

Town of Mason, NH

EXCAVATION REGULATIONS

Adopted January 26, 1995

(Incorporating Amendments through December 27, 2023)



Contents

SECTION I: AUTHORITY	1
SECTION II: PURPOSE AND SCOPE	1
SECTION III: DEFINITIONS.....	1
SECTION IV: PROJECTS REQUIRING A PERMIT.....	3
SECTION V: PROJECTS EXEMPT FROM A PERMIT.....	3
SECTION VI: ABANDONED EXCAVATIONS.....	5
SECTION VII: PROHIBITED PROJECTS	5
SECTION VIII: CRITERIA FOR NON-CONFORMING EXPANSIONS.....	6
SECTION IX: MINIMUM AND EXPRESS OPERATIONAL STANDARDS	7
SECTION X: MINIMUM AND EXPRESS SITE RECLAMATION STANDARDS	8
SECTION XI: INCREMENTAL RECLAMATION.....	8
SECTION XII: PERFORMANCE GUARANTEES.....	9
SECTION XIII: EXCEPTIONS	9
SECTION XIV: APPLICATION PROCEDURES	9
A. Submission of Application.....	9
B. Planning Board Review of Submitted Application	10
C. Planning Board Review of Accepted Submission.....	11
D. Notices Required for Public Hearing	12
E. Fees	12
SECTION XV: PLAN REQUIREMENTS	13
A. Excavation Plan.....	13
B. Reclamation Plan.....	16
C. Erosion and Sediment Control Plan.....	16
D. Other Information.....	17
SECTION XVI: ADMINISTRATION AND ENFORCEMENT.....	17
A. Permits.....	17
B. Amendments and Renewals.....	17
C. Inspections	17
D. Suspensions and Revocations.....	18

**Town of Mason
Excavation Regulations**

E. Appeals	18
F. Penalties	18
SECTION XVII: SEPARABILITY.....	18
SECTION XVIII: AMENDMENT.....	18
SECTION XIX: EFFECTIVE DATE.....	18
APPENDIX A: TABLE OF EXCAVATION APPROVALS & NOTICES	21
EXCAVATION APPROVALS AND NOTICES REFERENCE TABLE	22
APPENDIX B: EXCAVATION PERMIT APPLICATION.....	23
APPENDIX C: EXCAVATION PERMIT RENEWAL AND ANNUAL INSPECTION REPORT	27
TOWN OF MASON, NH.....	28
Excavation Permit and Annual Excavation Inspection Report	28
Using the Inspection Report	29
References	29
Town of Mason - Annual Excavation Inspection Report	30
Overall Site Evaluation.....	31
Site-specific Best Management Practices (for Excavations).....	33
Overall Compliance Statement.....	35
CERTIFICATION STATEMENT	35

SECTION I: AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated stipulates that, with some exceptions, all earth excavations in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Planning Board of Mason by the voters of the Town of Mason and RSA 155-E, the Planning Board adopts the following regulations to govern the excavation of earth materials in the Town of Mason.

SECTION II: PURPOSE AND SCOPE

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

These regulations supplement the provisions of RSA 155-E and provide further clarification of the statutory requirements and their application in the municipality of Mason, New Hampshire. They are adopted as provided in RSA 155-E:11 and RSA 675:6. Applicants should familiarize themselves with both RSA 155-E and these regulations to be fully informed as to permit requirements.

SECTION III: DEFINITIONS

- A. **Abutter** means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. 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. For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commissions in the case of a development having regional impact, as determined by the Board. 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 XXII. B.
- 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. **Board** means the Planning Board of Mason
- D. **Contiguous** means land whose perimeter can be circumscribed in common ownership except for roads or other easements, in a single town.
- E. **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

**Town of Mason
Excavation Regulations**

of buildings, foundations curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.

- F. **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.
- G. **Excavation** means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.
- H. **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.
- I. **Excavation Site** means any area of contiguous land in common ownership upon which excavation takes place.
- J. **Existing Excavation** means any excavation which lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979.
- K. **Expansion** means excavation beyond the limits of the Town and/or the area which in 1979 had been contiguous to and in common ownership with the excavation and has been appraised and inventoried for tax purposes as part of the same tract.
- L. **Express Standards** means those operational and reclamation standards as outlined in this regulation.
- M. **Minimum Standards** means that the operational and reclamation standards outlined in this regulation are considered to be the minimum standards applied to any excavation that requires a permit.
- N. **Reclamation** means the restoring of an excavation site to a standard at least equal to those outlined in Section X of these regulations.
- O. **Stationary Manufacturing and/or Processing Plants** means facilities which are permanently 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. Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted by Section V below.
- B. Any excavation proposing to begin operation after the effective date of these regulations.
- C. Those that have lawfully operated prior to August 24, 1979 and wish to expand the excavation area beyond the limits of the town in which it is situated and the area which on August 24, 1979 and at all times subsequent thereto has been contiguous to and in common ownership with the excavation site of that date and has been appraised and inventoried for property tax purposes as part of the same tract as the excavation site as of that date.
- D. Those excavations from an area which on August 24, 1979 was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operations as of August 24, 1979 and wish to expand to any non-contiguous lands.
- E. Any excavation being performed as part of the construction or alteration of a building or structure, or the construction or alteration of a parking lot or way including a driveway on a portion of the premises where the removal occurs, if during such excavation earth material of sufficient weight or volume to be commercially useful will be removed from that site during any 2-year period.

