



Town of Alton

Planning Department PO Box 659 1 Monument Sq. Alton NH 03809
Phone 603-875-2162 Fax 603-875-2163 TDD 603-875-0111

EXISTING EXCAVATION EXEMPTION APPLICATION FORM

DATE RECEIVED _____

CASE # _____

1. Application is submitted for: Existing Excavation Exemption
2. Location of Proposed Excavation: Tax Map _____ Lot _____
Zoning District: _____
Property Address: _____
3. Property Owner's Name: _____
Address: _____ Town: _____ Zip: _____
Phone: _____ Email: _____
4. Applicant/Agent's Name (if different from owner): _____
Address: _____ Town: _____ Zip: _____
Phone: _____ Email: _____
5. Excavator's Name (if different from owner): _____
Address: _____ Town: _____ Zip: _____
Phone: _____ Email: _____
6. Have the names and addresses of all abutters as shown in Town records within the 5-day period immediately preceding the filing date been submitted on a separate sheet? Y N
7. An "existing excavation" is one which meets **all** of the following conditions:
 1. The owner of such excavation must demonstrate that such excavation lawfully existed as of August 24, 1979; and,
 2. The owner of such excavation must demonstrate that earth material of sufficient weight or volume to be commercially useful was removed during the two-year period before August 24, 1979; and,
 3. The owner of such excavation must demonstrate that either said owner, the predecessor in title to such owner, or the authorized operator of such excavation previously filed a report with the local Regulator no later than two years following August 4, 1989, which report must have included:
 - a. The location of the excavation and the date the excavation first began;
 - b. A description of the limits of permissible expansion which are claimed to apply to the excavation;
 - c. An estimate of the area which had been excavated at the time of the report; and,
 - d. An estimate of the amount of commercially viable earth materials still available on the parcel at that time.
8. Compliance with Statutory Express Standards

Any "existing excavation", as well as any expansion thereof, shall be performed in compliance with the express operational standards of RSA 155-E:4-a and the express reclamation standards of



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RSA 155-E:5 and 155-E:5-a, as the same may be amended, from time to time. Any violation of those standards shall be enforceable pursuant to RSA 155-E:10. Compliance with these standards, and the other requirements herein, is mandatory in order to retain the exempted status.

Compliance shall be confirmed by periodic inspections by the Regulator or its designee as detailed in section 19 (Administration and Enforcement) of the Excavation Regulations of the Town of Alton, NH. Loss of exempt status can occur only after the Regulator has given 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, upon a finding by the Regulator to that effect.

- 9. Reclamation security: Form proposed: _____
Amount proposed (with calculations): _____
- 10. I/We have read the Excavation Regulations for the Town of Alton, NH, and agree to be bound by them and all applicable State, Federal and Local laws and regulations. I/We understand that failure to comply with this agreement or the application regulations, ordinances, and laws may result in revocation of, or denial of, approvals or permits by the Town.
- 11. I/We understand that the Planning Department must have on file a completed application with all required submissions as outlined in the Excavation Regulations for the Town of Alton, NH, at least 21 days prior to a scheduled meeting of the Regulator.
- 12. I/We understand that the Regulator or its designee may make periodic inspections of all excavations, both permitted and exempt, to determine if the operations are in conformance with these regulations and the approved plans.

I/We am/are requesting that the application be scheduled for a public hearing by the Planning Board within thirty (30) days from the receipt date:

SIGNATURE(S) OF OWNER(S):

DATE _____

DATE _____

SIGNATURE OF APPLICANT/AGENT (if different than owner):

DATE _____

SIGNATURE OF EXCAVATOR (if different than owner):

DATE _____



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Authorization to enter subject property

I hereby authorize members of the Alton Planning Board, Conservation Commission, Planning Department, and other pertinent Town departments, boards and agencies to enter my property for the purpose of evaluating this application including performing any appropriate inspections during the application phase, review phase, post-approval phase, construction phase, and occupancy phase. Every effort will be made by the members of the above-noted Town organizations to give 24 hours' notice of any site inspections, with the exception that inspections to respond to complaints regarding the operation may take place unannounced. This authorization applies specifically to those particular individuals legitimately involved in evaluating, reviewing or inspecting this specific application/project. It is understood that these individuals must use all reasonable care, courtesy, and diligence when entering the property.

