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TOWN OF CHARLESTOWN, NEW HAMPSHIRE

EXCAVATION SITE REGULATIONS

PURPOSE -- The purpose of this regulation is to minimize safety hazards created by open excavations, to prevent land and water pollution, to promote soil stabilization, to maintain aesthetic features of the community, to preserve natural assets of soil, water, forests and wildlife, and to safeguard the public health and welfare.

PERMIT REQUIRED -- In accordance with the provisions of RSA 155-e, any owner or owner's designee subject to this chapter shall apply to the Planning Board for a permit for excavation and submit a reclamation plan. Existing operating excavation sites shall be subject to the provisions of RSA 155-E:2-I.

All provisions of RSA 155-E are hereby incorporated into these regulations. The Planning Board may waive one or more of the requirements listed under this section if the waiver is consistent with the purposes of this regulation.

The permit application shall be signed and dated by the applicant, and shall contain at least the following information, and meet all other requirements of this regulation:

- A. The name and address of the owner of the land to be excavated, the person who will actually do the excavating, and all abutters to the premises on which the excavation is proposed.
- B. An Excavation Plan at a scale of no less than one inch equals one-hundred feet and showing the area to be excavated and the land falling within 200 feet of the perimeter of the area to be excavated. All plans submitted shall be of a quality that they are easily understood, and of an accuracy that compliance can easily be checked. At least six (6) copies of final plans shall be filed with the Planning Board prior to issuance of a permit.

The Excavation shall include:

- 1. Seal or signature of an engineer or Surveyor registered in the State of New Hampshire,
- 2. existing topography at contour intervals of five or fewer feet, based on mean sea level,
- 3. the breadth, depth and slope of the proposed excavation, and existing excavation where applicable, and the estimated duration of the excavation.

4. wooded and heavily vegetated areas,
5. all surface drainage patterns, including wetlands and standing water,
6. location of all easements, on or below the ground,
7. location and width of all public roads and rights-of-way,
8. a log of borings or 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,
9. location and extent of any stone walls, ledge outcroppings, wells, existing buildings, septic systems, utilities and the like,
10. a locus map, at a scale of one inch equals one-thousand feet (1":1000'), showing the proposed operation in relation to existing roads,
11. any existing and all proposed excavation areas,
12. any existing and all accessory facilities/activities,
13. existing and proposed access roads, including width and surface materials,
14. existing and proposed parking areas,
15. existing and proposed fencing, buffers or visual barriers including height and materials,
16. storage areas for topsoil to be used in reclamation,
17. all measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety,
18. the location of existing buildings, structures, septic systems and wells within one-hundred-and-fifty (150) feet of the property boundary,
19. the location of all driveways and road intersections within two-hundred (200) feet of the property boundary, and
20. copies of any permits required by State or Federal regulations.

C. A Reclamation plan at the same scale as the Excavation plan, and covering the same area. All plans submitted to the Planning Board shall comply with the provisions in the Site Plan Regulations. All plans submitted shall be of a quality that they are easily understood and of an accuracy that compliance can easily be checked. At least six (6) copies

of final plans shall be filed with the Planning Board prior to issuance of a permit.

The Reclamation plan shall include:

1. Seal and signature of an engineer or surveyor registered in the State of New Hampshire,
2. all boundaries of the area proposed for reclamation,
3. final topography of the area proposed for reclamation,
4. final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities,
5. schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types and rates,
6. photographs of the site before excavation from at least two different vantage points,
7. subsequent use of the site, if known or anticipated.

APPLICATION FOR AMENDMENT -- When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner shall submit an application for amendment of his excavation permit. The amended application shall be subject to approval in the same manner as provided for an excavation permit.

HEARING -- Within 30 days of receipt of an application, the Planning Board shall hold a Public Hearing. Notice requirements shall be the same as in the Charlestown Subdivision Regulations.

ISSUANCE OF PERMIT -- If the Planning Board, after public hearing, approves an application for a permit and determines it is not prohibited by RSA 155-E:4, the Board shall grant the permit upon receipt of an excavation application fee of \$50.00, and the posting of a bond or other surety with the municipal treasurer in the amount determined by the Planning Board, to be sufficient to guarantee compliance with the permit. The Planning Board may include such a reasonable conditions as are consistent with the purpose of this regulation.

