

REGULATIONS GOVERNING EARTH EXCAVATIONS

TOWN OF SURRY, NEW HAMPSHIRE

SECTION I: AUTHORITY

Pursuant to the authority vested in the Surry Planning Board by the voters of the Town of Surry, and in accordance with Surry Zoning Ordinance, and Chapter 155-E of N.H. Revised Statutes Annotated, the Surry Planning Board adopts the following regulations which shall govern the excavation, removal, or movement of earth materials from land situated within the Town of Surry.

SECTION II: PURPOSE AND SCOPE

- A. For the purposes of minimizing the recognized safety hazards which open excavations create; to safeguard the public health and welfare; to preserve our natural assets of soil, water, forests, and wildlife; to maintain aesthetic features of our environment; to prevent land and water pollution; and to promote soil stabilization; no earth materials shall be removed, or moved, and no excavation shall be made except in conformance with these regulations.
- B. No owner of land shall, within the Town of Surry, excavate earth materials or allow the excavation of earth materials, unless exempt from the scope of these regulations, according to Section IV, without first obtaining a permit from the Surry Planning Board pursuant to these regulations.

SECTION III: DEFINITIONS

- A. "ABUTTER" shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an "abutting" property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3. XXIII.
- B. "APPLICANT" shall mean the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

- C. "APPLICATION" means a completed application for an excavation permit. An application shall not be considered complete until all of the application checklist items (Appendix A) have been completed and accepted to the satisfaction of the Regulator in addition to any other requirements of these regulations.
- D. "AQUIFER" shall be a water bearing stratum of permeable rock, sand, or gravel. These areas appear on statewide mapping prepared by the United States Geological Survey entitled: "Availability of Ground Water...."
- E. "COMMERCIAL" means any use of any earth materials for sale or resale on or off the excavation site. In addition, an excavation shall be considered commercial if earth materials are transported to other land whose ownership is different than the ownership of the land from which the earth was excavated. Excavations which use earth materials in the processing of other material such as, but not limited to, concrete, asphalt and other building materials shall be considered commercial.
- F. "CONTIGUOUS" shall mean land whose parameter can be circumscribed without interruption in common ownership, except for roads or other easements, in a single town.
- G. "DIMENSION STONE" shall mean 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.
- H. "EARTH" shall mean 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.
- I. "EXCAVATION" shall mean:
 - 1. The land area which is used, or has been used, for the commercial taking of earth materials, including all slopes: or
 - 2. The act of removing earth materials for commercial taking, sale, or use on other premises for the purpose of enhancing the value of the land to which excavated earth materials are transported.
- J. "EXCAVATION PERMIT" shall mean the permit to conduct earth removal activities, issued by the Surry Planning Board pursuant to and in conformance with N.H. RSA 155-E, Surry Zoning Ordinance and these regulations. Such permits shall expire one (1) year from the date of issuance unless otherwise specified and are subject to renewal as prescribed within.

- K. "EXCAVATION PIT AGREEMENT" shall mean an agreement between the excavation site owner and the contractor, describing the terms and procedure for material excavation.
- L. "EXCAVATION SITE" shall mean any area of contiguous land in common ownership upon which excavation takes place.
- M. "EXPANSION" shall mean either: the removal of topsoil from a new area; or excavation beyond the limits of the Town and/or the area which in 1979 had been contiguous to and in common ownership with the excavation and has been appraised and inventoried for tax purposes as part of the same tract.
- N. "FEES" shall include four types defined below:
 - 1. "Application Fee" shall mean the required fee of twenty dollars (\$20.00), plus an additional two dollars (\$2.00) for each property abutter, to be paid upon submission of an excavation permit application to the Surry Planning Board, to defray the cost of posting the hearing and notifying the abutters.
 - 2. "Excavation Fee" shall mean the fifty dollar (\$50.00) fee submitted by the applicant to the Surry Planning Board, as a prerequisite to the issuance of a permit, to defray the costs of permit compliance inspections.
 - 3. "Inspection Fee" shall mean any costs associated with site inspections should the Surry Planning Board require the advice of an engineer or other agent to ensure compliance with the conditions of the permit.
 - 4. "Renewal Fee" shall mean the fifty dollar (\$50.00) fee submitted by the applicant to the Surry Planning Board, as a prerequisite to the renewal of a permit.
- O. "OWNER" shall mean an individual or corporation who claims ownership of the land, containing the excavation site, by virtue of a properly executed deed filed at the County Registry of Deeds.
- P. "REGULATOR" shall mean the Surry Planning Board hereafter.

