

TOWN OF LISBON
Excavation Inspection Checklist

Section XVII: Administration and Enforcement

Notice: This is an excerpt from a section of the Town of Lisbon Earth Excavation Regulations. Always refer to that document for the latest and most accurate Inspection Checklist.

C. Compliance Monitoring: All Monitored Sites shall submit to an annual compliance inspection. A qualified agent appointed by the Board will perform the inspections and provide a report of the findings to both the applicant and the Board. The inspector will attempt to work out a mutually agreeable date of inspections with the owner/operator of the site at least two weeks prior to the date of inspection. On or before the date of the inspection, the owner/operator shall provide the inspector a site map showing the current boundaries of the excavation area. The cost of the inspections shall be borne by the owner of the excavation site. The inspection report shall as a minimum answer the following questions:

- (01) Was the required excavation site map provided?
- (02) Is the excavation site safe?
- (03) Is the excavation site unsightly or constitute a nuisance?
- (04) Is the excavation site occurring within the allowed boundaries?
- (05) Have inactive areas been properly reclaimed?
- (06) Has incremental reclamation been adhered to?
- (07) Are abutting property boundaries being respected?
- (08) Is runoff from the site affecting neighboring properties?
- (09) Are distances from public roadways being adhered to?
- (10) Does site have current required state and federal permits?
- (11) Is site in compliance with NH RSA 155-E?
- (12) Is site in compliance with these regulations?
- (13) Is site in compliance with any conditions imposed by the Board?
- (14) Has inspection fee been paid?

Appendix VI:

Inspection Checklist

the second one being by October 1st. The Planning Board may require additional follow-up visits should conditions warrant. The applicant shall pay all costs related to the Compliance Monitor in the performance of his duties.

33. The applicant shall report to the Lisbon Planning Board the completion and/or restoration of each phase of each pit. A licensed surveyor shall verify the grades and extent of the excavation at the completion of each phase and submit a stamped plan to the Planning Board.
34. Copies of all required state and federal monitoring and inspection reports will be submitted to the Lisbon Planning Board including Storm Water Pollution Prevention Plan (SWPPP) reports and NHDES Terrain Alteration reports.
32. A copy of all local, state, and federal permits including NHDES Terrain Alteration and USEPA NPDES federal storm water permit, signed plans, permit conditions, and inspection reports shall be maintained on-site. A copy of this permit shall be prominently displayed at or near the access.

Section #6: Signature Page

Sincerely,

<Chairman of the Board>

Planning Board

Cc: Board of Selectmen

<Code Enforcement Officer>

<Board Consultant>

Receipt Acknowledged:

<Applicant Name>

Date: _____

27. The 50-foot boundary line buffer shall be maintained with no cutting of vegetation or soil disturbance permitted.
28. A gate shall be maintained at all the access road entrances to the site.

Section #4: Reclamation Conditions

29. <If applicable - All rock faces are to be stable and present no hazard from falling rock. For safety, large rock boulders shall be installed along the top of all permanent ledge slopes over 2:1 and 20' in height or greater. Temporary slopes that exceed 1:1 shall have a fence or other suitable barricade and signage to warn of danger and limit access to site.>
30. <If applicable - The removal of topsoil or other overburden from the proposed excavation areas shall take place only according to the approved phasing plan. Any changes in the sequencing, location, or extent of excavation shall require an amendment to the permit.>
31. <If applicable - No topsoil is to be sold from the site until sufficient topsoil is stockpiled for reclamation per plans and a report is submitted by the permit holder and accepted by the Planning Board stating the quantity of topsoil to be retained.>
30. <If applicable - Any excavation area of 5 contiguous acres or more which is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth material of sufficient weight or volume to be commercially useful have not be 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 of non-use.>
31. <If applicable - Stockpiles of soil material are to be vegetated and have a maximum slope of 3:1 with silt fence or berms around the base to prevent soil erosion.>

Section #5: Monitoring Conditions

32. A Compliance Monitor, selected and overseen by the town, shall be retained to monitor permit compliance at the site and to report as necessary to the Planning Board and Administrative Assistant. During the first year of excavation, <Total Number of Visits> monitoring visits will be undertaken including one pre-start up visit, <Number of water management or blasting> visits relative to storm water management or blasting, and one final visit by October 1st relative to winter stabilization preparation. From the second year on, two visits shall be made with

15. The Compliance Monitor shall conduct a pre-start up site visit to verify compliance with the Pre-Operation Conditions listed in this section. (See Section #5 Monitoring Conditions.)

Section #3: Operational Conditions

16. <Days and hours of operation>
17. <Site traffic restrictions – volume, days, hours and dates during the year>
18. <If applicable – blasting conditions: number per year, hours and dates allowable, Any blasting shall be conducted according to state and federal standards. No explosives with perchlorate shall be used. The operator shall attempt to notify owners of structures within a minimum of 2500 feet of the blast by telephone or e-mail within 24 hours of a blast. Notice will also be provided to the Selectmen, Police Chief, and Fire Chief in the Towns of Lisbon,.... The notice will provide that a blast will occur within a specified timeframe>.
19. No fuel, lubricants, hydraulic oils/fluids, explosives, or other potential water pollutants will be stored on site.
20. Noise may equal but not exceed an A-weighted equivalent sound level of 70 decibels (dBA), except for occasional blasting, measured at any property boundary line.
21. Dust must be controlled in a way that will avoid nuisance impacts on neighboring properties. Measures for managing the dust will involve the use of water or calcium chloride as necessary to the haul roads, traffic areas and storage piles.
22. <If applicable – line-of-site distance maintenance>.
23. No standing water is allowed except temporarily in storm water drainage structures. The pit floor elevations shall be equal to or greater than 2 feet above the seasonal high-water table.
24. Appropriate storm water and erosion controls shall be in place prior to removal of topsoil or other overburden from the proposed excavation areas.
25. <If applicable - No trees or other vegetation is to be removed within 500 feet of designated roadway, except to provide the required site distance in both directions and to allow for required blazing>.
26. Stumping or other disturbance within the site shall occur only according to the phasing plan.

