

EXCAVATION REGULATIONS



TOWN OF NEW DURHAM

**ADOPTED SEPTEMBER 25, 1980
AMENDED AUGUST 17, 2010
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ARTICLE I. AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated says that all earth excavations in the State, some minor exceptions, are subject to regulation from the town in which the operation occurs. In 1980 the New Durham Town Meeting voted to delegate the authority to establish and enforce excavation regulations to the Planning Board. On the basis of this authority the New Durham Planning Board adopts the following regulations to govern the excavation of earth materials and the reclamation of excavation sites in the Town of New Durham.¹

ARTICLE II. PURPOSE AND SCOPE

The goals of these regulations are to:

1. Provide for Reasonable Opportunities for Excavation;
2. Minimize Safety Hazards Which Can Be Created by Open Excavations;
3. Ensure that the public health and welfare will be safeguarded;
4. Protect natural resources and the environment during and after excavation; and
5. Maintain the aesthetic features of the Town during and after excavation. For the purpose of achieving these goals, no earth materials in the Town shall be removed except in conformance with these regulations

ARTICLE III. DEFINITIONS

ABUTTER:

1. Any person whose property is located in New Hampshire and adjoins or is directly across the street or a stream from the land under consideration.
2. For the purposes of receiving testimony only, and not for purposes of notification, "Abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
3. For purposes of notification and receiving testimony, "Abuttee" means all affected towns and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board.

APPLICANT: The owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.

AQUIFER: A water-bearing stratum of permeable rock, sand, or gravel, as indicated on statewide mapping prepared by the United States Geological survey.

BOARD: The Planning Board of New Durham.

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COMMERCIAL EXCAVATION: Excavation of earth intended for commerce, excluding excavation that is strictly 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 a commercial operation.

CONTIGUOUS: Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town, except in the case of stationary manufacturing plants, whose perimeter is not defined by town boundaries.

DIMENSION STONE: 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 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.

EARTH: Sand, gravel, rock, topsoil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.

EXCAVATION: A land area which is used, or has been used, for the commercial taking of earth, including all related slopes, access roads, areas used for temporary or permanent storage of earth, or areas used for the location of structures or machines used in the excavation process.

EXCAVATION AREA: 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.

EXCAVATION SITE: Any area of contiguous land in common ownership upon which excavation takes place.

RECLAMATION: The restoring of an excavation site to a standard at least equal to those outlined in ARTICLE X. of these regulations.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS: Facilities which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, or processing excavated earth materials.

ARTICLE IV. EXCAVATIONS GOVERNED BY THESE REGULATIONS

All excavations conducted in the Town of New Durham, including those not requiring a permit, are subject to **ARTICLE VII**, **ARTICLE VIII**, **ARTICLE IX**, **ARTICLE X**, and **ARTICLE XI**. of these regulations.

ARTICLE V. EXCAVATIONS REQUIRING A PERMIT

A. All excavations in the Town of New Durham must obtain an Excavation Permit from the Planning Board prior to any excavation with the following exceptions. The following projects do not require a permit:

1. An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway, or an Emergency Lane designated by the Board of Selectmen, by a unit of government having jurisdiction for the highway.
2. The excavation may be conducted by an agent of the government if there is a lawful contract between the unit of government and the agent for the construction, reconstruction, or maintenance of the highway.
 - a. If the excavation is to be conducted by an agent, the unit of government shall have a pit agreement with the agent which specifically requires the agent to comply with RSA 155 E:4 and **ARTICLE VII**. and **ARTICLE X**. of these regulations.
 - b. A copy of the pit agreement shall be filed with the Planning Board prior to the start of excavation.
3. Excavation that is direct consequence of 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 where removal occurs, and which does not exceed 1000 cubic yards. This excavation cannot be started; however, until any required state and local permits have been issued.
4. Excavation that is incidental to agricultural or silvicultural activities, normal landscaping, or minor topographical adjustment. In the event that the project results in the removal of more than 1000 cubic yards from the property, an excavation permit will be required.
5. When excavation from a granite quarry for the purpose of producing dimension stone requires a permit under RSA 12-E (Mining and Reclamation) it is exempt from these regulations.
6. 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.
7. Compliance with the provisions of these sections is mandatory in order to maintain the non-permit status. Loss of non-permit status will occur only after the Board has given

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written notice that the excavation is not in compliance and the owner fails to bring it into compliance within 30 days of receipt of such notice.

ARTICLE VI. ABANDONED EXCAVATIONS

- A. Any excavation for which the affected area has not been brought into complete compliance the reclamation standards of this regulation shall be considered abandoned if:
1. No material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period.
 2. The excavation is in use, but either has not been brought into compliance with the incremental reclamation standards of this regulation, or a bond has not been posted and a reclamation timetable has not been approved by the Board.
 3. The owner or operator of the excavation has not secured a permit pursuant to these regulations.
- 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 bonding 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.