SECTION V: PROJECTS EXEMPT FROM A PERMIT

- A. The following projects do not require a permit, but are nevertheless subject to Sections IX, X and XI of these regulations. In the event of a question regarding compliance, the Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.
 - 1) Excavations which lawfully existed as of August 24, 1979 from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, subject to the following
 - a. Such an excavation shall be exempt from local zoning or other ordinances regulating the location of the excavation site, provided that 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 I(d) with the Board no later than August 4, 1991. Any existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the Board before continuing excavation of the site.

**Town of Mason
Excavation Regulations**

- B. The following projects do not require a permit, but are nevertheless subject to Sections IX, X, and XI 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 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, as per RSA 155-E: 2, III(a).
- 1) Excavations from a site which on August 4, 1989 was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1992 and which use earth obtained from such excavation site.
 - 2) Excavations from a site which on August 4, 1989 was contiguous to, or contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979 and before August 4, 1989, which used earth obtained from such site. The operation and reclamation of such excavations shall continue to be regulated by such permits and any renewals or extensions thereof by the permitting authority or authorities
 - 3) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV or V highway; such an excavation, to be exempted, must not entail removal of earth material of sufficient weight or volume to be commercially useful during any 2-year period. A copy of the pit agreement executed between the pit owner and the governmental unit shall be filed with the Board; in addition, the provisions of Section VII of this regulation are to be complied with. Exceptions from local zoning or other regulations are provided for in RSA 155-E II, IV(c).
- C. The following projects are exempt from a permit and are not subject to regulations by the Board:
- 1) Excavation that 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 where removal occurs; such an excavation, to be exempted, must not entail removal of earth material of sufficient weight or volume to be commercially useful during any 2-year period. In the event of questions, the Board shall determine what is incidental. This excavation cannot be started until any and all required state and local permits have been issued.
 - 2) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustments; such an excavation, to be exempted, must not entail removal of earth material of sufficient weight or volume to be commercially useful during any 2-year period. In the event of questions, the Board shall determine 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).
 - 4) A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the Board.

SECTION VI: ABANDONED EXCAVATIONS

The following provisions do not apply to excavations connected with stationary manufacturing and processing plants:

- A. Any excavation for which the affected area has not been brought into complete compliance with the reclamation stands 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 either before, on or after August 4, 1989. The owner or operator may extend this time period if, prior to the end of the time period, the Board approves a reclamation timetable, and a performance guarantee is posted in a form and amount prescribed by the Board sufficient to cover the costs of reclaiming the entire site.
 - 2) The excavation is in use, but either has not, as of August 4, 1992, been brought into compliance with the incremental reclamation standards of the regulation, or a performance guarantee has not been posted and a reclamation timetable has not been approved by the Board.
 - 3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Planning Board within the prescribed period noted above.
- B. In the event the 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 performance guarantee requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the 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. The provisions of Paragraph B above also apply to any excavation which ceased commercially-useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards, if the board determines in writing that a danger to public health or safety exists.

SECTION VII: PROHIBITED PROJECTS

The Board shall not grant a permit for the following projects:

- A. Where the excavation would violate the operational standards of RSA 155-E:4-a.
- B. For excavations within fifty (50) feet of the boundary of a disapproving abutter; or within ten (10) feet of the boundary of an approving abutter unless approval is requested by said abutter. The board shall require written confirmation of approval from the abutter.

Town of Mason
Excavation Regulations

- C. Where the excavation is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for excavation exist in town, as described in RSA 155-E: 4, III.
- D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.
- E. Where existing visual barriers would be removed, except to provide access to the excavation.
- F. Where the excavation would substantially damage a known aquifer, as designated by the United States Geological Survey. The Board may require that the applicant provide data or reports, prepared by a Professional Engineer or other consultant acceptable to the Board, which assess the potential aquifer damage caused by the proposed excavation project. The Board shall determine whether or not substantial damage to the aquifer will be incurred by considering the following criteria:
 - 1) the excavation shall not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
 - 2) the excavation shall not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
- G. When the excavation cannot receive necessary land use permits from state or federal agencies.
- H. Where the project cannot comply with the operational and reclamation provisions and requirements of Sections IX, X, and XI of these regulations.

SECTION VIII: CRITERIA FOR NON-CONFORMING EXPANSIONS

Expansion of existing excavations located in an area in which excavations are no longer permitted by local zoning in effect on August 4, 1989 may be restricted or modified with conditions by the Board if after notice to the owner and a public hearing the Board finds that the expansion will have a substantially different and adverse impact on the neighborhood. Any potential impacts will be determined by the Board during a duly-noticed public hearing. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

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

SECTION IX: MINIMUM AND EXPRESS OPERATIONAL STANDARDS

For excavations not requiring a permit, the following express 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 Board.

- A. No excavations shall be permitted closer than 150 feet to an existing dwelling or to a site for which a building permit has been issued at the time the excavation permit is granted.
- B. 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.
- C. Vegetation shall be maintained or provided within the peripheral areas of paragraphs A and B of this section.
- D. No fuels, lubricants, or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.
- E. 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.
- F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods. Best management practices shall be used to prevent siltation of surface water or any degradation of water quality of any public or private water supplies
- G. No excavation shall be permitted within seventy-five (75) feet of: any great pond; or navigable river; or any other standing body of water ten (10) acres or more in area; or any other stream, river or brook which normally flows throughout the year; or any naturally-occurring standing body of water less than ten (10) acres; or prime wetland as designated in accordance with RSA 482-A:15,1; or any other wetland greater than five (5) acres in area as defined by the Wetlands Board.
- H. A depth of at least four (4) feet of original material shall remain in place above seasonal high-water level at the site.

