

7/13/09 – Public Hearing on Amended proposed regulations. Major Changes from previous version include (see full text for all changes in *italics*):

- Sect 1.C.9, pg 1-1, preserve existing recreational trail corridors when the use can be safely accommodated in conjunction with the excavation
- Sect 2.E.1, pg 2-3, For the purpose of this section, abutters are assumed to be disapproving
- Sect 6.E, pg 6-2, All prints shall be at a scale to be clearly legible
- Sect 6.E.2.f, pg 6-5, Proposed reclamation shall incorporate Best Management Practices as recommended by the Natural Resources Conservation Service.
- Sect 6.E.2.g, pg 6-5, Plan shall be accompanied by the current estimated cost per acre for reclamation based on current industry costs without applied credits
- Sect 6.E.4, pg 6-6, the Board may require Level 2 or Level 3 soils information
- Sect 6.E.4.b, pg 6-7, Removed development criteria for Level 3 soils.
- Sect 6.E.6, pg 6-7, For properties located on or within 40' of an aquifer
- Sect 6.E.6, pg 6-7 participation in Town's Aquifer Inspection Program
- Sect 6.E.8, pg 6-9, Stormwater Management and Erosion Control Plan and Report. For sites where all stormwater will not be contained on site or in other circumstances where environmental issues may arise, some or all of the following information may be required
- Sect 6.E.8.o, pg 6-10, the New Hampshire Stormwater Manual
- Sect 6.F.1.d, pg 6-10, Operational Information:(1)Days/Hours of usual business operation for excavation. (2)Days/Hours of unusual business operation for excavation
- Sect 6.F.4, pg 6-11, At a minimum photos shall include: a. frontage of property; b. sight distance from proposed driveway cuts; c. any available aerial photos of the property;d. additional pertinent photos.
- Sect 6.F.5.c, pg 6-12, Submission of final, consummated form shall be prior to the signing of the plan where applicable.
- Sect 10.B., pg 10-2, Permits shall be valid for the term of the excavation but are subject to amendment and revocation. Compliance inspections and compliance hearings shall be scheduled by the Board
- Sect 10.C., pg 10-2, To establish the amount of the surety, the applicant must file with the Board a detailed estimate of the costs of the improvements together with maps, plans and supporting data. The Board may require a review of such estimate. The cost of such a review shall be borne by the applicant
- Sect 10.G., pg 10-5, Reports are due annually on September 1<sup>st</sup> by submission
- Sect. 11, pg 11-1, Compliance hearings are required for all excavation sites whether permitted or exempt from a permit. The Board shall schedule compliance hearings for all excavation sites as follows
- Sect. 12.I, pg 12-4, Hours and Days of Operation shall be as approved by the Board. The Board may approve hours for both usual and "unusual" activities. The Board shall make this determination based on their evaluation of:
- Sect 13.A.2., pg 13-1, For the purpose of this section, abutters are assumed to be disapproving
- Sect 15, pg 15-1, Define - Approving Abutter
- Sect 15, pg 15-5, Define - NH Stormwater Manual
- Fee Schedule
  - Current - \$10 per notification, \$50 permit fee, \$500 & \$200per add'l acre filing fee.
  - Proposed –
    - Notification same on all;
    - No permit fee on any,
    - 0-2ac-\$200;
    - 2-25ac-\$500;
    - 25-50ac-\$1000;
    - 50+ac-\$2000;
    - Compliance hearing \$100
- Amended applications and process flowchart in accordance with changes to Regulations.



**TOWN OF BELMONT  
NEW HAMPSHIRE**

*DRAFT 07/13/09*

**EARTH EXCAVATION  
REGULATIONS**

**ENACTED: March 16, 1974**  
**EDITION: TBD**

**TABLE OF CONTENTS**

	<b>Page</b>
<b>SECTION 1</b>	<b>AUTHORITY AND PURPOSE</b>
A.	Authority 1-1
B.	Title 1-1
C.	Purpose and Scope 1-1
D.	Procedure 1-2
<b>SECTION 2</b>	<b>APPLICABILITY</b>
A.	Projects Requiring a Permit 2-1
B.	Abandoned Excavations 2-1
C.	Projects Exempt from a Permit 2-1
D.	Projects Excepted From a Permit 2-2
E.	Prohibited Projects 2-3
F.	Criteria for Non-conforming Expansions 2-3
	Exhibit 1 - Excavation Requirements 2-E-1
<b>SECTION 3</b>	<b>ADMINISTRATION AND ENFORCEMENT</b>
A.	Adoption 3-1
B.	Amendment 3-1
C.	Numbering 3-1
D.	Separability 3-1
E.	Conflict with other Regulations 3-1
F.	Waivers 3-1
G.	Concurrent and Joint Public Hearings 3-2
H.	Appeals 3-2
I.	Enforcement, Fines & Penalties, and Injunctive Relief 3-2
<b>SECTION 4</b>	<b>PRE-APPLICATION OPTIONS</b>
A.	Familiarization 4-1
B.	Land Use Staff 4-1
C.	Preliminary Reviews 4-1
<b>SECTION 5</b>	<b>APPLICATION REVIEW PROCESS</b>
A.	Procedure 5-1
B.	Professional Review of Data and Information 5-3
C.	Application Review Site Inspection 5-3
	Exhibit 1 - Process 5-E-1
<b>SECTION 6</b>	<b>APPLICATION SUBMISSION REQUIREMENTS</b>
A.	Application Form 6-1
B.	Fees 6-1
C.	Notification List and Mailing Documents 6-1
D.	Project of Regional Impact 6-2

<b>E.</b>	<b>Plan and Report Requirements</b>	<b>6-2</b>
1.	Excavation Plan	6-2
2.	Reclamation Plan	6-5
3.	Building Plan	6-5
4.	Soils Map and Report	6-5
5.	Topographic Plan	6-7
6.	Aquifer Plan & Report	6-7
7.	Utilities	6-9
8.	Stormwater Management and Erosion Control Plan and Report	6-9
9.	Traffic and Road Conditions	6-10
<b>F.</b>	<b>Additional Reports and Information</b>	<b>6-10</b>
1.	Narrative Overview	6-10
a.	Scale	6-10
b.	Timing	6-10
c.	Significant Features	6-10
d.	Operational Information	6-10
e.	Status of existing excavation permit/use	6-11
2.	Special Flood Hazard Areas	6-11
3.	Public Utilities Availability	6-11
4.	Photographic Information	6-11
5.	Legal Documents & Permits	6-11
6.	Quality Assurance Program	6-13
7.	Additional	6-14
<b>SECTION 7</b>	<b>MINOR PROJECT</b>	<b>7-1</b>
<b>SECTION 8</b>	<b>FINAL PLAN</b>	<b>8-1</b>
<b>SECTION 9</b>	<b>APPROVAL, DISAPPROVAL, ABANDONMENT, REVOCATION</b>	<b>9-1</b>
<b>A.</b>	<b>Conditional Final Approval</b>	<b>9-1</b>
1.	Term of Conditional Approval	9-1
2.	Extension of Conditional Approval	9-1
3.	Term of Recorded Approval	9-1
<b>B.</b>	<b>Final Approval</b>	<b>9-2</b>
1.	Certification	9-2
2.	Acceptance of Improvements	9-2
<b>C.</b>	<b>Disapproval</b>	<b>9-2</b>
<b>D.</b>	<b>Abandonment</b>	<b>9-3</b>
1.	Incomplete Application	9-3
2.	Completed Application	9-3
<b>E.</b>	<b>Revocation of Approval</b>	<b>9-3</b>
1.	Revocation Basis	9-3

<b>SECTION 10</b>	<b>POST APPROVAL PROCEDURES</b>	<b>10-1</b>
	A. Signing of the Plan	10-1
	B. Permits	10-2
	C. Security	10-2
	D. Amendments and Expiration	10-3
	E. Adherence of Excavation to Approved Plans	10-3
	1. Minor Changes	10-3
	2. Major Changes	10-4
	F. Excavation and Reclamation Inspections	10-4
	G. Annual and Other Excavation Reports	10-5
	H. As-Built Drawings	10-5
	I. Certificate of Performance of Improvements	10-5
<b>SECTION 11</b>	<b>COMPLIANCE HEARINGS</b>	<b>11-1</b>
<b>SECTION 12</b>	<b>DESIGN STANDARDS</b>	<b>12-1</b>
	A. General Guidelines	12-1
	1. Best Use of Land	12-1
	2. Design of Reclaimed Site	12-1
	3. Easements and Reserve Strips	12-1
	4. Character of Land for Development	12-1
	B. Outdoor Lighting	12-2
	C. Traffic Management	12-2
	D. Screens, Links and Buffers	12-3
	E. Waste Storage and Collection	12-3
	F. Fuel and Fluid Storage Tanks	12-4
	G. Structures	12-4
	H. Signage	12-4
	I. Special Features	12-4
	J. Pollution Control	12-4
	K. Public Safety	12-5
	L. Stormwater Management and Erosion Control	12-5
	M. Seasonal High Water Table (SHWT)	12-5
	N. Road and Street Design and Construction Standards	12-5
	O. Off-Site Improvements	12-5
	P. Utilities	12-6
	Q. Aquifer	12-6
<b>SECTION 13</b>	<b>OPERATIONAL STANDARDS</b>	<b>13-1</b>
	A. Express Standards	13-1
	B. Additional Standards	13-2
<b>SECTION 14</b>	<b>RECLAMATION STANDARDS</b>	<b>14-1</b>
	A. Express Standards	14-1
	B. Additional Standards	14-2
<b>SECTION 15</b>	<b>DEFINITIONS</b>	<b>15-1</b>



These regulations shall govern only the excavation of earth materials as defined herein and in RSA 155-E:1, and certain on-site activities accessory to excavation such as blasting, screening, washing, and crushing of earth materials excavated from the site. Other activities such as, for example, unrelated backhauling and storage, burial of offsite stumps or debris, or operation of a contractor's yard, shall be reviewed under the Site Plan Review or other applicable regulations of the Town of Belmont.

**D. Procedure**

Whenever any excavation governed by these regulations is proposed; before any land clearing or excavation is begun, the owner of the property or authorized agent shall apply for and secure from the Planning Board approval of such proposed excavation in accordance with procedures outlined in these regulations.

## **SECTION 2:           APPLICABILITY**

In all cases where a determination on the status of an excavation is required, the excavator shall submit all applicable documents to the Board including, but not limited to, copies of permits and reports.

### **A.     Projects Requiring a Permit**

1.     Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted or excepted by these regulations.
2.     Any excavation proposing to begin operation after March 16, 1974.
3.     Those that have lawfully operated prior to August 24, 1979 and wish to expand the excavation area. For purposes of this paragraph, “expansion” shall have the meaning given in the definition of expansion in *Article 15* of these Regulations.
4.     The expansion of an excavation associated with a stationary manufacturing plant beyond the limits of expansion that is allowed without a permit under RSA 155-E:2, III.
5.     Operating sites that obtained a local permit, regardless of the date, which has since expired.

### **B.     Abandoned Excavations**

Abandoned Excavations as defined in RSA 155-E:2,II(a) are not exempt from permitting or zoning requirements.

In the event the 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 approved timetable and bonding requirements, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the 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.

The provisions stated above also apply to any excavation which ceased commercially-useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the Minimum and Express Reclamation Standards, if the Board determines in writing that a danger to public health or safety exists.

### **C.     Projects Exempt From a Permit**

1. Existing excavations as defined in RSA 155-E:2, I, including the quarrying or crushing of bedrock do not require a permit, but are nevertheless subject to the Express Operational and Express Reclamation Standards of these regulations. Compliance with these Standards is mandatory in order to retain the non-permit status. The Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.
2. Excavation from an excavation site related to a Stationary Manufacturing Plant as defined by RSA 155-E:2,III(a). However such excavation shall comply with the Express Operational Standards and Express Reclamation Standards of these regulations.

Loss of such non-permit status can occur only after the Board has given written notice that the excavation is not in compliance and the owner has failed to bring it into compliance within 30 days of receipt of such notice.

