPLICATION FOR EXCAVATION

The applicant for an excavation permit shall submit to the Planning Board a completed application form, an excavation and a reclamation plan, any other submission documents as requested, and the filing fee. At least three copies of all plans shall be filed with the Planning Board prior to a regularly scheduled Board meeting, and one copy shall be sent to the Conservation Commission. The plans shall be at a scale of 1" = 100'.

(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, at a minimum, contain the following items unless waived by the Board:

- (1) name and address of the owner, the excavator (if different) and all abutters;
- (2) name, address, seal, and signature of the person preparing the plan; date, bar scale, and north arrow;
- (3) zoning district boundaries of the proposed area and within 200 feet of the boundary of the project;
- (4) sketch and description of the location and boundaries of the proposed and any existing excavations, the area in square feet and acres, and affected towns;
- (5) the location of existing buildings, structures, septic systems, and wells within 200 feet of the boundary;
- (6) lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200 feet;
- (7) topography at contour intervals of five feet or less;
- (8) all surface drainage patterns including wetlands and standing water;
- (9) sketch and description of existing and proposed access roads, including width and surface materials;
- (10) the breadth, depth, and slope of the proposed excavation and the estimated duration of the project;
- (11) the elevation of the highest annual average groundwater table within or next to the proposed excavation;
- (12) test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data; boring logs may be submitted separately;
- (13) proposed fencing, buffers, or other visual barriers, including height and materials;

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(14) all measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety; and

(15) 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 ground water, vegetation, overburden, topography, and fill material, and should address future land use consistent with the Master Plan. The plan shall, at a minimum, contain the following items unless waived by the Board:

- (1) name, address, seal, 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 area proposed for reclamation 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; and
- (6) schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

(C) Other Information

The Planning Board reserves the right, per RSA 155-E:2, VII to request any other information it deems necessary to make an informed decision or to have plans reviewed by an outside agency. Any expenses incurred for such information or reviews shall be borne by the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

SECTION XVI: APPLICATION PROCEDURES

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

(A) Filing of the Application

- (1) Application forms are available from the Planning Board's Clerk during regular business hours. Upon completion of all submission requirements, the applicant shall return the material to the Clerk no later than 21 days before the next regularly scheduled Board meeting.
- (2) The Building Inspector will review the plan for completeness. Upon determination that the application is complete, the Building Inspector shall inform the Clerk in writing that

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the application is ready for submission to the Board. An incomplete application will not be submitted to the Board.

(B) Board Action on Application

- (1) Providing that the application is complete, the Board shall vote to accept the application, after which time the Board has 30 days to schedule a public hearing.
- (2) Within 20 days of the close of the hearing on the application or any continuation thereof, the Board shall make a decision. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town Offices within 144 hours. (Amended 2001)
- (3) The applicant shall receive a written copy of the minutes along with the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

(C) Notices Required

- (1) All abutters will be notified of the hearing by certified mail not less than 14 days prior to the hearing. Names and addresses of abutters must be taken from Town records not more than 5 days before filing the application.
- (2) Public notice will be posted at the Jaffrey Town Offices and appear in the *Monadnock Ledger* or the *Peterborough Transcript* not less than 14 days prior to the meeting at which the application will be submitted.
- (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 \$50.00 shall be paid upon submission of an application for permit to defray the costs of notifying abutters and posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Board to not accept the application. (Amended 5/11/93; amended 9/13/94)
- (2) A permit fee of \$50 shall be paid upon the issuance of a permit to defray the costs of permit compliance.
- (3) An inspection fee shall be charged should the Board require the advice of an engineer or other expert to determine permit compliance.

(E) Failure of the Board to Act

In the event that the Board fails to act on an accepted application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Board to act within 30 days. If the Board fails to act within 40 days of this directive, the Selectmen may approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

(F) Developments Having Regional Impacts

All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 144 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal. (Amended 2001)

SECTION XVII: ADMINISTRATION AND ENFORCEMENT

(A) Permits

Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site. A permit shall be valid for three (3) years, and the expiration date shall be specified. A permit is automatically withdrawn if no substantial work is done on the site for a period of two (2) years from the date of issuance of the permit. Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a Cease and Desist order. 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 renew or amend a permit by altering the size or location of the excavation, the rate of removal, or the plan for reclamation shall follow the same procedures as those required for an excavation permit.

(C) Inspections

The Planning Board or its designated agent shall make periodic inspections of all excavation sites to determine if the operations are in conformance with these regulations and the approved plans.

(D) Suspensions and Revocations

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

(E) Appeals

Any person affected by the Board's decision to approve or disapprove an application or an 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

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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 for rehearing may appeal in accordance with RSA 677:4-15.

(F) Penalties

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

(G) This regulation may be amended by majority vote of the Planning Board following public hearing held in accordance with the provisions of RSA 675: 6-7 and RSA 155-E:11.

SECTION XVIII: SEPARABILITY

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

SECTION XIX: EFFECTIVE DATE

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

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APPLICATION FOR EARTH EXCAVATION

1. Name of owner/applicant: _____
2. Mailing Address: _____
Telephone Number: _____
3. Date of submission: _____
4. Location of proposed and/or existing excavation: _____

5. Tax Map # _____ Lot # _____ Zoning District: _____
6. Type of Operation: _____
7. If existing, date of commencement: _____
8. Submission Items: Abutters List; Excavation and/or Reclamation Plans; Local, State and/or Federal Permits; and Fees.

PLANNING BOARD APPROVAL

Conditions: _____

Date of Approval: _____

PLANNING BOARD DENIAL

Reasons: _____

Date of Denial: _____

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Date: _____

Applicant: _____

Property Location: _____

Proposal: _____

Additional Comments:

Marty Dunn
Police Chief

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<u>Date Submitted</u>	<u>Date Waived</u>	<u>Excavation Application Checklist</u>
_____	_____	Planning Board File: <u>PB_____</u>
_____	_____	1. Signed and dated application form.
_____	_____	2. List all abutters.
_____	_____	3. Copies of any required local, state, or federal permits.
_____	_____	4. Excavation plan at a scale of 1" = 100' showing the information listed below:
_____	_____	(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' of the area boundary.
_____	_____	(e) Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200' of the excavation.
_____	_____	(f) Locations of existing buildings, structures, septic systems, and wells within 200' of the excavation.
_____	_____	(g) Topography at contour levels 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 groundwater table within or next to the proposed excavation.

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**Date
Submitted**

**Date
Waived**

Excavation Application Checklist

Planning Board File: PB_____

- | | | |
|-------|-------|---|
| _____ | _____ | 6. The excavation is not closer than 150' to an existing dwelling or to a site for which a building permit has already been issued. |
| _____ | _____ | 7. The excavation is not below road level within 50' of the public right-of-way. |
| _____ | _____ | 8. Vegetation is maintained within the peripheral areas of two abovementioned requirements. |
| _____ | _____ | 9. Fuels, lubricants, <i>etc.</i> , are not stored on the site. |
| _____ | _____ | 10. If temporary slopes exceed a 1:1 grade, an appropriate barricade is provided. |
| _____ | _____ | 11. The excavation will not cause the accumulation of freestanding water for prolonged periods. |
| _____ | _____ | 12. The excavation is not within 75' of any great pond, navigable river, or any other standing body of water ten acres or more in area. |
| _____ | _____ | 13. The excavation is not within 25' of any stream, river, brook that normally flows throughout the year, or any naturally-occurring standing body of water less than ten acres, prime wetland, or any other wetland greater than five acres in area. |

Reclamation Checklist

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

TOWN OF JAFFREY
NEW HAMPSHIRE