

TOWN OF RUMNEY
EXCAVATION REGULATIONS
Effective date: September 20, 2014

Section I: Authority

Chapter 155-E of the New Hampshire Revised Statutes Annotated stipulates that, with some exception, all earth excavations in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Planning Board by the voters of the Town of Rumney (Town) and RSA 155-E:11, the Planning Board adopts the following regulations to govern the excavation of earth materials in the Town of Rumney. These regulations are a supplement to, and are not intended to replace the standards contained in RSA Chapter 155-E.

Section II: Purpose and Scope

The goals of this regulation are to:

- A. Provide for reasonable opportunities for excavation; minimize safety hazards which can be created by open excavations;
- B. Ensure that the public health and welfare will be safeguarded;
- C. Protect natural resources and the environment; and
- D. Maintain the aesthetic features of the Town.

For the purpose of achieving these goals, no earth materials in the Town shall be removed except in conformance with these regulations and RSA Chapter 155-E.

Section III: Definitions

A. **Abutter** means:

- (1) Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration.
- (2) For the purpose of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
- (3) In the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.B.
- (4) For purposes of notification and receiving testimony, “abutter” means all affected towns and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board.

- B. **Agricultural Excavation** means: Excavation of earth by the owner of the land to be used on the owners land exclusively for agricultural use.
- C. **Agricultural Use** means: Land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.
- D. **Applicant** means: The owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.
- E. **Blast** means: A strong rush of air or gas, or an explosion as of dynamite
- F. **Board** means: The Planning Board of The Town of Rumney
- G. **Commercial Excavation** means: Excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alteration, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation.
- H. **Contiguous** means: Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in a single town, except in the case of stationary manufacturing plants, whose perimeter is not defined by town boundaries.
- I. **Dimension Stone** means: Rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.
- J. **Earth** means: Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.
- K. **Excavation** means: A land area which is used, or has been used, for the commercial taking of earth, including all slopes.
- L. **Excavation Area** means: The surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit or the pit area.
- M. **Excavation Site** means: Any area of contiguous land in common ownership upon which excavation takes place.

- N. Existing Excavation** means: Any excavation which lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful has been removed during the 2-year period prior to August 24, 1979.
- O. Expansion** means: Excavation of earth beyond the limits as shown on the plan as approved by the Regulator.
- P. Incidental Excavation** means: Excavation of earth which has been granted an exception for an excavation permit by the Regulator under Section V(C) of these Regulations.
- Q. Minor Topographical Adjustment** means: A one time removal of earth from the excavation site of less than 1000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- R. Normal Landscaping** means: The on-site alteration and contouring of the land exclusively developed to improving the functional utility and planting of the grounds.
- S. Reclamation** means: The restoring of an excavation site to a standard at least equal to those outlined in Sections X, XI and XII of these regulations.
- T. Regulator** means: The Town of Rumney Planning Board
- U. Stationary Manufacturing and/or Processing Plants** means: Facilities which are placed on an excavation site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

Section IV: Permitting Required (also see RSA 155-E:2)

- A. An excavation permit from the Regulator is required prior to beginning any excavation within the Town for any commercial operation which commenced after August 24, 1979 and/or after the Town Excavation Regulations effective date of April 12, 1988. Application must be submitted on the form "Excavation Permit Application".
- B. An excavation permit from the Regulator is also required prior to beginning any of The following types of excavation:
1. Excavation in any pit lawfully operating prior to August 24, 1979 in a manner which expands the excavation area beyond the lawful areas of permissible expansion which were properly described in a report submitted to the Regulator by the owner or operator prior to August 4, 1991, under the provisions of RSA 155-E:2,I(d).

