

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2013 Meetings**

September 10, 2013

1 The meeting was called to order at 6:41 p.m. by Planning Board Chairman Stu Lewin.
2 Present were regular members Mark Suennen and Peter Hogan, alternate members David
3 Litwinovich and Mitch Larochele, and Ex-Officio Dwight Lovejoy. Also present were Planning
4 Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie
5 Diaz.

6
7 Present in the audience for all or part of the meeting were Brandy Mitroff, Road Agent
8 Dick Perusse, Selectman Rodney Towne, Selectman Christine Quirk, Road Committee Member
9 Willard Dodge, Road Committee Chair Tom Miller, John Neville, Dave Elliott and Tim LeClair.

10
11 The Chairman welcomed new alternate member, Mitch Larochele, to the Planning
12 Board.

13
14 **Continued discussion, re: Cul-de-sacs**

15
16 Present in the audience were Brandy Mitroff, Road Agent Dick Perusse, Selectman
17 Rodney Towne, Selectman Christine Quirk, Road Committee Member Willard Dodge, Road
18 Committee Chair Tom Miller, John Neville, Dave Elliott and Tim LeClair.

19 The Chairman advised that Board members and some Town department members
20 provided input regarding cul-de-sacs. He noted that Mark Suennen's proposed regulations
21 seemed to be the most complete.

22 The Chairman asked the Road Agent if he approved of the current length of cul-de-sacs
23 as well as the diameter measurements for the turnaround area, as listed in the regulations. The
24 Road Agent did not want to make any changes to the current length of the cul-de-sacs or the
25 diameter measurements for the turnaround area.

26 The Chairman asked the Board agreed with proposal #1, to not allow for back lots on
27 non-connecting streets; the Board agreed with the proposal #1.

28 The Chairman asked if the Board agreed with proposal #2, all proposed utilities shall be
29 underground, 100' from the edge of the roadway; the Board agreed with proposal #2.

30 The Chairman asked if the Board agreed with proposal #3, defining a mandatory 15'
31 clear zone maintained along the edge of all non-connecting streets. Brandy Mitroff asked for an
32 explanation of clear zone. The Chairman explained that the clear zone was addressing an issues
33 of trees falling across the roadway and blocking the one access and exit. He continued that 15'
34 would be clear from the edge of the non-connecting street. Peter Hogan commented that he
35 believed requiring 15' clear zone would be ugly. Brandy Mitroff asked if 15' would need to be
36 clear cut in a wooded area on either side of the roadway. Peter Hogan believed that it needed to
37 be done when building a road, however, he had an issue with keeping the area open. He noted
38 that the SNHPC believed that the roads in the Town of New Boston were already too wide and
39 encouraged high speed. He questioned who cared about a tree falling across a road in which
40 there were no power lines as he believed it would only cause a 15 minute inconvenience. Brandy
41 Mitroff commented that it would probably be longer than 15 minutes. Peter Hogan noted that if
42 there were no power lines anyone could walk out and cut the tree. Brandy Mitroff stated that
43 someone on the end of the cul-de-sac that could not access the exit could be having a heart

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1 CUL-DE-SAC DISCUSSION, cont.

2
3 attack. Peter Hogan pointed out that the Planning Board could not plan for everything and if he
4 were to follow Brandy Mitroff's reasoning the Board should mandate a hospital on every street
5 corner. He continued that they could not plan for the most obscure or ridiculous thing
6 imaginable as it would become too onerous.

7 The Chairman asked if the width of non-connecting roads should be decreased. Peter
8 Hogan answered that he was not interested in battling with the Fire Department on that
9 discussion. He continued that the roads were the width that they were because the Fire
10 Department believed that they needed that amount of space for trucks to be able to pass side by
11 side. He noted that this was a safety issue that the Board did not challenge the Fire Department
12 on even though all the information from the SNHPC recommended narrower streets to increase
13 safety. He advised that narrowing the streets would reduce speeds. The Chairman asked if Peter
14 Hogan would still be opposed to the 15' clear zone if the Fire Department was agreeable to
15 reducing the width of the street. Peter Hogan answered that a 15' clear zone was still ridiculous.
16 He went on to say that 15' trees did not fall; 30' trees fell. He noted that if a 30' tree fell it
17 would cover the road and the two 15' clear zones.

18 The Chairman asked if there was an existing regulation with regard to a maintained clear
19 zone. The Coordinator answered no and noted that it would be a maintenance issue for the
20 Highway Department. The Chairman asked if there was a specification for how far to clear and
21 maintain the sides of the roadways. Dick Perusse, Road Agent, answered that they cleared to the
22 swale or the upper edge of swale. The Chairman asked if the maintenance was done annually.
23 Dick Perusse, Road Agent, answered yes. The Chairman asked if areas without swales were
24 maintained. Dick Perusse, Road Agent, answered that areas with swales were maintained in
25 about 10'. Dave Elliott of 33 Tucker Mill Road added that the Town's equipment that was used
26 for mowing and maintaining roadsides did not have the ability to clear 15' from the edge of
27 pavement. Peter Hogan noted that the 15' maintained clear zone would create an additional
28 maintenance expense for the Town.

29 The general consensus of the Board was not to move forward with proposal #3, however,
30 the Chairman wanted to give Mark Suennen an opportunity to weigh in on the matter when he
31 arrived.

32 The Chairman noted that Peter Hogan had arrived late to the discussion and reviewed
33 proposals #1 and #2. Peter Hogan agreed with proposal #1 and #2. He commented that proposal
34 #2 provided a way to control density and distance for the firefighting efforts.

35 The Chairman read proposal #4 as follows, no drainage structure shall be permitted under
36 the roadway deeper than 8' to the bottom of the pipe. Peter Hogan commented that proposal #4
37 came from the Road Committee and was a good idea. Tom Miller, Road Committee, noted that
38 it had also been discussed that all cross pipes should be concrete. Peter Hogan agreed that the
39 concrete cross pipes had been discussed and asked for confirmation that concrete pipes lasted
40 longer than plastic pipes. Tom Miller, Road Committee, confirmed that the concrete pipes lasted
41 three times longer than plastic pipes. Peter Hogan asked if the Road Committee wanted the cross
42 pipes oversized. Tom Miller, Road Committee, answered no. The Chairman asked if anyone
43 had any issues with proposal #4 and/or the addition of the concrete cross pipes; the Board did not

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1 CUL-DE-SAC DISCUSSION, cont.

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3 have any issues.

4 The Chairman stated that proposal #5 required that a 30K gallon cistern shall be required
5 on any non-connecting street longer than 600'. Willard Dodge advised that Dan MacDonald,
6 Fire Chief, had planned on attending the meeting but was unable. He continued that he had been
7 asked by Dan MacDonald, Fire Chief, to relay to the Board that the Fire Wards felt that requiring
8 30K gallon cisterns was unreasonable. The Chairman stated that it was okay to provide
9 information, however, this was still an internal discussion with the Board and he did not want
10 departments to think that they would not have an opportunity to be part of the discussion. Peter
11 Hogan asked Willard Dodge what would be reasonable. Willard Dodge answered that it was not
12 for him to get into. Peter Hogan asked if Dan MacDonald, Fire Chief, wanted larger or smaller
13 cisterns. Willard Dodge advised that Dan MacDonald, Fire Chief, believed that the proposed
14 size was unreasonable to all parties as a 30K gallon cistern every 600' was too much. Rodney
15 Towne, Selectman, noted that Dan MacDonald, Fire Chief, had expressed that the distance was
16 his issue and not the size of the cistern. The Chairman stated that the Board would wait to
17 discuss this further with the Fire Chief and Fire Wards.