ARTICLE VII. PROHIBITED PROJECTS

- A. Any excavation within 75 feet of the boundary of a disapproving abutter, or within 25 feet of an approving abutter. The abutter's approval must be in writing. Absence of written approval shall be considered disapproval.
- B. Removal of existing visual barriers to the excavation site except the minimum removal required to provide access to the excavation as approved by the Planning Board.
- C. Any excavation that is determined by the Planning Board to 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.
- D. Any excavation likely to substantially damage a known aquifer, identified on mapping prepared by the United States Geological Survey. The Planning Board shall determine whether the damage to the aquifer is likely to be substantial using at least the following criteria:
1. There is likely to be a detrimental effect on the quality of the ground water contained in the aquifer by direct contribution to the pollution of the aquifer or by increasing the long-term susceptibility of the aquifer to potential pollutants.
 2. The excavation is likely to cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.

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E. The Planning Board may require that the applicant provide data or reports prepared by a Professional Engineer or Groundwater Consultant that would assess the potential aquifer damage that may be caused by the excavation.

F. Any proposed excavation that does not receive necessary approvals from state or federal agencies, such as Alteration of Terrain or Wetlands permits.

G. Any excavation that cannot comply with the requirements of **ARTICLE IX**, X, and XI of these regulations.

ARTICLE VIII. EXCAVATION EXPANSIONS

When the scope, size, depth, location, rate of removal, or the reclamation plan of an approved excavation is proposed to be altered the owner must submit an application for a new excavation permit.

ARTICLE IX. OPERATIONAL STANDARDS

The following standards apply to all excavations. For those excavations requiring a permit, these standards are considered to be the minimum; more stringent standards which are consistent with the purpose of these regulations may be applied, as deemed necessary by the Board.

1. No excavation 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.
2. 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.
3. Vegetation shall be maintained, or, if not existing, shall be established within the peripheral areas of items 1 and 2 of this **ARTICLE** in accordance with acceptable horticultural practices.
4. 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.
5. Temporary slopes may exceed a 1:1 grade if they are approved as part of an excavation permit, and if the Code Enforcement Officer certifies that a fence or other suitable barricade has been erected to warn of danger and/or to limit access to the site.
6. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods in accordance with RSA 155-E 4-a.IV.
7. Excavation practices which result in siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited. The burden of proof lies on the injured party to submit in writing to the Board details of the incident. The Board will hold a public hearing as to the matter and render the decision whether this regulation has been violated or not. Costs of consultant opinion shall be borne equally by the excavation owner and the aggrieved party.

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8. No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water, or within 25 feet of any other stream, river or brook which normally flows throughout the year, prime wetland as designated in accordance with RSA 482-A:15.I, or any other wetland greater than 5 acres in area as defined by the Wetlands Board.
9. Acceptable hours of operation shall be 7 am to 6 pm Monday through Friday and 8 am to 12 noon on Saturday, no operation on Sunday. The Board may modify these hours depending on the needs of residents or the gravel pit owners.
10. No excavation shall be permitted within one foot of the seasonal high-water table unless the Planning Board sets a higher standard to protect the water table.
11. Access roads leading to and from the excavation site shall intersect existing streets and roads in a manner that will not endanger the safety of highway users and local residents and at a location that has been duly approved by State and/or local officials. The provision of RSA 155-E:3 and 155-E:4-III shall be adhered to and shall be shown on the excavation plan.
12. Permit approval and maintenance shall be contingent on compliance by the applicant with street and highway regulations promulgated by Federal, State and local units of government.
13. A vegetative or topographical buffer shall be maintained between the excavation site and surrounding streets, highways and commercial or residential land sites. Appropriate buffers would include vegetative, tree, rock ledge, and natural stone buffers that would effectively shield the excavation site from public view.

ARTICLE X. SITE RECLAMATION STANDARDS

The following standards apply to all excavations. For those excavations requiring a permit, these standards are considered to be the minimum. More stringent standards which 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 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 any other soil capable of maintaining vegetation and shall be planted and maintained with seedlings or grass suitable to prevent erosion.
3. All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
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 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.

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5. Any standing bodies of water created by the excavation that are judged 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. Any excavation permit applicant that requires a RSA 485-A17 alteration of terrain permit from NH DES shall incorporate the requirements of these regulations, to the extent that they are more restrictive, in any NH DES permit application. Copies of all such permits shall be filed with the Planning Board at the same time as they are submitted to NHDES.