SECTION X: MINIMUM AND EXPRESS SITE RECLAMATION STANDARDS

For excavations not requiring a permit, the following express 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 Board. Within 12 months following the expiration date of a permit issued under these regulations, or the completion of any excavation, whichever comes first, the excavated area shall be reclaimed in accordance with the following standards:

- A. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set in accordance with acceptable horticultural practices.
- B. Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation and shall be planted with seedlings or grass suitable to prevent erosion.
- C. All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
- D. 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 of horizontal to vertical proposed by the owner and approved by the Board. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.
- E. Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.
- F. 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.
- G. For excavation projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede these regulations. Copies of all such permits shall be filed with the Board.

SECTION XI: INCREMENTAL RECLAMATION

- A. Except for excavation sites of operating stationary manufacturing plants, any excavated area 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 Section X of these regulations within 12 months following such deletion 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 Board for approval.

- B. There shall be no more than three (3) acres of open excavation on the site at one time, unless otherwise approved by the Board.

SECTION XII: PERFORMANCE GUARANTEES

- A. Prior to the granting of any permit, or to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Selectman a performance guarantee with sufficient surety, as determined by the Board, to guarantee reclamation of the area and compliance with the permit. Off-site improvement for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.
- B. The performance guarantee shall be in form, including but not limited to, a letter of credit, cash, or passbook, acceptable to and approved by the Planning Board, Town Counsel (review at the expense of the applicant), and the Board of Selectmen. The performance guarantee 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 performance guarantees shall be posted. Performance guarantees must be posted prior to the sale of any parcel.

SECTION XIII: EXCEPTIONS

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

SECTION XIV: APPLICATION PROCEDURES

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

A. Submission of Application

- 1) A Submitted Application, as shown in Appendix B, sufficient to invoke jurisdiction of the Board, shall include all information required by the Board to determine whether to accept the submission. The following shall be required in submitting an Application to the Board:
 - a. An Application for Excavation Approval form properly filled out and executed by the Applicant and filed with the Board in accordance with Section XIV:A, together with the following:
 - i. The names and addresses of the Applicant and all abutters as indicated in town records not more than five (5) days before the day of filing.

**Town of Mason
Excavation Regulations**

- ii. A check payable to the Town of Mason to cover filing fees, mailing, advertising and other costs as provided in Section XIV: E.
 - iii. Seven (7) paper print copies of the Plat in accordance with and accompanied by the information required in Section XV.
- b. Parcel identification and ownership information
 - i. Tax map lot number(s) of the parcel(s)
 - ii. Name, address, and telephone number of the owner if in single ownership
 - iii. If a partnership, the name and legal address of the partnership
 - iv. If a corporation, the name and legal address of the corporation
 - v. A list of any liens or encumbrances on the parcel(s)
- c. Authorization and representatives

A document signed by the owner(s) if in single ownership, by all active partners if owned by a partnership, or by chief operating officer if owned by a corporation, and attested to by a Notary Public, to contain the following items:

- i. Authorization of a single named individual to represent, and to enter into agreements binding upon the owners; and the address and daytime telephone number of the authorized representative
 - ii. An address of record to which Planning Board communications may be sent by registered mail (such as the address of the authorized representative)
 - iii. An undertaking to notify the Planning Board of any change in ownership or status
 - iv. Authorization for the Planning Board or its agents or consultants to inspect the site and conduct such studies as are necessary.
- 2) The Submitted Application shall be filed with the Secretary or the Chairman of the Board at least twenty-one (21) calendar days prior to a scheduled public meeting of the Board.
- 3) An incomplete Submitted Application filed by the Applicant shall not be accepted by the Board nor shall notices of a public meeting be mailed, posted, or published. Submitted Applications may be refused by the Board without public hearing on grounds of failure of the Applicant to:
 - a. Supply information required for submitting the application, as specified in Section XV: A, including: Owner, Abutter and parcel identification, and information required on the Plat.
 - b. Pay costs of notices or other costs and fees required by these Regulations.
 - c. Meet any reasonable deadline established by these Regulations.
- 4) If a Submitted Application meets the requirements stipulated in this section, the Board shall consider the Submitted Application within thirty (30) days of its submission.

B. Planning Board Review of Submitted Application

- 1) The application shall be formally submitted to the Board only at a regularly scheduled public meeting after due notification to Applicant, Abutters, and the general public as provided in Section XIV:D.
- 2) At the duly noticed public hearing, the Board shall review the Submitted Application to determine whether the application includes sufficient information to allow the Board to

proceed with consideration and to make an informed decision. The application shall include the following information, in order to be accepted as complete by the Board:

- a. All information required for the Plat and addenda, as provided in Section XV.
 - b. Excavation Plan, including Erosion and Sedimentation Control
 - c. Reclamation Plan
 - d. Erosion and Sediment Control Plan, if required
 - e. Impact study, soil study, or other information, if required
 - f. Wetland review by Conservation Commission, if required
 - g. Review by fire department, if required
 - h. Flood Hazard Area plans, if required
 - i. All necessary permits from governmental agencies
- 3) The Board shall record the date of formal acceptance of the completed application in its meeting minutes.
- 4) An Application formally submitted by the Applicant shall not be accepted by the Board when the Applicant fails to:
- a. Supply information required for an Accepted Submission, including information on the Plat, as described in Section XIV: A (above).
 - b. Pay costs of notices or other costs and fees required by these Regulations, including for any additional studies required.
 - c. Meet any reasonable deadline established by these Regulations.