2. Excavation in any pit lawfully operating prior to August 24, 1979, in a manner which includes the blasting, crushing or quarrying of bedrock for the production of construction aggregate, if no such blasting, crushing or quarrying occurred on the excavation site prior to August 4, 1989 (see RSA 155-E:2,I(e)).
3. The expansion of any excavation associated with a stationary manufacturing and processing plant which was in operation as of August 24, 1979, beyond the area which, as of August 4, 1989, was contiguous to and in common ownership with said plant (see RSA 155-E:2,III(b)).
4. Any excavation from an excavation site which has been “abandoned” as defined in RSA 155-E:2,II or Section VI of these regulations.

Section V: Projects Exempt from a Permit (also see RSA 155-E and RSA 155-E:2-a)

- A. The following projects do not require a permit, but are nevertheless subject to Sections X of these regulations. In the event of questions regarding compliance, the Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.

Excavation existing as of August 24, 1979, provided that:

1. At the time operation began it was in compliance with any local ordinances that may have been in effect;
2. The owner or operator of such an excavation area shall have, per RSA 155-E:2,I(d), filed the required report with the Board no later than August 4, 1991. Any existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the Board before continuing excavation of the excavation site; and
3. The excavation is not expanded beyond those areas which were contiguous to, and in common ownership with the excavation site as of August 24, 1979, and which were designated as areas of permissible expansion in a report filed with the Board prior to August 4, 1991, pursuant to RSA 155-E:2,I(d).

- B. The following projects do not require a permit, but are nevertheless subject to Sections IX, X and XI of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the Board has given written notice that the excavation is not in compliance and the owner has failed to bring it into compliance within 30 days of receipt of such notice.

1. Excavations from an excavation site which on August 4, 1989 was contiguous to or was contiguous land in common ownership with stationary manufacturing and

processing plants which were in operation as of August 24, 1979 and which use earth obtained from such excavation site.

2. Excavations from an excavation site which on August 4, 1989 was contiguous to, or contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, which used earth from such site.
 3. An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV or V highway. A copy of the pit agreement executed between the pit owner and the governmental unit shall be filed with the Board; in addition, the provisions of Section VII of this regulation are to be complied with.
- C. The following projects are exempt from a permit and are not subject to regulation by the Board:
1. Excavation that is exclusively incidental to the lawful construction or alteration of a building or structure, a parking lot, or way including a driveway on a portion of the premises where removal occurs. This excavation cannot be started, however, until any required state and local permits for the underlying construction have been issued.
 2. Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).
 3. Excavation that is incidental to agricultural or silvicultural activities or normal landscaping. Such excavations must meet the following criteria:
 - a. The removal is of a small volume of materials – no more than 250 cubic yards disturbing no more than 2,000 square feet of surface area
 - b. The topography is left in a manner that will not cause significant land erosion or pose a threat to public health or safety
 - c. The work be completed in the same growing season as it is started.
 4. A one-time removal of earth to alter the physical configuration of the land for a specified use shall not exceed 1000 cubic yards.

A person owning land abutting an excavation site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the Board.

Section VI: Abandoned Excavations

- A. Any excavation for which the affected area has not been brought in complete compliance with the reclamation standards of this regulation shall be considered abandoned if:
 - 1. No material of sufficient weight or volume to be commercially useful has been removed from the excavation site during any 2-year period either before, on, or after August 4, 1989.
 - 2. The excavation is in use, but either has not been brought into compliance with the incremental reclamation standards of this regulation, or a bond has not been posted and a reclamation timetable has not been approved by the Board.
 - 3. The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Planning Board within the prescribed period.
- B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense using the procedure set forth in RSA 155-E:2,II(b). The Town's costs shall constitute an assessment against the owner, and shall create a lien against the property. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.
- C. The provisions of Paragraph B above also apply to any excavation which ceased commercially-useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards, if the Board determines in writing that a danger to public health or safety exists.