SIGNATURE(S) OF OWNER(S):

DATE _____

DATE _____



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ALTON PLANNING BOARD EXISTING EXCAVATION EXEMPTION APPLICATION FEE SCHEDULE

Received From: _____ Date: _____

Case #: _____ Tax Map/Lot # _____

Application Fees for Existing Excavation Exemption

Existing Excavation Exemption Application Fee \$50 \$ _____

Abutter Fee: \$6 per abutter x total # of abutter notices _____ \$ _____

Notice of Decision: \$1.00 per person to receive notice by mail.
(Including owner) \$ _____

Newspaper Notification Fee: \$75.00 \$ _____

Admin. Fee for Legal Review if required: \$350.00 \$ _____

Total \$

PLEASE NOTE: Application fees are non-refundable unless approved by the Planning Board



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Application Checklist and Waiver Request for Existing Excavation Exemption Application Review

Case #: _____

Applicant: _____

Date: _____

General Information

1. **Checklist:** The applicant shall complete this checklist as part of every Existing Excavation Exemption Application. The applicant shall either (1) submit the checklist item with the application or request a waiver (s) to be submitted separately in writing or (2) note its non-applicability. This checklist is not intended to be a replacement for thorough review of the Excavation Regulations for the Town of Alton, NH; this checklist is intended to be used as an aid in the preparation of the Excavation Plan.
2. **Professional Stamps:** Excavation and reclamation plans prepared by licensed professionals shall be stamped and signed by said licensed professionals: surveyors, engineers, wetland scientist, soil scientist, and so on.
3. **Filing:** Applications and checklists shall be filed with the Planning Department not less than **21 days** before the regular scheduled meeting at which it is intended for submission.
4. **Waivers:** For any item checked "Waiver Requested", the applicant shall attach a separate letter indicating the reason (s) for seeking a waiver. See Excavation Regulations for the Town of Alton, NH, Section 20, for details.
5. **Submission items for Existing Excavation Exemption Status:**
 - 1. Evidence that the existing excavation lawfully existed as of August 24, 1979
 - 2. Evidence that earth material of sufficient weight or volume to be commercially useful was removed during the two-year period before August 24, 1979
 - 3. Evidence that a report was filed with the local Regulator no later than two years following August 4, 1989, which report must have included:
 - a. The location of the excavation and the date the excavation first began;
 - b. A description of the limits of permissible expansion which are claimed to apply to the excavation;
 - c. An estimate of the area which had been excavated at the time of the report;and,
 - d. An estimate of the amount of commercially viable earth materials still available on the parcel at that time.
6. **Submission items for Express Operational Standards:**
 - 1. Evidence that the excavation is not 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. Evidence that the excavation is not within 50 feet of the boundary of a disapproving abutter.
 - 3. Evidence that the excavation is not within 150 feet of any dwelling which



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either existed or for which a building permit has been issued at the time the excavation is commenced.

- 4. Evidence that the excavation is not within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area.
- 5. Evidence that the excavation is not within 25 feet of any other stream, river or brook which normally flows throughout the year, or any other 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 NH Department of Environmental Services.
- 6. Evidence that vegetation shall be maintained within the peripheral areas required by numbers 1, 2 & 3 above.
- 7. Evidence that drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods.
- 8. Evidence that no fuels, lubricants, or other toxic or polluting materials shall be stored on-site unless in compliance with state laws or rules pertaining to such materials.
- 9. Evidence that where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be effected to warn of danger or limit access to the site.
- 10. 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.

7. Except for excavation sites of 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 RSA 155-E:5, within 12 months following such depletion or 2-years 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 Regulator for approval.

8. **Submission items for Express Reclamation Standards:**

Within 12 months after the expiration date in a permit under these regulations, or within 12 months of the completion of any excavation, whichever occurs first, reclamation shall be completed to meet the following standards. This information may be submitted on the reclamation plan required by RSA 155-E:5-a, or in another format if acceptable to the Regulator.

- 1. Evidence as to how, except for rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance



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- with acceptable horticultural practices.
- 2. Evidence as to how earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
 - 3. Evidence as to how all slopes, except for rock 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 Regulator. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.
 - 4. Evidence as to how any standing bodies of water created in the excavation project as may constitute a hazard to health and safety shall be eliminated.
 - 5. Evidence as to how 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 which require a permit from the NH Department of Environmental Services pursuant to RSA 485-A:17, the provisions of that statute, and rules adopted under it, shall supersede this paragraph as to areas of excavation sites covered thereby. The excavator shall file a copy of permits issued under RSA 485-A:17 with the Regulator.