



Town of New Boston

PLANNING BOARD

PO BOX 250 • 7 MEETINGHOUSE HILL ROAD • NEW BOSTON, NH 03070

EXISTING EXCAVATION EXEMPTION APPLICATION FORM

Date: _____

Permit No: _____

1. Application is submitted for: ☐ Existing Excavation Exemption
2. Location of Proposed Excavation: Tax Map/Lot Number: _____/_____/_____ Zoning District: _____
Property Address: _____
3. Property Owner's Name: _____ Phone: _____
Address: _____ Town: _____ Zip: _____
4. Applicant/Excavator's Name (if different from above): _____
Address: _____ Town: _____ Zip: _____
Phone: _____
5. 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 ☐
6. 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.
7. Compliance with Statutory Minimum 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 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 16 (Administration and Enforcement) of the New Boston Earth Removal Regulations. Loss of exempt status can occur only after the Regulator has given written notice that the excavation is not in



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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.

8. Reclamation bond: Form proposed: _____ Amount proposed: _____
9. I/We have read the Town of New Boston Earth Removal Regulations, 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 applicable regulations, ordinances, and laws may result in revocation of or denial of approvals or permits by the Town.
10. I/We understand that the Office of the Planning Board/Planning Department must have on file a completed application with all required submissions as outlined in the Earth Removal Regulations at least 15 days prior to a scheduled public meeting of the Regulator.
11. I/We understand that the Regulator or its designee may make periodic inspections, minimally on an annual basis, of all excavation sites, 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.

Signed: _____ (property owner) Date: _____

Signed: _____ (applicant) Date: _____

Authorization to enter subject property

I hereby authorize members of the New Boston 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 24/48 hour 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 of property owner: _____ Date: _____

Fee: \$50 Application Fee
\$7 per abutter for certified mailing
Cost of publishing notice in the Union Leader to be billed separately

3/7/11