Section VII: Prohibited Projects (also see RSA 155-E:4)

- A. Excavation that would materially damage an aquifer is prohibited. An aquifer may be identified on U.S. Geological Survey data "Availability of Groundwater" (John Cotton, 1974) and/or other appropriate evidence which the Regulator determines to reliably demonstrate the existence of an aquifer. Reduction in long-term storage capacity and/or increasing the susceptibility of an aquifer to potential pollutants shall constitute material damage.
- B. Excavation that would be unduly injurious to an individual and/or the public health, safety or welfare, as determined by the Regulator, is prohibited.

- C. Where the excavation would violate the requirements of Minimum and Express Operation Standards as described in Section IX of these Regulations.
- D. Where existing visual barriers in the areas specified in RSA 155-E:3,III would be removed, except to provide access to the excavation.
- E. When the excavation has not obtained any required land use permits from state or federal agencies. The Regulator may upon receipt of these permits approve the application.
- F. Where the project cannot comply with the reclamation provisions of Section XII of these regulations.
- G. Any excavation within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless written approval is granted by the abutter.

1

Section VIII: Non-Conforming Expansion

When the scope of an approved excavation is proposed to be altered as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner must submit a new application for an excavation permit following the Regulator criteria in Section XV of these Regulations. As part of the hearing process the Regulator will consider any adverse impacts that may occur with the granting of a permit. Impacts will vary depending upon the particular neighborhood, nevertheless, the following criteria will be taken into consideration:

- A. The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.
- B. The excavation will not create any nuisance or create health or safety hazards.
- C. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards to the use thereof.

Section IX: Minimum and Express Operational Standards (also see RSA 155-E: 4-a)

- A. For those excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Board.
 - 1. No excavation shall be permitted below road level within 50 feet of the right of way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.
 - 2. No excavation shall be permitted:

- a. Within 50 feet of the boundary of a disapproving abutter, within 150 feet of any dwelling which either existed or for which a building permit has been issued at the time the excavation is commenced. The 50 foot boundary must be kept clear of debris and material.
 - b. Within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I or any other wetland greater than 5 acres in area as defined by the NH DES Wetlands Bureau.
 3. Vegetation shall be maintained or provided with the peripheral areas required by Section A.1 and A.2.
- B Any operations involving blasting techniques must comply with all State of New Hampshire regulations.
 - C The Town of Rumney Selectmen's office will serve as the local Regulator of any blasting techniques and may impose additional conditions upon the operation of these activities. The Town of Rumney Blasting Regulations, which were adopted by the Town of Rumney on June 2, 2014 are hereby adopted by reference as part of these Excavation Regulations, and must be complied with as part of any excavation which included blasting, whether such excavation is permitted or exempt.
 - D. Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged periods. Excavation practices which result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.
 - E. No fuels, lubricants, or other toxic or polluting materials shall be stored on-site unless in compliance with state laws or rules pertaining to such materials.
 - F. Where temporary slopes will exceed a grade of 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access to the excavation site.
 - G. Prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the Regulator, sufficient to secure the reclamation of the land area to be excavated.
 - H. No excavation shall be permitted within six feet of the seasonal high water table.
 - I. Acceptable hours of operation shall be 7 am – 6 pm Monday through Friday and 8 am – 12 noon on Saturday, with no operation on Sunday. The Board may modify these hours depending on resident's needs and the needs of the gravel pit owners.

- J. Any other standard reasonably needed to achieve the purposes of RSA 155-E and these regulations.
- K. In the case of an excavation of sand, gravel or stone, all topsoil shall be stripped and stockpiled for later reclamation as set forth in Section XIII of these Regulations. In the case of an excavation performed expressly and exclusively to remove topsoil or loam a minimum of six (6) inches settled depth of topsoil shall be left in all areas of the excavation site.