6. All application fees and Planning Board consultant bills shall be paid by the applicant prior to any commencement of activities as authorized by this permit at the site.
7. All plans are to be recorded with the Grafton County Register of Deeds prior to the removal of topsoil or other overburden from the proposed excavation areas.
8. Prior to removal of topsoil or other overburden from the proposed excavation areas, the applicant shall submit to the Selectmen a performance surety sufficient to guarantee reclamation. The nature of the surety (cash, bond, letter of credit or other performance guarantee) shall be at the discretion of the Board of Selectmen. The rate shall be <Dollars per Acre> per acre to be reclaimed, with the total amount for the first year of <Total Bond Amount> for <Total Acres> acres of reclamation. The permit holder shall provide the Planning Board with annual updates of the surety status. The Planning Board may adjust the amount of the surety to reflect phasing changes that may impact the acreage to be protected for reclamation. If the Planning Board does not adjust the surety it shall remain in the amount posted for the previous year.
9. This permit is subject to final approval of a Special Exception by the Lisbon Zoning Ordinance.
10. No removal of topsoil or overburden from the proposed excavation areas is allowed until all state, federal, and local permits are obtained. Copies of all permits, plans, and correspondence relative to other required permits shall be provided to the Planning Board and a letter from the applicant submitted indicating that all necessary permits have been obtained.
11. Property lines within 100 feet of proposed pits and the pit boundaries shall be blazed at 100-foot intervals.
12. <If applicable – Description of any line-of-site clearing>
13. <If applicable – Description of road signs to be provided>
14. <If applicable – Notify abutters by certified letter and offer to provide a background standard water quality test to be done by NHDES laboratory for a well water sample. Copies of the test results from NHDES of all well water quality tests shall be sent to the Lisbon Planning Board, abutter, and permit holder>.

TOWN OF LISBON, NEW HAMPSHIRE

Incorporated 1763

PLANNING BOARD

46 School Street

Lisbon, New Hampshire 03585

Tel: 603-838-6376

Fax: 603-838-6790

Statement of Conditions Excavation Permit# 2008-01 Issue Date: <Issue Date>

Section #1: General Conditions

1. This permit shall expire <Number of Years> years from the date of issuance. If during that period, the size or location of excavation, rate of material removal, or plan for reclamation is altered, the owner shall submit an application for an amendment to this permit as provided for in the Lisbon Excavation Regulations and NH RSA 155-E:6. This permit is not assignable or transferable without the prior written consent of the Lisbon Planning Board.
2. All work shall be in accordance with revised plans <Reference to Maps, Surveys, Plans and Drawings related to the project>
3. The excavation site shall be in compliance with Town of Lisbon Excavation Regulation, NH RSA 155-E and all other federal, state, and local laws and regulations including but not limited to the Lisbon Zoning Ordinance, <Fill in the ones that apply to this site, some examples: NH Terrain Alteration regulations, NH Dredge and Fill Regulations, USEPA NPDES federal storm water permit, and NH Blasting regulations including NH RSA 158:9>.
4. <If applicable> Any damage to town roads or other facilities related to the transportation of earth materials from this excavation, as determined by the Selectmen, shall be reimbursed to the town by the permit holder, per NH RSA 231:191.
5. <If applicable> The applicant shall pay for traffic police and/or additional signage during trucking of materials onto public roadways as deemed necessary by the Town Road Agent.

Section #2: Pre-Operation Conditions

Appendix V:

Sample – Statement of Conditions Form

TOWN OF LISBON, NEW HAMPSHIRE

Incorporated 1763

PLANNING BOARD

46 School Street

Lisbon, New Hampshire 03585

Tel: 603-838-6376

Fax: 603-838-6790

Excavation Permit# 2009-01

Issue Date: / /

The Lisbon Planning Board, by it's Chairman, hereby issues to:

<Applicant's Name and Address>

a permit to excavate earth from his property known as:

<Parcel Map & Lot and Street/Road Location>

This permit is issued subject to the conditions of approval of the Lisbon Planning Board contained in the attached Statement of Conditions issued <Issue Date>. The owner agrees to operate said gravel pit in accordance with the Town of Lisbon Excavation Regulations, NH RSA 155-E and all other State and Federal regulations that may apply.

Any confirmed violation of the Lisbon Excavation Regulations, NH RSA 155-E or the conditions of this permit can result in a suspension of the permit by the Planning Board. The suspension of the permit shall require the cessation of all permit related activities on the site. If the permit suspension is not adhered to or if the violations are not corrected within a reasonable period of time as determined by the Planning Board, the permit can be revoked. A revoked permit may result in forfeiture of the reclamation bond and would require re-application before any further permit related work could begin. Any suspension or revocation of the permit, by the Planning Board, can be subject to review with a motion for rehearing to the Planning Board.

This permit is issued for a period of <Number of Years> years, expires on <Expiration Date>.

<Chairman Name>, Chairman
Lisbon Planning Board

Appendix IV:

Sample – Permit Form

- (13) 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.
- (14) Proposed fencing, buffers and visual barriers, including height and materials.
- (15) All measures to control erosion, sedimentation, water pollution, air pollution and any hazards to human safety.
- (16) Plans for stormwater management.
- (17) Plans for equipment maintenance and storage.
- (18) Methods to prevent materials from the site from being tracked onto public roadways.
- (19) Copies of all necessary state and federal permits or completed applications for such. If any state or federal permit is still pending at permit approval, that approval shall be subject to the granting of those permits. If any state or federal permit requires substantive changes to the project as permitted, the Board may re-open the permit for consideration of possible Amendments.