18 The Chairman summarized the discussion to this point for Mark Suennen as he arrived
19 late to the discussion. Mark Suennen was okay with not moving forward with the mandatory 15'
20 clear zone requirement and was agreeable to adding the requirement that cross pipes be made of
21 concrete.

22 Mark Suennen clarified that he was not proposing one 30K gallon cistern for every 600'
23 but rather once a non-connecting road reached 600' a cistern should be in that area. He added
24 that cul-de-sacs were limited to 1,000'. He explained that if the cul-de-sac was less than 600' a
25 cistern would not be required and if a cul-de-sac was longer than 600' one cistern would be
26 required. The Chairman indicated that he wanted to table the discussion until a time when the
27 Fire Wards could weigh in on the matter.

28 Mitch Larochelle asked if a regulation had been passed that required sprinklers in lieu of
29 cisterns. The Chairman answered that the regulation had gone through, changed and then
30 changed back. Mark Suennen added that it was the Town's policy that sprinklers were not
31 required for existing homes and that sprinklers were not required for new subdivisions. He
32 continued that the Town could allow a subdivision developer to install sprinklers in lieu of
33 providing cisterns. The Chairman noted that the sprinklers in lieu of cisterns had to be voluntary
34 on the part of the developer. The Coordinator added that once there was an agreement the Town
35 could enforce it.

36 The Chairman indicated that proposal #6 required that there shall be no more than three
37 driveways that intersect with non-connecting streets beyond the throat of the turnaround. Mark
38 Suennen explained that the proposal meant no more than three driveways would be allowed from
39 point to point on the bulb. The Chairman stated that there could be six lots with a maximum of
40 three driveways. The Chairman asked if anyone disagreed with the proposal; no one disagreed
41 with the proposal. Peter Hogan commented that this was what the Board had intended to do.
42 Mark Suennen stated that the proposal could be made clearer by saying "no more than three curb
43 cuts". The Chairman agreed with Mark Suennen's suggestion. Peter Hogan asked if common

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1 CUL-DE-SAC DISCUSSION, cont.

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3 driveways could be permitted Brandy Mitroff asked for clarification on this issue. She noted that
4 each lot in New Boston is required to prove that it can have its own driveway on its own
5 frontage. She asked if a shared driveway was proposed and down the road the homeowners
6 could not work together they may not be able to put in separate driveways if there was a limit on
7 the driveways allowed on the turnaround. Mark Suennen answered that it was an interesting
8 question that deserved some thought. The Chairman agreed. Mark Suennen also wanted to hear
9 the Road Agent's opinion after he had some time to think about the question. Dick Perusse,
10 Road Agent, asked if the lots would be deeded as common driveways. Mark Suennen answered
11 yes, however, he noted that the deed would not state whether the property owners would always
12 utilize the driveways as a common driveway.

13 The Chairman stated that proposal #7 required that there was a maximum of twelve
14 driveways along any non-connecting street. He asked Mark Suennen if the calculation included
15 the driveways around the bulb. Mark Suennen answered yes and noted that he had just picked a
16 number. He continued that the number of driveways could be debated. The Chairman asked if
17 he had intended for five or six lots around the bulb. Mark Suennen answered that he had intended
18 for five lots. The Chairman indicated that if there were five lots around the bulb, then only seven
19 lots would be allowed along the length of the road. Mark Suennen stated that it was his intention
20 to have between twelve and up to fifteen homes on the entire cul-de-sac. The Chairman
21 suggested that the word "driveways" be changed to "curb cuts" in proposal #7. Brandy Mitroff
22 asked if Mark Suennen was basing his calculations on a 1,000' cul-de-sac. Mark Suennen
23 answered that in his world they should not be talking about any cul-de-sacs over 1,000' in length.
24 The Chairman added that for this discussion they were not discussing cul-de-sacs that were
25 longer than 1,000'. Mark Suennen noted that if every curb cut had a common driveway there
26 was a potential for twenty-four or twenty-five house lots, although, he was unsure if there would
27 be enough frontage. The Chairman asked the Coordinator to provide the maximum number of
28 house lots based on frontage for the next discussion. Peter Hogan advised that the requirement
29 was 200' of frontage. Brandy Mitroff commented that based on 200' of frontage only ten houses
30 would be allowed on 1,000'. Mark Suennen pointed out that more houses would be allowed in
31 an "R-1" District. Peter Hogan stated that he would only consider cul-de-sacs with two acre lots
32 with 200' of frontage and was not interested in allowing cul-de-sacs in the R-1 district. He also
33 noted that there was not much R-1 land remaining in town and he did not want the regulations to
34 get too wordy.

35 The Board agreed that 200' frontage and two acre lots would be required along non-
36 connecting roads.

37 Brandy Mitroff questioned how Open Space Subdivisions would factor into the
38 requirements as the lot size minimums were smaller. The Chairman made a note to think about
39 Brandy Mitroff's question.

40 The Chairman indicated that proposal #8 required that a developer of a non-connecting
41 street shall provide evidence to the Planning Board where a secondary connection may be
42 feasible in the future. The Chairman asked if the connection needed to be off the end of the non-
43 connecting road. Mark Suennen answered that the connection could be made wherever it was

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1 CUL-DE-SAC DISCUSSION, cont.

2
3 feasible and used Susan Road as an example. The Chairman asked what would happen if the
4 developer could not demonstrate the connection. Mark Suennen answered that he did not know.
5 Peter Hogan asked if Mark Suennen was laying out the justification for the consideration of a
6 cul-de-sac beyond the standard length. Mark Suennen answered no and stated that as a traffic
7 engineer he did not like non-connecting streets. He continued that non-connecting streets were
8 bad for traffic movement, interconnected streets and road systems but he appreciated that some
9 people chose to live on them and there were other benefits beyond good traffic flow. Peter
10 Hogan pointed out that if a developer could demonstrate a connected street then the Planning
11 Board would generally demand that the street be connected. Mark Suennen stated that the
12 proposal may not be a feasible regulation. Rodney Towne, Selectman, stated that if there was a
13 piece of developable land that it could connect to then provisions should be made for a public
14 road to pass through. He added that he would not expect the developer to necessarily connect it.
15 The Chairman stated that the Board would think more about the wording for proposal #8.

16 The Chairman stated that proposal #9 required that the Planning Board not consider any
17 through road phasing plan that created a temporary non-connecting street that was longer than
18 600' without a bond for the full roadway and would not consider any phasing plan that created a
19 temporary non-connecting street longer than 1,000'. The Board agreed with proposal #9.

20 The Chairman noted that proposal #10 with regard to the center island was not going to
21 move forward as the Road Agent had stated that there was no need to change the existing
22 measurements.

23 The Chairman advised that there would be continuing discussion and research with
24 regard to cul-de-sacs. He asked if there were any further comments and/or questions; there were
25 no further comments or questions.

26
27 **Continued discussion, re: Zoning Ordinance/Subdivision/Non-Residential Site Plan Review**
28 **Regulations questions, particularly Recreational Camping Park Standards & Landscaping.**

29
30 The Chairman indicated that the Board would not be discussing the scheduled
31 Recreational Camping Park Standards as the information regarding the discussion was handed
32 out this evening.

33 Christine Quirk, Selectmen, asked for a copy of the information that was handed out to
34 the Board; the Coordinator provided a copy.