Section X: Reclamation (also see RSA 155-E: 5)

- A. Any owners of excavation sites or operations approved by Permit by the Regulator shall complete excavation site reclamation according to the Reclamation Plan submitted with the Excavation Permit Application. Such reclamation shall be completed within twelve (12) months of the Permit expiration date or cessation of excavating operations, whichever is sooner.
- B. Any owners of existing excavating operations continuing by Waiver of Permit as granted by the Regulator must submit a Reclamation Plan to the Regulator within ninety (90) days. Reclamation of the excavated site, or depleted areas therein, shall be completed according to approved Reclamation Plan within twelve (12) months of cessation of excavation.
- C. Any owners of existing excavated sites, inactive by virtue of depletion or period of inactivity exceeding twelve (12) months prior to the date of adoption of Local Excavation Regulations by the Board, shall not be required to complete site reclamation, providing the excavated site does not pose a threat to public health or safety.
- D. Reclamation shall conform to and shall proceed according to conditions outlined in an "Excavation Reclamation Plan" as described in Section XI of the Regulations which has been approved by the Regulator.
- E. Incidental Reclamation pursuant to RSA 155-E:5-a: Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more, which is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with Section XII, within 12 months following such depletion or 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. Each operator, other than the operator of stationary manufacturing plants which are exempt from permit requirements pursuant to RSA 155-E:2, III, shall prepare and submit for the Regulator's record a reclamation plan for the affected land, including a timetable for reclamation of the depleted areas within the reclamation site.

Section XI: Excavation Reclamation Plan

- A. Owners shall submit a Site Reclamation Plan to include detailed descriptions of the following items:
 - 1. Proposed use of property or excavated site following reclamation
 - 2. Debris elimination measures (stumps, slash, rock, etc.)
 - 3. Erosion control measures (grading, ditching, etc.)
 - 4. Site preparation measures (topsoil spreading, scarification, liming, fertilization, etc.)
 - 5. Plant materials/re-vegetation measures (species, quantity/density, timing seeding/planting, etc.)
 - 6. Phasing of reclamation (areas and dates)
- B. Sketch map/survey to accompany Reclamation Plan, showing existing and restored topography and contours at 5' intervals.
- C. Excavation Site Reclamation Plans must conform to minimum requirements as outlined in minimum and express reclamation standards as described in Section XII of these Regulations.

Section XII: Minimum and Express Reclamation Standards (also see RSA 155:5)

Within 12 months after the expiration date in a permit issued under this chapter, or of the completion of any excavation, whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum standards or when such excavation is not subject to a permit under this chapter pursuant to RSA 155-E:2, to meet each of the following express standards:

- A. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.
- B. Earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

- C. All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Regulator. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.
- D. The elimination of any standing bodies of water created in the excavation project as may constitute a hazard to health and safety.
- E. The topography of the land shall be left so that water draining from the excavation site leaves the property at the original, natural drainage points and in the natural proportions of flow.
- F. For excavation projects which require a RSA 485-A:17 alteration of terrain permit from NH DES, the excavator shall file with the Regulator a copy of any permits issued under that statute. Such a permit shall normally be presumed to satisfy this section of these Regulations; provided, however, that the Regulator may impose additional requirements if after reviewing the DES permit it finds that any of the standards in these Regulations have not been adequately addressed by the DES permit.

Section XIII: Reclamation Standards for Permitted Excavations.

In addition to the minimum standards set forth above, all excavations subject to a permit from the Regulator shall comply with the following reclamation standards, and the submitted regulation plan shall include these standards:

Grading

- A. Cut and fill slopes shall be shaped to be no steeper than two horizontal feet to one vertical foot (2:1).
- B. Diversions or reverse slope benches shall be provided whenever the height of a cut or fill exceeds twenty (20) feet, or whenever the slope length exceeds one hundred fifty feet (150'). Benches shall divide the slope face as equally as possible, and divert run-off into stable outlets.
- C. Bench or berm grades shall not exceed two percent (2%), and should be a minimum of one foot (1') deep and five feet (5') wide.
- D. All excavated areas shall be permanently stabilized immediately following completed excavation and final grading of the area.
- E. Access roads to and within the excavation site shall be stabilized to prevent erosion following completed excavation, and restored to pre-excavation standards.

