

***EXCAVATION REGULATIONS  
FOR THE TOWN OF WOODSTOCK  
NEW HAMPSHIRE***

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**Section I: Authority and Adoption**

Chapter 155-E of the New Hampshire Revised Statutes Annotated stipulates that, with some exceptions, all earth excavations in the State are subject to regulation from the local municipality in which the operation occurs. The Planning Board adopts the following regulations to govern the excavation of earth materials in the Town of Woodstock after a duly noticed public hearing held on September 11, 2006.

**Planning Board Certification: (Signatures on file)**

Bonnie Ham, Chair	Scott Rice
Anne-Marie Perry, Secretary	Gil Rand

Filed with the Board of Selectmen: 9/12/06

Filed with Town Clerk: 9/12/06

Filed with Grafton County Registry of Deeds: 9/12/06

Filed with NH OEP: 9/12/06

**Section II: Purpose and Scope**

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

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

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

### SECTION III – DEFINITIONS

- A. **Abutter** means:
- (1) Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration.
  - (2) 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.
  - (3) 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.
  - (4) For the 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.
- 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. **Application** - A complete submission of information and plans as required by the statute RSA 155-E, local regulations, and in the excavation permit application.
- D. **Application Fee** - \$50 per application/re-application
- E. **Aquifer** - those areas designated by blue shading or hatching which appear on statewide mapping prepared by the United States Geological Survey.
- F. **Board** - means the Woodstock Planning Board.
- G. **Commercial Excavation** - means excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation.
- H. **Contiguous** - means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single

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town, except in the case of stationary manufacturing plants, whose perimeter is not defined by town boundaries.

- I. **Excavation Permit** - A permit issued by the Planning Board (regulator) allowing the excavation of material at a specific site, in a manner consistent with RSA 155-E and local regulations for the period designated on the permit itself.
- J. **Excavation Permit Application** - A form and associated documents that contain excavation project information. A copy of the application will be forwarded to the Conservation Commission.
- K. **Existing Excavation** - means any excavation which 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. All pit owners must comply with RSA 155-E: 2,I, (d), otherwise pit is determined to have been abandoned.
- L. **Incidental to Excavation** (subordinate and minor to excavation - Exempt from permit)
  - 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 when total earth removal quantity is *not more than 1000 cubic yards*. This excavation cannot be started, however, until all required state and local permits have been issued.
  - 2) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment when total earth removal quantity is not more than 1000 cubic yards.
  - 3) In the event of questions, the Board shall determine what is incidental.
- M. **Reclamation** - means the reclaiming of an excavation site to a standard at least equal to those defined in 155-E: 5 and 5-a.
- N. **Reclamation Bond** – a surety posted prior to issuance of a permit, the amount of which guarantees reclamation of the pit site in accordance with the standards defined in “**RECLAMATION**”. This bond is only intended to guarantee reclamation and is not for the purpose of liability.
- O. **Owner** -\_An individual or corporation who claims ownership of the land containing the excavation site, by virtue of a properly executed deed filed at the County Registry of Deeds.

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

#### **SECTION IV. EXCAVATION PERMIT APPLICATION**

- A. The applicant shall submit to the Planning Board and the Conservation Commission the information and documents specified in **RSA 155-E: 3** and in the Excavation Permit Application.
- B. The application submission shall include:
1. The application form containing the owner's name and address, location of project, abutters' names and addresses, access routes, etc. (See Woodstock Excavation Permit Application and Abutters List.)
  2. An excavation plan, showing the excavation site and the scheme for removal of excavated material.
  3. A reclamation plan, describing the process of site grading and revegetation following completion of the excavation project.
  4. Related permit approvals or other documents pertinent to the excavation proposal.

