**Proposed Amendment To**

**Section 6.22 Regarding Excavation and Filling**

**Existing Lots with Steep Slopes**

**6.22 Excavation and Filling of Existing Lots** – In residential zones, excavation and filling of land on existing lots shall be subject to the following requirements.

**6.22.1 Slopes of 15% or Less –** Land with a slope of fifteen percent (15%) or less may be filled and/or excavated without approval from the Planning Board, provided, however, that the adverse effects on-site and off-site of such filling or excavation shall be mitigated on-site using best management practices.

**6.22.2 Slopes of 15-25%** – Land with a slope greater than fifteen percent (15%) but not greater than twenty-five percent (25%) may be excavated or filled without approval from the Planning Board provided that not more than 15,000 square feet, excluding driveways, are excavated or filled, and provided that potential adverse effects on-site and off-site of the excavation or filling are mitigated on-site using best management practices. The Planning Board may allow excavation or filling of more than 15,000 square feet of such slopes with approval of a Conditional Use Permit. See Section 6.22.4. An application for a Conditional Use Permit shall meet the following requirements in addition to standard application requirements such as fees and abutters lists:

**6.22.3 Slopes Greater Than 25%** – No land with a slope greater than twenty-five percent (25%), excluding land for driveways, may be excavated or filled without approval of a Conditional Use Permit pursuant to the provisions of Section 6.22.4. Said Conditional Use Permit shall specify the area in square feet to be excavated or filled.

**6.22.4 Excavation and Filling Conditional Use Permit** – An application for a Conditional Use Permit under this section shall meet the following requirements in addition to standard application requirements such as fees and abutters lists:

(a) **Plan Required** – An applicant shall submit a plan stamped and signed by a NH licensed professional engineer showing proposed areas of filling and excavation, and how siltation, runoff, and erosion will be mitigated. The Planning Board may require that the plan be reviewed by the town engineer. The costs of such review shall be borne by the applicant. Any areas disturbed by filling or excavation shall be properly secured to prevent erosion, siltation, or flooding, or to otherwise prevent damage of adjacent properties. The method of properly securing such areas shall be in accordance with the provisions of RSA 485-A:17 as applicable, and the NH Department of Environmental Services publication “Best Management Practices to control Nonpoint Source Pollution: A Guide for Citizens and Town Officials; January 2004”. At a minimum this shall include one or all of the following as needed:

1. Sediment Control – Protecting existing stormwater inlets and culverts from sediment by using temporary sediment traps, silt fence and hay bale filters, or perforated risers.

2. Rate of Runoff – Accelerated runoff shall be minimized and shall not cause off-site damage or exceed the capacity of diversion drainage ways, grassed waterways, ditches, or streams.

3. Vegetative Cover – Areas disturbed during filling and/or excavation shall be protected where possible with temporary vegetation and/or mulching or other cover. Vegetative cover shall be established with good root systems prior to the next freeze/thaw cycle. Natural vegetation shall be retained where possible especially near waterbodies, wetlands, and on steep slopes.

(b) **Conditions of Approval** – Approval of a Conditional Use Permit to allow excavation or filling of more than 15,000 square feet of slopes greater than fifteen percent (15%) but not greater than twenty-five percent (25%), sought under this section may be granted provided all of the following conditions are met:

1. Excavating or filling the slope is necessary to allow a reasonable use of the property which is generally allowed on other properties in the neighborhood.

2. No slopes greater than twenty-five percent (25%) will be filled or excavated, excluding driveways, on the lot.

32. Development of the lot shall meet best management practices for water quality protection, sediment and erosion control, and rate of stormwater runoff.

43. Excavating or filling the slope will not be detrimental to the neighborhood or create unsafe conditions.

54. All general conditions requirements for Conditional Use Permits found in Article 21 shall be met.

(c) **Certification by Licensed Professional** – Upon completion of the work related to the approved Conditional Use Permit, the applicant shall submit a statement from an engineer, land surveyor, or other qualified licensed professional certifying that the work was completed according to the approved Conditional Use Permit. Said certification shall be submitted prior to issuance of a certificate of occupancy.

**6.22.3** No slopes greater than twenty-five percent (25%) shall be excavated or filled, excluding driveways.

Yellow highlighted text is proposed new wording.

~~Strikeout text~~ is existing wording proposed to be deleted.