



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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Date: November 9, 2021
To: Planning Board
From: Jason Cleghorn, Town Planner
Subject: Amendment to *Article X: Administration and Enforcement: Milford Gravel and Earth Removal Regulations (2014)*

As the Planning Board may recall, there has been discussion at the Planning Board about the requirement in the *Milford Gravel and Earth Removal Regulations Article X: Administration and Enforcement Section C. Renewal* regarding the practice related to the validity of an excavation permit.

The current regulations specify that such permits are good for a period of only one (1) year and that the owner of the permit may apply for renewal of an excavation permit through the Office of Community Development at a fee of \$50.00.

Discussion with various excavation permit holders have led to those discussions centering on the financial and economic infeasibility of a permit to excavate that is only good for one (1) year.

In response to those discussions and the results and consensus at the Work Session, staff has revised the text to extend the validity of the excavation permit from one to five years and add the word issued to better clarify that the Office of Community Development is the entity that issues the excavation permit renewal and revised the fee to be consistent with the discussion at the Work Session.



Town Of Milford Gravel and Earth Removal Regulations

Adopted 1990
Title 10-A

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

A. PERMITS AND FEES

Permits shall be issued only to the owner or his agent and shall not be transferable without the written consent of the Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access point to the site. A permit shall be valid for one (1) year and the expiration date shall be specified at the time of issuance. In addition to those criteria outlined in NH RSA 155-E:8 and the required abutter and site plan fees, (a schedule is available in the Planning Office), the following fees shall apply:

1. A \$50 annual gravel and earth removal permit fee shall be required to cover the cost of inspections necessary to determine compliance.
2. A fee payable to the Hillsborough County Register of Deeds (HCRD) shall be paid upon approval, for the filing of any new plan, if so required by the Planning Board.

Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

B. BONDING

The bond amount, established by the Planning Board to cover reclamation of the site, shall be based on an amount of seven thousand five hundred dollars (\$7,500) per acre. Given the actual acreage of the site, this figure shall be prorated accordingly. The bond amount shall be adequate to reclaim the excavation site in accordance with RSA 155-E:5. The bond will be returned to the applicant when reclamation work has been completed.

C. RENEWAL

Excavation permits shall be valid for the term of ~~one (1)~~ five (5) years. A renewal permit must be in place prior to continuing excavation activities beyond the expiration date. The owner may apply for renewal of an excavation permit issued through the Office of Community Development, for a fee not to exceed fifty dollars (\$50.00) ~~per year~~.

D. APPEALS

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit pursuant to RSA 155-E:10, 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 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 for rehearing may appeal in accordance with RSA 677:4-15.

ARTICLE XI: REQUIRED INFORMATION

It shall be implicit in any approved permit and stated on said permit that the owner(s) are granting the Planning Board or its agents the right to enter on the property without notice to determine compliance with the conditions of the permit or any reclamation.