

SECTION XI

LOCAL REGULATION OF EXCAVATION

11.1 AUTHORITY

This Ordinance is enacted pursuant to the authority granted the Town of Hopkinton to regulate earth moving activities within its boundaries under the provisions of Chapter 155-E: 1-11 inclusive, of the N.H. Revised Statutes Annotated.

11.2 PURPOSES

The purposes of this Section is to provide for the control of excavation of sand, gravel, rock, soil or construction aggregate and to provide an orderly procedure for such removal to take place while protecting the health, safety, and general welfare of the community.

11.3 REGULATOR

The Planning Board of the Town of Hopkinton is designated the Regulator as provided in RSA 155-E: 1-11, inclusive.

11.4 DEFINITIONS

Definitions in this section shall mean:

- (a) **“Earth”** means sand, gravel, rock, soil, or construction aggregate.
- (b) **“Excavation”** means a land area which is used, or has been used for the commercial taking of earth, including slopes.
- (c) **“Permit”** means written permission granted by the regulator.
- (d) **“Applicant”** means owner of the excavation site or the owner’s designee.
- (e) **“Owner”** an individual or corporation who claims ownership of the land, containing the excavation site, by virtue of a properly executed deed filed at the Merrimack County Registry of Deeds.

11.5 PERMIT

A permit will be required for the excavation of sand, gravel, rock soil or construction aggregate with the exception of:

- (a) Excavation which is incidental to the lawful construction or alteration of a building or structure or the lawful construction or alteration of a parking lot or way including a driveway on a portion of the premises where removal occurs.
- (b) Excavation which is incidental to agricultural or silvacultural activities, normal landscaping or minor topographical adjustment.
- (c) Excavation from an area contiguous to or from contiguous land in common ownership with, stationary manufacturing and processing plants in operation as of August 24, 1979 from which earth was obtained.
- (d) Excavation from a granite quarry.