35 The Coordinator stated that the information that was handed out covered the history of
36 the Recreational Camping Park Standards in the Zoning Ordinance.

37 The Chairman scheduled the discussion for September 24, 2013, at 7:00 p.m. He added
38 that the discussion regarding landscaping would be scheduled for discussion at a future meeting.

39
40 **Discussion, re: Water Resources Management Plan**

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42 Present in the audience were Brandy Mitroff, Road Agent Dick Perusse, Selectman
43 Rodney Towne, Selectman Christine Quirk, Road Committee Member Willard Dodge, Road

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1 WATER RESOURCES MANAGEMENT PLAN DISCUSSION, cont.

2
3 Committee Chair Tom Miller, John Neville, Dave Elliott and Tim LeClair.

4 Mark Suennen advised that he had read through the entire Water Resources Management
5 Plan. He stated a lot of the document covered things that existed at the time it was created, i.e.,
6 locations of ponds, river, lakes and underground water. He believed that the existing conditions
7 just needed to be reviewed and verified that they still existed.

8 Mark Suennen referred to a section in the Plan that offered regulatory and non-regulatory
9 suggestions to the Town on how to protect the water resources.

10 Mark Suennen stated that there was a section in the Plan that described the different kinds
11 of wetlands. He believed that since the Plan was created the definition of wetlands and how they
12 were certified had changed. He commented that it would be very costly to have a wetland
13 scientist to recertify the size, shape and locations of wetlands.

14 The Chairman asked if New Boston had a Groundwater Resources Conservation District.
15 The Coordinator answered yes.

16 The Coordinator provided the Chairman with a proposal for an update to the Water
17 Resources Management Plan from the SNHPC, dated 2010. Mark Suennen asked for the cost of
18 the update. The Coordinator answered that the SNHPC would charge \$14,600.00 for an update.

19 David Litwinovich felt the update fell under the scope of the discussion to update the
20 Master Plan. The Chairman asked if David Litwinovich would volunteer to review the Water
21 Resource Management Plan portion of the Master Plan. David Litwinovich answered yes.

22 Mark Suennen stated that he was not sure the Water Resources Management Plan needed
23 to be updated right now as a lot of existing conditions had not changed. He added that the Town
24 may not want to know what things had changed. The Chairman suggested that the Board update
25 those items that they could do to make it current without incurring expenses. Dwight Lovejoy
26 questioned how the updates would not cost any money as someone would need to complete the
27 work. The Chairman answered that David Litwinovich had volunteered to review the
28 recommendations in the Water Resources Management Plan to see what should be done, had
29 been done already, and so on.

30 The Board agreed to go through the recommendations at the October 8, 2013, meeting,
31 with David Litwinovich leading that discussion.

32
33 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
34 **September 10, 2013.**

- 35
36 1. Approval of the August 27, 2013, minutes distributed by email.

37
38 The Chairman advised that he had received an email with the August 27, 2013,
39 meeting minutes stating that the minutes would be approved at the September 24, 2013, meeting.
40 He indicated that he had not read through the minutes. Mark Suennen noted that he had not read
41 the minutes.

42 The Chairman stated that Miscellaneous Business item #1 would be changed to
43 "Distribution of the August 27, 2013, minutes by email for approval at the September 24, 2013,

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1 **MISCELLANEOUS BUSINESS, cont.**

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3 meeting".

- 4
5 2. Driveway Permit Applications received September 4, 2013, from Glover Construction,
6 re: Tax Map #5/16-14 & #5/16-22, Christian Farm Drive, relocation of existing driveway,
7 for the Board's action.

8
9 The Chairman indicated that that driveway permit #13-28 had been checked and signed
10 off by the Road Agent. He asked if there were any questions from the Board; there were no
11 questions.

12
13 Peter Hogan **MOVED** to approve the Driveway Permit Application for Tax Map #5/16-
14 14, Christian Farm Drive, with the standard Planning Board requirements: 1) This
15 permit requires two inches (2") of winter binder (pavement) to be applied to the driveway
16 to a minimal distance of twenty-five feet (25') from the centerline of the road. 2) The
17 driveway intersection with the road shall be joined by curves of ten foot (10') radii
18 minimum. 3) The driveway shall intersect with the road at an angle of 60 - 90 degrees.
19 Mark Suennen seconded the motion. Discussion: The Chairman informed the new
20 alternate Board member, Mitch Laroche, that he was allowed to vote on Miscellaneous
21 Business items. The motion **PASSED** unanimously.

22
23 The Chairman read the requirements that were listed on driveway permit #13-29. He
24 asked for comments and/or questions from the Board. Mark Suennen asked if the requirements
25 had been approved by the Road Agent. The Chairman answered yes.

26
27 Mark Suennen **MOVED** to approve the Driveway Permit Application for Tax Map
28 #5/16-22, Christian Farm Drive, with the standard Planning Board requirements: 1) This
29 permit requires two inches (2") of winter binder (pavement) to be applied to the driveway
30 to a minimal distance of twenty-five feet (25') from the centerline of the road. 2) The
31 driveway intersection with the road shall be joined by curves of ten foot (10') radii
32 minimum. 3) The driveway shall intersect with the road at an angle of 60 - 90 degrees.
33 Dwight Lovejoy seconded the motion and it **PASSED** unanimously.

- 34
35 3. Driveway Permit Application received September 4, 2013, from Glover Construction, re:
36 Tax Map #12/65-9, Pulpit Road, relocation of existing driveway, for the Board's action.

37
38 The Chairman asked for comments and/or questions from the Board with regard to the
39 above-referenced driveway permit application; there were no comments or questions.

40
41 Mark Suennen **MOVED** to approve the Driveway Permit Application for Tax Map
42 #12/65-9, Pulpit Road with the standard Planning Board requirements: 1) This permit
43 requires two inches (2") of winter binder (pavement) to be applied to the driveway to a

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MISCELLANEOUS BUSINESS, cont.

minimal distance of twenty-five feet (25') from the centerline of the road. 2) The driveway intersection with the road shall be joined by curves of ten foot (10') radii minimum. 3) The driveway shall intersect with the road at an angle of 60 - 90 degrees. Peter Hogan seconded the motion and it **PASSED** unanimously.

Mark Suennen asked the Road Agent if there would be a sight line issue with the new driveway location. Dick Perusse, Road Agent, answered no.

4a. Endorsement of a Subdivision Plan for Timothy M. LeClair & Lynn M. LeClair, Trustees of the Timothy & Lynn LeClair Joint Revocable Trust, (formerly Victor & Lise S. Lemay) Tax Map/Lot #9/21-5, Wilson Hill Road, by the Planning Board Chairman and Secretary.

The Chairman advised that the above-referenced plan would be executed at the close of the meeting.

4b. Endorsement of a Subdivision Agreement for Timothy M. LeClair & Lynn M. LeClair, Trustees of the Timothy & Lynn LeClair Joint Revocable Trust, (formerly Victor & Lise S. Lemay) Tax Map/Lot #9/21-5, Wilson Hill Road, for the Planning Board Chairman's signature.

The Chairman advised that the above-referenced agreement would be executed at the close of the meeting.

4c. Endorsement of a Notice of Decision Cover Sheet for Timothy M. LeClair & Lynn M. LeClair, Trustees of the Timothy & Lynn LeClair Joint Revocable Trust, (formerly Victor & Lise S. Lemay) Tax Map/Lot #9/21-5, Wilson Hill Road, by the Planning Board Chairman.