#### **SECTION V. SUBMISSION DOCUMENTS**

- A. Excavation Plan. The Owner/Applicant shall submit a plan describing the specific location and extent of the proposed excavation project. The excavation plan shall include existing topographic and site boundary information compiled and prepared by a Registered Land Surveyor. The applicant may need to submit a plan prepared by an engineer if determined as necessary by the Planning Board. Other information which must be contained in the plan, unless waived by the Board, includes:
1. Proposed topography at the completion of excavation (prior to reclamation).
  2. Distances between disturbed areas and closest property lines and all dwellings within 150' of proposed excavation.
  3. Existing visual barriers to be retained.
  4. Aquifer limits/location as identified by U.S. Geological Survey.
  5. Lakes, streams, ponds, significant natural and man-made features.
  6. Estimation of the project duration.
  7. The names of abutting land owners.
  8. A photograph(s) of the existing site.
  9. Notations as to excavation site acreage and volumes of material to be removed.

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10. The location and design of site access roads leading to and from public highways.
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.
13. The plan shall be drawn at a scale and contour interval which allows a thorough understanding of project scope. The Board may require sectional drawings.

B. Reclamation Plan.

1. The reclamation plan shall meet, at a minimum, the requirements set forth in RSA 155-E:5. The character of the reclaimed landscape shall blend with the surrounding natural features.
2. The reclamation 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.
3. The reclamation plan shall contain the following information:
  - a. Reclaimed topography and drainage at the completion of the reclamation phase.
  - b. The phasing of site reclamation showing designated areas and completion dates.
  - c. Soil conditioning specifications.
  - d. Seeding and mulching specifications
  - e. The plant materials to be used in reclamation, their quantities and sizes
  - f. Sections showing existing, excavated and reclaimed topography configuration.
4. Incremental Reclamation, as described in 155-E: 5-a, shall be followed where appropriate.

**SECTION VI. PROJECT SITE REQUIREMENTS**

The following site development standards should be incorporated into the site excavation plan and/or conditions for permit approval.

- A. Excavation Site Access Roads Access roads leading to and from the excavation site shall intersect existing streets and roads at locations that have been duly approved by state or local officials and in a manner that will not endanger the safety of highway users and local residents. The provisions of RSA 249:17 and 18 (DOT Driveway

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Permits) shall be adhered to by the applicant when applicable. A copy of the permit shall be provided to the Board.

- B. Traffic Circulation and Truck Routes Permit approval shall be conditioned on compliance by the applicant with street and highway regulations promulgated by Federal, state and local units. The Board shall consider the impact on traffic, noise (from truck traffic and equipment operation), and hours of operation as part of the permitting process.
- C. Excavation Within Aquifer Areas (RSA 155-E: 4 VI) No excavation project shall substantially damage any aquifer identified on mapping prepared by the U.S. Geological Survey. The Board shall determine whether or not substantial damage to the aquifer will be incurred by considering the following criteria: 1. The excavation shall not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants 2. The excavation shall not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.  
The Board may require that the applicant provide data or reports prepared by a professional engineer or groundwater consultant which assess the potential aquifer damage caused by the proposed excavation project.

D.

Visual Barriers. A vegetative or topographical buffer shall be maintained between surrounding streets, highways, commercial, and residential land uses and the excavation site. The Board shall direct the applicant as to specific requirements for the proposed excavation site. To the extent possible, existing barriers should be retained for the duration of the excavation project.

### **SECTION VII. APPLICATION PROCEDURE**

- A. Preparation and Submission. The applicant shall adhere to RSA 155-E:3 and these regulations during the process of application preparation and submittal. The completed application shall be submitted in duplicate, one copy to the Board, and the second to the Woodstock Conservation Commission.
- B. Application Fee. An application fee shall be paid to the Board by the applicant at the time of filing.
- C. Bonding. The Bond Amount, established by the Board to cover reclamation of the site, shall be based on a rate of \$10,000 per acre. Given the actual acreage of the site, this figure shall be prorated accordingly. The bond amount shall be adequate to reclaim the excavation site in accordance with RSA 155-E:5. The bond will be returned to the

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applicant when reclamation work has been completed and the Board has conducted a final satisfactory site inspection.