B. 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 should address future land use consistent with the Master Plan. The plan shall show or be accompanied by the following items:

- (01) Name, address, and signature of the person preparing the plan; date, bar scale and north arrow.
- (02) All boundaries of the area proposed to reclamation and the land within 200 feet of the boundary of this site.
- (03) Final topography of the proposed area for reclamation, at contour intervals of 5 feet or less or as otherwise determined by the Board.
- (04) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- (05) Timetable as to fully depleted sites within the excavated area.
- (06) Schedules of final reclamation activities including seeding mixtures cover vegetation, fertilizer types and application rates.

C. Other Information: 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. According to the authority vested in the Board by RSA 155-E:11, III & RSA 676:4, I(g), 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.

TOWN OF LISBON
Excavation Application Submission Checklist

Section XVI: Application Submission Items

Notice: This is an excerpt from a section of the Town of Lisbon Earth Excavation Regulations. Always refer to that document for the latest and most accurate Application Submission Checklist.

The applicant shall submit at least 2 copies of an Excavation and a Reclamation Plan; one copy to be shared by the Board and the Conservation Commission and one copy to be available for temporary loan out to facilitate Public access and copying. If it has been determined by the Board or the Lisbon Board of Adjustment that the plan has the potential for regional impact, the applicant shall submit one additional copy of the plans to be sent to the Regional Planning Commission (North Country Council.) The plans shall be at a scale appropriate for the land area involved. Some items in Paragraphs A or B may be modified upon application and hearing to The Board for good cause shown.

A. Excavation Plan: The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

- (01) Name and address of the owner, the excavator and all abutters.
- (02) Name, address and signature of the person preparing the plan; date, bar scale and north arrow.
- (03) Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.
- (04) Sketch and description of the location and boundaries of the proposed and any current existing excavation; the area shall be shown in square feet and acre.
- (05) The location of existing buildings, structures, septic systems and wells within 200 feet of the boundary.
- (06) Public streets, driveways, intersections, rights-of-way and all easements within 200 feet. Specific designation of intended transportation routes to and from the site.
- (07) Identification of all existing and proposed access roads, including width, surface materials and visual barriers to public highways.
- (08) Topography at contour intervals of 5 feet or less (as required by DES.)
- (09) All surface drainage patterns including wetlands and standing water.
- (10) The breadth, depth and slope of the proposed excavation and the estimated duration of the project.
- (11) An estimate of the total volume of earth to be excavated.
- (12) The elevation of the highest annual average ground water table within or next to the proposed excavation.

Appendix III:

Submission Items Checklist

D. Notices required for Public Hearing

- (1) All abutters will be notified by certified mail, not less than 10 days prior to the public hearing on the application.
- (2) If the project has the potential for regional impact, as determined by the Board of Adjustment or the Planning Board, the affected towns and North Country Council must be notified as abutters.
- (3) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 10 days prior to the public hearing.
- (4) The notice must include the location and general description of the proposal as well as the date, time, and place of the public hearing.
- (5) The 10 days shall not include the day of the publications nor the day of the public hearing, but shall include any Saturdays, Sundays and legal holidays within said period.

E. Application Fees

- (1) A filing fee of \$100.00 plus postage shall be paid upon submission of an application, to defray the cost of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Planning Board to not accept the application.
- (2) A permit fee of \$50.00 (per statute RSA 155-E:8) plus \$50 for each scheduled hearing date shall be paid upon the issuance of a permit to defray the cost the hearings and permit compliance.
- (3) A fee payable to the Register of Deeds shall be paid upon approval, for the filing of the plan by the Planning Board.
- (4) Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

TOWN OF LISBON
Excavation Application Checklist

Section XV: Application Procedures

Notice: This is an excerpt from a section of the Town of Lisbon Earth Excavation Regulations. Always refer to that document for the latest and most accurate Application Procedures.

Prior to the 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. Special Exception Applied For

- (1) Applicant must have applied for and been granted a Special Exception by the Lisbon Board of Adjustment.
- (2) If the granted Special Exception has been appealed, the application process may proceed at the applicant's request and any permit approval shall be subject to a Special Exception being obtained.
- (3) An application for an amendment to an existing permit that already has a Special Exception does not require a new one.
- (4) If an excavation site was previously permitted, and the permit has expired within the last two years, a new permit application can be accepted without a Special Exception if the Planning Board determines that the scope of the project has not changed. In all other circumstances a previously permitted excavation site must apply for a new Special Exception.

B. Excavation Application Review

- (1) Applications for excavation permits shall be filed with the Planning Board at a regularly scheduled meeting.
- (2) The application will be reviewed with the applicant at the scheduled meeting. If the application is found to meet all submission requirements it will be accepted and voted by the regulator as being complete. Should the application not be accepted as complete, another review meeting must be scheduled for re-submission as outlined in Section XV.

C. Planning Board Action on Completed Application

- (1) Following a vote to accept the application as complete, the Planning Board will schedule a public hearing to be held within 30 days.
- (2) Within 20 days of the close of the hearing on the application, or any continuation thereof, the 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 72 hours.
- (3) The applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

Appendix II:

Application Checklist

- | | |
|--|---------------|
| ▪ Pit #10 – Map R15 Lot 001 – Oregon Road | Unclassified |
| ○ Town of Lisbon | |
| ○ 46 School Street | |
| ○ Lisbon, New Hampshire 03585 | |
| ▪ Pit #11 – Map R27 Lot 011 – Old River Road | Grandfathered |
| ○ Harriet T. Eoute | |
| ○ c/o Barbara Clough | |
| ○ 360 North Littleton Road | |
| ○ Littleton, New Hampshire 03561 | |
| ▪ Pit #12 – Map R22 Lot 011 – Butson Road | Unclassified |
| ○ L. William Presby Trust | |
| ○ Candace Lee McMahon, Trustee | |
| ○ 105 West Main Street | |
| ○ Littleton, New Hampshire 03561 | |
| ▪ Pit #13 – Map R17 Lot 007A – Perch Pond Road | Grandfathered |
| ○ Maivis M. Clough | |
| ○ 1996 Revocable Trust | |
| ○ Littleton, New Hampshire 03561 | |
| ▪ Pit #14 – Map R32 Lot 026 – Mt. Eustis Road | Permitted |
| ○ Champagne Solutions | |
| ○ Mark Champagne | |
| ○ Sugar Hill, New Hampshire 03574 | |