SECTION IV: PERMIT REQUIRED

No owner shall permit any excavation of earth on his premises without first obtaining a permit. All excavations require a permit except:

- A. An excavation which lawfully existed and was in use on or before August 24, 1979 may continue to excavate without a permit subject to:
 - 1. Such an excavation site shall be exempt from local zoning, provided that at the time the excavation was first begun, it was in compliance with any local ordinances that may have been in effect.

2. Such an excavation site may not be expanded beyond the limits of the town in which it is situated and the area which, on August 24, 1979, and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date, and appraised and inventoried for property tax purposes as part of the same tract as the excavated site.
3. Such an excavation shall be performed in compliance with the operational and reclamation standards in these regulations (Sections IX and X).
4. The owners or operators of any existing excavation site for which no permit has been obtained shall file an excavation report with the Regulator by August 4, 1991. Any existing excavation that fails to file this report shall obtain a permit from the Regulator before continuing excavation of the site.

The report shall contain the following information:

- a. The location of the excavation -- tax map and lot number:
 - b. The date the excavation first began:
 - c. A description of the permissible limits of expansion as described in Section IV-A.2:
 - d. An estimate of the area which has been excavated to date:
 - e. An estimate of the amount of commercially-viable earth materials still available on the parcel.
- B. Excavations from an area contiguous to, or contiguous land in common ownership with, stationary manufacturing and processing plants in operation as of August 24, 1979, which use earth from said area. Such excavations shall be performed in compliance with the operational and reclamation standards contained in Sections IX and X of these regulations.
 - C. Excavations from an area contiguous to, or contiguous land in common ownership with, stationary manufacturing and processing plants which have been granted state or local permits since August 24, 1979, and which use earth obtained from said area. The operation and reclamation of such areas shall be governed by the conditions of the state or local permit and any extensions or renewals thereof.
 - D. An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway by a unit of government which has jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, provided that:

1. A copy of the pit agreement executed by the owner, the agent and the governmental unit shall be filed and accepted by the Regulator prior to the start of excavation; and such excavation shall not be exempt from the provisions of Sections IX and X of these regulations, nor from any other land use regulations of the municipality. Failure to file a copy of the pit agreement with the municipality or to comply with the terms of the agreement constitutes a violation enforceable under the provisions of Section XVIII of these regulations.
 2. The New Hampshire Department of Transportation or its agent may apply to the appeals board created under RSA 21-L to be exempted from the provisions of local land use regulations. The appeals process includes a formal public hearing in the affected municipality as set forth in RSA 155-E:2, IV-(c).
- E. Excavation that is exclusively incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way including a driveway on a portion of the premises where removal occurs. This excavation cannot be started, however, until all required state and local permits necessary for the construction or alteration of the building, structure, parking lot, or way have been issued.
- F. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment.
- G. Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E.
- H. 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 Regulator.

SECTION V. ABANDONED EXCAVATIONS

The permit and zoning exemptions under Section IV shall not apply to any abandoned excavations as defined in Section V-A.

