

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
PIT AGREEMENT**
(This form does not apply to commercial pits)

Project _____ Project Number(s) _____
Pit (#) Name _____ City/Town _____

This form sets forth the conditions under which the Department will approve material removal by a Contractor who, under contract as an agent of the Department, seeks to open and operate any pit for the lawful construction, reconstruction, or maintenance of a class I, II, III, IV, or V highway in accordance with **RSA 155-E:2, IV**.

By signature herein, the Contractor (agent) and the property owner(s) acknowledge and agree to the following conditions and specifications subject to Departmental approval:

- (1) Prior to the start of excavation, a copy of this agreement executed by the property owner(s), the Contractor, and the Department will be filed with the Regulator (as defined in **RSA 155-E:1, III**) within the municipality or unincorporated place in which the pit is located.
- (2) Prior to the start of excavation, the Contractor shall meet the requirements of **RSA 155-E:2, IV(b)** as follows:
 - (a) The excavation shall comply with the operational and reclamation standards of **RSA 155-E:4-a, RSA 155-E:5, and RSA-E:5-a**.
 - (b) The excavation shall not be within 50 feet of the boundary of a disapproving abutter or within 10 feet of the boundary of an approving abutter, unless requested by said approving abutter.
 - (c) The excavation shall not be unduly hazardous or injurious to the public welfare.
 - (d) Existing visual barriers in the areas specified in **RSA 155-E:3, III** shall not be removed, except to provide access to the excavation.
 - (e) The excavation shall not substantially damage a known aquifer, so designated by the United States Geological Survey.
 - (f) All required permits for the excavation shall be obtained from state or federal agencies.
- (3) Exemptions from the provisions of local zoning or other applicable ordinances may be requested by the Contractor through local municipalities. When such request is denied, with respect to the excavation or transportation of materials being used exclusively for the lawful construction, reconstruction, or maintenance of a class I, II or III highway, the Contractor may appeal directly through the Transportation Appeals Board per **RSA 155-E:2, IV(c)**.
- (4) Property owner(s) with excavation not meeting the permit-exempt requirements of **RSA 155-E:2, IV** for highway excavations may be required to obtain a permit from the Regulator and meet the requirements of **RSA Chapter 155-E**, including the Minimum and Express Operational and Reclamation standards contained therein.
- (5) Prior to pit excavation and before Project Completion the Contractor shall provide initial and final survey of the pit area by a New Hampshire licensed land surveyor. The total quantity of material removed from the pit shall be reported to the Department and the property owner(s) prior to Project Acceptance unless waived by written consent between involved parties.
- (6) Approval by the Department to open and operate the pit will expire at the specified or extended completion date of the project. Access roads to pits adjacent to highways shall be obliterated unless permission is given by the Department to preserve such access roads. If the Contractor has removed screening trees and brush between the highway and the pit, the area shall be replanted to provide a screen in a zone along the edge of the pit as directed by the Department.

Prior to acceptance of the project, the Contractor shall finish the pit area in accordance with the noted RSA's and applicable specifications. By the box(es) checked below, the property owner(s), the Contractor, and the Department's Contract Administrator shall agree on the specific minimum landscaping treatment required in order for the reclamation to be acceptable to the Department:

- The entire area is to be seeded with slope seed as specified in New Hampshire Department of Transportation Standard Specification 644.

- The entire area is to be replanted with seedlings in accordance with accepted horticultural practice or as directed.
- The area is to be partly seeded and the remainder replanted with seedlings depending upon original condition of growth.
- Working face to be left operational; remainder of area to be seeded or replanted with seedlings.

Seedlings shall be _____
(Age or size, species, variety)

planted 8 feet center to center, or _____
(Spacing)

Additional landscaping required and any pertinent information desired to be a part of the official record is attached, or noted below:

Landscaping provisions approved by: _____
NHDOT Contract Administrator Date

The Contractor's attention is directed to **RSA 482-A:3**, the requirements of which must be fulfilled if this pit involves excavation or dredging of wetlands and to the provisions of **RSA 483-B** and **RSA 485-A:17**, if this pit involves dredging or mining on the border of the surface waters of the State or will significantly alter the characteristic natural runoff or create an unnatural runoff. The Contractor's attention is also directed to Executive Orders 11988 and 11990 if this pit will affect floodplains or wetlands. The Contractor's attention is also directed to Section 10 of the Rivers and Harbors Act of 1899 and Sections 401 and 404 of the Clean Water Act, for which compliance may require a permit for work in or affecting "navigable waters of the U.S.," or material placed in "waters of the U.S.," including wetlands. The Contractor is cautioned of the potential to encounter contaminated soils within the pit area and, if encountered, shall avoid incorporating contaminated soils within the limits of the project. Furthermore, the Contractor shall complete a Historic and Archaeological Resources certification in accordance with the Contract.

Signature of Owner	Date	Name(s) of Joint Owner(s)
Street		Street
Town	State	Town State
Contractor		By: (Signature) Date

If joint owners are involved, the property owner signing should give all other names and addresses. Separate forms should be filed in connection with adjacent owners.

Note: The signing of this agreement does not constitute permission to commence excavation. Written approval stating the effective date must be received from the Department.

Distribution: Contract Administrator Construction Bureau Engineering Audit
 Property Owner Contractor Municipality/Regulator
(via certified mail)

All work indicated in the Pit Agreement Form will be subsidiary to the items of the Contract.
If joint owners are involved, the Owner signing should give all other names and addresses.
Separate forms should be filed in connection with adjacent owners.

Note: The signing of this Agreement does not constitute permission to commence excavation. Written approval stating the effective date must be received from the Engineer.