The Chairman advised that the above-referenced cover sheet would be executed at the close of the meeting.

4e. Copy of Subdivision Regulations and Road Construction Inspection Procedures, re: Soils Testing and Compaction, for the Board's information.

The Chairman acknowledged receipt of the above-referenced matter.

4f. Preconstruction meeting minutes from Northpoint Engineering dated September 10, 2013, for Woodland Development, Timothy M. LeClair & Lynn M. LeClair, Trustees of the Timothy & Lynn LeClair Joint Revocable Trust, (formerly Victor & Lise S. Lemay) Tax Map/Lot #9/21-5, Wilson Hill Road, for the Board's information.

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MISCELLANEOUS BUSINESS, cont.

The Chairman acknowledged receipt of the above-referenced matter.

Mark Suennen asked if submission of the previously listed 4a, 4b, 4c, 4d, 4e and 4f was an indication that the conditions precedent had been completed. The Coordinator answered yes and explained that once the plans were signed they would be sent for recording.

4d. Letter received September 5, 2013, from Brian A. Pratt, P.E., CLD Consulting Engineers, to New Boston Planning Board, re: Request to substitute the materials and compaction testing subcontractor the town uses for Fieldstone Drive, Tax Map/Lot #9/21-5, for the Board's action.

The Chairman asked if John Neville had looked at the approved plans and knew what he had to do and what the conditions were for the approved plan, specifically, what and how things needed to be completed. John Neville answered yes. The Chairman asked if John Neville was aware of the Town's policies and procedures with regard to inspections and field change approvals. John Neville answered yes and stated that the policies and procedures had been discussed at the preconstruction meeting. The Chairman asked if John Neville had any questions. John Neville indicated that he did not have any questions with regard to the policies and procedures but wanted to address the letter he had sent.

The Chairman asked if John Neville if he wanted to add anything that was not included in the letter. John Neville indicated that he had talked with other contractors that Terracon, Northpoint Engineering's subcontracted geotechnical company, would not show-up in a timely fashion to the site. He explained that if he was onsite producing product through crushing he would not have time to wait for them to take two or three days to provide results. John Neville stated that when he questioned Kevin Leonard, P.E., about this matter during the preconstruction meeting he was told that he could not use the firm he frequently used because they did not have any engineers on staff. John Neville handed the Chairman a package of credentials from ConTest, the company he was proposing. He stated that Don Walden did have people there and he would be able to give Don Walden a sample in the morning and have results by the afternoon. He continued that it would be easier to have Don Walden do the testing rather than having to duplicate everything. John Neville stated that working with the weather may mean that he might want to get four or five feet of fill in and compacted down towards the wetlands when a dry spell of weather came along. He asked how he would meet the demands of scheduling testing 24 hours out if that was the case. He noted also that he was approaching the end of the construction season where he was starting to play with nature.

The Chairman asked if John Neville had further comments. John Neville commented that if the Town was going to require those tests, they should offer alternates. He indicated that he had dealings with different testing companies and some performed very well and some performed below average. He went on to say that he was paid by the foot, yard or by the whole job and, therefore, the faster he completed something the faster he was able to move on to the next phase. He noted that not every phase was money making.

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MISCELLANEOUS BUSINESS, cont.

The Chairman indicated that he would offer his thoughts and then ask the other Planning Board members to share their thoughts. He stated that the Town had a Town Engineer and they had proposed, and had been using, their testing service for multiple years. He noted that this was the first time anyone had complained about the timeliness of the testing. He stated that he was not disagreeing that John Neville had spoken with other contractors, however, no contractors had raised this issue in the last seven years or so that Northpoint Engineering had been the Town's Consulting Engineer. He believed that if this had truly been an issue that caused people problems they probably would have addressed it with the Board.

The Chairman believed that there needed to be independence with regard to the testing. He explained that the testing looked out for the Town's best interests. He noted that contractors were free to obtain second opinions through other testers. The Chairman continued that the current arrangement had been in place for quite a while and had been working as no one had been in to complain. He added that John Neville's suggestion to have more than one tester may be a good thing but was something that needed to be looked at in a more systematic fashion. He continued that the Board could make a stipulation that a couple of testing companies be offered during the contract renewal process with the Town Engineer.

John Neville informed the Board that if they called Northpoint Engineering's office and asked what their procedures were they would be told 24 – 48 hours for a compaction test and 72 hours for a sieve and proctor. He felt that it was outrageous to have to wait three days. He indicated that this was the first time he was constructing a road in New Boston and noted that the Town of Goffstown left the decision of hiring a quality control guy to complete the compaction and soil testing to the general contractor. He noted that in Goffstown the decision would be left to Tim LeClair to meet the demands of the Town as he was the owner of the development. He added that Northpoint Engineer was twice the cost of other firms and took twice as long. The Chairman stated that John Neville was offering good input and stated that this was the first time during his four years on the Board that these issues had been raised. He noted that the Town Engineer's contract was renewed annually. He believed that John Neville's suggestions were worth investigating. He pointed out that the Town of New Boston was not the Town of Goffstown. John Neville indicated that the City of Manchester also allowed general contractors to hire quality control testers. The Chairman stated that the Town of New Boston was not the City of Manchester. He said that maybe the Town needed to change and explained that he was not saying that the current way of doing things was the best way to do things, however, he had a problem changing things midstream for a specific development. Dwight Lovejoy commented that he had a real problem with not changing things. He stated that a gentleman had come here with a perfectly logical explanation. He advised that when he had worked for the trades there had been dozen of contractors that wanted him on the job because he knew the way they operated. He continued that he saved the contractors steps, saved them money and saved them all across the board because he knew how they operated. He stated that he did not believe the Chairman was being fair at all even by bringing this out as secondary thought. He went on to say that there were going to be issues brought up within the next few months, however, he did not want to bring them into play right now. The Chairman

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MISCELLANEOUS BUSINESS, cont.

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3 agreed that Dwight Lovejoy should stay on topic. Dwight Lovejoy stated there was a new man in
4 town that was not a new man in town and had been here forever and he should be allowed to use
5 his own inspection guy. He commented that if Kevin Leonard, P.E., was run over by a truck
6 tomorrow, the world would still rotate. He reiterated that John Neville's inspection guy should
7 be allowed to complete the inspections.

8 John Neville advised that Don Walden was licensed, insured and qualified. He
9 continued that the package he had provided the Chairman earlier contained the personnel
10 that worked for his firm as well as ongoing projects. He noted that the firm was currently
11 working at the United States Air Force Tracking Station and also provided on call services to the
12 Town Engineer of Goffstown. He noted that Don Walden did all of the quality control at his pit
13 and product and would not make him wait. The Chairman stated that he did not have an issue
14 with anything John Neville stated but he did have problem with changing procedures that were in
15 place rather than making individual exceptions when things came up. He added that this was
16 historically how the Board got in trouble. John Neville asked if the Town would reimburse him
17 for the \$10K he could potentially lose if he had to wait 72 hours for a test to be completed. The
18 Chairman answered that he would expect that given the way people complain about such
19 instances that if the Town had had instances like that in the past then a developer would have
20 been pounding the counter and screaming.

21 The Chairman noted that he and Dwight Lovejoy had expressed their opinions on
22 this matter and he wanted to hear from the rest of the Board. John Neville believed that
23 some people were afraid to say anything for fear of the repercussions. Dwight Lovejoy
24 agreed with John Neville. John Neville stated that if he had to put up with Terracon he would.
25 He continued that it was not right that an engineering firm was charging double the fees for a
26 service and then make him wait double the time for the results.