Expansion of any such excavation within the limits described in RSA 155-E:2, III is also exempt from the permit requirement.

However, the Operation and Reclamation of excavation sites related to a Stationary Manufacturing Plant as defined by RSA 155-E:2,III(b) and which were permitted between August 24, 1979 and August 4, 1989, shall be regulated by those permits and the renewals or extensions of same.

3. An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway in accordance with RSA 155-E:2,IV. A copy of the pit agreement executed between the pit owner and the Town shall be filed with the Board; in addition, the provisions of the Prohibited Projects Section of this regulation are to be complied with.

**D. Projects Excepted From a 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 where removal occurs. This excavation cannot be commenced, 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.
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 which 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.

#### **E. Prohibited Projects**

1. Excavations within:
  - a. 50 feet of the boundary of a disapproving abutter; or
  - b. within 10 feet of an approving abutter unless approval is requested by said abutter.

*For the purpose of this section, abutters are presumed to be disapproving unless approval is registered with the Board during the public hearing process for the excavation permit. Once the permit public hearing closes, no change shall be made to the status of dis/approving abutters.*

2. Where existing visual barriers would be removed, except to provide authorized access to the excavation.
3. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.
4. Where the excavation would substantially damage a known aquifer or other protected groundwater, as designated by the Town of Belmont Aquifer/Groundwater Protection District Map.
5. Where the excavation requires land use permits from state or federal agencies, but the planning board may grant final approval of the application when all such permits have been obtained.
6. 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.
7. Where the project cannot comply with the Express requirements of the Operational and Reclamation Sections of these regulations.

#### **F. Criteria For Non-conforming Expansions**

Expansion of existing excavations located in an area in which excavations are no longer permitted by local zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the 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. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

1. The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.
2. The excavation will not create any nuisance or create health or safety hazards.
3. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

## Excavation Requirements

Type of Operation	No Permit Required	Permit Required	Eligible For Exception	Must Comply w/Standards M-Minimum Stan E-Express Stan A-Add'l Stan C-Exception Cond	Must Reclaim	Must Post Reclamation Bond	Should Have Filed Excavation Report RSA 155-E:2,I(d)
1. Existing as of August 24, 1979	√	For Expansion		E	√	Unexcavated As of 8/24/1979	√
2. Commenced Operations since August 24, 1979		√		M,E,A	√	√	
3. Stationary Manufacturing and Processing Plants	√	If non-compliant with standards		E	√		
4. Non-conforming as of August 4, 1989	√	For Expansion		E	√	For Expansion	
5. In Connection with Highway Excavations	√			E	√		
6. Incidental to Building and Agriculture	√		√	C			
7. Cutting of Dimension Stone	√		√	C			
8. Stockpiling related to Gov. taking	√		√	C			
9. Abandoned for any 2-year period between August 24, 1977 and present					√		

10. Abandoned prior to August 24, 1977

**NOT SUBJECT TO REGULATION BY THE BOARD**

**SECTION 3: ADMINISTRATION AND ENFORCEMENT**

**A. Adoption**

These regulations shall become effective after a public hearing, adoption and certification by the Board, and filing of certified copies with the Town Clerk, Belknap County Registry of Deeds and NH Office of Energy and Planning.

**B. Amendment**

These regulations may be amended or rescinded by the Board in accordance with NH RSA 155-E:11 as amended.

**C. Numbering**

After amendments to these regulations are adopted, the Planning Board shall have the authority to renumber the sections herein consecutively.

**D. Separability**

If any section, provision, portion, clause or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

**E. Conflict With Other Regulations**

Where these regulations are in conflict with State or Federal Law or with other local regulations or ordinances, the more stringent shall apply.

**F. Waivers**

Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may for good cause shown, upon application and following a duly-noticed hearing, grant any exception in writing to the standards contained in these regulations, including the Minimum and Express Operational and Reclamation and Incremental Reclamation standards unless the granting of such exception is prohibited by RSA 155-E. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

When a waiver is granted to the minimum required separation to the Seasonal High Water Table, and prior to proceeding on the basis of any such waiver, a notice of waiver, signed by the Board, shall be recorded in the Belknap County Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

**G. Concurrent and Joint Public Hearings**

Concurrent public hearings for excavation and other Planning Board reviews may be permitted at the Planning Board's discretion. Joint public hearings for proposals also requiring review and approval by other town boards or commissions may be permitted at the Planning Board's discretion.

**H. Appeals**

Any person affected by the Board's decision to approve or disapprove an application or any 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) calendar 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 Board shall either grant or deny the request for rehearing within (10) calendar days, and if the request is granted, a rehearing shall be scheduled within thirty (30) calendar days. Any person affected by the Board's decision on a motion for rehearing may appeal in accordance with RSA 155-E:9 and RSA 677:4-15.

**I. Enforcement, Fines & Penalties, and Injunctive Relief**

These regulations shall be administered by the Planning Board and enforced by the Board of Selectmen as provided in NH RSA 676:15 through 676:17-b, inclusive and NH RSA 155-E:10, all as amended.

1. **Right of Entry.** To ascertain if there is compliance with these regulations, a permit issued hereunder or an order issued hereunder, the Town 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 August 24, 1979.
2. **Written Notice of Violation.** A written notice of violation shall be issued to the property owner by mail from the Board's Agent if said Agent determines that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:
  - a. Specify the actions or conditions which violate the requirements of this regulation or plans approved under this regulation;
  - b. Identify what needs to be done to correct the violation(s);
  - c. Specify a reasonable time frame within which the violation will be corrected;
  - d. Be provided to the property owner with a copy to be kept in the official records of the Planning Board.
3. **Suspensions and Revocations.** The 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.

- 4** **Cease and Desist Order.** A temporary cease and desist order may be issued to the property owner by the Board's Agent if the Agent determines that conditions at the site are in violation of any of the requirements of this regulation and the violation is either:
  - a.** An immediate threat to public health and safety; or
  - b.** The property owner has failed to take corrective action(s) identified in a written notice of violation issued under these regulations within the time frame specified therein.

## **SECTION 4: PRE-APPLICATION OPTIONS**

### **A. Familiarization**

The applicant shall become familiar with all State and Town regulations and ordinances relative to zoning, excavation, health, building, roads and other pertinent data, and aware of the obligations and standards with which the proposed excavation must comply.

### **B. Land Use Staff**

The applicant is encouraged to meet with the Land Use Staff, Building Official, Fire Chief, and Public Works Director for assistance during formulation of the plan. The Land Use Staff is authorized to assist individuals through the review of potential plans and provide additional available information and guidance under existing Town Ordinances and Regulations. Such discussions and review are not binding. Staff is not authorized to render decisions or make commitments on behalf of the Board but may offer comments and suggestions.

### **C. Preliminary Reviews**

#### **1. Preliminary Conceptual Consultation Phase**

Before the formal submission of a proposal, an applicant, by appointment, may be placed on the agenda to discuss the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal notice as specified in these regulations, but such discussions may occur only at meetings of the Board.

There shall be no decision or action of the Board with regard to any conceptual consultation. Said consultation shall not bind either the applicant or the Board. There is no application fee or time limit for this review other than as noted above. This phase is optional for the applicant and is made available by the Board in order to save the applicant unnecessary expense and changes later in the process.

#### **2. Design Review Phase**

The board or its designee may also engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice has been given under Section

6C of these regulations. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board may review the proposal in detail and receive testimony in person or in writing from the applicant, any abutter or any other person as permitted by the Board.

There shall be no decision or action of the Board with regard to any preliminary review. Said consultation shall not bind either the applicant or the Board. Preliminary reviews are optional for the applicant and are made available by the Board in order to save the applicant unnecessary expense and changes later in the process.

Preliminary reviews shall be separate and apart from formal consideration under Section 5 of these regulations, and the time limits for acting on a formal application shall not apply until an application in conformance with the requirements of Section 6 is submitted.

## **SECTION 5: APPLICATION REVIEW PROCESS**

### **A. Procedure**

Whenever an excavation plan is proposed, the owner or applicant (so designated in writing by the owner), shall first submit the application, with all supporting data, plans, written request for waiver(s), and fees, to the Town Planner for review to determine if the application complies with the minimum application submission requirements of these regulations.

When an application is submitted to the Planner for review, the Land Use staff shall contact each of the following officials or agencies, as appropriate, for review and comment. The applicant should meet with the Conservation Commission and other applicable Departments to provide them with project-related information related to best facilitate that review and comment.

1. Town Administrator
2. Fire Department
3. Police Department
4. Public Works Department
5. Conservation Commission
6. Building Department
7. Land Use Technician
8. Such other officials or agencies as the Planner or the Board shall determine appropriate

Applicants will be notified in writing by the Land Use staff of any deficiencies, which must be corrected in order for the application to be placed on the Board's agenda for formal consideration. Applicants will also receive written confirmation of applications that do meet the minimum application submission requirements.

Applications which have been determined by the Planner to comply with the minimum application submission requirements will be placed on the next available Planning Board meeting agenda based on the posted meeting closing date. Only applications which have been determined to comply with the minimum application submission requirements of these regulations shall be placed on the agenda for consideration as a Completed Application.

When a proposal is placed on the Board's agenda for consideration, and prior to acceptance as a Completed Application, Notice of Submission shall be made in accordance with RSA 155-E:7 and these regulations. In addition to the Notice of Submission, and prior to the Board taking action to approve or deny any application, a Public Hearing shall be held in accordance with 155-E:7 and notice shall be given in accordance with RSA 155-E:7 and these regulations to provide an opportunity for public testimony relative to the consequences of the proposal. Notice of Submission and Notice of Public Hearing may be given in one notice.

During the Board's consideration on the completeness of an application, the applicant may provide verbal testimony limited to that issue as well as any request(s) for waiver. The Board may, but is not required to, accept comments from abutters and/or the general public regarding the completeness of the application and/or the request(s) for waiver.

The Board shall then act on any request(s) for wavier previously submitted as part of the application and pertaining to the completeness of the application. A completed application sufficient to invoke jurisdiction of the Board shall consist of data required by the Application Submission Requirements section of these regulations sufficient to allow the Board to proceed with consideration and to make an informed decision. All required items must be accepted as complete or waived by the Board prior to voting to accept an application as complete. The Board shall then act to accept the application as complete for the purpose of invoking jurisdiction, or as not complete.

If the Board determines the application is not complete, they shall forward their decision and reasons in writing to the applicant. Resubmission requires review and certification of the Land Use staff as outlined above and renotification by the applicant including updated Notification list, mailing documents and payment of the fees.

If the Board finds the application complete, and when required notice has been given, the applicant may present the merits of the proposal. During the Board's formal consideration of the completed application, they will ask questions and discuss the proposal and then open the floor to questions and comments from abutters and the general public.

The Board may require changes, additional information, or modifications to the proposal, and shall communicate to the applicant the changes or additional information required, the revisions to be made, and shall specify such changes in its official records. The Board shall also specify the type and amount of construction or improvements required as a condition for approval of the plan. The Board shall also consider and act on request for waiver(s) that were submitted as part of the formal application, but relate to the merits rather than the completeness of the application.

Consideration shall be given to the short and long-term impact the proposal may impose upon the community as well as the Purpose for these regulations as defined herein.

A meeting or hearing of the Board may be adjourned and reconvened without further notice if the Board gives due notice of the time and place of the reconvened session at the prior session. If renotification is required, the applicant shall submit an updated Notification list, mailing documents and payment of the Notification fee.

The Board will act to approve, conditionally approve, or disapprove the application within the time limits set forth in RSA 155-E:7. The Board may disapprove of the proposal in its entirety, but shall adequately, upon the records of the Board, and in writing to the applicant, state its grounds for such disapproval.

**B. Professional Review of Data and Information**

The Board may require an independent review of various parts or of the whole of the proposed excavation plan at the cost of the applicant and upon such terms and conditions as the Board deems to be appropriate as provided in RSA 155-E:11. The Board shall select the professional(s) to be employed to perform the work of the professional review hereunder. The applicant shall be required to place on deposit with the Board the sum necessary to accomplish the review before the Board will authorize the professional firm engaged to begin the required work. The applicant shall deposit such additional sums as the Board shall determine during the course of the professional review.

