



BELMONT PLANNING BOARD APPLICATION INSTRUCTIONS – COMPLIANCE HEARING APPLICATION

These instructions are intended as a brief synopsis of the requirements to schedule routine Compliance Hearings that are a condition of an Excavation Permit. Additional information, requirements and direction are contained within the Federal and NH law and administrative rules and applicable local Regulations and Ordinances. Please contact the Land Use Office for assistance.

The Applicant is responsible to submit correct, complete information. Meeting and application closing date schedules are available. Applications are to be submitted to, and are considered received at the time they are physically received in the Land Use Office during regular business hours. Proposals are subject to posted proposed changes in the Town's Ordinances and Regulations as applicable.

The applicant is **required** to schedule at least one meeting with the Application Review Committee prior to formal application submission. Such discussions and review are not binding. Land use staff and the Application Review Committee are not authorized to render decisions or make commitments on behalf of the Board but may offer comments and suggestions.

Once the Application Review Committee process is complete, the applicant may make formal submission of the application, with all supporting data, plans, fees and any written request(s) for waiver to the Town Planner who will determine if the application complies with the minimum application submission requirements of the regulations.

When an application is received in the Land Use Office, a copy will be forwarded to other applicable Town Departments, Boards and Commissions for their input. The application will be reviewed by the land use staff who will provide the applicant with a written list of any information outstanding. Once the application is ready, staff will provide written confirmation that the application will be placed on the Board's agenda.

Once staff confirms the application is ready, it will be scheduled for the next available planning board agenda based on the posted meeting closing dates. A date, time and place for the compliance hearing shall be set and all necessary notifications by certified mail and public posting shall occur.

The landowner or excavator must be in attendance. If someone other than the landowner or excavator will represent the proposal, a letter of authorization must be submitted at part of the application.

At the hearing, the Applicant shall present information on the operation. The Board shall comment/question, and the hearing shall be opened to abutters and other interested parties. All comments are to be directed to the Chair. All speakers shall identify themselves by name and address. Based on all evidence provided, the Board will evaluate:

1. need for any additional information.
2. conformance to prior conditions of approval.
3. that operational impacts of the project conform to the description and commitment offered during the prior review process.
4. status of security.

The Board may continue the hearing to time certain by stating the date/time/place of the continued meeting, for which no additional noticing shall be required. They may also require that additional noticing occur at the expense of the applicant. Multiple continuances will usually require renoticing for the consideration of abutters. Renoticing

is also required when substantive changes are made to the original proposal. Decisions may be rendered by the Board at the close of the public hearing or at a later date.

The Board will require further information as necessary and may also require independent review of submitted information at the cost of the Applicant. Property under consideration must be made available for inspection during the review and operational phases.

THE FOLLOWING IS INITIALLY REQUIRED AS PART OF THE HEARING APPLICATION

- Completed application form
- Annual Excavation Report to the Planning Board with applicable plans, permits, etc.
- Notification List and Envelopes
- Statement of Liens on application must be checked appropriately and signed. Lienholders must be included on the notification list
- Hearing and Noticing Fees

If the Board determines that the Operation is in Compliance, they will:

- Set the date for the next routine compliance hearing;
- Determine any changes in security.

The Compliance Hearing Process cannot be used to amend the conditions of an Excavation Permit. However, applications/public hearings for amendments can be run concurrently with Compliance Hearings to save time and expense for the excavator. Applications to Amend shall be by the appropriate Application form/process. Contact the Land Use Office for Assistance.

The above process is required for routine compliance hearings scheduled as a condition of an Excavation Permit. However, compliance hearings may also be required at any time that the excavation site/operation is found non-compliant and the Excavator has failed to provide a timely action plan acceptable to the Town to cure the non-compliance or failed to comply with the terms of said plan once accepted. Continued non-compliance may result in Excavation Permit revocation.



**BELMONT PLANNING BOARD
EARTH EXCAVATION COMPLIANCE HEARING**

MUST BE TYPED OR PRINTED LEGIBLY IN PEN

This application has first been presented to the Application Review Committee

Land Owner: _____ **Contact Person:** _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Applicant (if different): _____ **Contact Person:** _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Excavator (if different): _____ **Contact Person:** _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Agent(If any): _____ **Contact Person:** _____

Tele: _____ Cell Phone: _____ Fax: _____ e-mail: _____

Mailing Address: _____

Address of Property: _____ Zoning District(s): _____

Tax Map & Lot #(s): _____ Total area: _____ (acres) Acres in Current Use: _____ (Indicate area on plan)

Describe in detail all **existing** uses & structures on the subject property: _____

Describe in detail all **proposed** uses, structures, construction or modifications: _____

List the Use(s) being proposed as identified in Article V of the Zoning Ordinance: _____

Check if proposal includes:

___ New street ___ Public/Community water ___ Public/Community sewer

Date related Variance granted, if any: _____ Date related Special Exception granted, if any: _____

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge this information is valid and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Belmont. I authorize the Members of the Board or their staff to enter onto my property and take both land and aerial photos for the purposes of this review.

Date

Signature of Owner or Authorized Individual (w/Auth. letter)

STATEMENT OF LIENS - Check one of the following and sign:

There are no liens on this property **OR** There are lien(s) on this property - lienholders have been added to the notification list

Date

Signature of Owner or Authorized Individual (w/Auth. letter)

Town of Belmont Notification List

The following information shall be submitted, as required, as part of all Land Use applications. List is not required for submission of Annual Report. The list shall include all of the following:

- A** The name and mailing address of the owners of all **abutting** properties, vacant or improved. The name and address shall be that taken from the Town records not more than 5 days before submission of the list.
- P** The name and mailing address of all **professionals** whose seal appears on the plans being submitted as part of this application.
- L** **LIENHOLDER(S)** - The name and mailing address of all parties holding a mortgage or **lien** on the property. Statement of Liens on application form must be checked appropriately and signed.
- R** The name and mailing address of all parties holding a conservation, preservation, or agricultural preservation **restriction on** the property.

NAME	MAILING ADDRESS	TAX MAP/LOT# IF ABUTTER OR LIST <u>P</u> , <u>L</u> , OR <u>R</u> FROM ABOVE