27 Mitch Larochelle asked for the name of the Town Engineer's firm. The Chairman
28 answered Northpoint Engineering. John Neville added that Terracon was hired by
29 Northpoint to complete the testing. The Chairman clarified that Kevin Leonard, P.E.,
30 was the Town's Engineer and had picked and used Terracon to complete testing for the
31 Town.

32 The Chairman stated that all Board members needed to weigh in on this matter in
33 order to make a decision. Mark Suennen asked to hear from Tom Miller, Road
34 Committee, on this matter. Tom Miller, Road Committee, advised that the Town had
35 adopted the NHDOT Specifications two years ago. He pointed out that no material was
36 to be tested unless it was in place, compacted and was never accepted out of a stockpile. He
37 continued that samples could be used to tell you where you were but the material would never be
38 accepted from a stockpile. He noted that he had a copy of the NHDOT
39 Specifications book and offered to let the Board read the regulation. He explained that
40 the reason material was not accepted from a stockpile was because material gained silt
41 from being made, to being laid down and compacted. He further explained that when the rock
42 was broken down, the silt content would go up and that the softer rocks had higher silt content
43 percentages. He stated that a call should be made to the quality control tester three days before

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sand was being spread. He believed that there was no reason the quality control tester could not be there to do the test. He stated that building roads by using a process of placing 50' of sand, 50' of gravel and 50' of crushed was not following NHDOT Specifications. The Chairman asked for clarification with regard to how much sand, gravel and crushed should be spread. Tom Miller, Road Committee, answered that for a 500' road a good portion of the sand should be spread before a test was completed. He stated that the tester should not be testing every 50'. He indicated that there was a frequency of testing in the NHDOT Specifications book. The Chairman stated that the Board had gone through an exercise with input from the Road Committee and had come up with a set of procedures that everyone bought off on and that was what should be followed. Tom Miller, Road Committee, explained that the normal testing procedure for fills and select materials required that a test be completed one lane width for every 1,500'. The Chairman believed that Tom Miller, Road Committee, had explained that work should be able to be scheduled and inspections requested with enough lead time. Tom Miller, Road Committee, reiterated that the Town should not be testing or charging for tests off stockpiles. He continued that the contractor could do their own tests off stockpiles and that the Town only cared about the tests completed in place.

Peter Hogan asked if the Town needed to check material that was submitted that met the NHDOT Specifications. Tom Miller, Road Committee, answered no. Peter Hogan commented that if it did not pass that was the developer's problem and not the Town's problem. Tom Miller, Road Committee, agreed with Peter Hogan's statement and added that the Town did not need to hold the developer's hand and charge them for testing. Peter Hogan asked if the Town was currently doing this. Tom Miller, Road Committee, answered that he did not know and noted that the Town should not be doing so. Peter Hogan asked if John Neville knew if tests were being done from stockpiles. John Neville answered that testing needed to be done from the stockpiles. He questioned the testing method that had been explained by Tom Miller as it would take 72 hours to receive results from the proctor. Tom Miller, Road Committee, suggested that a three-point proctor be completed in place. John Neville asked Dave Elliott if Terracon had ever been able to do a three-point proctor during his projects. Dave Elliott answered no. Tom Miller, Road Committee, indicated that they should be able to do a three-point proctor in place as all they needed was a mold, a Speedy Dry [?] and a scale. Dave Elliott commented that they should be able to do a lot of things. Peter Hogan stated that it was the developer's problem to make sure their material met the specifications and the Town did not need to test it. John Neville asked why Terracon requested samples of the material before it was placed. Peter Hogan answered that he did not have an answer for John Neville's question. He continued that he wanted to walk through the process together based on information provided by Tom Miller. He stated that he fixed cars and did not pay anyone to test a part when it was given to him and nor did he test the part himself. Tim LeClair asked for clarification that he should not be testing material out of the stockpile. Peter Hogan believed that the supplier should be testing the material. Dwight Lovejoy stated that the material was being made onsite. Tom Miller, Road Committee, stated that material being produced onsite made no difference. He stated that the material that was in place and would be driven on was what counted. Peter Hogan stated that potentially the crush

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could be made larger as it was known that it would break up during the truck ride. Tom Miller, Road Committee, disagreed with Peter Hogan and explained that the larger crush would not meet the specifications. He went on to say that once the material came out of the crusher and was moved the mica and granite broke down and caused the silt. Peter Hogan asked if the material should be measured when it was set in place. Tom Miller, Road Committee, answered yes as it met the specifications. Rodney Towne, Selectman, asked for confirmation that the previously mentioned specification had been adopted by the Town. Tom Miller, Road Committee, confirmed that the specification had been adopted. Dave Elliott commented that it was not in practice. Mark Suennen stated that the Board needed to see to it that it was in practice. Peter Hogan reiterated that this was the first time that the Board was hearing this information and that they needed to find out if the Town Engineer was following the adopted regulations. Tom Miller, Road Committee, indicated that he had heard that there was a lot of testing and billing taking place and it should not take place.

Dave Elliott stated that he would speak on this matter from his experience building Wright Drive. He informed the Board that Terracon was supplied with samples of onsite material from the first fill. He continued that they had scheduled three days prior to have Terracon at that site and his crew with equipment was operating at the site at \$800.00 an hour. He indicated that when the first lift was compacted and tested the result was that they were failing and they were held up for hours. The Chairman read the following from the Road Construction Inspection Procedures, "The Town's consulting engineer shall arrange for onsite density testing of lifts on the first day of road placement". Dave Elliott stated that they had lost the entire first day and it cost him \$8,000.00. The Chairman pointed out that the day had been lost because they had failed the test. Dwight Lovejoy directed the Chairman to listen to Dave Elliott. Dave Elliott asked to finish speaking. The Chairman noted that he was asking questions because he did not understand. Dave Elliott commented that he believed the Chairman would understand once he finished speaking. He stated that Terracon had showed up with material information that was used on Page Lane, Phase I, that was approximately five years old. He went on to say that he had supplied Terracon with all the materials that were going to be used in a timely manner but their office had made a mistake and sent them out with the wrong materials. He reiterated that the one day cost him approximately \$8,000.00. David Elliott advised the Board that Terracon failed worse than any other company he had ever worked with and tested ten times more than required by the NH DOT Specifications. He explained that before the nuclear gauge was out they already knew they had surpassed the requirements because the operator could not drive the pin through the gravel. He continued that the nuke machine guy had been told to test the road every 100' on both sides of the road.