Site Preparation

- A. Exposed soils which are highly permeable, droughty, very shallow, or low in fertility require the addition of topsoil and/or fertilizer to support a cover of permanent vegetation.
- B. Topsoil must be stripped from the area to be excavated and stockpiled. Topsoil should be reasonably friable, free of tree roots, stone, and other debris. Topsoil texture shall be sandy loam, loam, or silt loam.
- C. Stockpiled topsoil shall be vegetated by seeding to grass, to minimize erosion.
- D. Topsoil shall not be collected or spread when wet, to avoid compaction.
- E. Topsoil is to be uniformly spread to an average minimum settled depth of six inches (6") on excavated areas to be re-vegetated. Sub-surfaces shall be scarified or tilled to facilitate bonding prior to spreading of topsoil.
- F. Types and amounts of lime and fertilizer to be applied should be based on results of a soil test. In the absence of a soil test, the following minimum amounts shall be applied:
 - 1. Lime (or its equivalent) - two (2) tons per acre, or one hundred (100) lbs. per thousand (1,000) square feet of surface area.
 - 2. Fertilizer - five hundred (500) pounds per acre of 10-20-20 fertilizer, or one thousand (1,000) pounds per acre of 5-10-10 fertilizer.
 - 4. Where possible, lime and fertilizer shall be incorporated into the soil.

Vegetation

- A. To establish a desirable permanent cover of grasses and legumes, refer to Table 1 for appropriate seed mixtures, and Table 2 for rates of seeding.
- B. Seed should be spread uniformly, by broadcasting, drilling, or hydro-seeding. When seeded areas are mulched (with hay, straw, or other mulch) seeding may be done from early spring to early October. If no mulch is used, seeding must be done from early spring to May 20, or from September 1 to October 1.
- C. Tree seedlings may be established, upon approval by the Regulator, on areas of excavated sites in lieu of herbaceous cover. Nursery stock of eastern white pine and/or red pine shall be planted at a minimum rate of six hundred (600) seedlings per acre.

- D. Tree seedlings shall be planted in spring between ground thaw and May 15, or in autumn between September 1 and October 1.
- E. Vegetation must exhibit 75% survival/area coverage at date of one (1) calendar year following sowing or planting; if vegetation is unsuccessful, reseeding/planting will be required.

Section XIV: Performance Guarantee

- A. Prior to granting of any permit, the applicant shall submit to the Selectmen a bond with sufficient surety as determined by the Planning Board. The purposes of the bond are to guarantee reclamation of the area, compliance with the permit and any inspections. Off-site improvements for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage.
- B. The surety shall be in an amount and form acceptable to the Board and it's legal counsel. The surety shall Not be released until the Board is satisfied that all conditions of the excavation site reclamation plan have been complied with.

Section XV: Application Procedure

Prior to the Board rendering a decision for an excavation permit, a public hearing shall be held, with due notification of all abutters and the public. The procedure for holding these public hearings is as follows:

- A. Filing of the application: The applications for excavation permits shall be filed with the Board at a regularly scheduled meeting. The application will be reviewed with the applicant at the meeting, and will be accepted by the Board only if it is found to meet all submission requirements for a completed application.
- B. Board action on application: Following a vote to accept the application, the Board will schedule a public hearing to be held within 30 days. Within 30 days of the close of the hearing, the Board shall make a decision. Notice of the decision shall be recorded in the minutes of the meeting. The applicant shall receive a written copy of the minutes along with the decision. If the application is disapproved, the reasons for the disapproval shall be given.
- C. Notices Required for Public Hearing: **(also see RSA 155-E:7)** All abutters will be notified by certified mail, not less than 10 days prior to the public hearing on the application. Names and addresses of abutters must be taken from town records not more than 30 days prior to the hearing.