Gravel Pit Inventory – As of March 2009
Owners of Record from Tax Cards
Town of Lisbon NH

	<u>Site Classification</u>
<ul style="list-style-type: none"> ▪ Pit #01 – Map R16 Lot 013 – Location Route 302 <ul style="list-style-type: none"> ○ 1996 Revocable Trust ○ Attn: Clinton M. Clough, Trustee ○ 360 North Littleton Road ○ Littleton, New Hampshire 03561 	Grandfathered
<ul style="list-style-type: none"> ▪ Pit #02 – Map R28 Lot 006 – 2389 Route 302 <ul style="list-style-type: none"> ○ Wallie W. Berry ○ 97 Moore Street ○ Lisbon, New Hampshire 03585 	Unclassified
<ul style="list-style-type: none"> ▪ Pit #03 – Map R28 Lot 008A – Off Route 302 <ul style="list-style-type: none"> ○ James W Powers, Inc ○ P.O. Box 10084 ○ Bedford, New Hampshire 03110 	Closed
<ul style="list-style-type: none"> ▪ Pit #04 – Map R16 Lot 005 – Route 302 <ul style="list-style-type: none"> ○ Clough Construction Co., Inc. ○ Attn: Clinton M. Clough, President ○ 360 North Littleton Road ○ Littleton, New Hampshire 03561 	Grandfathered
<ul style="list-style-type: none"> ▪ Pit #05 – Map R17 Lot 017 – River Road <ul style="list-style-type: none"> ○ Amos J. and Thelma Locke ○ River Road ○ Lisbon, New Hampshire 03585 	Unclassified
<ul style="list-style-type: none"> ▪ Pit #06 – Map R18 Lot 004 – Route 302 <ul style="list-style-type: none"> ○ L. William Presby Trust ○ Candace Lee McMahon, Trustee ○ 105 West Main Street ○ Littleton, New Hampshire 03561 	Grandfathered
<ul style="list-style-type: none"> ▪ Pit #07 – Map R18 Lot 003 – Route 117 <ul style="list-style-type: none"> ○ L. William Presby Trust ○ Candace Lee McMahon, Trustee ○ 105 West Main Street ○ Littleton, New Hampshire 03561 	Grandfathered
<ul style="list-style-type: none"> ▪ Pit #08 – Map R01 Lot 021 – 30 Ecology Drive <ul style="list-style-type: none"> ○ L. William Presby Trust ○ Candace Lee McMahon, Trustee ○ 105 West Main Street ○ Littleton, New Hampshire 03561 	Abandoned
<ul style="list-style-type: none"> ▪ Pit #09 – Map R23 Lot 004 – 90 Gulf Road <ul style="list-style-type: none"> ○ Lester Presby Jr. ○ 81 Gulf Road ○ Lisbon, New Hampshire 03585 	Unclassified

Appendix I:

Gravel Pit Inventory

Section XIX: Effective Date

These regulations take effect on March 25, 2009 as adopted by the Lisbon Planning Board and as amended.

- (3) The status of a Permitted Site may be changed from Active to Suspended or Revoked if any required local, state or federal permit has not been acquired within two years of a conditionally approved permit.
- (4) The status of a Permitted Site may be changed from Active to Suspended or Revoked if the site has not begun operations within two years of the approval of the permit. Operational delays due to legal appeals of Local Board decisions may be used to extend the two-year deadline.
- (5) The status of a Permitted Site may be changed from Active to Suspended or Revoked if the consultant fees levied by the Planning Board have not paid in full within one year of the approval of the permit. A written agreement outlining a schedule of payments between the applicant and the consultant may be used to extend the one-year deadline.
- (6) Any permitted site whose permit was approved prior to the adoption of these regulations and does not have an expiration date, must apply to the Planning Board, within one year of the adoption of these regulations, to have an expiration date assigned. Failure to have an expiration date assigned will result in the permit expiring on the one-year anniversary of the adoption of these regulations.
- (7) A Grandfathered Site may have its designation changed to an Abandoned Site (and therefore become subject to permitting) based on information contained in any Compliance Monitoring inspection report.
- (8) If within 6 months of the adoption of these regulations and at least two attempts to notify the owner, insufficient information has been provided to the Planning Board to allow it to classify an Unclassified Site; the Planning Board may change the site's designation to Abandoned.

F. Appeals: Any person affected by the Planning Board's decision to approve or disapprove an application by any amendment thereto or any suspension or revocation of a permit, or site reclassification may appeal to the Planning Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) 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 Planning Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within (30) days. Any person affected by the Planning Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.

G. Penalties: Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 676:17. Whoever violates any provision of this regulation, a permit, or a valid order issued hereunder, shall be guilty of a misdemeanor.

Section XVIII: Severability

The invalidity of any provision, sentence, paragraph, etc. of this regulation shall not affect the validity of any other provision, sentence, paragraph, etc.

B. Amendments: Permit holders wishing to alter the size or location of the excavation, the rate of removal, or the plan for reclamation shall apply for an amendment; following the same procedures as those required for the original excavation permit.