Dave Elliott acknowledged that he had not come to complain but was now complaining. He stated that it was a very uncomfortable position to be building a road, trying to get to the end of it and coming to the Board to voice complaints. He stated that he just tried to get through the project. John Neville added that they hoped that the next time would be better. The Chairman stated that he did not discount anything that Dave Elliot had shared but he explained that from the Board's point of view they had never heard of these types of things. Dave Elliott commented

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3 that most companies did not complain about these things because it would not benefit them after
4 the fact as the damage was already done. He continued that Terracon probably cost him \$30K on
5 that project but he knew he would not be compensated from the Town and questioned what
6 benefit there was in stirring up a bee's nest. He stated that road contractors wanted to move from
7 one project to the next and they did not want to complain to the Planning Board. The Chairman
8 believed that if Dave Elliott planned on doing more work in New Boston his interest in voicing
9 his complaint was fixing something that was not right. Dave Elliott stated that this had been a
10 very difficult area to deal with and he was trying to deal with one thing at a time. He promised
11 the Board that he would be back to voice all of his complaints. He again stated that he was
12 trying to get through a difficult situation that they were all dealing with right now at the moment.
13 He added that most often when he finished a project he just wanted to move on to the next but
14 that was not how he felt now. He stated that the way the project had gone was very bad and had
15 cost easily double the cost it should have cost. He continued that he built roads all over the state
16 and it needed to be changed. He noted that he did not know who was at fault. He stated that
17 Terracon had failed badly and the owner had apologized to him but the apology did not recoup
18 his loss. He added that he did not know if Terracon was taking direction from Northpoint and
19 assumed that Northpoint was taking direction from the Planning Board. He stated that he did not
20 know which party was at fault or if all parties were at fault. He indicated that he would get to the
21 bottom of it and there was someone who was grossly at fault and was not following NHDOT
22 Specifications. He went on to say that when he was in the middle of something and trying to get
23 it done so he could lay the pavement down in order to get building permits or COs there was no
24 time to come to the Board and deal with it. The Chairman stated that he understood Dave
25 Elliott's position but noted it was a separate issue. He explained that there were a set of
26 regulations in place that were put together with the Road Committee and Town Engineer. Dave
27 Elliott stated that inspections were not being done according to the regulations. The Chairman
28 stated that it was hard for the Board to deal with generalizations and that it was easier to deal
29 with specific complaints. Dave Elliott stated that the Board needed to understand that he was 60
30 years old, worked approximately 80 hours per week, suffered from acute Lyme Disease and
31 could barely make it through his 14 hour days and did not have time to go through all this
32 "garbage". He added that he was going to find the time to go through it. The Chairman
33 questioned how anyone was supposed to fix the problem if they do not find out about it. Dave
34 Elliot answered that the Board should listen to the Road Committee and Road Agent. Peter
35 Hogan noted that the Board did listen to the Road Committee and Road Agent and no one had
36 brought this issue up. Dave Elliott reiterated that the Wright Drive project was by far the worst
37 situation he had ever dealt with. Peter Hogan pointed out that as of today's date, no one from the
38 Road Committee had asked the Board if they were aware that the Town Engineer had gone nuts
39 on testing. Tom Miller, Road Committee, added that this was the first time the Road Committee
40 was hearing about this issue as well and they were in the same spot as the Planning Board.

41 Peter Hogan asked the Road Agent if he ever saw what the Town Engineer was having
42 Terracon test. Dick Perusse, Road Agent, answered that he did not and explained that it was
43 something that the Town Engineer took care of as it was out of his jurisdiction. Tom Miller,

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Road Committee, commented that he had gone through similar situations as Dave Elliott because the State did not have enough help during the Hillsborough Bypass project. He explained that he had gone through five consulting testers before he found one that could do a proper test. He continued that when some of the testers received a weird reading on the gage they would not know what the problem was or how to solve it. He stated that running a nuclear gage was not a matter of driving a pin into the ground and getting a number. He explained that there was a lot more involved, i.e., stone content, silt content and proctor result.

Willard Dodge, Road Committee, asked who was directing Terracon to complete testing every 100'. Mark Suennen answered Willard Dodge's question by read the following, "Testing shall be performed by a reputable geotech engineering firm...compaction testing frequencies shall be consistent with the following unless otherwise determined by the Town's consulting engineer: fills at each lift, gravel under 304.2, 100' intervals on alternating lanes...". Tom Miller, Road Committee, asked for the origin of the information read by Mark Suennen. Mark Suennen answered that he was not sure but noted that the Town Engineer was doing what he had been directed to do. Tom Miller, Road Committee, believed that this had been construed from the NHDOT Specifications under the strip compaction test requirements. He noted that the strip compaction test helped determined a proctor number. He went on to explain the process and stated that dry material was compacted and tested and then compacted in water and tested. Mark Suennen commented that Tom Miller's suggested origin of the 100' interval testing was likely. He went on to say that the Town Engineer was following the specifications that the Board had given to him. He stated that if the specification was wrong the Board needed to fix it and that the Board had the flexibility to fix the specification. Dwight Lovejoy noted that it was not only the frequency of the testing that was a problem but also the quality of testing. Peter Hogan pointed out that the regulations had been reviewed by a whole lot of people and no one had ever caught the error. Mark Suennen stated that the Board needed to direct the Town's Engineer effective today, upon advice of the Road Committee, to change the frequency of his testing frequency to the NH DOT Specifications of 1,500'. Tom Miller, Road Committee, indicated that the specifications could be found online. He added that the frequency was every 1,500' unless there was a failing test. He noted that if a road was less than 1,500' the testing frequency was based on cubic yards. The Chairman asked if the road John Neville would be building was less than 1,500'. John Neville answered yes. Tom Miller, Road Committee, believed that the road in question would only require two tests.

John Neville pointed out that the regulations allowed for a third party to be hired to do soil testing. He noted that ConTest was a third party to him as he was not a part owner and had no ties to the business.

Tom Miller, Road Committee, advised that 304.38 of the NH DOT Specifications, contained the control strip procedure requirements.

Peter Hogan believed that the Town would want testing done for the roads more than once every 1,500'. Tom Miller, Road Committee, pointed out that the testing was done per lane. Peter Hogan questioned whether the testing should be done every 200'. Tim LeClair commented that testing every 200' would be seven times more than required by the NHDOT Specifications.

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Tom Miller, Road Committee, pointed out that a lot of shorter roads built by the State only required one or two tests. He explained that roads should be built in long stretches. Peter Hogan questioned what should be done if roads were not being built in long stretches. Tom Miller, Road Committee, indicated that was part of the NHDOT Specifications.

The Chairman stated that the testing frequency question had been answered and the regulations that had majority input from the Road Committee and Road Agent had directed the Town Engineer to test for every 100'. Tom Miller, Road Committee, stated that the Road Committee did not have input into the 100' testing intervals. The Chairman disagreed with Tom Miller and noted that the Board would have never accepted the document without approval from the Road Committee and Road Agent.

Brandy Mitroff asked if Mark Suennen had a vote on the table to change the frequency of testing requirement. Mark Suennen clarified that there was no vote and that he had directed the Town Engineer to use his discretion as given in the regulations to test in accordance with the frequency of the NHDOT Specifications. Brandy Mitroff requested that the Board give the Town Engineer a specific number. Mark Suennen stated that the Board did not need to give the Town Engineer a specific number as one was listed in the NHDOT Specifications. The Chairman added that he did not want to give a specific number because it could change. Dave Elliott stated that in Northpoint's defense, the Town Engineer had been following direction given by the Planning Board. He added that the Board simply needed to tell the Town Engineer to follow NHDOT Specifications. Peter Hogan pointed out that the Board had already made that determination. Mark Suennen asked if it was fair to say that the Planning Department would alert the Town Engineer the following day that the Board's direction was to use his discretion, as given by the regulations, and to follow the NH DOT Specification for testing frequency. The Coordinator answered yes.

Peter Hogan wanted to know if there was a specific reason that the Town Engineer used Terracon instead of the proposed company. He stated that if there were no reasons and they were both equally qualified, the testing should be completed by the company that was most responsive to keep the project moving. He added that there was nothing more frustrating to the Town than to have a project stalled to the point where it ran out of money and a bond needed to be cashed for the Town to finish the work. He continued that it was "crap" and there was cause and effect by doing that. The Chairman asked what was the determination of "equally qualified". Tom Miller, Road Committee, answered that there was a certification process that all testers had to complete and noted that they were tested every three years. The Chairman asked for confirmation that a tester was considered qualified if their certification was current. Tom Miller, Road Committee, answered yes and added that they should not only be qualified in nuclear gauge but also gradation and asphalt. The Chairman stated that to be considered qualified the tester needed to be currently certified in the test that was going to be performed.