In addition, other fees may be assessed by the Planning Board to include sufficient funds for the municipality's designated representative to conduct field reviews at the excavation site to ensure compliance with the approved excavation and reclamation plans.

TIME LIMITS -- A permit shall specify the date upon which it expires. The performance bond or other surety shall be for a period of three years and shall be reviewable and renewable for three (3) year periods over the life of the permit. A permit to excavate is automatically withdrawn if no substantial work is done on the site for a period of three years.

If reclamation of a site is not completed within the one year permit period, the Town may declare part or all of the bond forfeit, and use these monies to reclaim the site.

APPEAL -- Any interested person may appeal a decision of the Planning Board under this regulation by appealing to the Planning Board for a rehearing. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. Said appeal shall be filed within 10 days of the date of the decision being appealed. The Planning Board shall either grant or deny the request for rehearing within 10 days, and if the request is granted, a rehearing shall be scheduled within 30 days. Any person affected by the Planning Board's decision on a motion for rehearing may appeal in accordance with the procedures specified in RSA 677.

ENFORCEMENT -- The Planning Board or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this regulation or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing and appeal in accordance with the appeals process outlined in this regulation. Failure to file for a permit as required by this regulation shall be considered a violation subject to the enforcement provisions of this regulation.

Fines, penalties, and remedies for violation of this regulation shall be the same as for violations of "RSA 676:15 and RSA 676:17.

To ascertain if there is compliance with this regulation or a permit 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 since the effective date of this regulation.

Whoever violates any provision of this regulation or a permit issued hereunder, shall be guilty of a misdemeanor.

Operators who fail to file for a permit will be issued a cease and desist order.

SEPARABILITY -- The invalidity of any provision of this regulation shall not affect the validity of any other provision.

EXCAVATION SITE PLAN REVIEW

COMPLETED APPLICATION CHECK LIST

1. A copy of application submitted to Conservation Commission, \_\_\_\_\_
2. A signed and dated application, \_\_\_\_\_
3. Name and address of owner, the person doing the excavation, and all abutters, \_\_\_\_\_
4. An Excavation plan which:
  - a. is at a scale no less than 1" = 100', \_\_\_\_\_
  - b. shows area to be excavated and all land within 200 ft of the perimeter and dwellings within 150 feet, \_\_\_\_\_
  - c. is easily understandable and clear, \_\_\_\_\_
  - d. six (6) copies are submitted, \_\_\_\_\_
  - e. has the seal or signature of a registered engineer or surveyor, \_\_\_\_\_
  - f. has existing topography at five or fewer feet contours, \_\_\_\_\_
  - g. shows the breadth, depth and slope of proposed elevation, and existing excavation and estimated duration, \_\_\_\_\_
  - h. shows wooded and heavily vegetated areas, \_\_\_\_\_
  - i. shows all surface drainage patterns including wetlands and standing water, \_\_\_\_\_
  - j. shows location of all easements on or below the ground, \_\_\_\_\_
  - k. includes location and width of all public roads and rights-of-way, \_\_\_\_\_
  - l. includes a log of borings or test pits to include groundwater levels, \_\_\_\_\_
  - m. shows stone walls, ledge outcroppings, wells, existing buildings, septic systems, utilities and the like, \_\_\_\_\_
  - n. includes a LOCUS map at a scale of one inch equals one-thousand feet, showing the proposed operation in relation to existing roads, \_\_\_\_\_
  - o. shows any and all accessory facilities/activities, \_\_\_\_\_
  - p. shows existing and proposed excavation areas \_\_\_\_\_
  - q. includes existing and proposed access roads including width and surface materials, \_\_\_\_\_
  - r. shows existing and proposed parking areas \_\_\_\_\_
  - s. shows the location of driveways and road intersections within 200 feet of the property boundary, \_\_\_\_\_
  - t. includes fencing, buffers and other visual barriers, including height and materials, \_\_\_\_\_