C. Compliance Monitoring: All Monitored Sites shall submit to an annual compliance inspection. A qualified agent appointed by the Planning Board will perform the inspections and provide a report of the findings to both the applicant and the Planning Board. The inspector will attempt to work out a mutually agreeable date of inspections with the owner/operator of the site at least two weeks prior to the date of inspection. On or before the date of the inspection, the owner/operator shall provide the inspector a site map showing the current boundaries of the excavation area. The cost of the inspections shall be borne by the owner of the excavation site. The inspection report shall as a minimum answer the following questions:

- (01) Was the required excavation site map provided?
- (02) Is the excavation site safe?
- (03) Is the excavation site unsightly or constitute a nuisance?
- (04) Is the excavation site occurring within the allowed boundaries?
- (05) Have inactive areas been properly reclaimed?
- (06) Has incremental reclamation been adhered to?
- (07) Are abutting property boundaries being respected?
- (08) Is runoff from the site affecting neighboring properties?
- (09) Are distances from public roadways being adhered to?
- (10) Does site have current required state and federal permits?
- (11) Is site in compliance with NH RSA 155-E?
- (12) Is site in compliance with these regulations?
- (13) Is site in compliance with all conditions imposed by the Planning Board?
- (14) Has inspection fee been paid?

D. Suspensions and Revocations: The Planning Board may suspend or revoke a permit if the Planning Board determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, any unsafe or hazardous conditions are determined by a site inspection to exist, or failure to correct any deficiency after notice. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.

E. Site Reclassification: Based on Compliance Monitoring inspections or other information made available to it, the Planning Board may make excavation site reclassifications as follows:

- (1) The status of a Permitted Site may be changed from Active to Closed if either the permit has expired or the owner requests that it be Closed and the Planning Board is satisfied that reclamation has been completed.
- (2) The status of a Permitted Site may be changed from Active to Suspended or Revoked based on information contained in any Compliance Monitoring inspection report.

- (01) Name, address, and signature of the person preparing the plan; date, bar scale and north arrow.
- (02) All boundaries of the area proposed to reclamation and the land within 200 feet of the boundary of this site.
- (03) Final topography of the proposed area for reclamation, at contour intervals of 5 feet or less or as otherwise determined by the Planning Board.
- (04) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- (05) Timetable as to fully depleted sites within the excavated area.
- (06) Schedules of final reclamation activities including seeding mixtures cover vegetation, fertilizer types and application rates.

C. **Other Information:** The Planning 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. According to the authority vested in the Planning Board by RSA 155-E:11, III & RSA 676:4, I(g), 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 Planning Board to deny the application.

Section XVII: Administration and Enforcement

A. Permits:

- (1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- (2) A permit shall be valid for a fixed time period determined by the Planning Board and the expiration date shall be specifically stated in the approved permit. A permit is automatically withdrawn if no substantial work is done on the site for a period of 2 years from the date of the issuance of the permit.
- (3) Excavation of earth without a valid permit is a violation of RSA 155-E and these regulations. Violators may be issued a cease and desist order.
- (4) The Planning Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations. Any such conditions shall be attached to the permit in a separate Statement of Conditions section. The Statement of Conditions section can contain but is not limited to:
 - (01) General Conditions.
 - (02) Pre-Operation Conditions.
 - (03) Operational Conditions.
 - (04) Reclamation Conditions.
 - (05) Monitoring Conditions.
- (5) The Planning Board shall establish a schedule by which all permitted sites are inspected on a regular basis (see Compliance Monitoring below.)

A. Excavation Plan: The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

- (01) Name and address of the owner, the excavator and all abutters.
- (02) Name, address and signature of the person preparing the plan; date, bar scale and north arrow.
- (03) Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.
- (04) Sketch and description of the location and boundaries of the proposed and any current existing excavation; the area shall be shown in square feet and acre.
- (05) The location of existing buildings, structures, septic systems and wells within 200 feet of the boundary.
- (06) Public streets, driveways, intersections, rights-of-way and all easements within 200 feet. Specific designation of intended transportation routes to and from the site.
- (07) Identification of all existing and proposed access roads, including width, surface materials and visual barriers to public highways.
- (08) Topography at contour intervals of 5 feet or less (as required by DES.)
- (09) All surface drainage patterns including wetlands and standing water.
- (10) The breadth, depth and slope of the proposed excavation and the estimated duration of the project.
- (11) An estimate of the total volume of earth to be excavated.
- (12) The elevation of the highest annual average ground water table within or next to the proposed excavation.
- (13) 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.
- (14) Proposed fencing, buffers and visual barriers, including height and materials.
- (15) All measures to control erosion, sedimentation, water pollution, air pollution and any hazards to human safety.
- (16) Plans for stormwater management.
- (17) Plans for equipment maintenance and storage.
- (18) Methods to prevent materials from the site from being tracked onto public roadways.
- (19) A copy of all necessary state and federal permits or completed applications for such. If any state or federal permit is still pending at permit approval, that approval shall be subject to the granting of those permits. If any state or federal permit requires substantive changes to the project as permitted, the Planning Board may re-open the permit for consideration of possible Amendments.

B. 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 should address future land use consistent with the Master Plan. The plan shall show or be accompanied by the following items:

- (2) Within 20 days of the close of the hearing on the application, or any continuation thereof, the 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 72 hours.
- (3) The applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

D. Notices required for Public Hearing

- (1) All abutters will be notified by certified mail, not less than 10 days prior to the public hearing on the application.
- (2) If the project has the potential for regional impact, as determined by the Board of Adjustment or the Planning Board, the affected towns and North Country Council must be notified as abutters.
- (3) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 10 days prior to the public hearing.
- (4) The notice must include the location and general description of the proposal as well as the date, time, and place of the public hearing.
- (5) The 10 days shall not include the day of the publications nor the day of the public hearing, but shall include any Saturdays, Sundays and legal holidays within said period.