John Neville referred to the package he had handed the Chairman and stated that it contained a complete list of Don Walden's qualifications. Peter Hogan asked Tom Miller, Road Committee, if he had used Don Walden previously. Tom Miller, Road Committee, answered that he had never used the company ConTest. John Neville asked if Tom Miller, Road

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Committee, was familiar with Miller Engineering. Tom Miller, Road Committee, answered yes. John Neville advised that Don Walden had started at Miller Engineering. Tom Miller, Road Committee, indicated that the State had used Miller Engineering.

The Chairman asked what would happen if the testing firms Terracon and ConTest met the definition of competency because then Terracon would still be in the bounds of that definition. Peter Hogan questioned why anyone would wait three days for results if another company offered overnight results. Tim LeClair added that there it was half the cost to use the company that offered overnight results. Peter Hogan commented that the Board was responsible for not allowing people who worked for the Board to price gouge. Dwight Lovejoy agreed with Peter Hogan. Tim LeClair stated that he questioned the engineering fees as well. Peter Hogan noted that he questioned the engineering fees all the time. The Chairman stated that the time to question the Town Engineer's fees was during the contract renewal process at the end of the year. Peter Hogan clarified that he was not specifically picking at Northpoint and explained that one of Northpoint's subcontractors appeared to be much slower and much more expensive than its competitor. He continued that the Planning Board needed to investigate those things and find out what was going on. He acknowledged that Northpoint's contract had been accepted and their fees were set for the year.

Dwight Lovejoy commented that the Town was currently in a new phase and a lot of new people had been hired who knew exactly what was going on. He continued that the Town was fortunate to have these volunteers. Peter Hogan pointed out that the Planning Board was also made up of volunteers. Dwight Lovejoy stated that in the past people had been hesitant to come to the group for different reasons which would be addressed in a little while. The Chairman stated that Dwight Lovejoy was going off topic. Dwight Lovejoy argued that the Chairman kept bringing the topic back to the same one and added that the reasons would come out. The Chairman advised that he was trying to come to closure on this matter. He continued that if the certification was the key according to consensus of the Board but it appeared that scheduling might be an issue and that there was no reason a company other than Terracon could not be used. Peter Hogan added that the pricing needed to be factored into the decision as well. He reiterated that it was the Planning Board's responsibility to make sure that the contractor or property owner's money was not squandered by those hired by the Planning Board. The Chairman asked Peter Hogan how he would express his position on not squandering contractor or property owner's money to the Town Engineer. Peter Hogan answered that it should be said that it had been stated by John Neville that he had used the company ConTest and they were half the price and faster. He continued that as long as ConTest was just as certified as Terracon the Town should be using ConTest, especially if they worked faster and were cheaper. John Neville suggested that ConTest be used for this project to see how they perform to Terracon. He stated that he did not want to get into any games between companies trying to reduce their fees to be able to get the work. Peter Hogan noted that he wanted both and explained that he would want to know why Terracon cut their fees if that happened. John Neville asked if the Planning Board had records of Terracon's fees. Peter Hogan answered yes. John Neville asked if Dave Elliott had records of Terracon's fees. Dave Elliott answered that he had the information available.

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Peter Hogan stated that as the Planning Board they would ask Northpoint if they shopped at all. John Neville commented that he gets shopped everyday of the week. Peter Hogan noted that everyone gets shopped. Mitch Larochelle questioned why there could not be any competition and suggested that three or four qualified companies be used. Peter Hogan suggested that they start with two qualified companies as John Neville had already provided the information that ConTest charged half the cost and took a third of the time. Mitch Larochelle stated that he did not like the idea of the Planning Board telling Northpoint that ConTest was cheaper because it would only make Terracon match ConTest's prices. Peter Hogan advised that he was not interested in a price match and explained that as long as ConTest was equally qualified they should be used as their prices were already lower and it took them less time to complete the work. Mitch Larochelle stated that they were screwing the Town over as he had the same experience when Dufresne-Henry was working for the Town. He added that Dufresne-Henry had charged double the price than everyone else. Peter Hogan disagreed with Mitch Larochelle and did not believe that Dufresne-Henry were double the price. Mitch Larochelle clarified that he was not sure if they were double the price but he knew they charged more.

Dave Elliott advised that there were multiple ways to complete tests. He went on to say that compaction tests, like the one that cost him thousands of dollars, were completed with the use of a nuclear machine. He explained that if the machine failed an experienced person doing the test would recognize that the machine was wrong. He noted that in his situation the tester was giving the machine the wrong information and therefore, they were the ones failing. He added that sometimes the machines failed for other reasons and the testers should be educated in the other methods for testing that did not require the equipment. Tom Miller, Road Committee, noted that there was only one other method that could be used for compaction testing and it was called the sand cone method. He told Dave Elliott that he would not like the sand cone method as it took half a day to complete. Dave Elliott commented that a half a day would have saved him a lot of time and money. He advised that after Terracon had failed he had asked the Town Engineer for someone else to complete the testing, however, the Town Engineer would not discuss it. Tom Miller, Road Committee, informed the Board that they could contact the NHDOT lab and obtain a list of all approved testing companies in the State. He added that the list would include all certified testers and what tests they were certified to complete. Dave Elliott did not believe that the Town Engineer should be the only one to make the decision about what testing company would be used. The Chairman noted that Dave Elliott had come in and voiced his complaint and it appeared that the Board was going to change their position on how this matter was handled.

Willard Dodge, Road Committee, stated that he wanted to make it clear for the record that the Planning Board hired Northpoint Engineering and the Planning Board was Northpoint Engineering's boss in this situation. The Chairman agreed with Willard Dodge. Willard Dodge, Road Committee, believed that the Board needed to tell Northpoint Engineering that "enough was enough". He continued that the Board needed to tell Northpoint Engineering to find a company that knew what they were doing and to make sure that the company is economical so the contractors could afford to continue to work. He commented that they were robbing us blind

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3 and it was not right. The Chairman pointed out that this matter had been discussed and the
4 Board had already decided to do what was being asked of them. Willard Dodge, Road
5 Committee, wanted to make sure that the Planning Board was going to step up to the plate and
6 do what he was asking. The Chairman reiterated that the Board had already said they were going
7 to address the issue. Willard Dodge, Road Committee, believed that the Board had “still been
8 dancing around for quite awhile”. The Chairman disagreed with Willard Dodge and stated that
9 people were continuing to express the same issues. He continued that the Board had already
10 discussed that anyone who was certified should be able to complete testing. Peter Hogan stated
11 that he wanted to make his demand clear. He said the Board needed to tell Northpoint to find out
12 if ConTest had the same required qualifications as Terracon. He indicated that if ConTest was
13 qualified then they should be used. Brandy Mitroff suggested that Northpoint Engineering not
14 be asked to determine if ConTest was qualified and instead have the Coordinator contact
15 NHDOT directly to make the determination. Peter Hogan stated that he wanted to see if
16 Northpoint would bill him to get the information. Dave Elliott added that it put him in the same
17 position, i.e., in the field with a failing company and Northpoint would not discuss it. He
18 continued that if he needed to come to the Planning Board it could take over a month. Peter
19 Hogan stated that the Board had been asked to make a decision this evening to move in a forward
20 direction. He said that his direction would be to take John Neville's advice and give Northpoint
21 Engineering the direction to hire ConTest and if it does not go well there would be nothing to
22 argue about. Peter Hogan added that moving forward he thought there should be more
23 companies added to the list of testing companies that could be used as he did not want anyone
24 getting too comfy. Tim LeClair commented that Northpoint should be included. Peter Hogan
25 said that he was not so sure about Northpoint Engineering as they had not done anything wrong
26 other than to hire someone that did not have the required experience to run the nuclear machine.