C. Planning Board Review of Accepted Submission

- 1) Once the Board has accepted the application as complete, it shall then review the Accepted Submission to determine whether to approve or disapprove the proposed subdivision.
- 2) Prior to approval of an excavation, a public hearing shall be held and notice to Applicant and abutters and the public shall be given in accordance with Section XIV:D. The public hearing shall be held within thirty (30) days after submission of the Completed Application.
- 3) Within 20 days of the close of the hearing on the application, or any continuation thereof, the Board shall make a decision. Notice of this decision shall be recorded in the minutes of the meeting.
- 4) Approval of the application shall be by majority vote of the Board. The Board may give conditional approval of the application, stipulating both specific conditions that need to be met and the time period within which those conditions shall be fulfilled before final endorsement of the plan can take place. If the stipulated conditions are not fulfilled before the time period expires, the application is disapproved.
- 5) Approval of the Plat shall be certified by written endorsement on the Plat and signed by the Chairman or Vice Chairman of the Board. The Board shall transmit a copy of the Plat with such approval endorsed in writing therein to the Register of Deeds of Hillsborough County. The applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plat submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the Applicant.
- 6) The applicant shall receive a written copy of the minutes along with the decision. If the application was approved with special conditions, these conditions shall also be stated, including the time period within which these conditions must be met. In the event the application is disapproved, the reasons for the disapproval shall be given.

- 7) An Accepted Submission shall not be approved by the Board on grounds of failure of the Applicant to:
 - a. Supply information required for a Plat, or if substantive inaccuracies in or conflicts regarding the Plat as submitted by the Applicant are found in review of the Accepted Submission.
 - b. Pay costs of notices or other costs and fees required by these Regulations, including for any additional studies required.
 - c. Meet any reasonable deadline established by these Regulations.

D. Notices Required for Public Hearing

- 1) Notice of the Planning Board review of a Submitted Application shall be given by the Board to the abutters and the Applicant by certified mail, return receipt requested, mailed at least fourteen (14) days prior to the submission, and to the public at the same time by posting in at least three public places in the Town or by publication in a newspaper of general circulation. The notice shall give the date, time and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board and shall include a general description of the proposal which is the subject of the Submitted Application to be considered and shall identify the Applicant and location of the proposed excavation.
- 2) Additional notice shall not be required of any continued session of a hearing with proper notice if the date, time and place of the continued session was made known at the prior hearing.
- 3) For applications having potential regional impact, the Board shall furnish the regional planning commission and the affected municipalities, within seventy-two (72) hours by certified mail, with copies of the minutes of the meeting at which the determination was made. At least fourteen (14) days prior to public hearing, the Board shall notify by certified mail the regional planning commission and affected municipalities of the date, time, and place of the hearing, of their right to appear as an abutter to offer testimony concerning the development.

E. Fees

- 1) Fees required to pay the Town and other Government agencies for services pertaining to the entire application and permitting processes shall be rendered in advance. Applicants shall be charged at a rate of \$200.00 per acre for all excavations, and the sum will be held in escrow until the processes are completed. Applicants are encouraged to contact the Nashua Regional Planning Commission to obtain an estimate of funds to be held in escrow.
- 2) A Submitted Application shall also be accompanied by a filing fee of \$100.
- 3) On endorsement of the Plat and the issuance of the permit, the Applicant shall pay a \$50 fee, to defray the costs of permit compliance.
- 4) All costs of notices, whether mailed, posted or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
- 5) The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, development of engineering plans, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the Applicant prior to the approval or

disapproval of the Plat. In addition, any and all costs incurred by the municipality in excess of the above-mentioned fees shall be paid by the Applicant prior to any action by the Board to approve or disapprove the Plat.

- 6) A site visit fee determined by the Board shall be levied for each site visit made by the Board or its designated inspector. Only those site visits to affirm compliance with the permit conditions and restoration plan shall be counted for this purpose.

SECTION XV: PLAN REQUIREMENTS

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 a plat that complies with the following items, unless waived by the Board

- 1) The plat for a proposed excavation shall be in permanent black ink, on a permanent reproducible polyester film, and shall be accompanied by seven (7) blue- or black-line paper prints. Sheet sizes shall be in accordance with requirements of the Register of Deeds, but not smaller than twenty inches (20") by thirty inches (30"). Maps shall be at a scale of no more than one hundred (100) feet per inch. Space shall be reserved on the plat for endorsement by the Planning Board and all appropriate agencies.
- 2) The plat shall contain the following statement: "The Excavation Regulations of the Town of Mason are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Excavation Regulations, excepting only any variances or modifications made in writing by the Board and attached hereto."
- 3) The plat shall contain or be accompanied by the following maps and information, unless waived by the board:
 - a. Name of municipality and subdivision, name and address of the subdivider and designer.
 - b. Name and seal of Engineer(s), Land Surveyor(s) and Soil Scientist(s) licensed by the State of New Hampshire;
 - c. A written acknowledgment of the applicant's responsibility for maintenance of easement areas, and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted
 - d. Perimeter survey with line bearings and distances, a statement of the precision of the survey (minimum scale 1:5,000), and the lot area in acres and square feet. A fifty (50) foot boundary of the area shall be provided for the entire parcel. In whatever manner is practical, the parcel boundary shall be referenced to some point, i.e., public street intersection or U.S.G.S. bench mark.
 - e. North point, bar scale and dates of any revisions.
 - f. A precise locus plan at the scale of the Mason Tax Map (1" = 400') locating the subdivision boundaries in relation to the surrounding streets, including at least one intersection of another Town road, and showing each Town road on which the parcel has frontage;