- u. identifies storage areas for topsoil to be used in reclamation, \_\_\_\_\_
  - v. identifies all measures to control erosion, sedimentation, water pollution, air pollution and safety hazards, \_\_\_\_\_
  - w. identifies zoning districts \_\_\_\_\_
  - x. includes copies of all State or Federal permits required for the excavation, \_\_\_\_\_
5. Application fee and performance bond submitted, \_\_\_\_\_
6. A Site Reclamation plan which:
- a. is at the same scale as the excavation plan, \_\_\_\_\_
  - b. is clear and easily understandable, \_\_\_\_\_
  - c. six (6) copies are submitted, \_\_\_\_\_
  - d. includes the seal and signature of a registered engineer or surveyor, \_\_\_\_\_
  - e. shows all boundaries of the area proposed for reclamation, \_\_\_\_\_
  - f. includes the final topography of the reclaimed area, \_\_\_\_\_
  - g. shows final surface drainage patterns, \_\_\_\_\_
  - h. includes the schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types and rates \_\_\_\_\_
  - i. includes photographs of the site before excavation (from at least two different vantage points), and \_\_\_\_\_
  - j. identifies subsequent use of the site, if known or anticipated. \_\_\_\_\_

EXCAVATION SITE PLAN REVIEW CHECK LIST

1. The excavation is not below road level within 50 feet of any highway right-of-way, \_\_\_\_\_
2. The excavation is not within 150 feet of an existing dwelling or to a dwelling for which a building permit has been issued at the time the excavation is begun, \_\_\_\_\_
3. The excavation is permitted by current zoning ordinances, \_\_\_\_\_
4. The excavation will not be unduly hazardous or injurious to the public, \_\_\_\_\_
5. Visual barriers will be maintained or provided except to provide access to the excavation. \_\_\_\_\_
6. The excavation will not damage a known aquifer, \_\_\_\_\_
7. All other applicable State and Federal permits have been obtained, \_\_\_\_\_
8. The excavation is in accordance with WSPC standards and is not within 75 feet of a wetland or waterbody or watercourse, \_\_\_\_\_
9. If a new excavation, is it five or less acres in size and can it be restored in one year or less, \_\_\_\_\_
10. If an existing or extending excavation, is the total new excavation area less than 5 acres and can the entire excavation area be restored in one (1) year or less? \_\_\_\_\_
11. Has hauling information been provided and is the hauling activity deemed to be compatible with the public safety, the surrounding land uses, and road capacity and condition? \_\_\_\_\_
12. The excavation area is at least fifty (50) feet from the lot line of a disapproving abutter or within ten (10) feet of an approving abutter's lot line, \_\_\_\_\_
13. Natural vegetation on areas which are not intended for excavation has been maintained or provided, \_\_\_\_\_
14. Do the excavation and reclamation plans comply with the Soil Erosion and Sedimentation Control Regulation? \_\_\_\_\_
15. The excavation is not so close to the seasonal high water table or bedrock as to preclude re-use of the site, \_\_\_\_\_

- 16. If the excavation is deeper than fifteen (15) feet and/or is at a slope greater than 1:1, is a fence or barricade provided? \_\_\_\_\_
- 17. The excavation will not cause the accumulation of free-standing water for prolonged periods. Is appropriate drainage provided? \_\_\_\_\_
- 18. Is provision made for the removal and stockpiling of topsoil on the site for use in the reclamation? \_\_\_\_\_
- 19. Is provision made for the removal of all temporary excavation related structures within thirty (30) days after operation cease? \_\_\_\_\_
- 20. All vehicles transporting excavated material shall utilize adequate covering and/or sideboards to prevent dust and spillage when loaded, \_\_\_\_\_
- 21. Permit fee paid for plan and implementation reviews and monitoring for plan compliance, \_\_\_\_\_
- 22. All plans and studies reviewed by Town's engineer or other agents as determined by the Planning Board, \_\_\_\_\_