For the purposes of such review the applicant shall submit one hard copy and one electronic copy of the plan and all related reports/documents to both the professional reviewer and the land use office.

**C. Application Review Site Inspection**

The applicant, by submission of an application for approval, is deemed to have consented to inspections by the Board, its staff, or its Agent(s), to the extent reasonable and necessary to properly review the application (i.e. ascertain the natural conditions of the site and inspect the layout of proposed improvements) and monitor compliance with approval conditions.

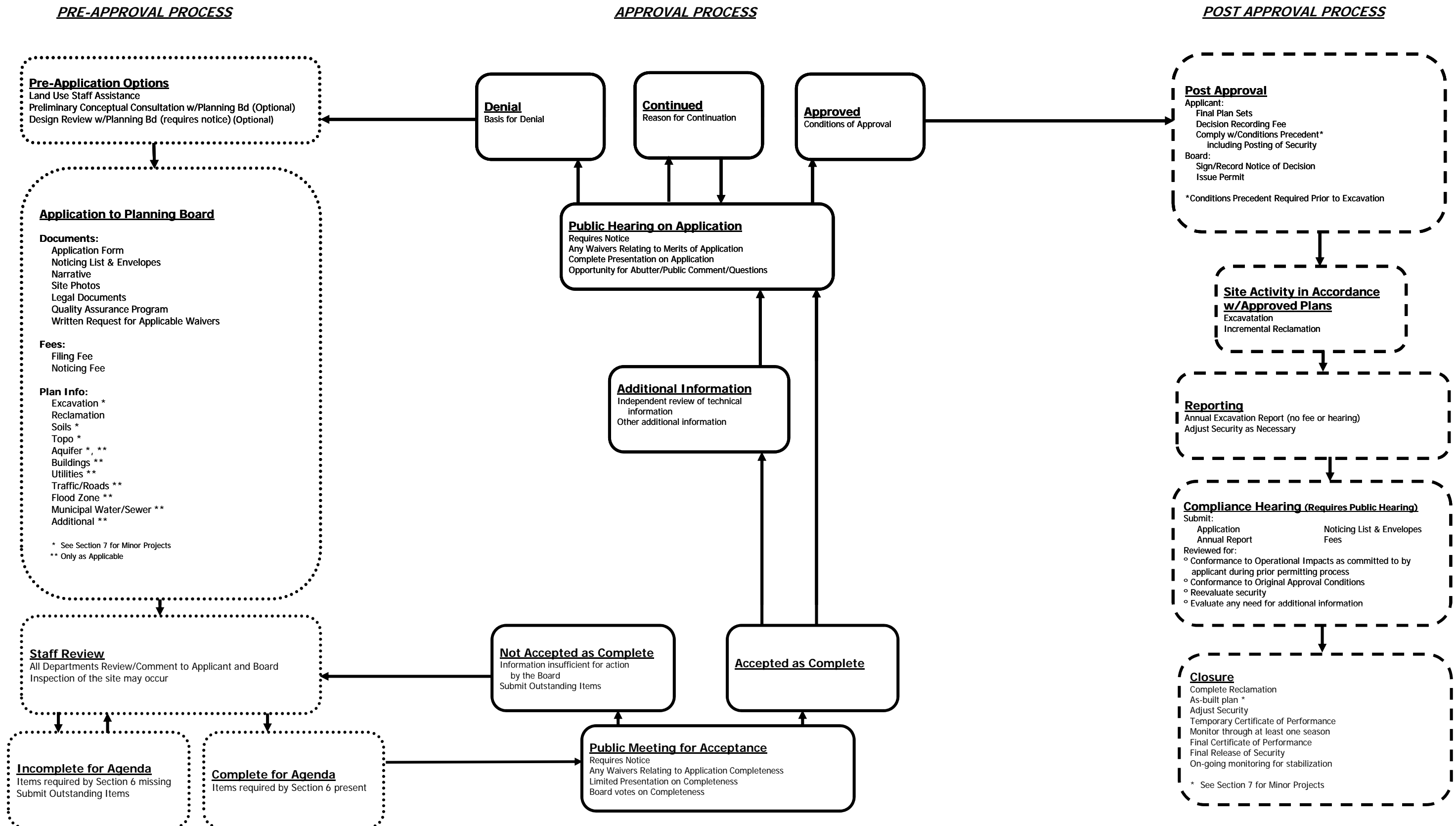
Site inspections scheduled by the Board as part of the formal review and public hearing process are subject to the noticing requirements of RSA 155-E:7 and these regulations.

Failure to consent to inspections shall be grounds to terminate any further consideration of the proposal or may be grounds for the Board to reopen existing approvals.

The location of proposed improvements (roads, driveways, bridges, etc.) and excavation shall be identified by the applicant with marked stakes prior to this inspection phase.

# Belmont Planning Board Earth Excavation Process

The following process is intended to be a general guide and may not be the exact process experienced in a particular situation. Assistance is available in the Land Use Office. Reference should be made to the full Regulations on all matters.





## **SECTION 6: APPLICATION SUBMISSION REQUIREMENTS**

### **A. Application Form**

Application shall include completed application form using the most current form provided by the Land Use office. Applicant shall be owner or other individual or entity holding interest in the property. If the applicant is other than the owner, written authorization from the owner must accompany the application form.

### **B. Fees**

An initial fee in the form of a check made payable to the Town of Belmont shall be submitted with the application for acceptance of a Completed Application. That fee shall include the filing fee, and notification fee as shown on the Non Refundable Fee Schedule, as amended.

Any and all costs in excess of the above-mentioned fees incurred by the Town in the review of an excavation proposal shall be paid by the applicant prior to any action by the Board to approve or disapprove the final plan in accordance with RSA 155-E:11,III.

### **C. Notification List and Mailing Documents**

For the purposes of formal notification, complete the Notification List attached to the Application Form, for the following:

1. Owners of record of all abutting properties as indicated in the Town Records not more than 5 days before the date of filing, identified by the map and lot numbers as shown on the Belmont Tax Map. Ownerships should be confirmed by the applicant before filing through a final records check at the appropriate County Registry of Deeds;
2. All individuals or entities holding a mortgage or lien on the subject property as of the date the application is submitted, or attach a signed statement by the owner that there are none;
3. All individuals whose professional seal appears on the plan or any supporting document;
4. All holders of conservation, preservation, or agricultural preservation restrictions as defined under NH RSA 477:45, or attach a statement by the owner that there are none.
5. In the case of land affected by municipal boundaries, or when the Board determines that the proposal is a development of regional impact additional notifications to the Lakes Region Planning Commission and the affected municipalities will be required. The Lakes Region Planning Commission and affected municipalities have the status of abutters for the limited purpose of providing notice and giving testimony.

For each name on the above list, submit one 4" x 9½" (#10 business size) envelope appropriately addressed with a return address to the Belmont Planning Board. The above is required for the initial application and for each formal notification required by the Board. Do Not include postage, Certified Slips or Return Receipt Cards. They will all be provided by the Town.

For the purpose of notification and correspondence during the application process, also submit the following:

1. Submit three envelopes each meeting the above description for:
  - a. the property owner(s),
  - b. applicant(s),
  - c. excavator(s),
  - d. and agent(s).

**D. Project of Regional Impact**

Upon determination by the Board that a proposed excavation has a potential regional impact, the applicant shall be required to make notice as described above to the Lakes Region Planning Commission and affected municipalities prior to the public hearing. The applicant shall include with that notice one copy of the proposed plans and Board meeting minutes where such determination was made.

**E. Plan and Report Requirements**

Plans shall be submitted to the Land Use Office in five (5) copies on durable black or blue-line paper. *All prints shall be at a scale to be clearly legible on sheets not larger than 24" x 36"*. For projects comprising more than one sheet, a master sheet of the entire property at the necessary scale shall also be included. The applicant shall also file with the Board one reduced copy of each plan; sheet size not to exceed 11" x 17" with each plan submission.

When survey work is required it shall be performed by a NH Licensed land surveyor. When engineering work is required it shall be performed by a NH Registered professional engineer as required by NH RSA 310-A:11.

Changes requiring any alteration to prints previously submitted shall be identified on amended prints by a revision number, date of such revision and subject revised when submitted. Revision numbers shall be sequential and shown as "REV 1, Nov. 13, 1997, (subject revised)".

**1. Excavation Plan:**

- a. Title, Town name, preparer's full name and mailing address; name and mailing address of owner(s) of record; name and mailing address of applicant and excavator; name and address of surveyor, engineer, soil

scientist or other consultant (if required); date of original preparation; north arrow; scale in feet per inch; and sheet number. Sheet numbers shall be sequential and shown as "SHT 1 of 1", etc; symbol legend.

- b.** 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 map and lot numbers as shown on the Town tax map, and by book and page number as assigned by the Belknap County Registry of Deeds. Abutting subdivision names, streets, easements, public areas, and other pertinent facts regarding abutting properties.
- c.** For projects that include a disturbance of an area in excess of two acres, or generate significant off-site impacts, or when otherwise required by the Board, the plan shall be based upon a survey to the standards listed in the subdivision regulations. The equipment and survey method used and the error of closure shall be stated on the plan. Irregular boundaries without curves, such as streams and rivers, or with curves which have no definable geometry, are to show sufficient information to mathematically close the plan, such as tie lines. Tie lines are to be noted that they are not property lines. Reference to all documents, plans and data relevant to the survey, north meridian arrow & origin, bar scale.
- d.** Street right-of-way lines; lot lines, angles and dimensions. Existing lot size in square feet and acres; approved Town tax map sheet and parcel number; existing and proposed easements and areas to be dedicated to public use or open space; the location and description of existing permanent monuments and boundary markers. Show or note excavation, building, wetland and other applicable setback lines as required by the Zoning Ordinance, RSA 155-E, and these regulations for the subject parcel. All on-site or abutting Zoning district boundary lines and subject property Zoning classification(s).
- e.** Location of existing utilities, paved areas, exposed rock ledges, stone walls, woods roads, discontinued road beds or public transportation ways, ROWs, easements and other significant natural and man made features. Identification of all encroachments. Location and disposition of any on-site trails.
- f.** Location, name and width of existing streets including the width of the ROW, the width and location of the traveled or constructed way, sidewalks and the street classification. For new/existing access points, the 911 address and road name as determined by the Fire Department shall be shown on the plan. On and off-site intended transportation routes to be used. Existing public road conditions. Anticipated trips.
- g.** Location, shape, size, height, grade and floor elevations and use of subject building(s). Location/size/type of all fuel sources. Location of all septic systems, wells (showing required well radius), cemeteries and burial grounds, and intersecting roads and driveways, on site as well as within 150 feet of the entire parcel.
- h.** Location and type of proposed waste disposal system, with an outline of the square foot areas reserved for leach fields for any new system; location

of test pits and record of percolation tests; location of on-site or adjacent wetlands or surface waters.