Public notice will appear in a newspaper of general circulation and in at least three public places not less than 10 days prior to the hearing. This notice must include the location and general description of the proposal as well as the date, time and place of the hearing.

Section XVI: Administration and Enforcement (also see RSA 155-E:10)

- A. The Regulator, or its duly authorized agent, may conduct excavation site inspections to verify Permit compliance. Excavation site inspection shall be at least once annually, and as frequently as particular conditions or phases of excavation and/or reclamation may merit.
- B. The Regulator may appoint a duly authorized agent or qualified Soil Scientist to provide expert information or advice, as deemed necessary by the Regulator, including but not limited to verification of Permit compliance, feasibility of or adherence to Excavation Plans or Excavation Site Reclamation Plans. Fees or charges of such agents/Soil Scientists shall be charged directly to the Owners of proposed or existing excavations.
- C. Failure of any owners to comply with any and all provisions and conditions set forth in Excavation Permits or Reclamation Plans as agreed to by the Owner and approved by the Regulator shall be cause for the Regulator to strictly follow enforcement procedures and penalties as set forth in RSA 155-E:10.
- D. Local Excavation Regulations may be amended or updated by the Rumney Planning Board, following duly noticed public hearing on any proposed changes.
- E. If the Regulator disapproves or approves an application for an excavation permit or an application for an amended permit, any interested person affected by such decision may appeal to the Regulator for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall fully specify every ground upon which it is alleged that the decision or order is unlawful or unreasonable and said appeal shall be filed within 10 days of the date of the decision appealed from. The Regulator shall either grant or deny the request for rehearing within 10 days, and if the request is granted a rehearing shall be scheduled within 30 days. Any person affected by the Regulator's decision on a motion for rehearing to the Regulator may appeal in conformity with the procedures specified in RSA 677:4-15.
- F. The Regulator, upon application and following a hearing held in accordance with RSA155-E:7, may grant a variance in writing to the standards contained in Minimum and Express Operational Standards, Minimum and Express Reclamation Standards, and Incremental Reclamation for good cause shown. The written decision shall state specifically what standards, if any, are being relaxed, and include reasonable alternative conditions or standards. The Regulator's decision on any request for such exception may be appeal in accordance with RSA 155-E:9.

Table 1 - SEEDING GUIDE

Use	Seeding mixture 1/	Droughty	Well Drained Soils	Moderately Well Drained	Poorly Drained Soils
Steep cuts and fills. Gravel pits, borrow, and disposal areas.	A	Fair	Good	Good	Fair
	B	Excellent	Excellent	Fair	Fair
	C	Good	Good	Excellent	Good
	D	Fair	Fair	Good	Excellent
	E	Good	Good	Good	Fair
Waterways, emergency spillways & other channels w/flowing water	A	Good	Good	Good	Fair
	C	Good	Excellent	Excellent	Fair
	D	Good	Excellent	Excellent	Fair
Lightly used parking lots, odd areas, unused land, & low intensity recreation sites	A	Good	Good	Good	Fair
	B	Good	Good	Fair	Poor
	C	Good	Excellent	Excellent	Fair
	D	Fair	Good	Good	Excellent

Table 2-SEEDING RATES

Mixture		Pounds per acre	Pounds per 1000 sq. ft.
A.	tall fescue	20	.45
	creeping red fescue	20	.45
	redtop	2	.05
	total	42	.95
B.	tall fescue	15	.35
	creeping red fescue	10	.25
	crownvetch OR	15	.35
	flatpea	30	.75
	total	40 or 55	.95 or 1.35
C.	tall fescue	20	.45
	creeping red fescue	20	.45
	birdsfoot trefoil	8	.20
	total	48	1.10
D.	birdsfoot trefoil	10	.25
	redtop	5	.10
	reed canarygrass	15	.35
	total	30	.70
E.	tall fescue	20	.45
	flatpea	30	.75
	total	50	1.20