- D. Action on Permit - As specified in RSA 155-E: 7, the Board shall hold a public hearing within 30 days after receiving a complete application, noticing all abutters and the Woodstock Selectmen. Notice of the public hearing will be posted in 3 public places. Within 20 days of the hearing, the Board shall render a decision to grant or deny the requested permit. Prior to granting of a permit, the Board will conduct a pre-inspection site visit and photograph the proposed site and will receive proof of appropriate bonding and be in receipt of necessary DES and/or EPA permits according to State and Federal Laws. Excavation permit approval by the Board shall cite all permit issuance conditions, on a weatherable permit sign depicting the location of the excavation site, the signature(s) of the Board, and the permit expiration date. The permit sign shall be posted in a secured manner at a prominent location near the excavation site. If the application is denied, the owner shall be notified, in writing, by the Board stating the reasons for the denial.
- E. Pit Agreement. A pit agreement between the owner, the contractor, and the governmental unit shall be executed whenever the excavated material is to be used in the construction or modification of Class I, II, III, IV, and V highways. A copy of the agreement shall be submitted for acceptance to the Board. Excavation shall not proceed until the Board has accepted the pit agreement and has been placed in an assured position that the excavation site will be reclaimed in conformance with RSA 155-E: 5. The pit agreement for Class IV and V highway construction projects shall conform to all current applicable RSA's and D.O.T regulations.
- F.
- F. Permit Validity The excavation permit shall be valid for a period of 5 years. .

### **SECTION VIII. RENEWAL AND AMENDMENT OF EXCAVATION PERMIT**

- A. Permit Renewal The applicant may renew the excavation permit and continue excavation operations by re-applying to the Board in the manner set forth in Section IV of these regulations. The renewal excavation permit application need only describe those information items, which have changed in content from the previous application submission and accurately depict current conditions of the site. Fees and bonding may be adjusted by the Board for the renewal period. All permit renewals must comply with current RSA's and Woodstock Excavation Regulations.
- B. Permit Amendment Refer to RSA 155-E: 6 and Application for Amendment and Section IX of Woodstock Excavation Regulations – Administration and Enforcement/ Inspections

## SECTION IX. ADMINISTRATION AND ENFORCEMENT/INSPECTIONS

### A. Fees.

1. Application Fee shall be \$50.00 per application and permit renewal application.
2. Additional fees may be established that shall equal the costs to the Town for each site visit and inspection if a non-scheduled site visit is deemed necessary to ensure permit compliance.
3. The applicant is also responsible for costs for all public noticing and for the noticing of abutters.
4. All fees shall be remitted to the Board at the time of the application.

### B. Enforcement (also refer to RSA 155-E: 10).

#### Inspections:

1. The Board will conduct site inspections on the following schedule to verify permit compliance:
  - a. A pre-inspection will be conducted, with photographs after application has been accepted by the Board and PRIOR to permitting.
  - b. Bi-annual site inspections of all permitted pits in Woodstock, with photographs, conducted each June and September unless a more frequent site visitation is necessary due to special characteristics of the excavation and/or reclamation plans.
  - c. Permit renewal – when an application is received requesting a permit renewal, a site inspection will take place with photographs **in addition to** the bi-annual inspection.
  - d. When re-applying for an extension of an existing pit permit, non-compliance (as determined by the Board) with the existing pit permit may result in refusal of permit renewal.
  - e. Proper notice – the Board will give a notice of at least 5 days to the pit owner prior to scheduled site visits.

### C. Other Regulations. Where these regulations are in conflict with other local ordinances and regulations, the more stringent shall apply.

### D. Appeal. See RSA 155-E: 9.

### E. Amendments. These regulations may be amended by the Board, but only following public hearing on the proposed changes. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Register of Deeds of Grafton County and the Office of Energy and Planning.

### F. Effective Date. These regulations shall become effective upon passage and proper filing.