- A. Any excavation for which the affected area has not been brought into complete compliance with the reclamation standards of these regulations shall be deemed abandoned if excavation occurred on the site subsequent to August 24, 1979, and:
1. no earth material has been removed from the excavation site during any three (3) year period: the owner or operator may, however, extend the period by submitting a timetable for reclamation to the Regulator and posting a bond or other surety in a form and amount prescribed by the Regulator sufficient to cover the costs of reclamation; or

2. the excavation is still in use, but the owner or operator has not brought the affected area into compliance with the incremental reclamation requirements of these regulations within three (3) years of August 4, 1989, or posted a bond or other surety sufficient to cover the costs of reclamation, or
 3. the owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed a report of an existing excavation within the prescribed time period.
- B. The Regulator may order the owner of any land containing an abandoned excavation to either file a reclamation timetable and bond or other surety, or to complete the reclamation in accordance with these regulations within a stated reasonable time. Failure to complete said reclamation within the prescribed time period may result in the Regulator requesting the governing body to cause reclamation to be completed at the expense of the municipality. The municipality's costs shall constitute an assessment against the owner, and shall create a lien against the real estate on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

SECTION VI: APPLICATION FOR PERMIT

Any owner or owner's designee subject to this chapter shall, prior to excavation of or continuance or expansion of excavation of any land, apply to the Regulator for a permit for excavation and submit a reclamation plan. A duplicate application shall be submitted to the Regulator for review with the Surry Conservation Commission. The permit application, provided by the Regulator, shall be signed and dated by the applicant and shall contain at least the following information in addition to other regulation, checklist and site plan review requirements. The Regulator may waive one or more of the items listed under this section.

- A. The name and address of the owner of the land to be excavated, the person who will actually do the excavation and all abutters to the premises on which the excavation is proposed;
- B. An Excavation Plan at a scale of no less than one inch equals one hundred feet (1"=100') and showing the area to be excavated and the land falling within two hundred (200) feet of the perimeter of the area to be excavated. All plans submitted to the Regulator shall comply with the provisions in the Subdivision and Site Plan Regulations for the Town of Surry. All plans submitted shall be of a quality that they are easily understood and of an accuracy that compliance can easily be checked. At least three (3) copies of final plans shall be filed with the Regulator prior to issuance of a permit.

The Excavation Plan shall include:

1. the Regulator shall require the preparer of a plan to be a licensed land surveyor or a licensed professional engineer. The Regulator may additionally require the review of proposed excavations by a professional hydrologist or engineer to resolve questions regarding the excavation's impact upon groundwater aquifers and water supply:
2. existing topography at contour intervals of five (5) or fewer feet, based on mean sea level:
3. the breadth, depth and slope of the proposed excavation, and existing excavation where applicable, and the estimated duration of the excavation:
4. wooded and heavily vegetated areas:
5. lakes, ponds, rivers, streams, wetland areas, and any other significant natural features including the location of groundwater aquifers, as identified and delineated by the U.S. Geological Survey within two hundred (200) feet of the proposed work area:
6. location of all easements:
7. location and width of all public roads and rights of way:
8. a log of borings or test pits that extend to either the seasonal high water table, ledge, or a minimum of six (6) feet below the maximum proposed excavation depth, including location and soils data:
9. location and extent of any stone walls, ledge outcroppings, wells, existing buildings, septic systems, utilities, and the like:
10. a locus map, at a scale of one inch equals one thousand feet (1"=1000'), showing the proposed operation in relation to existing roads:
11. any existing and all proposed excavation areas:
12. any existing and all accessory facilities/activities:
13. existing and proposed access roads, including width and surface materials:
14. existing and proposed parking areas:
15. existing and proposed fencing, buffers or visual barriers, including height and materials:

16. locations of proposed buildings, structures, and operating machinery to be used on the site:
17. proposed locations of and provisions for vehicular traffic, service roads, controls for entrance and exit and parking, and fencing for work area:
18. storage areas for topsoil to be used in reclamation:
19. all measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety:
20. the location of existing buildings, structures, septic systems and wells within two hundred (200) feet of the property boundary:
21. the location of all driveways and road intersections within two hundred (200) feet of the property boundary:
22. location of lot lines and zoning district boundaries within two hundred (200) feet of proposed work area:
23. estimates of site acreage to be excavated and of the volume of earth material to be removed from the site:
24. a surface water run-off or drainage plan and the location(s) of any proposed water retention ponds necessary to minimize erosion and sedimentation:
25. a narrative description of:
 - a. project duration and phasing
 - b. hours of operation
 - c. proposed methods of disposal of boulders, stumps, vegetation and other debris
 - d. proposed use of explosives and their means of storage.
 - e. routing and means (including limits) for transportation of materials from the site, establishing load limits and vehicle trips per day
26. copies of any permits required by state or federal regulations.

