

**NOTICE OF DECISION**  
**ZONING BOARD OF ADJUSTMENT**  
**TOWN OF NEW BOSTON, NEW HAMPSHIRE**

Case No: 2021-5

Map/Lot #10/70-1  
Lyndeborough Road

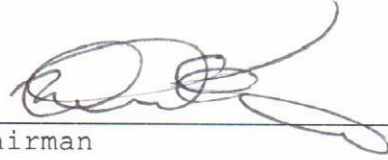
You are hereby notified that the appeal of Michael A. Halvatzes, regarding, Article II, Section 204.4, of the Zoning Ordinance for a "**SPECIAL EXCEPTION**", for the removal of earth products, on property located on Lyndeborough Road, Tax Map/Lot #10/70-1, Residential-Agricultural "R-A" District, owned by Michael A. Halvatzes, has been **GRANTED**, by the affirmative vote of at least three members of the Zoning Board of Adjustment, on the findings that all criteria per Section 204.4 have been met and all criteria of section 204.7 (F) have been met and complied with at the Public Hearing held on March 15, 2022, subject to:

CONDITIONS:

1. Applicant shall obtain a NH-DES Alteration of Terrain Permit
2. Applicant shall issue a bond for reclamation for each phase of the proposed earth products excavation. The surety shall be in the form of an Insurance Bond or Cash. A letter of Credit shall not be allowed.
3. Applicant shall issue a bond for the maintenance of vegetation of reclaimed areas for each phase of the proposed earth products excavation. The surety shall be in the form of an Insurance Bond or Cash. A letter of Credit shall not be allowed.
4. Inspections of reclamation and vegetation maintenance shall occur per the recommendation of the consulting engineer to the New Boston Planning Board.
5. There shall be no excavation within the 250' State of N.H. SWQPA.
6. The existing wooded buffer to Meadow Brook shall be maintained.
7. the existing wooded buffer to the Piscataquog River shall be maintained.
8. The applicant shall operate the earth product excavation and erosion control methods per NH-DES Best Management Practices (BMP), the BMP employed shall be contemporary to NH-DES published BMPs. Further, the applicant shall conform with the USDA-NRCS Vegetating New Hampshire Sand & Gravel Pits, Technical Note PM-NH-21.
9. There shall be no storage or use of hazardous chemicals or materials on-site.

10. The applicant shall provide containment for any fuels stored on-site that are exclusively for the use in the earth products removal according to NH-DES Rules.

11. The applicant shall maintain noise levels pursuant to the sound study prepared by RSP Consulting. The Planning Board can revisit the matter accordingly if situations occur where there are noise issues, per paragraph 6 on page 11 of the submitted report.



Chairman

3.18.22

Date

Note: The Selectmen, any party to the action or any person affected has a right to appeal this decision within 30 days. See New Hampshire Revised Statutes Annotated, chapter 667, available at the Town Office. This notice has been placed on file and made available for the public inspection in the records of the ZBA on 3/15/2022. Copies of this notice have been distributed to the applicant, Planning Board, Board of Selectmen and Building Inspector.