E. Application Fees

- (1) A filing fee of \$100.00 plus postage shall be paid upon submission of an application, to defray the cost of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Planning Board to not accept the application.
- (2) A permit fee of \$50.00 (per statute RSA 155-E:8) plus \$50 for each scheduled hearing date shall be paid upon the issuance of a permit to defray the cost the hearings and permit compliance.
- (3) A fee payable to the Register of Deeds shall be paid upon approval, for the filing of the plan by the Planning Board.
- (4) Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

Section XVI: Application Submission Items

The applicant shall submit at least 2 copies of an Excavation and a Reclamation Plan; one copy to be shared by the Planning Board and the Conservation Commission and one copy to be available for temporary loan out to facilitate Public access and copying. If it has been determined by the Planning Board or the Lisbon Board of Adjustment that the plan has the potential for regional impact, the applicant shall submit one additional copy of the plans to be sent to the Regional Planning Commission (North Country Council.) The plans shall be at a scale appropriate for the land area involved. Some items in Paragraphs A or B may be modified upon application and hearing to the Planning Board for good cause shown.

coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the application 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 Planning Board is satisfied that all conditions of the site reclamation plan have been complied with.

Section XIV: Exceptions

Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying condition of the land to be excavated, the Planning Board may, upon application and following a duly-noticed hearing, grant any exception in writing to the standards contained in Sections X, XI, XII and XIII for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

Section XV: Application Procedures

Prior to the 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. Special Exception Applied For

- (1) Applicant must have applied for and been granted a Special Exception by the Lisbon Board of Adjustment.
- (2) If the granted Special Exception has been appealed, the application process may proceed at the applicant's request and any permit approval shall be subject to a Special Exception being obtained.
- (3) An application for an amendment to an existing permit that already has a Special Exception does not require a new one.
- (4) If an excavation site was previously permitted, and the permit has expired within the last two years, a new permit application can be accepted without a Special Exception if the Planning Board determines that the scope of the project has not changed. In all other circumstances a previously permitted excavation site must apply for a new Special Exception.

B. Excavation Application Review

- (1) Applications for excavation permits shall be filed with the Planning Board at a regularly scheduled meeting.
- (2) The application will be reviewed with the applicant at the scheduled meeting. If the application is found to meet all submission requirements it will be accepted and voted by the regulator as being complete. Should the application not be accepted as complete, another review meeting must be scheduled for re-submission.

C. Planning Board Action on Completed Application

- (1) Following a vote to accept the application as complete, the Planning Board will schedule a public hearing to be held within 30 days.

standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Planning Board.

B. 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) 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) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or other soil capable of maintaining permanent vegetation, and shall be planted with tree seedlings or grass suitable to prevent erosion.
 - (3) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed.
 - (4) 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 horizontal to vertical proposed by the owner and approved by the Planning Board. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.
 - (5) Any standing bodies of water created by the excavation that have been judged by the Planning Board to constitute a hazard to health and safety shall be eliminated.
 - (6) 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.
 - (7) 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 Planning Board.

Section XII: Incremental Reclamation

Any excavated area of 5 continuous acres or more, which either 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 Section XI 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 Planning Board for approval.

Section XIII: Reclamation Bond

- A. Prior to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Board of Selectmen a bond with sufficient surety, as determined by the Planning Board. The purposes of the bond are to guarantee reclamation of the area, compliance with the permit and any inspections. Off-site improvements for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.
- B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit or any other form approved by the Board of Selectmen. The surety may be phased to

- (03) 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.
 - (04) Vegetation shall be maintained or provided within the peripheral areas of items 1 and 2 of this section.
 - (05) No fuels, lubricants or other toxic or polluting chemicals shall be stored onsite unless in compliance with State laws or rules pertaining to the storage of such materials.
 - (06) 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.
 - (07) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.
 - (08) Excavation practices, which result in continued situation of surface waters or any degradation of water quality of any public or private water supplies, are prohibited.
 - (09) No excavation shall be permitted within 75 feet of any great pond, navigable river, or any 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, of any naturally-occurring standing body of water less than 10 acres, prime wetland as designated with RSA 432-A: 15, I or any other wetland greater than 5 acres in area as defined by the Wetlands Board.
 - (10) Processing machinery shall be erected or maintained on the lot as approved within the operational plan and such machinery shall be removed from the lot upon expiration of the permit or as otherwise provided in the permit.
 - (11) No material shall be stock piled or located outside the permit area.
 - (12) No blasting shall occur without receiving approval during the permitting process.
 - (13) Crushing not approved during the permitting process may not be introduced without a request being submitted to the Planning Board who will hold a public hearing and then rule.
 - (14) Copies of all required State and Federal monitoring reports shall be submitted to the Planning Board including Storm Water Prevention Plan (SWPPP) reports and NHDES Terrain Alteration reports.
 - (15) Permitted Sites shall maintain copies of all Local, State and Federal permit information on site including but not limited to:
 - a) Planning Board's approved Permit with attached Statement of Conditions.
 - b) Signed Excavation and Reclamation plans.
 - c) Copies of all Compliance Monitoring Inspection reports.
 - d) NHDES Terrain Alteration permit if required.
 - e) USEPA NPDES Federal Storm Water Permit if required.
- B. For those excavations that have been deemed to be incidental, and have received an exemption from a permit, the regulator may impose operational conditions and a performance bond as may be deemed necessary to insure completion of the proposed project.

Section XI: Site Reclamation Standards

- A. For excavations not requiring a permit, the following standards apply. For excavations requiring a permit, these standards are considered to be the minimum; more stringent

Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

- A. The excavation will not cause an unreasonable diminution in property values or unreasonably change the character of the neighborhood.
- B. The excavation will not create any unreasonable nuisance or create public health or safety hazards.
- C. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use of said highways.

Section IX: Expansion of Grandfathered Sites

Expansion of Grandfathered Sites into the area which on August 24, 1979 has been contiguous to and in common ownership with the excavation area and has been appraised and inventoried for tax purposes as part of the same tract as the excavation area is allowed subject to the following conditions:

- A. The owner/operator of the site shall provide the Lisbon Planning Board notice of said expansion along with a site map sufficient to identify the area of current excavation and the area of the proposed expansion.
- B. The owner/operator of the site shall submit to the Board of Selectmen a Reclamation Bond as described in Section XIII.
- C. Said expansion shall furthermore be subject to Sections X, XI, XII and XIII of these regulations.