- C. A Reclamation Plan at the same scale as the Excavation Plan, and covering the same area. All plans submitted to the Regulator shall comply with the provisions in the Subdivision and Site Plan Regulations for the Town of Surry. All plans submitted shall be of a quality that they are easily understood and of an accuracy that compliance can easily be checked. At least three (3) copies of final plans shall be filed with the Regulator prior to issuance of a permit.

The Reclamation Plan shall include:

1. the Regulator shall require the preparer of a plan to be a licensed land surveyor or a licensed professional engineer. The Regulator may additionally require the review of proposed excavations by a professional hydrologist or engineer to resolve questions regarding the excavation's impact upon groundwater aquifers and water supply:
2. all boundaries of the area proposed for reclamation:
3. final topography of the area proposed for reclamation:
4. final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities:
5. schedule of final reclamation activities including the seeding mixtures, cover vegetation, fertilizer types, and rates:
6. photographs of the site before excavation (from at least two (2) different vantage points):
7. subsequent use of the site, if known or anticipated:
8. a narrative description of the restoration process, including specifications of proposed soil conditioning methods, seeding and mulching methods, and the quantities, types and sizes of plant materials to be used in restoring the site:
9. a written estimate detailing the total costs of restoration, prepared by a professional landscaping firm.

D. Other information

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

SECTION VII: ADDITIONAL PERMIT REQUIREMENTS

All existing, or grandfathered, operations are subject to the minimum standards of Sections IX and X. Operations requiring a permit may be subject to additional conditions, as deemed necessary by the Surry Planning Board, that are consistent with the purpose of these regulations.

A. Hours of operation

The hours of operation shall be determined by the Regulator during the permit process. The level of operation and the type of neighborhood affected shall be considered by the Regulator in establishing these hours.

B. Hauling information

Hauling information, including routes to be utilized, the type and weight of motor vehicles involved, and the frequency and schedule of operations of such vehicles shall be provided to the Regulator prior to the issuance of an Excavation Permit. The Regulator may require modifications to such plans and/or may place conditions upon such operations, depending on surrounding land uses and road conditions. The Regulator reserves the right to conduct a traffic study at the applicant's expense to ensure that public safety, neighborhood compatibility and road capacity and condition have been properly considered and optimized in the hauling plan.

SECTION VIII: RECLAMATION BOND

Prior to the removal of any topsoil, the applicant shall submit to the Selectmen a bond, or other surety of sufficient amount, as determined by the Surry Planning Board, to guarantee compliance with the permit. In determining the amount of the bond, or other surety, the Surry Planning Board shall consider not only the cost of restoring the excavation site itself, but also the estimated costs of any potential damage to Town roads or facilities caused by the hauling of earth materials outside of the methods and limits authorized by the permit. The bond, or other surety, shall not be released until the Surry Planning Board is satisfied that all conditions of the site reclamation plan have been complied with.

SECTION IX: OPERATIONAL STANDARDS

- A. No excavation shall be permitted closer than fifty (50) feet of the boundary of a disapproving abutter or within ten (10) feet of an approving abutter unless approval of a lesser distance is requested by an abutter.

