

EXCAVATIONS IN CANAAN NH SUMMARY OF PERMIT PROCESS

Excavations are covered by several laws. These are:

1. Alternation of Terrain (AOT) permit issued by NH DES. (RSA 485-A:17)
2. Storm Water Pollution Prevention Plan, with permit from EPA
3. Excavation permit issued by Planning Board. (RSA 155-E:2)
4. Notice of Intent to Excavate, approved by Selectmen. (RSA 72-B)

While all permit applications may be, and are encouraged to be, prepared simultaneously, permit number 3 is approved after the first two are approved. Finally permit number 4 approval is obtained. Large excavations may require all four, while small excavations may only require the last one. All required permits must be obtained before excavation starts.

Alteration of Terrain

The AOT permit is required whenever a project proposes to:

1. Disturb more than 100,000 contiguous square feet of terrain (2.3 acres);
2. Disturb more than 50,000 square feet within the protected shoreline area (1.15 acres); or
3. Disturb any area having a 25% or steeper land slope and is within 50 feet of any surface water.

In Canaan, the protected shoreline area is 250 feet from Mascoma River, downstream of Canaan Center, Indian River south of Stevens Road, Orange Brook, and all ponds and lakes over 10 acres.

The AOT program applies to all land disturbance including commercial excavations, incidental excavations, and other operations such as industrial, commercial and residential developments. The variable permit fee is based upon acreage, and it typically expires 5 years, but may be extended. For details see <https://www.des.nh.gov/land/land-development>

Storm Water Pollution Prevention Plan

SWPPP (Storm Water Pollution Prevention Plan) is required for any excavation that will disturb more than 1 acre, if there is the potential of water leaving the site. See EPA website.

<https://www.epa.gov/npdes/developing-stormwater-pollution-prevention-plan-swppp>

Excavation Permit

An Excavation Permit issued by the Planning Board is required for commercial excavations, unless the project is incidental to something else, such as a new building or parking lot. Projects removing less than 1,000 cubic yards, over the life of the project, do not need an Excavation Permit. Bonding or other surety is required to guarantee reclamation. Permit may be issued for any number of years. Fee is \$200 for combined filing and permit fees. Bonding is \$3,000 per open pit acre. Reclaimed areas will reduce bond requirements. See Canaan Excavation Regulations.

<https://www.canaannh.org/wp-content/uploads/2021/06/excavation-regs-2015.pdf>

Notice of Intent to Excavate

The Excavation Tax applies to both commercial and to some “Incidental” excavations. Notice of Intent to Excavate (DRA Form PA-38), must be filed with and signed by the Selectmen.

Commercial excavations must file the PA-38 yearly whether 1 cubic yard or more will be excavated. An “Incidental” excavation must file the PA-38 yearly if more than 1,000 cubic yards will leave the parcel or, be stockpiled on the parcel. Excavation of more than 1,000 cubic yards of earth requires a \$100.00 fee. The excavation tax is 2 cents per cubic yard. See DRA website.

<http://revenue.nh.gov/mun-prop/property/gravel.htm>

All required permits must be approved before excavation starts.