- i.** Location, number and size of parking spaces, walkways and building accesses for workers, and customers.
- j.** The location, fixture, and intensity of all existing and proposed exterior lighting including the cone of illumination from each fixture.
- k.** Existing and proposed driveway accesses shall be identified and shall be in conformance with the Town of Belmont or State of NH Department of Transportation Driveway Regulations. Subject lot driveway widths, radii, and sight distances shall be shown.
- l.** A locus map at a scale of 1" = 2,000' showing the entire property boundaries.
- m.** A block in which to record approval by the Board. Block shall contain the following:  
Approved by the Belmont Planning Board  
Approval Date: \_\_\_\_\_  
Chairperson: \_\_\_\_\_
- n.** For a subject parcel that abuts a Town line, is directly across the street or stream from a Town line or where the owner owns an abutting parcel across a Town line, the plan shall include one of the following:
  - (1)** a statement that the subject parcel is entirely within the Town of Belmont and does not cross into another municipality; or
  - (2)** the approval signatures of the appropriate Land Use Officials from any other municipality having jurisdiction over any part of the subject parcel.
- o.** The breadth, depth and slope of the proposed excavation and the estimated duration of the project including any phasing plan. For properties located on the aquifer, the minimum required separation between excavation and the Seasonal High Water Table.
- p.** The elevation of the highest annual average ground water table (Seasonal High Water Table) within or next to the proposed excavation. 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. In the instance where the Seasonal High Water Table (SHWT) cannot be reasonably determined at the time of application due to the depth of material to be removed, a schedule for on-going testing shall be submitted. Dredging into the SHWT is not permitted. Schedule shall include, at a minimum, the following:
  - (1)** Initial benchmark to be used;
  - (2)** Based on the size of the open excavation a pre-determined number of test pits shall be dug at every drop in elevation equal to the depth of the test pits;
  - (3)** A test pit log for each pit shall be kept;
  - (4)** A certified soil scientist shall document the elevation of any evidence of SHWT or water observed;

- q. Proposed fencing, buffers or other visual barriers, including height and materials.
- r. All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.
- s. Locations for equipment fueling, equipment maintenance and fuel storage.
- t. Methods to prevent materials from the site from being tracked onto public roadways.

## 2. Reclamation Plan

The reclamation plan shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and address future land use consistent with the Master Plan.

- a. Plan shall include excavation plan base data.
- b. Final topography of the area proposed for reclamation, at contour intervals of five feet or less.
- c. Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- d. Timetable for incremental and completed reclamation.
- e. Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types, and application rates.
- f. *Proposed reclamation shall incorporate Best Management Practices as recommended by the Natural Resources Conservation Service.*
- g. *Plan shall be accompanied by the current estimated cost per acre for reclamation based on current industry costs without applied credits.*

## 3. Building Plan

Submission of scalable conceptual temporary and/or permanent building plans, including elevation, layout and height.

- 4. **Soils Map and Report.** All proposals must include the site specific delineation of on-site wetlands and surface waters. Identification and delineation of wetlands shall be by a Certified Wetland Scientist in accordance with Corps of Engineers Wetlands Delineation Manual and Field Indicators for Identifying Hydric Soils in New England.

*In the instance where additional information is necessary for the design of stormwater facilities or other purposes, the Board may require Level 2 or Level 3 information as identified below:*

- a. Level 2 Information shall be submitted, certified by a Certified Soil Scientist, unless the requirements for Level 3 are enacted. Level 2 Information includes:

- (1) A map based on the NRCS County Survey for the parcel(s) proposed for development. All mapped soil units and the soil series of each unit shall be shown on the map. The location(s) of the soil description(s) used to corroborate the NRCS soil series shall be shown on the map, with a reference to the detailed soil description in the narrative report for the project.
- (2) Soil descriptions for each mapped unit, based on NRCS standards, with reference to the location(s) on the map.
- (3) A detailed comparison between the soil profile description and the NRCS Official Series Description Sheets and/or NRCS published map unit descriptions for each mapped unit on the parcel(s) proposed for subdivision or development, with references to map locations.
- (4) A narrative which summarizes the information compiled in items (1) through (3) above. This shall include a determination of whether limiting physical features are present on the parcel and indicate the specific mapped soil units where these occur. If any limiting physical features (rock outcrops, steep slopes greater than 35 percent, very poorly drained soil, bedrock within 18" of the soil surface) are identified, the following information is also necessary:
  - (a) the map shall delineate the limiting physical features noted above;
  - (b) a detailed description of each limiting physical feature based on NRCS standards with reference to its location on the map;
  - (c) the above required narrative shall also include a summary of the limiting physical features. The narrative shall include a determination that limiting physical features are present on the parcel(s) and that either (1) an SSSMS map (Level 3) is required or (2) not required, with supporting documentation for this position. The ultimate decision as to whether or not Level 3 information is required shall be made by the Board.

Level 2 information shall be developed in accordance with the standards found in the Field Book for Describing and Sampling Soils: Version 1.1 and the NRCS Official Series Description Sheets and/or published map unit descriptions. A minimum of one soil profile description shall be done per soil delineation within the excavation area, as depicted on the NRCS County Soil Survey. The soil will be described in sufficient detail, so as to support or refute that identified properties are within, or similar to those of the soil series used to name the map unit delineation. Soils descriptions should be carried out in areas suspected of having the greatest likelihood of contrasting soil features. Some delineations will require more than one soil description to document soil variability. The map purity standards from Site Specific Soil Mapping Standards for New Hampshire and

Vermont, Society of Soil Scientists of Northern New England Publication No. 3, 1997, as amended, will apply.

- b. Level 3 Information is required, certified by a Certified Soil Scientist, in place of Level 2 if the verification of the NRCS information carried out above reveals that the county soil map does not adequately reflect conditions on the site for planning board review purposes, or if the limiting conditions discovered above are such as to require more intensive site information.

Level 3 Information shall be completion and submission of site-specific mapping and report in accordance with Site Specific Soil Mapping Standards for New Hampshire and Vermont.

- 5. **Topographic Plan.** The topographic information shall be certified by the surveyor or engineer and shall show existing topography and proposed changes in topography. Contours of existing grade shall be shown at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography and the type of project being developed. All low points, high points and other areas needing spot elevations shall be shown. Contour lines shall extend a minimum of one hundred (100) feet beyond the project area boundary. All areas with slopes in excess of 15% shall be graphically identified by cross hatch or shading.

Contour lines are to be actual and not interpolations of USGS maps. Existing contours shall be shown as dashed lines and proposed contours shall be shown as solid lines.

- 6. **Aquifer Plan & Report.** *For properties located on or within 40' of an aquifer, a plan shall be submitted showing the extent, location and other applicable physical information relating to the aquifer. The plan shall also include reference to USGS or other applicable maps and documents. If property is not over or within 40' of a known aquifer a statement to such shall be included on the site plan.*

For proposals where all or a portion of the area to be developed or impacted is over an aquifer, the Board may require data or reports prepared by a licensed professional geologist to assess potential damage to the aquifer.

When required, the study shall be sufficiently detailed to demonstrate that the excavation activity will not cause adverse short or long term impacts to water quality and availability for approvable land uses on land drawing upon the same groundwater source and for down gradient aquatic life and habitat conditions; and upon wetland ecosystems. All hydro geologic studies shall include at least the following:

- a. Soil profile descriptions (to evaluate observable physical characteristics) and multi level monitoring wells (to evaluate groundwater flow directions);

- b. Cumulative impact pollutant loading analysis employing a saturation build out model. The analysis shall include verification that all reasonably foreseeable pollutant contributions associated with the project including related septic leachate, stormwater discharge, and fueling and equipment maintenance will not result in a violation of ambient groundwater quality standards. Such analysis shall include, but not be limited to, confirmation that the total nitrate-nitrogen (NO<sub>3</sub>N) concentration in groundwater beyond the site shall not exceed 10 mg/l;
- c. Permeability testing;
- d. Water quality sampling analysis;
- e. Water table contours and groundwater flow direction;
- f. Water budget analysis for watershed in which excavation is located that accounts for natural and anthropogenic recharge and discharge and storage capacity;
- g. Additional analysis/testing required by the Planning Board on a case-by-case basis.

The Quality Assurance Program required by these regulations shall insure adequate quality control and quality assurance measures are engineered, instituted and maintained for the protection of the aquifer. A Spill Containment and Response Plan shall be included as part of the Quality Assurance Plan for uses that include above-ground storage, handling and use of solid or liquid substances having potentially harmful impact on groundwater quality in quantities exceeding 100 gallons (aggregate) or 800 pounds dry weight (aggregate) at any one time. The intent of the plan is to:

- provide for clearly identified, secured storage;
- prevent, minimize, contain, and recapture releases of said substances;
- provide an emergency action plan to respond to releases of said substances.

The Plan shall include, but not be limited to, the following:

- an inventory of all petroleum or other harmful substances that will be stored on site;
- a description of the storage containers, locations and the secondary containment provisions;
- an assessment of the probable spill volume, spill flow direction and potential risk to the environment for each liquid stored in excess of 100 gallons;
- a description of the available spill response and cleanup equipment stored onsite;
- an annual inspection checklist noting any evidence of spills, leaks, tank conditions, spill response equipment, etc;
- participation in Town's Aquifer Inspection Program.

- 7. **Utilities.** For proposals which include PSNH Rights-of-way, one copy of the plan must be submitted to PSNH, ROW Division, P.O. Box 330, Manchester, NH 03105. For proposals which include NH Electric Cooperative Rights-of-way, one copy of the plan must be submitted to NH Electric Cooperative, ROW Division, Tenney Mountain Highway, Plymouth, NH 03264.

8. ***Stormwater Management and Erosion Control Plan and Report.*** For sites where all stormwater will not be contained on site or in other circumstances where environmental issues may arise, some or all of the following information may be required:

*A stormwater management and erosion control proposal meeting the requirements of these regulations.* The plan shall be certified by an engineer (also a Certified Wetlands for wetlands) and shall identify all surface water and wetlands, drainage patterns, and watershed boundaries. Plan shall also include:

- a. vegetation;
- b. temporary and permanent stormwater management and erosion and sediment control BMPs shall be shown as well as areas and timing of soil disturbance;
- c. structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal;
- d. critical areas, stockpile and staging areas;
- e. within the project area and within 400 feet of project boundary surface waters, wetlands, and drainage patterns and watershed boundaries;
- f. areas of soil disturbance, cut and fill;
- g. location and description of all temporary and permanent, vegetative, structural, non-structural, and vegetative stormwater management and erosion control BMPs including detailed drawings and seeding specifications;
- h. identification of all permanent control BMPs;
- i. construction and earth movement schedule;
- j. plan shall utilize shredded stumps where possible in place of silt fence – requires maintenance, but not removal;

In addition to the Stormwater Management Plan, the applicant shall submit a Stormwater Management Report prepared by an engineer which includes a discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site. The report shall include:

- k. Design calculations for all temporary and permanent structural control BMP measures.
- l. A proposed schedule for the inspection and maintenance of all BMP's.
- m. Identification of all permanent control measures and responsibility for continued maintenance.
- n. Drainage report with calculations showing volume, peak discharge, and velocity of present and future runoff.
- o. When detention structures are planned to reduce future condition peak discharge the soil cover complex method shall be used to compute the runoff volume and peak discharge for designing the structure. The design will conform to the criteria outlined for those types of structures given in *the New Hampshire Stormwater Manual*.

- 9. Traffic and Road Conditions.** The applicant shall submit a thorough evaluation of any Class V, Class VI and/or Private Road that will be used as access for the excavation proposal. Such evaluation shall include, but not be limited to:
- a. Names, legal status, and lengths of roads;
  - b. Anticipated ADT resulting from excavation project;
  - c. Existing condition of roads including, but not limited to:
    - (1) Travelled way surface width, type and condition;
    - (2) Base type and condition;
    - (3) Shoulder width, material and condition;
    - (4) Existing structures type, location, size and condition;
    - (5) Utilities.
  - d. Limiting factors to the proposed use or safety such as existing road conditions, speed, curves, intersections, elevation changes;
  - e. Photographic and/or video evidence of existing conditions;
  - f. Description and method of mitigation for any initial upgrades or anticipated future repairs and maintenance resulting from proposed use;
  - g. Monetary exposure for future repairs and maintenance related to the amount of security to be required for the project.