- B. No excavation shall be permitted closer than one hundred fifty (150) feet of an existing dwelling or to a dwelling for which a building permit has been issued at the time the excavation is begun.
- C. No excavation shall be permitted below road level within fifty (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.
- D. Vegetation shall be maintained or provided within the peripheral areas required in Section IX, A.B. and C.
- E. Natural vegetation adjacent to neighboring properties on which excavation is not intended shall be maintained for the purposes of erosion control, screening, noise reduction, and property valuation.
- F. No actual excavation is to exceed five (5) acres at one time unless specifically authorized by the Regulator.
- G. Appropriate erosion, sedimentation, air and water quality measures shall be integrated into the excavation process.
- H. No excavation shall be permitted so close to the seasonal high water table or to bedrock (as indicated by the required borings or test pits) as would preclude the subsequent re-use of the site in accordance with existing public health standards, local zoning, and the local master plan.
- I. Where the depth of excavation will exceed fifteen (15) feet and temporary slopes will exceed 1:1 in grade, a fence or other suitable barrier shall be erected to warn of danger and/or limit access to the site.
- J. No area shall be excavated which will cause accumulation of free standing water for prolonged periods. Appropriate drainage shall be provided.
- K. Excavation projects requiring a permit from the Water Supply and Pollution Control Division of Department of Environmental Services (DES) under RSA 149:8-a shall file a copy of the permit with the Regulator prior to receiving a permit.
- L. Topsoil shall be stripped from the excavation area and stockpiled for use in subsequent reclamation of the site.
- M. All temporary structures required during excavation operations shall be removed from the site within thirty (30) days after such operations cease.
- N. All vehicles transporting excavated materials shall utilize adequate covering and/or sideboards to prevent dust and spillage when loaded.
- O. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State Laws or rules pertaining to such materials.

- P. Prior to the removal of topsoil or other material from a new excavation area, the excavator shall file a reclamation bond or other surety, as prescribed by the Regulator, sufficient to cover the cost of site reclamation.

SECTION X: SITE RECLAMATION STANDARDS

The Regulator or its designee shall periodically inspect the operations and shall perform a final reclamation inspection in order to ensure that the approved plans have been followed.

- A. No slope in soil material shall be left steeper than 3:1 (three horizontal feet for each one foot of vertical drop) unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. Under no case shall a soil material slope be left steeper than 2:1 (two horizontal feet for each one foot of vertical drop). Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.
- B. All debris, stumps, boulders, etc. shall be lawfully disposed of in a manner acceptable to the Regulator or its designee.
- C. Ground levels and grades shall be established as shown on the approved reclamation plan as soon as practical after site excavation has been completed, but no later than one (1) year.
- D. Topsoil shall be spread over the disturbed area to a minimum depth of four (4) inches to allow and maintain vegetation. Areas posing the most critical problems for re-vegetation shall be given first priority. The disturbed area(s) shall be fertilized, if necessary, and seeded with a grass or grass-legume mixture.
- E. If deemed necessary by the Regulator, suitable trees or shrubs may be planted in order to provide screening and natural beauty and to aid in erosion control. Such planted areas shall be protected from erosion during an appropriate establishment period by mulch and structural erosion control devices.
- F. 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.
- G. Upon completion of the reclamation operations, 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.
- H. Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.

- I. For excavation projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 149:8-a shall supercede these regulations. Copies of all such permits shall be filed with the Surry Planning Board.
- J. The responsible party shall not be released from its performance commitment (reclamation bond) until the Regulator certifies compliance with all terms of the Excavation Plan and the Reclamation Plan.
- K. Any excavated area of five (5) contiguous acres or more, which either is depleted of commercial earth materials, excluding bedrock, or from which no earth materials have been removed for a two (2) year period, shall be reclaimed in accordance with Section X within one (1) year following such depletion or two (2) year non-use.

SECTION XI: PROHIBITED PROJECTS

The Regulator shall not grant a permit:

- A. Where the excavation would violate the operational standards of Section IX.
- B. For an excavation within fifty (50) feet of the boundary of a disapproving abutter or within ten (10) feet of the boundary of an approving abutter unless approval of a lesser distance is requested by the abutter.
- C. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Surry Planning Board shall give particular consideration to such factors as: noise, traffic, dust, fumes, danger from operation, or any such other factors which may relate to and impact on the orderly coordinated and harmonious physical development of the Town.
- D. Where existing visual barriers would be removed, except to provide access to the excavation.
- E. Where the excavation would substantially damage a known aquifer, so designated by the United States Geological Survey, or known water supplies or the Town.
- F. For excavation within one hundred fifty (150) feet of an existing dwelling or to a dwelling for which a building permit has been issued at the time the excavation is begun.
- G. When the excavation is planned beneath or adjacent to inland surface waters or wetlands in such a manner that a permit is required from the Department of Environmental Services or federal agencies with jurisdiction over the premises; but the Regulator may approve the application when all the necessary permits have been obtained.