ARTICLE XI. INCREMENTAL RECLAMATION

Except for excavation sites of operating stationary manufacturing plants, any excavated area of two (2) contiguous acres or more 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 **ARTICLE X** 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 Board for approval with the Excavation Application. The Board may establish more stringent guidelines based on the total size, location, or configuration of the excavation site.

ARTICLE XII. PERFORMANCE GUARANTEE

Prior to the commencement of any excavation, the applicant shall submit to the Board of Selectmen a bond in an amount equal to 100 percent of the estimated costs of labor and materials for reclamation, access road maintenance, and compliance with the permit and any inspections.

The surety may be in the form of cash or letters of credit, which shall be in an amount and form acceptable to the Board and its legal counsel. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with.

Loss of bond by lapse or cancellation will result in a cease-and-desist order by the Town.

ARTICLE XIII. WAIVERS AND 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 for good cause, and following a duly noticed hearing, grant any exception in writing to the standards contained in **ARTICLES IX, X, XI, and XII** for good cause shown. The written decision shall

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state specifically what requirements are being waived, the reasons for the waiver, and include any reasonable alternatives.

ARTICLE XIV. APPLICATION PROCEDURES

A. Prior to the 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:

1. Filing of the Applications: Applications for excavation permits **or renewal of excavation permits** shall be filed with the Planning Board no later than 21 days before the next regularly scheduled Board meeting.
2. A completed application shall consist of all relevant items as identified in **ARTICLE XV.** below. The application will be reviewed with the applicant at the meeting, and if it is found to have met all submission requirements it will be voted as complete by the Board. Should the application not be accepted as complete, another meeting must be scheduled for submission as per **ARTICLE XV.A. 1.**
3. Board Action on Completed Application
 - a. Upon acceptance of a completed application, the Planning Board will hold a public hearing within 30 days to consider the application.
 - b. 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. The applicant shall receive a copy of the decision. If the application was conditionally approved the conditions will be stated. Conditional approval will include a date by which the conditions need to be met for the application to be approved and a permit to be issued. In the event the application is disapproved, the reasons for the disapproval shall be given.
 - c. A site walk may be required by the Planning Board before it acts on the application.
4. Notices Required for Public Hearing
 - a. All abutters will be notified by certified mail, not less than 10 days prior to the meeting at which the application **or renewal application** will be submitted for acceptance. Names and addresses of abutters must be taken from Town records not more than five (5) days before filing the application **or renewal application.**
 - b. 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 meeting.
 - c. The notice must include the location and general description of the proposal, as well as the date, time, and place of the meeting.
5. Fees
 - a. **An administrative** filing fee of \$~~100~~⁷⁵ plus postage and a \$~~150~~¹⁰⁰ public notice fee **along with fees for notice to abutters, applicants and applicants' representatives, identified professionals and holders of conservation, preservation or agricultural preservation restrictions** shall be paid upon submission of an application **or renewal**

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- application** to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Board to not accept the application.
- b. A permit fee of \$50 per year (**four year permit: \$200**) shall be paid before the issuance of a permit. Inspection fees of \$50 per inspection (**2x per year for four years: \$800**) to defray the costs of permit compliance shall be paid at the same time. If the excavation is reclaimed and closed the owner may receive a refund of unused inspection fees.
 - c. A fee payable to the Registrar of Deeds shall **also** be paid ~~upon approval~~ **submission of the application**, ~~for the filing of the plan~~.
 - d. Additional reasonable fees shall be charged should the Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

ARTICLE XV. APPLICATION SUBMISSION ITEMS

The applicant for an excavation permit **or renewal of an excavation** permit shall submit to the Planning Board a completed application form, including a current abutters list, **stamped and addressed envelopes and** U.S. Postal **return receipt** certified mail envelopes for all abutters, **and two U.S. Postal certified mail envelopes each for the applicant, and applicant's representative**, an excavation and a reclamation plan, any other submission documents as requested, and the filing fee.

At least seven paper copies, and one electronic copy, of **the application and** all plans shall be filed with the Planning Board 21 days prior to a regularly scheduled Board meeting, and one **paper** copy shall be sent to the Conservation Commission. The plans shall be at a scale of no less than 1"= 100'.

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, at a minimum, contain the following items:

1. Name and address of the owner, the excavator (if different) and all abutters.
2. Name, address and signature of the person preparing the plan; date, bar scale and north arrow.
3. Perimeter survey by a licensed engineer of the location and boundaries of the proposed and any existing excavations; the area in square feet and acre. Board will accept copies of engineering drawings required by NHDES in lieu of additional engineer drawings.
4. The location of existing buildings, structures, septic systems, and wells within 200 feet of the boundary of the project.
5. Public streets, driveways, intersections, rights-of-way, and all easements within 200 feet; road network to be affected; intended transportation routes to be used.

