

APPENDIX I

APPLICATION PACKAGE

APPLICATION FOR EARTH EXCAVATION
TOWN OF NEWTON

(Incomplete applications will be returned to the applicant with no action taken by the Board)

Date Received: _____

File No.: _____

Fee Schedule: Amount Check #

A. Application.....\$ 100.00

B. Newton Professional Review Engineering Account (NPREA)...\$ 500.00

This deposit covers legal advertisement, abutter notices, recording & copying fees and an engineering review. This amount is an initial deposit, the Planning Board and town engineer will determine the total amount of the fees.

TOTAL.....\$ 600.00

(fees should be paid with two separate checks or money orders. A check or money order for the amount of items A should be made payable to the Town of Newton. A check or money order for the amount of item B should be made payable to NPREA)

1. Name of owner/applicant: _____

Name of Agent or Pit Owner, if different from owner: _____
(notarized letter must be submitted indicating agent assigned and the amount of authority given)

Signature of owner/applicant: _____

2. Current mailing address: _____

Telephone Number: _____

3. Date of Submission: _____

(note Section XV requires submission of completed applications 21 days before the next regularly scheduled Planning Board meeting)

4. Location of proposed and/or existing excavation: _____

5. Tax Map #: _____ Lot #: _____ Zoning District(s): _____

6. Type of Operation: _____

7. If existing, date of commencement _____

8. Submission Items:

- a. Excavation and/or Reclamation Plans completed by certified engineer.
- b. Name, address and license # of engineer
- c. Engineer cost estimates
- d. Evidence of ability to provide bond or surety.
- e. Test pit results
- f. Abutters list
- g. Local, State and/or Federal Permits
- h. Fees

NEWTON PLANNING BOARD
LIST OF ABUTTERS
(To be attached and submitted with application)

Name of Applicant _____ Tax Map # _____ Lot # _____

Name of Agent or Pit Operator if different from Owner _____

Address _____

Abutter means any person whose property is located in Newton or adjoining towns, and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For 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 any proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, 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.

1. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

2. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

3. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

4. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

5. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

6. Name _____ Tax Map # _____ Lot # _____

Address _____

Zip Code _____

TOWN OF NEWTON
NEW HAMPSHIRE

Date
Submitted

Application Checklist

1. Signed and dated application form.
2. List all abutters.
3. Copies of any required local, state, or federal permits.
4. Excavation plan at a scale of 1" = 100' showing the information listed below:
 - a. Name and address of owner, excavator, and all abutters.
 - b. Name, address, and signature of person preparing the plan; date of plan, scale, and north arrow.
 - c. Sketch and description of the location and boundaries of proposed and any existing excavations in square feet and acres and the municipalities involved.
 - d. Zoning district boundaries of excavation area and within 200' of the area boundary.
 - e. Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200' of the excavation.
 - f. Locations of existing buildings, structures, septic systems, and wells within 200' of the excavation.
 - g. Topography at contour levels of five feet or less.
 - h. All surface drainage patterns, including wetlands and standing water.
 - i. Sketch and description of existing and proposed access roads, including width and surface materials.
 - j. Breadth, depth, and slope of the proposed excavation.
 - k. Elevation of the highest annual average groundwater table within or next to the proposed excavation.
 - l. Test pit data or log of borings to within either the seasonal high water table or a minimum of six feet below the proposed excavation depth.

-
-
- m. Fencing, buffers, or other visual barriers, including height and materials.
 - n. Measures to control erosion and sedimentation, water and air pollution and any hazards to public safety.
-
5. Reclamation plan at a scale of 1" = 100' including the information below:
-
- a. Name, address, and signature of the person preparing the plan; date of plan, scale, and north arrow.
 - b. All boundaries of the area proposed for reclamation and the land within 200' of these boundaries.
 - c. Final topography at contour intervals of five feet or less.
 - d. Final surface drainage pattern.
 - e. Timetable as to fully depleted sites within the project area.
 - f. Schedule of final reclamation activities, including seeding mixtures, cover vegetation fertilizer types, and application rates.
-
6. Evidence of ability to be bonded.