- H. Where the project cannot comply with the reclamation provisions of Section X.
- I. Where the excavation is not permitted by zoning or other applicable ordinance.

SECTION XII: WAIVERS

The Regulator, upon application and following a hearing, may grant a waiver in writing, to the standards contained in Sections VII, VIII, IX, and X, for good cause shown. The written decision shall state specifically what standards, if any, are being relaxed and include reasonable alternative conditions.

SECTION XIII: APPLICATION FOR AMENDMENT

When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal or the plan for reclamation, the owner shall submit an application for amendment of his excavation permit. The amended application shall be subject to approval in the same manner as provided for an excavation permit. An application for amendment to increase the size of a permitted excavation may be allowed if at least one-half of the area covered by the prior permit is reclaimed in accordance with the approved site Reclamation Plan.

SECTION XIV: APPLICATION PROCEDURES

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

A. Filing of the application

1. Applications for excavation permits shall be filed with the Surry Planning Board at least fifteen (15) days prior to the next regularly scheduled Surry Planning Board meeting.
2. The application will be submitted at a duly-noticed public hearing, and will be accepted by the Surry Planning Board only if it is found to be complete.

B. Notices required

1. All abutters will be notified of the hearing by certified mail, return receipt requested, not less than fourteen (14) days prior to the hearing. Names and addresses of abutters must be taken from Town records not more than five (5) days before filing the application.

2. Public notice of the hearing will appear in the local newspaper and in at least three (3) public places in Town not less than fourteen (14) days prior to the hearing.
3. The notice must include the location and general description of the proposal, as well as the date, time and place of the hearing.
4. All costs for notification shall be borne by the applicant. Failure to do this is a valid reason for the Surry Planning Board to disapprove the application.

C. Board action on application

1. Providing that the application is complete, the Surry Planning Board shall vote to accept the application, after which time the Surry Planning Board has thirty (30) days to schedule a public hearing.
2. Should the application not be accepted as complete, another public hearing for submission must be scheduled.
3. Within twenty (20) days of the close of the hearing on the application, or any continuation thereof, the Surry Planning Board shall make a decision. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town offices within seventy-two (72) hours.
4. The applicant shall receive a copy of the minutes along with the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

SECTION XV: ISSUANCE OF PERMIT

If the Regulator, after public hearing, approves the application for a permit and determines it is not prohibited by Section XI, it shall grant the excavation permit upon receipt of an excavation fee, determined by the Regulator to be fifty (\$50.00) dollars, and the posting of a bond or other surety with the Selectmen in the amount determined by the Regulator to be sufficient to guarantee compliance with the permit. The performance bond or other surety shall be for a period of fifteen (15) months. A copy of the permit shall be prominently posted at the excavation site or principal access thereto. A permit shall not be assigned or transferable without the prior written consent of the Regulator. A permit shall specify the date upon which it expires. The Regulator may include in a permit such reasonable conditions as are consistent with the purpose of these regulations including the provision of visual barriers to the excavation.

SECTION XVI: RENEWALS

Permit holders wishing to renew their permit may do so annually, provided:

- A. That they are, and have been, in compliance with all these regulations, as well as those attached to their current permit.
- B. That they apply for renewal to the Regulator sixty (60) to ninety (90) days prior to the expiration date of the current permit.
- C. That they provide to the Regulator, before expiration of the current permit, a renewal or extension of the required bond or other surety, the expiration of which will extend at least to ninety (90) days beyond the expiration of the renewed permit.
- D. That they remit the fifty dollar (\$50.00) renewal fee, together with any additional inspection fees, still outstanding (see III-N:3).