**F. Additional Reports and Information**

**1. Narrative Overview**

This document shall address issues such as:

- a. **Scale:**
  - (1) Number of acres;
  - (2) Water and sewer considerations.
- b. **Timing:**
  - (1) Estimated length of time to excavate and term of permit requested;
  - (2) Phasing plan by area, quantity, season, etc.
- c. **Significant Features:**
  - (1) List of significant environmental features (wetlands, water bodies, rock outcroppings, vegetative, wildlife habitat, links and buffers, large or unusual fruit or nut bearing trees or other wildlife food sources, etc.);
  - (2) List of manmade features (stone walls, structures, trails, historic features, burial grounds, etc.);
  - (3) List efforts to maintain significant features.
- d. **Operational Information:**
  - (1) Days/Hours of usual business operation for excavation.
  - (2) Days/Hours of unusual business operation for excavation.
- e. **Status of existing excavation permit/use.**

- 2. Special Flood Hazard Areas.** The applicant of any project which includes land which has been designated as a "Special Flood Hazard Area" by the National Flood Insurance Program shall provide the following:

- a. Base Flood Elevation data shall be indicated on the plan by identifying the boundary of the floodplain and the base flood elevations.
  - b. All necessary permits from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
  - c. The applicant shall submit sufficient evidence such as construction drawings, grading and land treatment plans in order for the Board to determine that:
    - (1) All such proposals are consistent with the need to minimize flood damage;
    - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.
3. **Public Utilities Availability.** If a project is to be served by public water supply or by public sewers, a statement from the municipal department or company involved, stating the availability of such service shall be provided.
4. **Photographic Information.** Applicant shall submit *applicable* photographic information to assist the Board during the public presentation by the applicant and in the Board's review of the proposal. At a minimum photos shall include:
  - a. *frontage of property;*
  - b. *sight distance from proposed driveway cuts;*
  - c. *any available aerial photos of the property;*
  - d. *additional pertinent photos.*All photos shall be marked with an identification number, description of the photo, date taken and name of the applicant.
5. **Legal Documents & Permits.** Submission of a copy of the most current deed(s), including recording information, for the entire property under consideration. Also a copy of any previous deeds or other recorded documents including the specific language for any easements, liens, right-of-ways, restrictions, covenants, etc. that relate to the property under consideration. A copy of the most current plan of the property as recorded in the Registry of Deeds (if any).

*Where required, the following shall be submitted or identified as outstanding. Submission of final, consummated form shall be prior to the signing of the plan where applicable.*

- a. Certification of approval by the Belmont Zoning Board of Adjustment, the NH DES Wetlands Bureau, and/or the US Army Corp of Engineers relative to dredge and fill activity accompanied by a duplicate copy of all data submitted to them and any stipulations related to approval.

- b. Certification by licensed septic designer for any proposed septic system.
  - c. *Certification of approval by the NH DES as applicable, relative to Alteration of Terrain, blasting, fuel, generators, air quality, septic, etc.*
  - d. Certification of approval by the NH Department of Transportation for initial or upgraded access to a State highway and/or the Town of Belmont for initial or upgraded access to a Town road.
  - e. Drainage easement to drain onto or across other property, whether public or private. If the storm water drainage system may create additional flow or change the flow over any adjacent property, which in the Planning Board's opinion would substantially interfere with the reasonable use of that property, then the applicant shall obtain a written agreement to provide an easement therefore from the adjacent and/or nearby owner. The applicant shall submit a written undertaking to hold the town harmless from any claims for damage resulting there from.
  - f. A narrative description of on-going maintenance requirements for water quality measures required by stormwater management and erosion and sediment control plans which shall be recorded on the deed to the property on which such measures are located. The description so prepared shall comply with the requirements of RSA 478:4-a as amended.
  - g. All necessary permits from the Board of Selectmen or other local permitting authorities for all work within their jurisdiction. Approval of the Fire Department under the Town's E911 Road Name/Numbering System.
  - h. All deeds or easements to the Town of Belmont necessitated under the proposal. Such deeds or easements require necessary mortgage releases. Proof of acceptance by the Town of any property or property rights to be transferred to the Town as an offer or condition of the proposal.
  - i. Submission of and certification by Building Official and Fire Department of full construction/architectural plans.
  - j. A copy of all required plans under EPA's New England NPDES Storm Water Permit Program prior to plan signing and also a copy of all subsequent required notifications.
  - k. Submission of a statement, supported by independent study when required by the Board, regarding the estimated costs of off site improvements and reclamation for the proposed excavation. The statement shall also demonstrate to the Board that the proposal is not scattered and premature. Payment for that part of the cost determined by the Board to be a direct result of the proposal.
6. **Quality Assurance Program.** A Quality Assurance Program (QAP) shall be submitted. The program will be developed by the applicant to assure that adequate quality control and quality assurance measures are planned and instituted to assure that all improvements are constructed, inspected, certified, and maintained as approved and the operation conducted in such a manner as to meet the purpose of these regulations. The method for future maintenance of improvements and infrastructure shall be specified.

Program shall include the following information regarding on-site fueling:

- a.** location of fueling;
- b.** individuals authorized to fuel;
- c.** frequency of fueling;
- d.** facility (stationary or mobile);
- e.** training;
- f.** spill contingencies.

Program shall include the following information for any equipment or machinery repairs or maintenance to occur on site:

- a.** location;
- b.** description;
- c.** list of materials to be used;
- d.** frequency;
- e.** contaminants control.

Program shall include the following information regarding blasting and material processing:

- a.** a description of all blasting and processing that will occur on site;
- b.** all measures to be employed to abate or mitigate the impacts of same.

Program shall include all measures to be employed to mitigate the impacts of:

- a.** erosion;
- b.** sedimentation;
- c.** water pollution;
- d.** dust and air pollution;
- e.** noise;
- f.** vibrations;
- g.** any hazards to human safety.

Program shall mitigate the impacts to offsite roads:

- a.** schedule for off-site road inspections;
- b.** evaluation method to determine participation for any maintenance or repairs related to the on-going use.

Program shall include future annual report and repermitting needs:

- a.** term of proposed permit;
- b.** schedule and content for annual report;
- c.** schedule and process for compliance hearings;

The variable scope of projects and site conditions dictate the need for adequate inspection and quality control. Such control will be furnished by the applicant in concert with the Town. The applicant shall formulate a written Program to describe the quality assurance efforts to be undertaken during construction and operation of the project. The Board may require amendments or additions to the proposed Program. Once approved by the Board, the applicant shall be

responsible for all necessary implementation and costs for the Program. The Program may also be adjusted after its initial approval and during the project in response to quality concerns or site characteristics that become apparent.

Effective implementation of this Program should result in sufficient quality control at minimum overall cost.

The Quality Assurance Program will be tailor-made for the specific development or site, but may include such items as:

- a. Major items of work to be inspected during construction of improvements;
- b. Developer/Contractor Responsibilities for Quality Control System;
- c. Schedule for inspections and maintenance;
- d. Skills and Training Needed to Perform Quality Control Inspections;
- e. Testing Equipment and Facilities Needed;
- f. Quality Assurance Program Official;
- g. Documentation.

**7. Additional.** Additionally, as required by law or determined by the Board, any of the following may be required:

- a. A master plan, in sketch form, showing potential future expansion of the proposed project and including adjacent property owned by the applicant but not a part of the proposal.
- b. A traffic impact assessment quantifying the proposed on and off-site traffic impacts on all intersections and road connections as identified by the Board with proposed on and off-site mitigation to offset the impacts created by site traffic where possible.
- c. An environmental and/or economic impact statement prepared by a qualified consultant. Such a statement may require documentation on drainage, erosion, forest productivity, ground and surface water quality, environmental issues, traffic, sewage disposal, water system, public services, public safety, recreation and other factors that could impact the short and long term well being of the public in the Town of Belmont. The statement shall include the estimated costs of off site improvements necessitated, in part or entirely, by the proposed development. That part of the cost determined by the Board to be a direct result of the proposal shall be paid by the applicant. The statement shall demonstrate to the Board that the proposal is not scattered and premature.
- d. The Board reserves the right, per RSA 155-E:3,VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. Any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

**SECTION 7: MINOR PROJECTS**

- A.** The requirements for filing for approval of a minor project shall be as stated in these Regulations except as provided below. Unless otherwise determined by the Board, minor projects shall be those projects where:
1. the cumulative square footage of surface area to be disturbed shall not exceed two acres (87,120sf); and
  2. the maximum depth of excavation shall not exceed 20 feet; and
  3. the maximum amount of material excavated annually shall not exceed 10,000 cubic yards; and
  4. the excavation shall not occur closer than 100' to any property line.
- B.** Applicants for a minor project shall be exempt from the following requirements of these Regulations, except in cases where the Board shall determine otherwise during the course of their review of the application:
1. Section 6.E.1. - Plan based upon a survey to the standards listed in the subdivision regulations.
  2. Section 6.E.4. - Soils Map and Report with the exception of the identification and location of any public waters, ponds, rivers, brooks, streams or wetlands within and/or within 50 feet of the excavation area.
  3. Section 6.E.5. - Topographic Plan beyond the excavation area.
  4. Section 6.E.6. – Aquifer Plan and Report for those projects which evidence no adverse impact to groundwater quality, i.e. increased minimum separation to Seasonal High Water Table, no fueling within the excavation area.
  5. Section 10.H. – Relating to submission of an As-Built plan.

A property reviewed under this paragraph shall not be eligible for a subsequent review under this paragraph for a minimum period of five years from the date that a certificate of compliance for the previous excavation site final reclamation was issued.

**SECTION 8: FINAL PLAN**

Upon approval, and in addition to any information, documents or fees required as a condition of said approval or under the previous sections, the following shall be submitted:

- A.** One mylar and six paper copies of the entire final plan. Upon signing, the Board shall forward a copy of the signed plan to:
  - 1.** The Belmont Tax Assessor.
  - 2.** The Belmont Tax Map Update (if necessary).
  - 3.** The applicant.
  - 4.** The site inspector.
  - 5.** Three file copies.

**B.** One reduced copy of the entire final plan; sheet size not to exceed 11" x 17".

**C.** Recording of Notice of Decision:

Upon compliance with all conditions precedent, the Board shall sign both the final plan and a Notice of Decision. The Notice shall include any conditions subsequent and shall be recorded at the Belknap County Registry of Deeds.

**D.** Check made payable to the Belknap County Registry of Deeds for recording of the Notice of Decision, which the Board shall record with the Registry upon compliance with all conditions precedent.

**E.** If prior to this approval there was not a boundary survey of this property on record at the Registry of Deeds, and if a boundary survey was prepared as part of this application:

The applicant shall cause the Boundary Survey to be recorded in the Belknap County Registry of Deeds and one copy provided to the Board in accordance with RSA 676:18(IV).

**F.** Submission of signed inspection schedule.

**G.** Evidence of all required other agency permits.

## **SECTION 9: APPROVAL, DISAPPROVAL, ABANDONMENT, REVOCATION**

### **A. Conditional Final Approval**

The Board may grant approval of a Plan, with conditions, after acceptance of a Completed Application. When the conditions precedent imposed by the Board constitute minor plan changes, administrative in nature, and involve no discretionary judgment of the Board, or concern the submission of permits and approvals granted by other boards or agencies, such approval shall become final without further public hearing or notice upon satisfactory compliance with the conditions imposed as certified by the Board or its Agent.

Approvals based on all other conditions require that the Board hold a Compliance Hearing prior to ascertaining whether the conditions of approval have been complied with. Notice for said hearing shall be in compliance with these regulations and at the expense of the applicant.

- 1. Term of Conditional Approval.** Submission of the final plan, completion of all conditions precedent, issuance of the permit, and active and substantial development of the improvements/excavation must be made within 12 months of the granting of conditional approval, or said approval shall be considered abandoned.
- 2. Extension of Conditional Approval.** If submission of the final plan, completion of all conditions precedent, issuance of the permit, and active and substantial development of the improvements/excavation do not occur within 12 months, and the approval is subject to being considered abandoned, at his/her option, the applicant may bring forward the plan as a new application, or for good cause shown may apply to the Board for an approval extension. The applicant shall file such request for an approval extension prior to the end of the 12 month period. Formal notification for the extension hearing shall be given in accordance with these regulations at the applicant's expense.

The Board shall hold a public hearing and shall review the plan for compliance with current regulations. If good cause to grant the extension is shown, all regulations are met by the existing plan, and circumstances involving the subject lot and surrounding area have not significantly changed, the Board may, at its discretion, extend the approval for an additional 12 months. A denial of the extension request would result in the need to submit a new application.