A Grandfathered site that is found to be in violation of RSA 155-E or the provisions of these regulations that apply to it, shall be considered to be operating illegally and as such may be reclassified as an Abandoned Site. Abandoned Sites cannot operate without a Permit. See paragraph E - Site Reclassification of Section XVII: Administration and Enforcement.

Section X: Operational Standards

- A. For excavations not requiring a permit, the following standards apply. For those excavations requiring a permit, these 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 Planning Board. If during an inspection a permitted site is found to be in violation of one of these conditions the permit will be subject to suspension. If during an inspection of a grandfathered site is found to be in violation of one of these conditions the site may be subject to loss of exempt status.
 - (01) No excavation shall be permitted closer than 150 feet to an existing dwelling or to a site for which a building permit had been issued at the time the excavation was legally authorized.
 - (02) No excavation shall be permitted within 50 feet of the boundary of a disapproving abutter.

- B. In the event the Planning 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 the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Planning 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.
- C. If the Planning Board has determined that a danger to public health or safety exists from any excavation which ceased commercially useful operation prior to August 24, 1977, for which the affected areas has not been brought into compliance with the minimum and express reclamation standards in Section XI, the Planning Board shall state so in writing and the provisions of paragraph B, above shall apply.

Section VII: Prohibited Projects

The Planning Board shall not grant a permit under the conditions listed below.

- A. Excavations within 50 feet of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.
- B. Excavations within 150 feet of an existing dwelling.
- C. Excavations 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.
- D. Where existing visual barriers would be removed except to provide access to the excavation.
- E. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Planning Board shall give particular consideration to such factors as: noise, vibration, traffic, dust, fumes, or danger from operation.
- F. Where the excavation would substantially damage or contribute to the damage of a known aquifer, as designated by the United States Geological Survey.
- G. Where the excavation cannot receive necessary approvals from State or Federal agencies, such as Alteration of Terrain or Wetlands permits.
- H. Where the excavation is not permitted by zoning or other applicable ordinances.
- I. Where the project cannot receive a Special Exception from the Lisbon Board of Adjustment.
- J. Where the project cannot comply with the requirements of Section X, XI, XII and XIII of these regulations.

Section VIII: Expansion of Non-Conforming Excavation Sites

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 Planning Board, if after notice to the owner and public hearing, the Planning Board finds that the expansion will have a substantially different and adverse impact on the neighborhood.

- (1) An excavation performed exclusively for the lawful construction, reconstruction or maintenance of a Class I, II, III, IV or V highway. A copy of the pit agreement executed between the pit owner and the government unit shall be filed with the Planning Board; in addition, the provisions of Section VII of this regulation are to be complied with.

C. The following projects may be deemed to be an exempted from a permit:

- (1) Excavation of earth that is a direct consequence and 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 when total earth removal quantity is not more than 1000 cubic yards. The Planning Board shall always make a determination of what is incidental. This excavation cannot be started, however, until all required state and local permits have been issued.
- (2) Excavation that is incidental to agricultural activities, normal landscaping or minor topographical adjustment when total earth removal quantity is not more than 1000 cubic yards. The Planning Board shall always make a determination of what is incidental.
- (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).

D. The Planning Board based upon the facts and circumstances of the proposed project may grant incidental excavations exceeding 1000 cubic yards.

Section VI: Abandoned Excavations

A. Any excavation for which the affected area has not been brought into complete compliance with the reclamation standards of this regulation shall be considered abandoned if:

- (1) No earth material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the Planning Board approves a reclamation timetable, and a bond or other surety is posted in a form and amount prescribed by the Planning Board sufficient to cover the costs of reclaiming the entire site.
- (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 Planning Board has not approved a reclamation timetable.
- (3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed the report with the Planning Board as required pursuant to RSA 155-E:2, I(d).
- (4) The owner or operator of an excavation site that was in existence prior to the adoption date of these regulation failed to provide requested information necessary to classify the site as Permitted or Grandfathered.

- Y. Regulator** means the Planning Board of the Town of Lisbon.
- Z. Stationary Manufacturing and/or Processing Plants** means fixed facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

Section IV: Projects Requiring a Permit

- A. Any Excavation proposing to begin operation after the effective date of these regulations.
- B. Any Permitted Site, whose permit has expired, has been suspended or has been revoked.
- C. Any Permitted Site wishing to expand its excavation area or to increase the site utilization beyond the limits of the permit approved by the Planning Board.
- D. Any Grandfathered Site that had lawfully operated prior to August 24, 1979 and wishes to expand the excavation beyond the limits of the Town and the area which on August 24, 1979 had been contiguous to and in common ownership with the excavation area and has been appraised and inventoried for tax purposes as part of the same tract as the excavation area.
- E. Any Abandoned excavations still in operation at the time that these regulations are adopted.
- F. Any site reclassified as Abandoned under the provisions of the Site Classification section of the Administration and Enforcement paragraph of these regulations.

Section V: Projects Exempt From a Permit

- A. The following projects do not require a permit, but are nevertheless subject to Sections X, XI, XII and XIII of these regulations. In the event of a question regarding compliance, the Planning Board may require the owner/operator to come before the Planning Board and submit such information as may be necessary to demonstrate compliance with said standards.
 - (1) Grandfathered Excavations, provided that:
 - a) At the time operation began, it was in compliance with any local ordinances that may have been in effect;
 - b) The owner or operator of such an excavation area shall have filed an excavation report per RSA 155-E:2 I(d) with the Planning Board no later than August 4, 1991;
 - c) The owner or operator, upon request from the Planning Board, provided evidence of having filed the excavation report as outlined in section b above;
 - d) Expansion is confined to the limits of the Town and the area which on August 24, 1979 has been contiguous to and in common ownership with the excavation area and has been appraised and inventoried for tax purposes as part of the same tract as the excavation area.
- B. The following projects do not require a permit, but are nevertheless subject to Sections X, XI, XII and XIII of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the Planning 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.