The procedure for renewal is as follows:

- A. Applicant must file with the Regulator a completed renewal form sixty (60) to ninety (90) days prior to the expiration date of the current permit.
- B. The Regulator shall review all aspects of compliance with these regulations, as well as those attached to the current permit. An additional fee may be assessed for expenses incurred associated with this review. Any changes in conditions found necessary will be made and attached to the renewal permit, and will become effective on the renewal date.
- C. If the Regulator determines that acceptable compliance exists, it shall issue the renewal permit, together with any attached changes in conditions, upon receipt of the renewal fees and bond or surety extension or renewal.

If the renewal procedure is not followed in a timely fashion, as stated above, the current permit shall expire as of the expiration date and the renewal process will be considered null and void.

SECTION XVII: APPEAL

If the Regulator disapproves or approves an application of an excavation permit or an application for an amended permit, any interested person affected by such decision may appeal to the Regulator for a re-hearing on such decision or any matter determined thereby. The motion for re-hearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable and said

appeal shall be filed within ten (10) days of the date of decision appealed from. The Regulator shall either grant or deny the request for re-hearing within ten (10) days, and if the request is granted, a re-hearing shall be scheduled within thirty (30) days. Any person affected by the Regulator's decision on a motion for re-hearing may appeal in accordance with the procedures specified in RSA 677:4-15.

SECTION XVIII: ENFORCEMENT

- A. The Regulator or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or these regulations or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for re-hearing thereon and appeal in accordance with Section XVII. Failure to file for a permit as required by these regulations shall be considered a violation subject to the enforcement provisions of these regulations.
- B. Fines, penalties and remedies for violations of these regulations shall be the same as for violations of RSA 676:15 and RSA 676:17.
- C. To ascertain if there is compliance with these regulations, a permit issued hereunder or an order issued hereunder, the Regulator or its duly authorized agent may enter upon the land on which there is reason to believe an excavation is being conducted or has been conducted since the effective date of these regulations.
- D. Whoever violates any provision of these regulations, a permit issued hereunder, or a valid order issued hereunder, shall be guilty of a misdemeanor.
- E. Operators who fail to file for a permit will be issued a cease and desist order.

SECTION XIX: SEPARABILITY

The invalidity of any provision of these regulations shall not affect the validity of any other provision.

These regulations have been adopted by the Surry Planning Board on

JANUARY 21, 1991, after a duly noticed public hearing held on
JANUARY 21, 1991.

Planning Board Certification

Thomas L. Dutton, Chairman
Thomas L. Dutton

Gregory L. Taylor, Secretary
Gregory L. Taylor

B. William Bigelow
B. William Bigelow

Robert H. Lucius Jr.
Robert H. Lucius

APPENDIX A: COMPLETED APPLICATION CHECKLIST

1. A signed and completed application, in duplicate: _____
2. An Excavation Plan (three (3) copies) which is accurate and easily understandable: _____
 - A. is at a scale of no less than one inch equals one hundred feet (1"=100') _____
 - B. has the seal and signature of a registered engineer or surveyor: _____
 - C. includes a LOCUS map at a scale of one inch equals one thousand feet (1"=1000') showing the proposed operation in relation to existing roads: _____
 - D. shows area to be excavated and all land within two hundred (200) feet of property boundary: _____
 - E. shows existing and proposed excavation areas: _____
 - F. shows the location of driveways and road intersections within two hundred (200) feet of property boundary: _____
 - G. shows location of existing buildings, structures, septic systems and wells within two hundred (200) feet of property boundary: _____
 - H. location of proposed buildings, structures and operating machinery: _____
 - I. identifies zoning districts and lot lines within two hundred (200) feet of proposed work area: _____
 - J. shows any and all accessory facilities/activities: _____
 - K. shows stone walls, ledge outcroppings, wells, existing buildings, septic systems, utilities and the like: _____
 - L. includes existing and proposed fencing, buffers and other visual barriers, including height and materials: _____
 - M. includes location and width of all public roads and rights-of-way: _____
 - N. includes existing and proposed access roads, including width and surface materials: _____
 - O. shows proposed locations of and provisions for vehicular traffic, service roads, controls for entrance and exit and parking: _____
 - P. shows existing and proposed parking areas: _____
 - Q. shows location of all easements on or below the ground: _____
 - R. has existing topography at five (5) or fewer foot contours: _____

