

**PLANNING BOARD SUBCOMMITTEE MEETING
FOR EARTH REMOVAL REGULATIONS
TUESDAY, JANUARY 8, 2002
37 NORTH MAIN STREET**

Members Present: Don MacVane, Norm Russell, Jim Horgan, Hiram Watson, Kelly Parlman

Selectmen's Rep: John Fitch

Staff Present: Fran Osborne

Public Present: Jane & John Wingate, Margaret Russell

- Chairman MacVane called the meeting to order at 6:30 p.m. and turned the meeting over to Subcommittee Chairman Norman Russell. Norm asked if there were any corrections to the Earth Removal Regulations draft of 12/20/01. Jim Horgan along with Fran had the following corrections to be made:

Section II: (page 1/15)

The goals of this regulation are to: **provide** for excavation; **minimize** safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; **protect** natural resources and the environment;

Section III: (page 1/15)

A. (line 7) abutting property being under a condominium

E. (line 2 page 2/15) roads or other **easements**, in a

H. **Excavation** means land area which is used, or has been used, for the

L. (a) **of** existing excavations means excavation

(b) **of** stationary manufacturing plants means to any contiguous lands that were in common ownership with the site of the plant on **August 4, 1989 whether or not State and local permits were granted after August 24, 1979.**

Section IV: (page 3/15)

A. (line 2) obtaining a permit, unless

D. Those excavations from an area **that** on August 4, 1989 was contiguous

Section V: (page 3/15)

A. 1) a) **at** the time operation began, it was in compliance

b) **the** owner or operator of such an excavation area

C. 1) (line 3 page 4/15)

driveway on a portion of the premises **when** total earth removal

3) delete existing paragraph - insert model wording as follows:

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).

Section VI: (page 5/15)

A. 2) **The excavation is in use, but has not been brought into compliance with the incremental reclamation standards of this regulation, a bond has not been posted, or the Board has not approved a reclamation timetable.**

3) (change 2) to 3)

C. (line 4) change wording to:

standards that were in effect at cessation of the operation. If the Board determines that a danger to public health or safety exists, **it shall be so stated in writing.**

Section VII: (page 6/15)

C. (second line) to the public welfare, the Board

E. **When** the excavation cannot receive necessary approvals from state or

Section VIII: (line 7 insert after **taken into consideration:**

Section IX: (page 7/15)

A. 8. (line 3 last word) river or **brook** which normally flows

(line 6 after RSA 482-A:15, 1, or any other wetland greater than 5 acres in area, as defined

B. 2. (line up with 1.)

Section X: (page 8/15)

- B. 2. On any sites visible from the public way,
 - 5. All graded areas covered with soils per paragraphs II and IV shall be seeded. The seedlings shall be maintained and nurtured until a permanent vegetative crop is established.
 - 7. (page 9/15) line 2
separation above the seasonal high-water table, except for when a pond is created.

Section XI: (page 9/15) line 7 whether other excavation is occurring on adjacent land

- B. (page 10/15 add remainder of model wording after approved by the Board. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with.

Section XIII: (page 10/15) change wording as follows:

Due to the diverse nature of excavation operations, the Board may, upon application and following a duly-noticed hearing, grant any waiver in writing of the standards contained in Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIV, XV, XVI of this regulation, for good cause shown.

Section XIV: (page 10/15)

- A. Filing of the Application (underline title)
- B. Board Action on Application (underline title)
 - 1. (insert blank line after paragraph)
 - 2. (insert blank line after paragraph)
- C. Notices Required for Public Hearing (page 11/15 - underline title)
- D. Fees (underline title)
 - 1. A filing fee of \$50 (subject to change without notice) plus postage, shall be paid upon

Section XV: (page 11/15 first paragraph - line 2)

Plan to the Planning Board. The applicant shall send one copy

- A. Excavation Plan (underline title page 11/15) (page 12/15)
 - 3. Acknowledgement block for Conservation Commission Chairman and Town Department Heads as deemed appropriate by the Code Enforcement Officer.
 - 4. Approval line for the Planning Board Chairman. (page 13/15)
 - 19. Methods to prevent materials from the site from being tracked onto public roadways.
- B. Reclamation Plan (underline title page 13/15) first paragraph 2nd line
soil, surface and groundwater, vegetation, overburden, topography, and fill
- C. Other Information

Section XVI: Administration and Enforcement (change Administrative to Administration)

- A. Permits (underline title) Change wording as follows: (page 14/15)
 - 3. Failure to file for a permit shall be considered a violation and operators who fail to file will be issued an order to cease and desist.
- B. Amendments and Renewals (underline title) 2nd line
rate of removal or the plan for reclamation, shall apply for a renewal or
- C. Inspections (underline title)
- D. Suspensions and Revocations (change as follows: The board may suspend or revoke a permit if;

- 1. the Board determines that any provision of the permit has been violated

2. a material misstatement was made in the application upon which a permit was granted
3. any unsafe or hazardous conditions exist as determined by a site inspection. Such suspension or revocation shall be subject to a motion for rehearing thereon and an appeal in accordance with these regulations.

E: Appeals (underline title) line 3

A permit, may appeal to the Board

(page 15/15) Add the following wording after "shall be scheduled within thirty (30) days. **Any person affected by the Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.**

F. Penalties (underline title)

- Subcommittee Chairman Norm Russell asked if there were any other changes - none were noted. Kelly was asked to make changes and the Subcommittee will look at one more time for final presentation to the Planning Board and Public Hearing. Meeting adjourned at 7:25 p.m.
- Minutes recorded by Fran Osborne. Taped transcript available in the Code Enforcement Office.

APPROVED

Don MacVane, Chairman
Planning Board

Norman Russell, Chairman
Earth Removal Regs Subcommittee