- 3. Term of Recorded Approval.** Once submission of the final plan, completion of all conditions precedent and issuance of the permit have occurred, a Notice of Decision will be recorded in the Belknap County Registry of Deeds. Such recording shall exempt the approved excavation from all subsequent changes in Earth Excavation Regulations and zoning ordinances adopted by the Town except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements during the effective term

of their excavation permit or for a period of 4 years after the date of approval, whichever is less; provided that:

- a. Active and substantial development or excavation of the project has begun on the site by the owner or the owner's successor in interest in accordance with the approved plan within 12 months after the date of approval, or in accordance with the terms of the approval, and, if security to cover the costs of reclamation, roads, and other required items is required in connection with such approval, such security is posted with the Town at the time of commencement of such development and excavation;
- b. The project remains in full compliance with the public health regulations and ordinances; and
- c. At the time of approval and recording, the project conforms to the excavation regulations and zoning ordinances then in effect at the location of such excavation plan.

The planning board may, as part of these regulations or as a condition of excavation plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

- d. Active and substantial development or excavation, for the purposes of fulfilling paragraph (a) above.

Failure of a planning board to specify by regulation or as a condition of excavation plan approval what shall constitute active and substantial development or excavation shall entitle the excavation plan approved by the planning board to the exemption described in paragraph 3, Term of Recorded Approval, above. The planning board may, for good cause, extend the 12-month period set forth in paragraph (a) above.

## **B. Final Approval**

1. **Certification.** Upon compliance with all conditions precedent or submission of appropriate security as applicable approval shall be certified by written endorsement on the plan and signed by the Chairman of the Board.
2. **Acceptance of Improvements.** Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park, public open space or other facility or utility. Applicants wishing to have completed improvements accepted by the Town of Belmont or the Belmont Sewer Commission are to make application to and follow the procedures outlined by those entities.

## **C. Disapproval**

Reasons for disapproval shall be stated in the official records of the Board. Disapproval may be based on:

1. failure of the final plan and application to reflect all modifications and changes previously required by the Board within reasonable time frames set by the Board;
2. failure of the applicant to pay costs incurred by the Town in review of the application exceeding the amount received with the application;
3. failure of an independent professional review of engineering work and data to concur with presentations made by the applicant;
4. a failure of the proposal to conform to these regulations.
5. failure to obtain all required other agency permits.
6. any other basis for denial that is reasonable and lawful.

**D. Abandonment**

1. **Incomplete Application.** An application submitted to the Board which is found to be incomplete shall be deemed to have been abandoned by the applicant if a Completed Application is not submitted within twelve (12) months of the date at which the Board acted to find the application incomplete.
2. **Completed Application.** An application submitted to the Board which is found to be a Completed Application layout, and for which appropriate extensions of time have been granted to the Board in which to take final action, shall be deemed to have been abandoned by the applicant if a final plan has not been submitted within twelve (12) months of the date at which the Board acted to find the application complete.

An abandoned application cannot be revived nor is it transferable except as a complete new submission to the Board unless an extension is granted. An extension may be granted if requested in writing by the applicant prior to the end of the twelve month period.

**E. Revocation of Approval**

1. **Revocation Basis.** An excavation approval which has been filed with the appropriate recording official may be revoked by the Board under any of the circumstances as set forth below:
  - a. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
  - b. When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
  - c. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in Section 9.A.3.



## SECTION 10: POST APPROVAL PROCEDURES

### A. Signing of the Plan

The applicant shall first submit the required final plans and other required documents to the Board. The applicant shall bear final responsibility for the installation, construction, and disposition of all required improvements.

Conditions precedent must be complied with and/or secured prior to the Board indicating their final approval by their signature on the plan and recording of the Notice of Decision. Conditions subsequent are to appear on the plan. Unless a compliance hearing is required, the Chairman is authorized to sign the plan once conditions precedent have been complied with.

Prior to the granting of any permit and prior to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall also post security in an amount sufficient to defray the costs for items which may include, but are not limited to:

1. In the instance where off-site improvements are required;
2. In the instance where the Board determines that environmental concerns may arise during construction, and/or in the case of site abandonment, the costs of environmental protection, stabilization and closure;
3. Site Reclamation;
4. To secure future damage to off-site infrastructure caused wholly or in part by activities related to the excavation activities;
5. Site inspections.

The purpose of this security will be to guarantee those items required by the Board in the event the applicant fails to do so for any reason, including but not limited to insolvency, and/or bankruptcy.

Once all required plans and documents are submitted to the Board, and security, if required, is posted, the Board shall sign the final plan. The Notice of Decision shall also be recorded at this time. The applicant shall then begin active and substantial development and excavation of the project.

If applicable to the project, building permits will be available for issuance; **however, excavation may not commence, facilities and structures may not be utilized or occupied and certificates of occupancy or use will not be issued until the improvements are complete and accepted by the Board.**

Where security is furnished, the applicant must construct and install the improvements within the timeframes approved by the Board. The applicant may apply for revocation of the approval providing for release of the security for the improvements. If the improvements have not been completed within the approved timeframe and no time

extension has been approved by the Planning Board, then the security may be taken by the Planning Board and used to complete the improvements in such manner as the Board shall determine is just and equitable or the approval may be revoked.

The surety may be phased to coincide with the phasing of the excavation, to be released as sections are completed. Prior to a new section being opened, all applicable security shall be in place.

Nothing herein shall obligate the Town to build or complete improvements when in the opinion of the Planning Board after consultation with the Selectmen and a public hearing the Board determines that such improvements are not in the public interest.

## **B. Permits**

1. Excavation 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.
2. *Permits shall be valid for the term of the excavation but are subject to amendment and revocation. Compliance inspections and compliance hearings shall be scheduled by the Board.*

## **C. Security**

*Refer to the Town of Belmont Project Security/Construction Process.* Once posted and accepted, the surety shall remain posted for a period, as determined by the Board, exceeding the actual completion date to allow for confirmation of the viability of the improvements including reclamation, inspection and approval procedures. The surety shall be partially released as the improvements are completed in accordance with schedules and inspections as established by the Board to the extent reasonably calculated to reflect the estimated cost of the remaining improvements.

*To establish the amount of the surety, the applicant must file with the Board a detailed estimate of the costs of the improvements together with maps, plans and supporting data. The Board may require a review of such estimate. The cost of such a review shall be borne by the applicant.*

Once established, the amount of the security may be required to be increased if construction costs including reclamation increase during the duration of the permit. Surety shall be reviewed during any *compliance review*.

If an irrevocable letter of credit or bond is to be the form of security, the language to be included in said document must be obtained from the Planning Board and shall include a self-call clause. Documents with language differing from the suggested form or alternative forms of security must be approved by the Planning Board and may require

consultation with their Counsel at the Planning Board's discretion. Any cost for such consultation shall be borne by the applicant.

No surety shall be released by the Town or allowed to expire by the applicant until the required improvements including reclamation have been completed *and* approved by the Board and any other appropriate agency such as the Board of Selectmen; and a Certificate of Compliance has been issued by the Board. When required, such improvements shall be inspected by a NH Registered Professional Engineer selected by the Board at the applicant's expense. Prior to release of the surety, as-built drawings must also be submitted to and approved by the Board.

Should for any reason the applicant allow required security to lapse, either through his own action or fault, or through action of a court because of bankruptcy, the Board shall move to revoke the approval, shall request that a cease and desist order be issued for all excavation, and notify the Selectmen to cancel all building permits that have been issued, but upon which work has not started; and notify the Selectmen and Building Inspector that no new building permits may be issued until further notice.

**D. Amendments and Expiration**

Permit holders wishing to alter any characteristic of their original approval, including but not limited to the size or location of the excavation, rate of removal or the plan for reclamation shall apply for an amendment, following the same procedures as those required for an original excavation permit.

Excavation Permits cease to be valid upon expiration. A new permit must be in place prior to continuing excavation activities beyond the expiration date. Permit holders wishing to continue to excavate beyond a permit expiration date should make timely application for the new permit to avoid being unpermitted. The process for all permit applications and amendments is the same.

**E. Adherence of Excavation to Approved Plans**

After the Board's approval of a plan, it will be the applicant's responsibility to see that the excavation does not deviate from the approved plan.

The Planning Board shall have the power to modify or amend its approval of an excavation plan on application of the owner, lessee, excavator or mortgagee of the premises, or upon its own motion.

Any changes to excavation, reclamation, utilities, roads, structures, or other improvements or activities as approved shall be presented to the Board's Agent who shall determine if the change is minor or major and shall report such changes to the Board.

- 1. Minor Changes.** Minor changes, by way of illustration, may include, but are not limited to, small changes to the location of excavation, reclamation, elevation,

roads, utilities, and buildings due to subsurface conditions encountered during *excavation* or improvement in design such as lower final grades. Minor changes may be approved by the Board's Agent and do not require formal notification under these regulations.

2. **Major Changes.** Major changes, by way of illustration, may include, but are not limited to, large changes in the location of excavation, reclamation, elevation, roads, utilities and buildings, and increasing final grades. Major changes shall require the resubmission of the final excavation and/or reclamation plans and approval to the Board before excavation and reclamation can proceed on the basis of the major changes. The Board shall determine if the proposed major changes requires formal notification and a new public hearing before the applicant may proceed.

Failure of the applicant to obtain the required review of changes shall cause the issuance of a written notice of violation detailing the reasons therefore, and such other enforcement measures deemed appropriate and necessary to ensure compliance with these regulations including, but not limited to, revocation of the approval by the Board.

#### **F. Excavation and Reclamation Inspections**

The Board or its Agent may conduct site inspections for compliance to the Board's approval. Inspections shall be based upon the Quality Assurance Program *approved* by the *Board*, the Inspection Schedule as determined by the Board, and as *additionally* found necessary based on conditions found during and resulting from the excavation and reclamation.

The applicant, by submission of an application for approval, is deemed to have consented to inspections by the Board or its designee, to the extent reasonable and necessary, to properly monitor compliance with approval conditions. Failure to consent to such inspections shall result in the issuance of a cease and desist order for the entire project or approved project, or securing an administrative inspection warrant from the district or superior court.

The Planning Board may require inspection services for all excavation and reclamation plans at the Planning Board's discretion. The cost of the inspection services shall be borne by the applicant. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside consultant of the Planning Board's choice. Inspectors shall complete inspection reports which shall become part of the official file.

If the Planning Board determines the need for outside inspection services and requires such as a condition of final plan approval, then prior to the start of any excavation or reclamation, the applicant shall fund an account with the Board for the inspection services. The initial amount of the account shall be based upon the estimate of the individual appointed by the Board to undertake the services. However, the applicant shall maintain a positive balance in the account at all times during *the project* to cover the

expenses for inspection services or be subject to a cease and desist order or such other enforcement measures deemed appropriate. Any remaining balance in the account after issuance of a Final Certificate of Performance pursuant to these regulations shall be refunded to the applicant.

Prior to the beginning of improvement construction or excavation the applicant shall provide to the Board the identity of their site manager. That individual's name, mailing address, physical address and 24-hour telephone number shall be provided to the Town. Any updates of this information shall be provided immediately to the Town.

For required inspections the applicant's site manager shall give at least 24 hours (1 business day) notice to the Board or its Agent in order to coordinate schedules. The Board or its Agent may make such additional inspections as deemed necessary.

The Board retains the right to require an independent review at the applicant's expense at any time a problem occurs or becomes evident in the design or implementation of the approved plan.

**G. Annual and Other Excavation Reports**

In addition to required inspections, the Permit holder is also required to submit an Annual Excavation Report to the Board to verify through progress reports or tests that excavation and reclamation are proceeding according to the approved plan and that all protective measures are in place during such activities. All plans and testing requested by the Board or its agent as part of these reports will be done by a laboratory or company approved by the Board and shall be paid for by the applicant.

*Reports are due annually on September 1<sup>st</sup> by submission of a completed Earth Excavation - Annual Report form. The most current form shall be used and additional applicable information shall be provided as necessary.*

**H. As-Built Drawings**

Following completion of all excavation and reclamation, the applicant shall submit two copies of the As-Built Plan(s) to the Board. This plan shall be a clean, legible and reproducible copy of the approved plans, dated and certified by the engineer and/or surveyor, showing in red ink any changes or variances from the original design.