- S. shows the breadth, depth and slope of proposed elevation, and existing excavation: _____
- T. shows wooded and heavily vegetated areas: _____
- U. identifies storage areas for topsoil to be used in reclamation: _____
- V. identifies all measures to control erosion sedimentation, water pollution, air pollution and safety hazards: _____
- W. includes a log of borings or test pits to include groundwater levels: _____
- X. shows all surface drainage patterns including wetlands, standing water, rivers, streams and location of aquifers: _____
- Y. provides estimates of site acreage to be excavated and volume of earth materials to be removed from the site: _____
- Z. a narrative description of:
 - 1. project duration and phasing _____
 - 2. hours of operation _____
 - 3. proposed methods of disposal of boulders, stumps, vegetation, etc. _____
 - 4. proposed use of explosives and means of storage _____
 - 5. routing and means (including limits) for hauling of materials from site, establishing load limits and vehicle trips per day. _____
- 3. A Site Reclamation Plan (three (3) copies) which is accurate and easily understandable and:
 - A. is at the same scale as the excavation plan: _____
 - B. includes the seal and signature of a registered engineer or surveyor: _____
 - C. shows all boundaries of the area proposed for reclamation: _____
 - D. includes the final topography of the reclaimed area: _____
 - E. shows final surface drainage patterns: _____
 - F. includes the schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and rates: _____
 - G. includes photographs of the site before excavation (from at least two (2) different vantage points). _____

EXCAVATION PERMIT APPLICATION FORM

TOWN OF SURRY, NEW HAMPSHIRE

Submit this application, in duplicate, together with all required information and the application fee, to the Secretary of the Surry Planning Board, as outlined in the "Regulations Governing Earth Excavations" - Town of Surry, New Hampshire.

Name of landowner:

Address (mailing):

*Applicant (individual in charge of excavation):

Address (mailing):

Telephone - work:

Telephone - home:

Location of proposed/existing excavation (nearest roads, other locational information, lot # from the map, etc.). Please attach copy of deed(s).

*If applicant is not the landowner, a notarized letter from the landowner indicating that the applicant is the designated agent is required.

Names and mailing addresses of all abutters (see Definitions). It is the responsibility of the applicant to furnish a complete and accurate list of the abutters. Attach sheet if needed.

Is additional sheet attached? YES _____ NO _____

Required State and Federal permits obtained and attached:

_____	WSPCC (RSA 148:5a, RSA 149:8a)
_____	Wetland Board (RSA 483-A)
_____	State Highway Dept. (Access Permit, RSA 249:13-18)
_____	State Pit Agreement (NHDPW&H, Std, Spec's, Section 106)
_____	_____
_____	_____
_____	_____

Attach this application to "Completed Application Checklist" (Appendix A) and furnish all information required by Section VI of "Regulations Governing Earth Excavations" - Town of Surry, New Hampshire.

This is to certify that the information contained in this application is complete and true to the best of my knowledge.

Submitted by: _____
(Applicant) (Owner, Agent)

--DO NOT WRITE BELOW THIS LINE--

Date filed: _____

Date submitted: _____

Received by: _____

Items: Application Fee _____ Check # _____

Deed(s) - Book _____ Page # _____

Book _____ Page # _____

Book _____ Page # _____

Completed Application Checklist _____

Duplicate Application _____

Notarized Letter from Landowner _____

SURRY PLANNING BOARD

Surry, New Hampshire

NOTICE OF PUBLIC HEARING

The Surry Planning Board has received an application for the commercial excavation of earth, which requires a permit, on land which abuts property owned by you. As provided by State Law, RSA 155-E:7 and the Town of Surry Regulations Governing Earth Excavations, the Surry Planning Board will hold a public hearing to review the excavation and reclamation plans. The hearing will provide you with an opportunity to review the plans, ask questions and make comments.

The hearing will be held on _____, at _____,
at the Surry Town Hall.

_____, Secretary

Surry Planning Board