Town of Mason
Excavation Regulations

- g. Lot lines, angles and dimensions, lot sizes in square feet and acres, iron pins at lot corners.
- h. Boundaries of any area in Current Use, unless the entire parcel is in Current Use in which case a statement on the plan to that effect will suffice. If the parcel is only part of a larger unit in Current Use, a description of the overall Current Use unit shall be included.
- i. Names and addresses of abutting property owners within one hundred (100) feet of the parcel to be excavated
- j. The use of abutting properties and approximate locations of structures thereon and access points thereto, if within two hundred (200) feet of the parcel's boundaries
- k. The topography at two foot contour intervals, except where terrain is in excess of 5% slope, in which case five (5) foot contour intervals are permissible
- l. The location of all watercourses (including intermittent drainage ways), waterbodies, and wetlands, existing drainage including all culverts, the location of any adjacent wetland, and the one hundred (100) year flood elevation line.
- m. Soil types for the entire parcel of land, utilizing the soil classification as determined by the U.S.D.A. Soil Conservation Service. The soils information provided on the plan shall be certified on the plan by the Hillsborough County Conservation District and at least one copy provided to the Board shall contain the original signature. A legend prepared by the Hillsborough County Conservation District shall accompany the plan and shall show any symbols, soil names, and such other information as the Hillsborough County Conservation District deems appropriate.
- n. The location of all existing water supply and waste disposal facilities (including leach field, and leach field replacement area in the case of an onsite sewage system).
- o. The location of all existing offsite water supply and waste disposal facilities on adjacent parcels, if within 100 foot of the site boundary, with a state-required protective radius shown around each.
- p. All driveways and public roads to two hundred (200) feet beyond the property, including the name, right of way, and travel surface of those roads, all entrances onto, and culvert crossings of the roads if within two hundred (200) feet of the property.
- q. Existing street right-of-way lines, dimensions of tangents, chords, and radii, accurate locations of all monuments to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots, names of existing and proposed streets.
- r. Location of existing and proposed easements or deed restrictions.
- s. All significant natural and man-made features.
- t. Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project;
- u. Sketch and description of the location and boundaries of the proposed and any existing excavations, the area in square feet and acres, and affected towns;
- v. Sketch and description of existing and proposed access roads, including width and surface materials;

- w. Breadth, depth, and slope of the proposed excavation and the estimated duration of the project;
- x. Elevation of the highest annual average ground water table within or next to the proposed excavation;
- y. 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;
- z. Proposed fencing or other visual barriers, including height and materials;
- aa. All measures to control erosion, sedimentation, water pollution, air pollution, and hazards to human safety;
- bb. Copies of all necessary state and federal permits.

cc. Coordination of multi-sheet submissions

Where the submitted plat will contain multiple sheets the following practices shall be followed to ensure the coordination of the various sheets:

- i. One sheet shall be identified as the 'front sheet' and shall contain :
 - A table of contents in which all subsequent sheets are identified by sheet title and date
 - The required locus plan showing the location of the project in relation to town roads
 - The space reserved for Planning Board endorsement ("Approved by the Mason Planning Board") providing space for the authorized signature and the date of signature.
 - The required statement about the Excavation Regulations.
 - If subsequent sheets cover only part of the project, then the 'front sheet' shall also contain an overview plan showing the position and coverage of the individual sheets, identified by sheet name or keyed to the index. Each individual sheet shall contain a version of the overview plan (may be miniaturized) showing that sheet's location within the overall project.
 - Optionally, a master legend explaining any symbols used in the submission which are not explained by legends in the individual sheets. If no master legend is included, then every sheet upon which symbols are used shall contain a sheet legend.
- ii. Every sheet shall be marked with:
 - The project title used to identify the entire project, the name of the applicant, and the name of the plan preparer.
 - A sheet title which uniquely identifies the individual sheet.
 - A revision block showing the dates of all revisions.
 - If the sheet contains map data, a scale bar and statement of scale (feet per inch) and a North arrow labeled as appropriate as geographic or magnetic North and, if magnetic, the local declination at the date of the survey, shall be included.
 - The seal(s) and signature(s) of registered Engineer(s), Surveyor(s), and Soil Scientist(s) certifying the data on the plan.

- Matchlines to adjacent sheets if part of a multi-sheet submission where individual sheets show only parts of the site.
 - Legend explaining any symbols used unless, in the case of a multi-sheet plan, already explained in the legend on the front sheet.
- iii. Unless compelling reasons prevent it, all plans should share the same orientation or exactly ninety (90) degrees of rotation to permit simple edge alignment. If practical the geographic orientation of the locus plan shall be the same as the rest of the sheet.

B. Reclamation Plan

The reclamation plan shall address the effects of the proposed excavation on soil, surface and ground water, 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, unless waived by the Board:

- 1) Name, address, and signature of the person preparing the plan;
- 2) Date, bar scale and north arrow;
- 3) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site;
- 4) Final topography of the area proposed for reclamation, at contour intervals of five feet or less;
- 5) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities;
- 6) Timetable as to fully-depleted sites within the excavation area; and
- 7) Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types, and application stages.

