



*Town of New Boston
New Boston Planning Board
P.O. Box 250
New Boston, NH 03070*

November 14, 2012

Thibeault Sand & Gravel, LLC
603 Old Mammoth Road
Londonderry, NH 03053

RE: NOTICE OF DECISION

Dear Sir or Madam:

Enclosed, please find the Notice of Decision related to the Existing Excavation Exemption Application for Thibeault Sand & Gravel, LLC, Parker Road, Tax Map/Lot #6/14.

As always, should you have any questions, please do not hesitate to let me know.

Sincerely,

Shannon Silver
Planning Board Assistant

SS/

Enclosures

File No. G2012-001



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NOTICE OF DECISION - Conditional Approval

Planning Board, Town of New Boston

You are hereby notified that the Existing Excavation Exemption Application by Thibeault Sand and Gravel, LLC, on property on Tax Map/Lot #6/14, Parker Road, received conditional approval by majority vote of the members of the New Boston Planning Board on November 13, 2012, on the motion(s):

- **IMOVE** to approve the existing excavation exemption application for Thibeault Sand and Gravel, LLC, Parker Road, Tax Map/Lot #6/14, Residential-Agricultural "R-A" District. The grandfathering status applies to the 67 +/- acres shown on the August 7, 1986, plan and the applicant will reclaim in accordance with the reclamation standards that are in the current Earth Removal Regulations in effect as of this date, subject to:

CONDITIONS PRECEDENT:

1. Submission of any outstanding fees should there be any. The deadline for complying with the conditions precedent shall be **January 13, 2013**, the confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date, and a written request for extension is not submitted prior to that date, the applicant is hereby put on notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke the approval.

CONDITIONS SUBSEQUENT AND ONGOING:

1. The subject excavation, as well as any expansion thereof, shall be performed in compliance with the express operational standards of RSA 155-E:4-a and the express reclamation standards of RSA 155-E:5 and 155-E:5-a, as the same may be amended, from time to time. Any violation of those standards shall be enforceable pursuant to RSA 155-E:10. Compliance with these standards and the applicable requirements of the Town of New Boston Earth Removal Regulations, is mandatory in order to retain the exempted status. Additionally, the applicant agreed at the 11/13/12 public hearing to reclaim in accordance with the reclamation standards that are in the current Earth Removal Regulations in effect as of this date and attached hereto.
Compliance shall be confirmed by periodic inspections by the Regulator or its designee as detailed in Section 16 (Administration and Enforcement) of the Town of New Boston Earth Removal Regulations. Loss of exempt status can occur only after the Regulator 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, upon a finding by the Regulator to that effect.



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2. Prior to the granting of any permit, or to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the Applicant shall submit to the Regulator an acceptable bond with sufficient surety as determined by the Regulator. The purposes of the bond are to guarantee reclamation of the area and compliance with the permit. The surety must be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Regulator is satisfied that all conditions of the site reclamation plan have been complied with. This shall be determined at a final site walk by the Regulator and/or its designee.
Additionally, if a bond or security is already in place, the applicant is responsible for keeping said security up-to-date and submitting riders, renewals, or other documentation to the Planning Board as proof that the bond or security is in place
3. Hours of operation
Start up time for all machinery associated with an Earth Removal Operation shall be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including loading and removal of material from the site shall begin no earlier than 7:00 a.m.; termination of removal of material from the site shall be no later than 5:00 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be shut down by 5:00 p.m. These operating hours shall be for Monday through Saturday.
No operation shall take place on Sundays and major Federal holidays, as follows: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and Christmas; provided, however, that access on Sundays and holidays is permitted in the event of a town-wide emergency situation requiring use of material or equipment, for example, flooding situations, ice storms, major blizzards.

Shannon Silver	Date
Planning Board Assistant	

SS/

G#2012-001