**I. Certificate of Performance of Improvements**

Upon completion of all excavation and reclamation activities associated with the approved plans, the Permit Holder shall make application to the Board in writing for a Temporary Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies including, but not limited to, the Inspector, the Public Works Director, the applicant's engineer and NH DOT. The Board shall issue the Temporary Certificate of Performance and release the

original security filed with the Board if the Board determines that the following have been met:

1. All of the improvements including reclamation are without known material defects which need correction as determined by the Board; and
2. The applicant has submitted security for a period of one year which is acceptable to the Board to cover corrections of defects, omissions, errors or failure of installation of the improvements including reclamation to comply with the approved plans. The amount of security shall be determined by the Board and shall be sufficient to cover the costs of any defects, omissions, errors, as well as failures of installation of the improvements including reclamation and may include the estimated cost of inflation over the one-year period not to exceed 10% per year.

After the one-year waiting period has expired, the applicant shall make application to the Board for a Final Certificate of Performance. This application shall include inspection reports from all affected Town departments and/or applicable outside agencies indicating the acceptability of the completed improvements including reclamation after completion of the one year waiting period. If all the improvements are without material defects which need correction as determined by the Board, then the Board shall issue a Final Certificate of Performance and release the remaining security.

**SECTION 11. COMPLIANCE HEARINGS**

*Compliance hearings are required for all excavation sites whether permitted or exempt from a permit. The Board shall schedule compliance hearings for all excavation sites as follows:*

- 1. Routine compliance hearings shall be scheduled by the Board during the initial permitting process and/or during the prior compliance hearing process. Such scheduling may run concurrent with the NH DES Alteration of Terrain or other permit schedule or otherwise as directed by the Board.*
- 2. Additional compliance hearings shall be scheduled by the Board as necessary.*
- 3. Fees and costs related to compliance hearings shall be borne by the excavator.*

*The public hearing process shall be as described in these regulations; however in the case of a compliance hearing the following shall be required from the applicant:*

- 1. Completed Compliance Hearing Application*
- 2. Copy of scheduled or most recent Earth Excavation Annual Report to Planning Board.*
- 3. Compliance Hearing Application Fee.*
- 4. Updated Noticing List and Mailing Documents.*
- 5. Noticing Fee.*

*In reviewing a compliance hearing application, the Board shall evaluate:*

- 1. Need for any additional information.*
- 2. Conformance to prior conditions of approval.*
- 3. Operational impacts of the project conform to the description and commitment offered during the prior review process.*
- 4. Security.*

*For sites found to be in compliance with all conditions the Board shall set the schedule for the next required Compliance Review.*

*For sites found to be non-compliant, the Board shall issue in writing a notice of such non-compliance. The excavator shall submit a schedule of action to the Board for approval within 30 days of said notice to cure the non-compliance. When such a plan is not submitted and/or when the approved schedule is not followed, the Board may take any and all enforcement action permitted by these and other applicable Regulations, Ordinances and Laws including, but not limited to Excavation Permit revocation. Such revoked permits shall not be reinstated. A proposal to continue excavation activities requires a new application for a new permit under then-existing Ordinances and Regulations.*

## SECTION 12. DESIGN STANDARDS

Applications reviewed under these regulations shall conform to the following Standards for Design unless waived by the Planning Board:

### A. General Guidelines

- 1. Best Use of Land.** The Board, in considering any proposal, will be concerned with the requirements of the community and the best use of the land.

The Board will give particular attention to the following items within the project as well as how they may affect existing and potential adjoining land use: protection of water quality and quantity, stormwater management, traffic, wildlife habitat, buffers & links; screening; noise, dust, vibrations and other off-site impacts, the reasonability for quality development of the resulting site.

Activities which are determined by the Board to be scattered or premature as would involve danger or injury to health, safety, or general welfare by reason of lack of drainage, transportation, or public services, or necessitate an excessive expenditure of public funds for the supply of such services shall not be approved by the Board.

- 2. Design of Reclaimed Site.** The design should fit the existing natural and manmade environments with the least stress and reasonably accommodate uses permitted in the zone.

- 3. Easements and Reserve Strips**

The boundaries of proposed drainage facilities, slopes, etc. shall be contained entirely on the property or permanent easements shall be provided.

- 4. Character of Land for Development**

Reclaimed lots shall be designed to provide a reasonable developable area including:

- a.** for sewerred lots - a 10,000 sq ft contiguous non-wetland area, without slopes greater than 15%, with at least 3 feet of natural soil above bedrock, and with a configuration to allow reasonable *conforming* development to accommodate all structure, yard, access, parking, common areas, display, utilities, setbacks and other primary and accessory uses/structures; the Board may require additional area based upon configuration and needs of any intended development.
- b.** for non-sewerred lots - compliance with NH RSA 485-A and NH Code of Administrative Rules, Part Env-WS 1000, as amended; minimum contiguous area required by Env-WS 1000 shall be suitable for a receiving layer and shall be configured to allow reasonable *conforming* development and to accommodate all structure, yard, access, parking, common areas, display, utilities, setbacks and other primary and accessory uses/structures.

## **B. Outdoor Lighting**

Any proposed exterior lighting shall be designed to result in benefits such as increased safety, energy efficiency, enhancement of the Town's evening character and improved security. Unacceptable lighting impacts include excessive glare, light trespass and higher energy use. The goal of the lighting design is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed, outdoor lighting will maintain and complement the Town's character and contribute to the safety and welfare of workers, customers and residents. The proposed design shall reduce the problems created by improperly designed and installed outdoor lighting by limiting the area that certain outdoor lighting luminaries can illuminate and by limiting the total allowable illumination of lots located in the Town of Belmont. Lighting design shall comply with the Outdoor Lighting standards found in the Belmont Site Plan Review Regulations.

## **C. Traffic Management**

1. All traffic control and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations shall be installed.
2. The anticipated impacts of the proposed excavation activity should be evaluated using standard performance indicators which will include, but not be limited to: level-of-service, delay, and volume to capacity ratio, as defined in the Highway Capacity Manual. The adequacy of existing and proposed roadways and intersections should be based on, but not limited to: left turn lane guidelines, right turn lane guidelines, traffic signal warrants, and stopping sight distances. The design of all proposed improvements shall take into consideration:
  - a. the manual on Uniform Traffic Control Devices (Federal Highway Administration),
  - b. A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials),
  - c. New Hampshire Department of Transportation rules and procedures, and
  - d. standard access management techniques.
3. Regardless of project size or traffic generation, measured sight distances at access/egress locations with public ways for all excavation sites shall, at a minimum, meet NH Department of Transportation (NHDOT) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance.
4. Necessary transportation improvements shall be in place prior to project commencement.
5. Internal site circulation shall be configured to minimize curb cuts onto public highways. On and off-site traffic design shall minimize adverse impacts on residential neighborhoods, wildlife links or buffers.

**D. Screens, Links and Buffers.** Appropriate screens, links and buffers shall be maintained or installed to provide a year-round method of wildlife travel links and to absorb, neutralize, and/or conceal visual, noise, dust or other impacts.

1. Buffer areas shall be adequately screened and shall not be used for any other use or activity which conflicts with the purpose of the buffer area.
2. Screening shall occur within a designated buffer or link and have a minimum height of 6 feet. When vegetation is used it shall be densely planted (or have equivalent natural growth) with shrubs or trees at least 4 feet in height at the time of planting and be of a species that can attain the minimum height of 6 feet within three growing seasons. Opaque fencing and walls shall be of a uniform appearance with a minimum height of 6 feet.
3. Links shall be of adequate width, vegetated, screened and appropriated located to provide a suitable year-round method of wildlife travel based on the species being accommodated.

In evaluating screening proposals, the Board shall take into consideration the following:

- a. Screening shall be designed to mitigate the envisioned negative impact with visual, noise, energy conservation and air quality factors considered;
- b. The primary focus on screening shall be the use of vegetative materials;
- c. Existing natural features and vegetation shall be preserved and incorporated into screening wherever possible;
- d. In the instance where new vegetative screening is required trees species shall be as recommended in Selecting Trees for Urban Landscape Ecosystems: Hardy Species for Northern New England Communities by NH DRED Division of Forests and Lands, 1994, as amended;
- e. Outdoor areas used for storage, truck or equipment parking, and/or other such activities must be screened from view of abutting properties and streets;
- f. Screening must be maintained so that the effectiveness is not diminished;

**E. Waste Storage and Collection**

All sites shall provide such solid waste facilities for disposal as are necessary to serve the site. In addition approved storage facilities shall be provided for any waste fluid or other materials that are generated on the site. Approved disposal methods shall be used for all waste materials. Waste generated by a non-residential use may not be disposed of through the municipal residential collection service.

All such facilities shall be screened from sight from abutting properties and streets by means of a fenced or landscaped (hedges) enclosure, and the type of facility shall be labeled on the plan. Dumpsters shall be located on a solid cleanable surface such as concrete, shall be kept closed and be of sufficient size to contain all materials. In all

cases, facilities shall be selected and operated to prevent contamination and minimize windblown litter problems.

**F. Fuel and Fluid Storage Tanks**

Underground tanks shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.

Interior or exterior aboveground tanks shall comply with building, fire & life safety codes, shall be adequately screened and shall have traffic protection and spill and leak containment devices installed.

**G. Structures**

All construction shall conform with the standards and provisions of the current version of IBC and NFPA Life Safety Codes, as applicable.

**H. Signage**

Permits are required for all signage and signage shall be in conformance with the Zoning Ordinance. Signs for inactive, closed or abandoned uses shall be removed within 30 days.

**I. Special Features**

*Hours and Days of Operation shall be as approved by the Board. The Board may approve hours for both usual and “unusual” activities. The Board shall make this determination based on their evaluation of:*

- a. comments from abutting property owners;*
- b. the proximity of developed properties;*
- c. whether those properties are residential or non residential;*
- d. whether abutting residential properties are conforming or nonconforming as to use;*
- e. the effectiveness of noise and/or light buffering between the excavation site and developed properties;*
- f. the level of noise and light to be generated during traditionally quiet times (nights, weekends and Holidays);*
- g. whether the operator has taken all reasonable steps to mitigate off-site impacts (noise & light reduction equipment such as directional, proximity sensor and strobe light alarms, distance, buffering, etc.)*
- h. uses that may be permitted under “unusual circumstances”, i.e. night time public highway paving projects.*

**J. Pollution Control**

The applicant will employ the best standards and technology available at the time to avoid undesirable and preventable elements of pollution such as noise, smoke, dust, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties.

Approved facilities shall be provided for the storage of all waste fluids and materials and approved arrangements shall be made for the disposal of same.

**K. Public Safety**

Excavation activity shall be designed to provide at all times for the safety of individuals on site. Measures such as appropriate sloping, barricades, signage and limiting access to active areas shall be utilized as necessary. E911 number shall be prominently displayed at each access. Any access which is secured shall be equipped with a Knox box or padlock.

**L. Stormwater Management and Erosion Control**

The design and construction of stormwater management and erosion control facilities shall be as required by the Belmont Subdivision Regulations. The handling and placement of treated soils shall be in conformance with the requirements of the Belmont Subdivision Regulations.

**M. Seasonal High Water Table (SHWT)**

The excavation shall not encroach into the minimum separation between the lowest excavation and SHWT required by local Ordinances and Regulations. In accordance with RSA 155-E:11, II, the Board may waive all or a portion of the required minimum separation when it is successfully demonstrated that the proposed excavation will not adversely affect water quality. Prior to proceeding on the basis of any such waiver, a notice of waiver, signed by the Board, shall be recorded in the Belknap County Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

**N. Road and Street Design and Construction Standards**

The design and construction of roads, streets, access drives, and parking areas shall be as required by the Belmont Subdivision Regulations.

**O. Off-Site Improvements**

The Board may require applicants to make off-site improvements to community facilities, or to make payments for the reasonable costs associated with the impacts of the proposed excavation. Such improvements may include, but are not limited to, the widening of streets and improvement of intersections providing access to the site; traffic signalization devices; and drainage improvements necessitated by the excavation activity. The applicant's share of such costs shall be allocated in a manner consistent with applicable law.