C. Erosion and Sediment Control Plan

If required by the Board, this plan shall be submitted on a separate sheet or sheets and provide the following information:

- 1) A narrative describing:
 - a. The development
 - b. Schedule for grading and construction activities, including
 - i. Start and completion dates;
 - ii. Sequence of grading and construction activities;
 - iii. Sequence for installation and/or application of soil erosion and sediment control measures.
 - iv. Design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 - v. Construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - vi. Installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - vii. Operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 2) A site plan map at a scale sufficient to show clearly (supplemented by notes or addenda as necessary):
 - a. Location of the proposed excavation and adjacent properties;

- b. Existing and proposed final topography including soil types, wetlands, watercourse, and water bodies;
- c. Existing structures on the project site, if any;
- d. Proposed alterations including cleared, excavated, filled or graded areas and proposed utilities, roads, and, if applicable, new property lines, and the general location of proposed structures and driveways.
- e. Location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- f. Sequence of grading and construction activities;
- g. Sequence for installation and/or application of soil erosion and sediment control measures;
- h. Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

D. 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 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.

SECTION XVI: ADMINISTRATION AND ENFORCEMENT

A. Permits

The Board of Selectmen or its designated agent shall issue permits only to the owner or his agent and shall not be transferable without the prior written consent of the Select Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site. A permit shall be valid for two (2) years and the expiration date shall be specified. A permit is automatically withdrawn when no substantial work is done on the site for a period of two (2) years from the date of issuance of the permit. Failure to file for a permit shall be considered a violation and operators who fail to file will be issued a cease and desist order. The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

B. Amendments and Renewals

Permit holders wishing to renew or amend a permit by altering the size or location of the excavation, the rate of removal or the plan for reclamation shall follow the same procedures as those required for an excavation permit.

C. Inspections

The Board or its designated agent may make periodic inspections of all excavation sites to determine if the operations are in conformance with these regulations and the approved plans.

D. Suspensions and Revocations

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

E. Appeals

Any person affected by the Board's decision to approve or disapprove an application or an amendment thereto or any suspension or revocation of a permit may appeal to the 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 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 thirty (30) days. Any person affected by the Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4-15. All rehearings must be duly noticed as provided in XIV:D above.

F. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 67:17. Whoever violates any provision of these regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

SECTION XVII: SEPARABILITY

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

SECTION XVIII: AMENDMENT

These regulations may be amended or rescinded by the Board, but only following a public hearing on the proposed change.

SECTION XIX: EFFECTIVE DATE

The effective date of these regulations shall be January 26, 1995.

**Town of Mason
Excavation Regulations**

Upon enactment, these regulations or any amendments thereto shall be signed by the Chairman of the Planning Board, endorsed by a majority of the Planning Board, recorded with the Register of Deeds for Hillsborough County, and filed with the Mason Board of Selectmen, Town Clerk, and the New Hampshire Office of Strategic Initiatives.

Adopted by the Mason Planning Board on January 26, 1995 and as amended on December 27, 2023.



Dane Rota, Chair

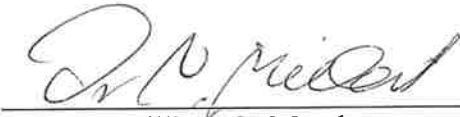
Christopher Jones, Vice Chair



Charles Moser, *ex officio*



Katie Boots, Member



Dorothy Millbrandt, Member



Antje Skorupan, Alternate

Town of Mason
Excavation Regulations

Town of Mason, NH

Excavation Regulations

APPENDIX A: TABLE OF EXCAVATION APPROVALS & NOTICES



**Town of Mason
Excavation Regulations**

EXCAVATION APPROVALS AND NOTICES REFERENCE TABLE

Type of Operation	No Permit Required	Permit Required	Must Comply with Standards	Must Reclaim	Must Post Reclamation Performance Guarantee	Must File Excavation Report
Existing as of August 24, 1979	X	For expansion	X	X	For expansion	X
Commenced operations since August 24, 1979		X	X	X	X	
Stationary manufacturing and Processing Plants existing as of August 24, 1979	X	In the event of noncompliance with standards	X	X	If permit is required	
In connection with Highway Excavations	X	In the event of noncompliance with standards	X	X	If permit is required	
Non-conforming as of August 4, 1989	X	For expansion	X	X	For expansion	
Abandoned for any 2-year period between August 24, 1987 and present				X		
Abandoned prior to August 24, 1977	Not subject to Regulation by the Planning Board					
Incidental to building and agriculture						
Counting of Dimension Stone						

Town of Mason, NH

Excavation Regulations

APPENDIX B: EXCAVATION PERMIT APPLICATION



**Town of Mason
Excavation Regulations**

TOWN OF MASON, NH EXCAVATION APPLICATION FORM

1. Submit completed application together with additional required information to:
 - a. Chairman
Mason Planning Board
Mann House
16 Darling Hill Road
Mason, NH 03048
 - b. Chairman
Mason Conservation Commission
Mann House
16 Darling Hill Road
Mason, NH 03048
2. Date of Submission: _____
3. Name of Owner/Applicant: _____
Address (Mailing): _____

4. Location of proposed/existing excavation (municipality, nearest roads, other locational information, lot # from tax map, and street number)

5. Names and addresses of abutters (see definition). List below or attach sheet and show clearly on sketch:

6. State permits required and obtained (if applicable):

WSPCD (RSA 485-A:17)
Wetland Board (RSA 483-A)
State Highway Dept. - Access Permit
State Pit Agreement