Excavation Checklist

-
- 1. The excavation is within 50' of a disapproving abutter or 10' of an approving abutter.
 - 2. The excavation will not be unduly hazardous to the public welfare.
 - 3. Existing visual barriers will not be removed except to gain access to the excavation.
 - 4. The excavation will not substantially damage a known aquifer.
 - 5. The excavation is not closer than 150' to an existing dwelling or to a site for which a building permit has already been issued.
 - 6. The excavation is not below road level within 50' of the public right-of-way.
 - 7. Vegetation is maintained within the peripheral areas of two above mentioned requirements.
 - 8. Fuels, lubricants, etc., are not stored on the site.
 - 9. If temporary slopes exceed 1:1 grade, an appropriate barricade is provided.
-
-
-
-

- _____
- _____
- _____
- _____
- _____
10. The excavation will not cause the accumulation of freestanding water for prolonged periods.
 11. The excavation is not within 75' of any great pond, navigable river, or any other standing body of water ten acres or more in area.
 12. The excavation is not within 25' of any stream, river, brook that normally flows throughout the year, or any naturally-occurring standing body of water less than ten acres, prime wetland, or any other wetland greater than five acres in area.

Reclamation Checklist

- _____
- _____
- _____
- _____
- _____
- _____
1. Tree seedlings will be planted in areas visible from a public way to replace trees that were removed.
 2. All disturbed areas will be reseeded.
 3. Provision is made for the removal of all stumps and other debris.
 4. Soils will be graded according to soil type, and changes in slope will not be abrupt.
 5. No standing bodies of water created by the excavation will be left if they create a public safety hazard.
 6. The topography will be left so that drainage reverts to its original points and proportions of flow.

APPENDIX II

PHYSICAL PERMIT

NEWTON, NEW HAMPSHIRE

EXCAVATION PERMIT

PURSUANT TO RSA 155-E

PERMIT #: _____ ISSUE DATE: _____

EXPIRATION DATE: _____

LOCATION:

STREET: _____

MAP #: _____

LOT #: _____

OWNER (S): _____

ADDRESS: _____

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

Newton, NH Planning Board

Chairman

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

APPENDIX III

SAMPLE BOND

Irrevocable Standby Letter of Credit

DATE

Beneficiary: Town of Newton (hereinafter "Town")
2 Town Hall Rd
Newton, New Hampshire 03858

Re: **APPLICANT'S NAME**

Dear Chairman and Members of the Planning Board:

We, **BANK'S NAME**, hereby establish in favor of the Town, for the account of **APPLICANT'S NAME**, our Irrevocable Standby Letter of Credit (hereinafter "Credit") in the amount of **AMOUNT (\$#)**. Funds under the Credit are available to the Town, in any number of draws, by your sight draft(s) drawn on us identifying the above-referenced Credit Number, if presented at our office at **BANK'S ADDRESS**, prior to the expiration of this Credit together with the original of this Credit and either of the following statements signed by you:

1. "We are drawing under Irrevocable Standby Letter of Credit No. ____ because **APPLICANT'S NAME** is in default of completion of the reclamation improvements required by the Newton Planning Board for the property located at **GRAVEL PIT ADDRESS**, said reclamation improvements being shown on the plan of land entitled "Plan Showing Property of **APPLICANT'S NAME**, dated _____, as prepared by **SURVEYOR'S NAME** (Hereinafter "Plan")."; or
2. "We are drawing under Irrevocable Standby Letter of Credit No. ____ because **BANK'S NAME** has elected not to renew such Credit."

The Credit expires at the close of business on _____. However, unless we elect not to extend the Credit, it will be automatically extended for additional consecutive one-year periods. If we elect not to extend the Credit beyond any applicable expiration date, we shall provide written notice of such election at least sixty (60) days prior to such expiration date, sent by Certified Mail Return Receipt Requested, to the Town's Chairman of the Planning Board at 2 Town Hall Rd, Newton, New Hampshire 03858, and the Town's Attorney.