- (1) **Permitted Site** means a site that has an excavation permit granted by the Planning Board. This includes sites granted permits prior to and subsequent to the adopting of these regulations.
- (2) **Grandfathered Site** means any excavation as described in RSA 155-E:2, I, which lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful had been removed during the 2-year period before August 24, 1979 and had legally filed for exempt status between August 4, 1989 and August 4, 1991 as required by RSA 155-E:2, I, (d).
- (3) **Abandoned Site** means a site that is not a Permitted Site and is not a Grandfathered Site but does have or has had excavation activity on it. Excavation on a site classified as Abandoned after the time of the adoption of these regulations is not allowed without a permit.
- (4) **Unclassified** means an excavation site that the owner was unable or unwilling to provide information sufficient for the Planning Board to determine whether it was Permitted, Grandfathered or Abandoned before these regulations were adopted,
- (5) **Monitored Site** means a site subject to compliance monitoring as outlined in Section XVII- C. A monitored site is one of the following:
 - i. A Grandfathered Site that has not been closed.
 - ii. An Abandoned Site that has not been closed.
 - iii. A Permitted Site whose permit has not expired.
 - iv. A Permitted Site whose permit has expired but whose reclamation has not been completed.
 - v. An Unclassified Site until the Planning Board can classify it.

Q. Expansion:

- (1) Of Grandfathered Sites means excavation beyond the limits of the Town and the area which on August 24, 1979 had been contiguous to and in common ownership with the excavation area and has been appraised and inventoried for tax purposes as part of the same tract as the excavation area.
 - (2) Of a permitted excavation means excavation beyond the limits as shown on the plan as approved by the Lisbon Planning Board.
- R. Incidental Excavation** means excavation of earth that has been granted an exception from an excavation permit by the Lisbon Planning Board.
- S. Minor Topographical Adjustment** means a one-time removal of earth from the site of less than 1000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- T. Normal Landscaping** means the on-site alteration and contouring of the land exclusively devoted to improving the functional utility and planting of the grounds.
- U. Operator** means the persons or company actually performing the Excavation and so designated as such by the Applicant in writing as part of the Excavation application.
- V. Owner** means the owner of record of a property that currently has or has had in the past excavation activity on it.
- W. Nuisance** means a situation that is generally recognized to be undesirable such as, but not limited to, odor, noise, dust, glare or vibration.
- X. Reclamation** means the restoring of an excavation site to a standard at least equal to those outlined in Section XI of these regulations.

- E. **Barricade** means a safety structure constructed to provide either warning of or protection against a dangerous area of an excavation site.
- F. **Berm** means a mound of earth, which may contain stumps, of sufficient height to serve as sight, sound, sand and dust screening of operations in an excavation site.
- G. **Board** means the Planning Board of the Town of Lisbon.
- H. **Commercial Excavation** means excavation of earth intended for commerce, and may include excavation that is conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation.
- I. **Contiguous** means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements in a single town.
- J. **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 building, foundations, curbing, paving, flagging, bridges, revetments or 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.
- K. **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.
- L. **Excavation** means a land area that is used, or has been used, for the commercial taking of earth, including all slopes.
- M. **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.
- N. **Excavation Site** means any area of contiguous land in common ownership with the Excavation Area and that has been appraised and inventoried for tax purposes as part of the same tract as the Excavation Area.
- O. **Excavation Site Statuses:**
- (1) **Active** means a Permitted Site that is not Closed, Suspended or Revoked; or a Grandfathered or Abandoned Site that has not been Closed.
 - (2) **Closed** means a Permitted Site whose permit has expired, has completed its reclamation plan and which has been declared Closed in writing by the Planning Board; or a Grandfathered or Abandoned Site that has been declared Closed by the Planning Board in writing after a request by the Applicant.
 - (3) **Suspended** means the ordered cessation of that portion of a Permitted excavation operation that is in violation of these regulations until such time as the applicant or operator can demonstrate compliance. Failure to comply with the Suspension or failure to correct the violations within a reasonable time as determined by the Planning Board can result in the Revocation of the permit.
 - (4) **Revoked** means the immediate invalidation of a Permit. A revoked permit may result in the forfeiture of the reclamation bond and would require re-application before any further excavation work could begin. The re-application process would be before the Planning Board at a regular meeting using the standard application steps as outlined in these regulations.
- P. **Excavation Site Types:**

TOWN OF LISBON NH
Earth Excavation Regulations
Adopted **March 25, 2009**

Section I: Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Lisbon and RSA 155-E, the Planning Board adopts the following regulations to govern the excavation of earth materials in the town of Lisbon New Hampshire. These regulations are adopted as a supplement to the purposes and standards contained in New Hampshire RSA 155-E, as amended, which are hereby adopted by reference. All other applicable land use ordinances and regulations in the Town of Lisbon shall be complied with.

Section II: Purpose and Scope

The goals of these regulations are to: provide for reasonable opportunities for excavation; minimize safety hazards which can be created by open excavations; provide for compliance monitoring of these regulations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the Town. For the purpose of achieving these goals, no earth materials in the Town shall be removed except in conformance with these regulations.

Section III: Definitions

A. Abutter means any of the following:

- (1) Any person whose property is located in New Hampshire and is within 200 feet of the boundaries of the lot(s) under considerations.
- (2) For the purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission(s) in the case of an excavation having regional impact, as determined by the Lisbon Planning Board or the Lisbon Zoning Board of Adjustment.
- (3) 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.
- (4) 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 means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

C. Agricultural Excavation means excavation of earth by the owner of the land to be used on the owner's land exclusively for agricultural use.

D. Agricultural Use means land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.

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Town of Lisbon NH

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Town of Lisbon NH

Earth Excavation Regulations

Adopted March 25, 2009