**Town of Mason
Excavation Regulations**

7. Excavation/Reclamation Plan: this information is to be submitted as plans attached to this application.
 - a. Site surveyed by a Registered Land Surveyor, to establish an accurate base map showing boundary lines, topography, and significant features.
 - b. Excavation Plan to show:
 - i. property lines
 - ii. existing topography
 - iii. limits of excavation
 - iv. excavation depths (excavated topography)
 - v. total area of excavation in acres
 - vi. access road(s) and intersection with town or state highways
 - vii. vegetative buffer
 - viii. abutters names and addresses
 - ix. distances from excavation limits to property lines
 - x. schedule of excavation volumes; phasing of excavation (areas and dates)
 - xi. test pit groundwater elevations
 - xii. topsoil storage area
 - xiii. drainage improvements (if necessary)
 - xiv. photographs of existing conditions
 - c. Reclamation Plan to show:
 - i. reclaimed topography
 - ii. soil conditioning specifications
 - iii. seeding and mulching specifications
 - iv. plant materials/quantities/sizes
 - v. phasing of reclamation (areas and dates)
 - vi. sections showing existing, excavated and reclaimed topography
8. Hauling Information:
 - a. Routes to be utilized
 - b. Frequency of truck traffic over routes
9. Reclamation Performance Guarantee:

A reclamation performance guarantee shall be required prior to the issuance of an excavation permit. The performance guarantee amount is established based on a recommendation of the Town's Engineer for the conditions specific to the site.
10. The excavation permit will be valid for a period of one year. An application for permit renewal should be submitted to the Planning Board by the owner if excavation is to be continued beyond the termination date. A permit will be renewed if a site inspection by the Planning Board finds the excavation to be in compliance with the Excavation and Reclamation Plans.

The information contained in this application is completed and true to the best of my knowledge.

Submitted by: _____

**Town of Mason
Excavation Regulations**

Signature (Owner/Designee)

Date

FOR ADMINISTRATIVE USE ONLY:

RSA 155-E

Owner/Site/Address: _____

Completed Application Received (date): _____

Public Hearing Held (date): _____

Decision: Approved ☐ Date: _____
 Denied ☐ Date: _____

Reason: _____

Application Fee Received (date): _____ (amount) \$ _____

Permit Fee Received (date): _____ (amount) \$ _____

Pit Agreement Received (date): _____

Performance Guarantee Received (date): _____ (amount) \$ _____

Permit Issued (date): _____

Permit Expiration (date): _____

Compliance Inspection (date and initials of inspector(s)):

1. _____
2. _____
3. _____
4. _____

Comments: _____

**Town of Mason, NH
Excavation Regulations**

**APPENDIX C: EXCAVATION PERMIT RENEWAL AND ANNUAL INSPECTION
REPORT**



**Town of Mason
Excavation Regulations**

**TOWN OF MASON, NH
Excavation Permit and Annual Excavation Inspection Report**

Project Name: _____

Owner: _____

Address: _____

Excavation Contractor: _____

Address: _____

Excavation Site Tax Map and Lot Number: _____

Date Excavation Permit Approved by the Board: _____

Next Annual Inspection Due by: _____

Type of Performance Guarantee: _____

Amount of Performance Guarantee Approved by the Board: _____

Excavation Permit Number: _____ Date Issued: _____ Expiration Date: _____

Performance Guarantee Amount: _____ Date Received: _____ Expiration Date: _____

***THIS PERMIT IS NON-TRANSFERABLE WITHOUT PRIOR, WRITTEN APPROVAL OF THE
MASON PLANNING BOARD PURSUANT TO RSA-155E:8***

NOTE: Pursuant to RSA 155-E:10 – The regulator or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which the permit was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with RSA 155-E:9.

Issued by:
Mason, NH Planning Board

Chairman

Date

THIS PERMIT IS TO BE PROMINENTLY POSTED AT THE EXCAVATION SITE OR AT THE PRINCIPAL ACCESS THERETO PURSUANT TO RSA 155-E:8.

FAILURE TO SUBMIT THE EXCAVATION PERMIT AND ANNUAL INSPECTION REPORT WILL RESULT IN A CEASE AND DESIST ORDER.

Using the Inspection Report

This inspection report was developed to support compliance with Section XVI, “Administration and Enforcement,” of the Town of Mason, Excavation Site Plan Review Regulations. Please note that this inspection report is site specific and shall be customized according to the Best Management Practices (BMPs) and conditions of the site. When conducting the inspection, the responsible person should observe general site conditions and the specific BMPs using the form provided. The following instructions are designed to assist the attached Inspection Report.

- Complete the items in the “General Information” section that will remain constant, such as the project name, and inspector (if only one inspector is used).
- For ease of use, take a copy of the project site plan and number all of the site-specific stormwater BMPs and areas of the site that will be inspected.
- Print out multiple copies of as many site-specific BMP sheets for the inspection report as needed to use during inspection(s).
- For each numbered, site-specific BMP, provide a brief description of the BMP and/or areas being inspected in the site-specific section of the inspection report. For example, specific structural BMPs such as sediment ponds, or specific areas with silt fence should be numbered and listed (e.g., silt fence along the main street; silt fence along slope in NW corner, etc.).
- When conducting the inspection, walk/drive the site by following the site map and numbered BMPs/areas for inspection. Also note whether the overall site issues have been addressed (customize this list according to the conditions at the site). Note any required corrective actions and the date and responsible person for the correction in the Corrective Action Column.

