

Memorandum

To: Planning Board Members

From: Land Use Administrator

Belmont Ordinance on Treated Soils

Definition: Treated Soils - soils decontaminated by treatment process and certified for distribution and use as soil under NH Env-Wm 3203, having originally been contaminated with liquids not regulated by the State of NH as hazardous waste as defined under NH Env-Wm 2603.01.

From table of uses: Belmont requires a special exception for use of treated soils in all districts.

Article 13-F. ADDITIONAL SPECIAL EXCEPTION CRITERIA

In addition to the Special Exception Criteria outlined in Article 13.C of this Ordinance, the Board of Adjustment, in acting on an application for a Special Exception as noted below must find that the following conditions are also met.

1. Treated Soils

- a. If the material is not capped in a method approved by the Planning Board it shall be vegetated.
- b. Only soils with a minimum of 20 percent fines, also classified as sandy loam, loam or silt loam, shall be used within the top six inches of placement.
- c. Seeding shall be completed no later than 30 days after material is initially deposited on the site.
- d. The seeding project shall be in compliance with the recommendation of the USDA, NRCS (National Resource Conservation Service), based on specific soil and site characteristics.
- e. Areas required to be vegetated shall receive on-going maintenance to assure that the required vegetation occurs and is maintained.
- f. Bonding to secure vegetation, in an amount approved by the Planning Board, shall be required and shall be held for two growing seasons after required vegetation has been achieved.

2. If the material is to be capped, the material, depth, and method of that cap shall be as determined by the Planning Board under a Site Plan or Subdivision approval.
3. Materials should not be placed until all protective controls are in place. These include, but are not limited to, surface water and dust control systems.
4. Materials may not be placed or used:
 1. In residential applications;
 2. In playground applications;
 3. Within the 100-year flood plain;
 4. On or in lands used for the production for crops for direct human consumption;
 5. Within a recharge area of any sole source drinking water supply;
 6. Within 100 feet of any surface water; and
 7. Within 25 feet of a wetland.
5. Pre and post soils and/or water testing may be required.
6. Independent review of the proposal, at the cost of the applicant, may be required.