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6. Topography at contour intervals of five feet or less.
7. All surface drainage patterns including wetlands and standing water within 500 feet of the excavation.
8. Sketch and description, and/or engineer surveyed map at the request of the Board, of existing and proposed access roads, including width and surface materials.
9. The breadth, depth, and slope of the proposed excavation and the estimated duration of the project.
10. An estimate of total volume of earth to be excavated and the annual rate of extraction.
11. The elevation of the highest annual average ground water table within the proposed permitted area; and any available information on the highest annual average ground water table within 200 feet of the proposed excavation.
12. Test pits which 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.
13. Proposed fencing, buffers, or other visual barriers, including height and materials.
14. All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.
15. Plan for stormwater management.
16. Plan for equipment maintenance.
17. Methods to prevent materials from the site from being tracked onto public roadways.
18. Copies of all necessary state and federal permits.
19. Signed and dated by licensed soil scientist/engineer. The Board will accept copies of engineering drawings required by NHDES in lieu of additional drawings.
20. Estimated cost of reclamation based on Reclamation plan and estimated costs of labor and materials if the applicant is unable to complete the reclamation plan.
21. Sample of a bond agreement.
22. Evidence of the ability to provide bonding in the amount calculated in Item 8.
23. The applicant shall provide a water quality analysis of any surface waters or wetlands within 200' of the excavation site to serve as a baseline for comparison of any alleged or potential degradation of water quality caused by the excavation. This requirement will be waived if the water body is on a different property not owned by the applicant and the owner of said property refuses access.
24. The applicant will provide information on whether the excavation may cause a diminution in area property values or unreasonably change the character of the neighborhood.
25. The applicant will provide information on whether the excavation may create any nuisance or create health or safety hazards.
26. The applicant will provide information on whether the excavation may accelerate the deterioration of highways or create safety hazards in the use thereof.

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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, at a minimum, contain the following items:

1. Seal and signature of a licensed surveyor or engineer. The Board may accept copies of engineering drawings required by NHDES in lieu of additional drawings.
2. All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site.
3. First topography of the area proposed for reclamation, at contour intervals of five feet or less.
4. Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
5. Timetable as to fully depleted sites within the excavation area.
6. Schedule of final reclamation activities including planting of seedling trees, grass seeding mixtures, cover vegetation, fertilizer types, and application rates.
7. 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.

ARTICLE XVI. 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 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 four years and ~~the expiration shall expire on April 1st of the fourth year of the permit. date shall be specified on 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 for non-compliance.
4. The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.
5. The Board will establish a schedule by which all permitted sites are inspected ~~four (4)~~ **two (2)** times a year, or more frequently as necessitated by weather, safety concerns, pollution concerns or other factors. The inspections will be carried out with due notice by the Code Enforcement Officer and/or the Planning Board. Inspections may also be carried out by the Code Enforcement Officer upon receipt of a complaint. A site

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inspection review letter will be sent to the owner citing any deficiencies and providing a timeline for correction of the deficiency.

6. Permit exempt sites shall be inspected on the same schedule.
7. Bonding will be reviewed at the periodic inspections.

B. Suspension, Revocation and Appeals

1. 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 a 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.
2. Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or a permit renewal application 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 a 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 or rehearing may appeal in accordance with RSA 677:4-15.
3. Penalties: Fines, penalties, and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and RSA 3 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

ARTICLE XVII. CONFLICTING PROVISIONS

Where these regulations are in conflict with other local, state, or federal ordinances, the more stringent shall apply.

ARTICLE XVIII. AMENDMENT

These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the Town Clerk.

ARTICLE XIX. ATTACHMENTS

The attached "Application Form" and "Application for Excavation Permit Checklist" are administrative forms and may be amended by the Planning Board without notice or public hearing. If there is any conflict between these regulations and the Application Form Checklist these Regulations shall take precedence.

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ARTICLE XX. SEPARABILITY

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

ARTICLE XXI. EFFECTIVE DATE

These regulations shall take effect upon adoption and certification by the Board.

CERTIFICATION:

Public Hearings held on 7/6/2010 and 7/20/2010

Approved 7/20/2010

Certified by the Board 8/17/2010

Filed with Town Clerk 8/18/2010 W.A.

9/7 S.A.

Effective 8/18/2010

W. Zaslavsky

Chair, New Durham Planning Board

Dan L. Havel

Robert L. Lippert

Dan A. Burt

Scott W. Wynn

Carole M. Ryan

Town Clerk
9/7/2010

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Town