References

This Report was developed based on information provided by EPA’s Developing Your Stormwater Pollution Prevention Plan and the NHDES – NH Stormwater Manual Volume 3: Construction Phase Erosion and Sediment Control. More information on these sources and additional information on BMPs, visit:

- www.epa.gov/npdes/swpppguide
- <http://des.nh.gov/organization/divisions/water/stormwater/manual.htm>.

**Town of Mason
Excavation Regulations**

Town of Mason - Annual Excavation Inspection Report

General Information		
Project Name:		
Planning Board Case Number:		
Lot Number(s)	Street	
NHDES AOT Permit Number(s)	Year Approved	
	Renewal Date	
Date of Inspection		
Inspector's Name(s) & Title(s)		
Inspector's Address		
Inspector's Qualifications		
Describe present phase of excavation		
Type of Inspection: <input type="checkbox"/> Annual <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information		
Weather at time of this inspection? <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature:		
Have any off-site discharges occurred since the last inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe:		
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please describe:		
What is the area of the open excavation? _____ Acres		
Has the reclamation begun? <input type="checkbox"/> Yes <input type="checkbox"/> No If so, how many acres? _____ Acres (See Reclamation Section)		
Is the excavation conforming to the reclamation plan? <input type="checkbox"/> Yes <input type="checkbox"/> No		
What is the required height of the excavation above the water table? _____ Feet		
What is the volume of material removed in the past year? _____ Cubic Yards		

**Town of Mason
Excavation Regulations**

Overall Site Evaluation

Below are some general site issues that should be assessed during inspections. It may be modified based on the conditions at your site.

	Site Activity	Implemented/ Performance?	Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1	Are all slopes and disturbed areas not being actively worked properly stabilized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Are natural resource areas (e.g., streams, wetlands, mature trees, etc.) protected with barriers or similar BMPs?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Are perimeter controls and sediment barriers adequately installed (keyed into substrate) and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Is there adequate fencing and/or signage at the top of the slopes?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Are discharge points and receiving waters free of any sediment deposits?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Are storm drain inlets properly protected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Is the construction exit preventing sediment from being tracked into the street?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Is there still adequate Sight Distance at the Entrance?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	Is trash/litter from work areas collected and placed in covered dumpsters?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	Are washout facilities (e.g., paint, stucco, concrete) available, clearly marked, and maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	
11	Are there vehicle and equipment fueling, cleaning, and maintenance areas?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Town of Mason
Excavation Regulations**

12	If so, are the vehicle, equipment fueling, cleaning, and maintenance areas free of spills, leaks, or any other deleterious material?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
13	Are there any materials on site that are potential stormwater contaminants?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
14	If so are they stored inside and/or under cover?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
15	Are non-stormwater discharges (e.g., wash water, dewatering) properly controlled?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
16	Are there means on the site to control the dust?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
17	(Other)			
	Reclamation	Implemented?	Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1	Do the final slopes meet or exceed the specified grade?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Has the area been loamed, and fertilized according to plan reclamation specifications?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Is the drainage leaving the site in the same location as it was originally?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Has 75% growth been established?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	(Other)			

**Town of Mason
Excavation Regulations**

Site-specific Best Management Practices (for Excavations)

	Steep Embankments	Site Issues?	BMP Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1	Erosion	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Slippage or Seeps	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Animal Burrows	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Woody Vegetation	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Trash & Debris	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Fencing and/or Signage @ top of slope	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	BMP – Detention Basin	BMP Installed?	BMP Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1	Grass Vegetation	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Woody Vegetation	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Erosion of the side slopes	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4	Slippage	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5	Animal Burrows	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6	Accumulated Sediment	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7	Inlet Control	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8	Outlet Control	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10	(Other)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Town of Mason
Excavation Regulations**

	BMP – Siltation Fence	BMP	BMP Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1	Installed	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2	Repairs needed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3	Other?			

Site-specific BMPs (for Excavations)

- *Number the structural and non-structural BMPs identified on your site map and list them below (add as many BMPs as necessary). Carry a copy of the numbered site map with you during your inspections. This list will ensure that you are inspecting all required BMPs at your site.*
- *Describe corrective actions initiated, date completed, and note the person that completed the work in the Corrective Action Column.*
- *Copy as many sheets as needed for the site-specific BMP*

	BMP	BMP Installed?	BMP Maintenance Required?	Notes and/or Corrective Action Needed or Taken
1		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
3		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
5		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
6		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
7		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
8		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
9		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
10		<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

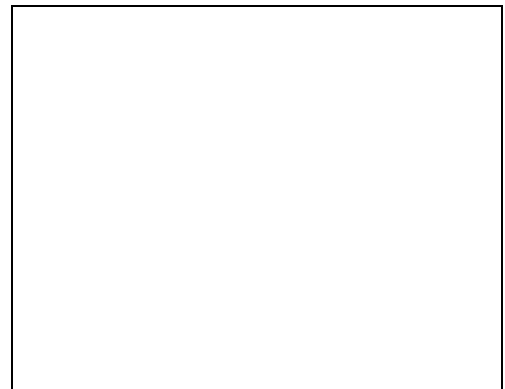
Town of Mason
Excavation Regulations

Overall Compliance Statement

Please use the box below to specify how the excavation is in compliance with the approved permit conditions, Excavation and Reclamation Plans. If limited activity has occurred since the last annual inspection, please specify such activity.

CERTIFICATION STATEMENT

“I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant civil penalties for submitting false information.



Seal of NH Licensed Professional Engineer

Print name and title: _____
NH Licensed Professional Engineer License No. _____

Signature: _____ **Date:** _____