**P. Utilities**

Utilities including power, water, sewer and sewage disposal, temporary or otherwise, may be required by the Board based on frequency of use and duration of project. On-site facilities are required for operators and employees.

**Q. Aquifer**

**Design** - For proposals where all or a portion of the area to be excavated is over an aquifer, the following additional minimum design standards shall be employed.

1. Best Management Practices shall be implemented in the design, maintenance and operation of such uses and sites.
2. Road design standards within the Aquifer Protection District shall insure that maximum local groundwater recharge occurs and that the minimum amount of road salt and de-icing agents is utilized.
3. Operational methods shall be utilized to insure that the use will not cause a significant reduction in either the short or long-term volume of water contained in the aquifer or in the storage capacity of the aquifer and will not result in violation of the NH DES Ambient Groundwater Quality Standards as specified in Env-Ws (1500);
4. All solid or liquid substances having potentially harmful impact on groundwater quality, shall be stored, used and disposed of in conformance with the Belmont Aquifer Ordinance and Best Management Practices.
5. In the instance where on-site fueling of equipment is permitted, the use shall, at a minimum, conform to the minimum standards identified in NH DES Groundwater Protection Fact Sheet entitled Best Management Practices for Fueling and Maintenance of Excavation and Earthmoving Equipment, as amended and the Belmont Aquifer Ordinance.

**Construction** - For proposals where all or a portion of the area to be developed or impacted is over an aquifer, the following additional minimum construction standards shall be employed.

1. Best Management Practices shall be implemented in the disturbance, construction, and development, of all uses and sites.
2. Construction methods shall be utilized to insure that the use will 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.

## SECTION 13: OPERATIONAL STANDARDS

### A. Express Standards

For all excavations the following Express standards apply.

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 or within 150 feet of any existing dwelling or to a site for which a building permit has been issued at the time the excavation permit is granted.  
*For the purpose of this section, abutters are presumed to be disapproving unless approval is registered with the Board during the public hearing process for the excavation permit. Once the permit public hearing closes, no change shall be made to the status of dis/approving abutters.*
3. 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 which normally flows throughout 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.
4. Vegetation shall be maintained or provided within the peripheral areas of Items 1 and 2 of this section.
5. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods. Excavation practices which result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.
6. 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.
7. 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.
8. Prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the regulator, sufficient to secure the reclamation of the land area to be excavated.

9. All applicable State laws shall be complied with.

*For excavations requiring a permit, the above 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. Such standards may include, but are not limited to:*

**B. Additional Standards**

1. At the end of each day of operation, any debris, dust or other materials that have been tracked onto the public highway from the site shall be cleaned so as to prevent the spread of such substances.
2. Vegetation shall be maintained or provided within the peripheral areas of Item A.3. above.

## **SECTION 14: RECLAMATION STANDARDS**

### **A. Express Standards**

For all excavations the following reclamation standards apply.

Within 12 months following the expiration date of 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:

1. 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 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. All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of. On-site stump dumps shall be recorded on the property record in the Belknap County Registry of Deeds at the time the stump dump is established .
3. 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.
4. Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.
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 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.

### **Incremental Reclamation**

Except for excavation sites related to operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which 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 the Express Reclamation Standards of these regulations within 12 months following such depletion or non-use, 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 Board for approval.

For excavations requiring a permit, the above 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. Such standards may include, but are not limited to:

**B. Additional Standards**

1. All reclamation plans are subject to review and approval by the Board.
2. Reclaimed areas shall continue to be monitored post-closure to cure any erosion, sedimentation or stabilization problem.

**SECTION 15: Definitions**

**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. In the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1,II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.
5. 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.

*Approving Abutter means an abutter who registers his or her approval to the Board during the public hearing process for the excavation permit. Absent such notice of approval, all abutters shall be considered disapproving abutter for the purposes of determining excavation setbacks.*

**Accessory** means subordinate to, commonly associated with, and or incidental to the primary use of excavation.

**Agricultural or Silvicultural Activities** means land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry, which includes processing of agricultural products and marketing of agricultural products as defined in RSA 21:34-a, as amended.

- Pasturage - Raising of grass.
- Apiculture - Raising of bees.
- Horticulture - Cultivating of fruit, vegetables.
- Floriculture - Cultivating of flowering plants.
- Silviculture - Care and cultivation of trees, forestry.
- Enology & Viticulture - Growing of grapes and making wine.

**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.

**Approval** means recognition by the Planning Board, certified by written endorsement on the Plan, that the final plan submission meets the requirements of these regulations and in the judgment of the Board satisfies all conditions of approval.

**Board** means the Planning Board of Belmont.

**Board's Agent** means the Board or its designated agent.

**Buffer** means the area designed to separate uses. May contain screening, open space or other methods to enhance separation value. Consists of a minimum depth of 10 feet.

**Certification** means a signed, written approval by the Board that a plan complies with the applicable requirements of the regulations.

**Certified Soil Scientist** means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Certified Wetland Scientist** means a person qualified in wetland classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**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 which has a productive use at some other location, except for agricultural activities as defined by RSA 21:34-a. is considered to be a commercial operation.

**Completed Application** means an application which contains sufficient information to enable the Board to take jurisdiction and to make an informed decision to grant approval. A completed application contains all of the Submission and Information Requirements identified in these regulations.

**Conditional Approval** means the Board's approval of a plan that is conditioned on some further action of the applicant. Such approval shall not become valid until all conditions are complied with.

**Contiguous** means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town, except in the case of stationary manufacturing plants, whose perimeter is not defined by town boundaries.

**Corps of Engineers Wetlands Delineation Manual** means the US Department of the Army, 1987 edition.

**County Conservation District** means the Belknap County Conservation District ("BCCD").

**Critical Areas** means disturbed areas of any size within 50 feet of a stream, bog, waterbody, or poorly or very poorly drained soils; disturbed areas exceeding 2,000 square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent.

**Development** means any construction, land construction, or grading activities on real estate for other than agricultural and silvacultural (tree care and harvesting) practices.

**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 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.

**Disturbed Area** means an area where the natural vegetation has been removed exposing the underlying soil.

**Driveway** means an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two (2) lots.

**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.

**Easement** means an acquired privilege or right of use which one party may have in the land of another.

**Engineer** means a person duly registered as such under the laws of the State of New Hampshire.

**Erosion** means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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

**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. This is also known as the pit area.

**Excavation Site** means any area of contiguous land in common ownership upon which excavation takes place.

**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.

**Expansion** of existing excavations means excavation beyond the limits of the Town and the area which on 8/24/79 had been contiguous to and in common ownership with the excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the excavation site.

**Field Book for Describing and Sampling Soils: Version 1.1** means the National Soil Survey Center, NRCS, 1998 as amended.

**Field Indicators for Identifying Hydric Soils in New England** means New England Interstate Water Pollution Control Commission, 1998 edition.

**Floodplain Soils** means soils classified by the National Cooperative Soil Survey being formed in floodwater or alluvial deposits. These soils are subject to flooding at least once in every 5 to 10 years.

**Grading** means any excavating, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

**Incidental Excavation** means excavation that is subordinate or accessory to a primary use located on the same lot and conducted immediately prior to initiating the primary use. Incidental uses shall meet all of the following criteria:

1. will be completed within 90 days;
2. will involve the removal from the site of less than 2,000cy;
3. for which all required permits, including those for the proposed primary use have been obtained prior to commencing the incidental excavation

Excavation that results in a high level of intensity or potential for safety concerns shall not be considered incidental.

**Inspection** means the periodic review of the improvements shown on the approved plan.

**Links** mean broad, permeable habitat travel ways consisting of diverse vegetation (existing and new plantings) allowing trail systems and wildlife easy uninterrupted movement through the proposed site. It shall not be used for any other use that interrupts the proposed use.

**Lot** means a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage as required by the Zoning Ordinance. However, multiple primary buildings and/or uses, as well as mixed uses, including commercial, industrial and multi-family complexes shall be allowed on a lot when approved under the Site Plan Review Regulations and the Zoning Ordinance.

**Lot Line** means the line identifying a lot boundary.

**Lot Size** means the total land area within the boundaries of a lot, exclusive of any land area designated for street purposes.

**Minor Topographical Adjustment** means a change in topography determined by the Board to be minor in both grade and elevation.

**NH DES** means the New Hampshire Department of Environmental Services.

**NH DOT Construction Specifications** means as required by Standard Specifications for Road and Bridge Construction, State of New Hampshire Department of Transportation, latest Edition.

***NH Stormwater Manual** means the New Hampshire Stormwater Manual, including all volumes and Appendices as published by the New Hampshire Department of Environmental Services, December 2008, as amended.*

**Normal Landscaping** means the use of trees, shrubs or grass (soft landscaping), fences, walls or paving (hard landscaping) and/or minor grade for the purpose of achieving development that is made to fit visually into its surroundings by use of space and control of siting and layout. Normal landscaping shall result in all disturbed areas being left in a constructed or reclaimed state.

**NRCS** means the Natural Resource Conservation Service.

***NRCS Official Series Description Sheets and/or published map unit descriptions** describe general and detailed information about each recognized soil in the United States, Territories, Commonwealths, and Island Nations served by USDA-NRCS, including location, author's initials, introductory paragraph, taxonomic classification, detailed soil profile description, location of the typical soil profile, range in characteristics, competing series, geographic setting, geographically associated soils, drainage and permeability, use and vegetation, distribution and extent, series established, remarks, and additional data.*

**Plan** means the final plan, with all required data, maps and narrative materials on which the applicant's plan is presented to the Board for approval and includes the Site Survey Plan which, if signed by the Board, will be recorded in the Belknap County Registry of Deeds.

**Poorly Drained Soils** means soils in which water moves so slowly that the water table remains at or near the ground surface for a large part of the year (6 to 9 months) as defined by the National Cooperative Soil Survey.

**Reclamation** means the restoring of an excavation site to a standard at least equal to those outlined in Section 12 of these regulations.

**Right-of-Way** means the full width of a strip of land deeded to the town for highway purposes, or dedicated to public use as a highway, or laid out or established as a street according to statute.

**Road** means street.

**SSSMS** means Site Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Publication No. 3, 1997, as amended.

**SSSNNE** means Soil Science Society of Northern New England.

**Screen(ing)** means the use of evergreen trees, evergreen shrubs, opaque fencing, walls, berms, or a combination thereof to provide a year-round method to absorb, neutralize, minimize, and/or conceal adverse visual, noise, dust or other impacts.

**Sediment** means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Setback** means side and rear setbacks are the distance from the extreme limit of a structure to a property line. Front setbacks are the distance from the extreme limit of a structure to the edge of the public road right-of-way, public road easement, or the property line, whichever is closest.

**Slope** means the average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey Soil Classification.

**Soil** means any unconsolidated mineral or organic material of any origin.

**Soil Erosion and Sediment Control Plan** means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

**Soil Scientist** means a person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Stationary Manufacturing and/or Processing Plants** means facilities which are permanently placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials, and are intimately intertwined with the real estate.

**Stormwater Runoff** means the water from precipitation that is not absorbed, evaporated, or otherwise stored within the contributing drainage area.

**Stream** means areas of flowing water occurring for sufficient time to develop and maintain defined channels but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey Maps.

**Street** means a public thoroughfare, highway, street, road or avenue, or private road, including the full width of its right-of-way, lawfully existing in the Town of Belmont.

**Surface Waters** means those portions of "waters of the state", as defined by RSA 482-A:4, which have standing or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, and ponds.

**Surveyor** as used herein shall mean a person duly licensed as such under the laws of the State of New Hampshire.

**Town** means The Town of Belmont.

**Traveled Roadway** means road constructed between the shoulder breaks.

**Very Poorly Drained Soils** means soils in which water is removed from the soil so slowly that the water table remains at or on the ground surface for the greater part of the year (9-10 months) as defined by the National Cooperative Soil Survey.

**Wetlands** means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.