RECLAMATION PLAN

1. No slope shall be left steeper than 2:1 or shall conform to its natural repose \_\_\_\_\_
2. All debris, stumps, boulders, etc. are being lawfully disposed of in a manner acceptable to the Planning Board, \_\_\_\_\_
3. Ground levels and grades are being established as soon as practical after site excavation, but no later than one (1) year, \_\_\_\_\_
4. Stockpiled topsoil will be spread over the disturbed area at an adequate depth and distribution to allow re-vegetation. Disturbed areas will be fertilized and reseeded, \_\_\_\_\_
5. Suitable trees or shrubs will be planted to provide screening and natural beauty, and to aid in erosion control. These plantings will be protected from erosion during establishment, \_\_\_\_\_
6. The topography will be left such that surface water drainage will follow pre-excavation drainage patterns and such that there will be no increase in off-site volume, \_\_\_\_\_
7. An adequate reclamation bond is provided to ensure the successful completion of the Reclamation Plan. \_\_\_\_\_

Received and recorded

May 2, 1990  
8:10 A.M.

*Debra J. Clark*  
Town Clerk



CHARLESTOWN PLANNING BOARD

P.O. Box 385  
CHARLESTOWN, N.H. 03603  
Tel. 1-603-826-4400

EXCAVATION PERMIT

Application Form

1. The undersigned hereby submits to the Charlestown Planning Board  
an excavation permit application dated \_\_\_\_\_;  
description and location of proposed existing excavation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
2. Town Tax Map No. \_\_\_\_\_ Lot No. \_\_\_\_\_
  
3. Name (s) of owner of property: \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_
  
4. Name (s) of applicant (s): \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_
  
5. The names and addresses of all direct abutters of the property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Time table of excavation project with approximate termination date:

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7. Excavation and Restoration Plans are attached for approval, which provide the following information:

a. EXCAVATION PLAN

Date of initial excavation

Property lines

Existing topography

Limits of excavation

Excavation depths

Total area of excavation in acres

Access road (s) and intersection with town or state highways

Vegetation buffer

Abutters names and addresses

Distance from excavation limits to abutters property lines

Groundwater elevations

Drainage

b. RESTORATION PLAN

Restored topography

Specifications 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 rehearing.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

## EXCAVATION PERMIT

\_\_\_\_\_ is hereby authorized to excavate materials at \_\_\_\_\_ as shown on a plan entitled " \_\_\_\_\_ prepared by \_\_\_\_\_ (engineer's) \_\_\_\_\_ dated \_\_\_\_\_ and revised through \_\_\_\_\_. This permit expires on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and is NOT TRANSFERABLE. It is granted subject to the following conditions and restrictions:

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.
2. No excavation shall be permitted within 50 feet of the boundary of any disapproving abutter or within 150 feet within 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 described in paragraphs 1 and 2 above.
4. Drainage shall be maintained so as to prevent the accumulation of free-standing water for long periods. Excavation shall not result in siltation of streams or degradation of any water supplies.
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 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 top soil or other material from a new excavation area, the excavator shall file a reclamation bond or other security prescribed by the regulator in the following amount: \$ \_\_\_\_\_.
8. Any excavated area of five contiguous acres or more, which either is depleted or commercial earth materials, excluding bedrock, or from which no earth materials have been removed for a two-year period, shall be reclaimed in accordance with RSA 155-E:5, within twelve months following such depletion or two-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership.
9. Except for exposed rock ledge, all areas which have been effected 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.
10. Areas visible from a public way, from which trees have been removed, shall be plated with tree seedlings, set out in accordance with acceptable horticultural practices.
11. Excavation and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

12. All slopes, except exposed ledge, shall be graded to natural repose for the type of soil of which they are composed, but should not in any case be left steeper than 2:1. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

13. Any standing body of water created by the excavation which constitutes a hazard to safety or health shall be eliminated.

14. 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 portions of the flow.

15. Within twelve months of the expiration date of the permit or the completion of any excavation, 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 conditions spelled out in this permit.

16. Excavation shall only occur in accordance with the terms of this permit and shall be limited to the areas and depths as shown on the excavation plan.

VIOLATION OF ANY CONDITION OF THIS PERMIT MAY RESULT IN REVOCATION OF THE PERMIT BY THE REGULATOR. NOTICE OF REVOCATION SHALL BE EFFECTIVE WHEN DELIVERED TO THE FOREMAN OPERATING THE PIT OR THE APPLICANT AT THE FOLLOWING ADDRESS: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Regulator/Chairman