27 The Chairman stated that it was Peter Hogan’s position to find out whether ConTest had
28 the qualifications to do the testing and if so the Board would direct Northpoint to use them for
29 this subdivision. The Coordinator asked Tom Miller, Road Committee, asked if the list at the
30 NHDOT broke down which companies performed specific types of testing. Tom Miller, Road
31 Committee, answered yes. The Coordinator noted that she could look up the list. Peter Hogan
32 stated that if ConTest was on the list, the Coordinator could give Northpoint Engineering the
33 direction to use them for testing. Mark Suennen questioned how to move forward if ConTest
34 was not listed on the NHDOT list. Tim LeClair believed that if the company met the
35 requirements then they were required to do the job. Tom Miller, Road Committee, believed that
36 ConTest would be on the list and added that the list was frequently updated. He noted that all
37 certified testers were given a license number by the NHDOT. Dave Elliott believed that there
38 should also be a chance to call in another company if the company had the qualifications and
39 proper licensing. The Chairman noted that the Board was only dealing with the specific request
40 that was in the above-captioned letter. Peter Hogan noted that the Board did not want to say that
41 ConTest was the only company that could be used and that they were only addressing the
42 specific request in the letter. He indicated that the Board with deal with the other matter later.
43 Dave Elliott stated that he was fine with what Peter Hogan had stated.

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The Chairman asked if everyone on the Board was in favor of the actions described above and the Board responded unanimously in the affirmative.

Mark Suennen thanked Dave Elliott and Tom Miller, Road Committee, for bringing the regulation issue to the Board's attention and he noted that the Board would address it immediately.

The Chairman asked if there were any other questions. Tim LeClair asked if the Board had established the frequency of testing. The Chairman answered yes and advised that the Town Engineer was directed to use the NHDOT Specifications.

The Chairman asked if John Neville had any other questions and/or comments. John Neville thanked the Board.

5. Letter received September 5, 2013, from Scott Whitney, 636 North Mast Road, Tax Map/Lot #3/150, re: request to appear before the Board to discuss adding a retail use (Firearms Dealer) to his current use of Vehicular Repair Facility, for the Board's action.

The Board asked the Coordinator to ask Scott Whitney if he was available to attend the next meeting at 8:30 p.m.

- 6a. Memorandum dated August 28, 2013, from Shannon Silver, Planning Board Assistant, to Peter Flynn, Town Administrator & Board of Selectmen, re: Planning Board Appointment Recommendation, for the Board's information.

- 6b. Letter copy dated September 5, 2013, from Peter R. Flynn, Town Administrator, to Mr. Mitch Larochelle, re: Planning Board Appointment, for the Board's information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

7. Email with attachment received September 6, 2013, from Kevin Leonard, P.E. Northpoint Engineering to Nicola Strong, Planning Coordinator, re: Wright Drive. Distribution only. No discussion to take place.

- 8a. Letter with Subdivision/Site Plan Improvements Guarantee Release Worksheet attachment dated September 6, 2013, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Nicola Strong, Planning Coordinator, re: Twin Bridge Estate, Phase II- Bond Release #6 Recommendation, for the Board's action.

- 8b. Letter with attachment dated September 6, 2013, from Kevin M. Anderson, E.I.T., Meridian Land Service, Inc., to Chairman Stuart Lewin and Members of the Planning Board, re: Wright Drive, Area of Disturbance, for the Board's review and discussion.

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3 8c. Letter dated September 6, 2013, from David Elliott, D&S Excavating, Inc., to Chairman
4 Stuart Lewin and Members of the Planning Board, re: Area of Disturbance, Wright Drive
5 and approval for the berm curb. Distribution only. No discussion to take place.
6

7 The Chairman addressed items 8a, 8b and 8c together as they were related.

8 The Chairman asked if there were any questions with regard to the bond reduction
9 worksheet and/or memo. Dwight Lovejoy asked if Dave Elliott had received a copy of the
10 documents. Dave Elliott answered that he did have copies of the documents.

11 The Chairman requested that landscape mode be used for the bond reduction worksheet
12 in the future as it was difficult to read the last column.

13 The Chairman indicated that the recommended bond amount to be released was
14 \$116,148.63 and the remaining bond would be \$277,355.33.

15 The Chairman noted that the remaining items were silt fence, erosion control, supplies,
16 posts, pipe and loam and seed. He asked if the infiltration basins had been completed. Dave
17 Elliott answered that all of the infiltration basins had been completed, tested and passed. The
18 Chairman asked if they all ended up being completed the same way. Dave Elliott answered yes.

19 Mark Suennen noted that the bond reduction worksheet indicated that the site work
20 excavation was 100% completed, however, a large sand pile still existed on the back side of the
21 lots. Dave Elliott pointed out that the large sand pile was not part of the road bond.
22

23 Mark Suennen **MOVED** to release Twin Bridge Estate, Phase II- Bond Release #6, in the
24 amount of \$116,148.63. David Litwinovich seconded the motion and it **PASSED**
25 unanimously.
26

27 Mark Suennen referred to the letter captioned in 8b. He stated that the cover letter
28 indicated that as of September 3, 2013, the area of disturbance was less than 5 acres. He asked if
29 more areas had been disturbed since September 3, 2013. Dave Elliott answered no and stated
30 that there was only 4.1 acres of disturbed area. He continued that at the last meeting he attended
31 in June 2013 the area of disturbance was at 5.15 acres. He noted that he had made a statement
32 that the area of disturbance was at 5 acres and the Town Engineer had disagreed with him and
33 had not used any sophisticated equipment to make that determination. He explained that he had
34 hired a company to determine the area of disturbance with GPS and those results were not
35 challenged.

36 Dave Elliott commented that for the money that Northpoint Engineering charged they
37 should have the appropriate equipment to do these things. He indicated that this went back to the
38 very first meeting he had attended in the spring where the Board did not want to discuss
39 temporary stabilization and permanent stabilization. He added that the statement he had made
40 then was correct.

41 Mark Suennen stated that he appreciated the document submitted in 8b. because it made
42 clear the areas that were considered temporarily stabilized and permanently stabilized. He
43 indicated that any areas that were permanently stabilized should stay stabilized and anything that

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MISCELLANEOUS BUSINESS, cont.

was temporarily stabilized would remain stabilized until it was disturbed again. Peter Hogan asked for clarification of Mark Suennen’s statement. Mark Suennen repeated that anything that was temporarily stabilized was stabilized until it was disturbed. He added that it would remain temporarily stabilized until it had 85% ground cover. Peter Hogan believed that something was either stabilized or it was not stabilized and likened it to being a “little bit pregnant”. Dave Elliott explained that AoT guidelines considered temporary stabilization to be stabilized. Willard Dodge urged the Board to go to the 4H Youth Center and view the side slopes. Peter Hogan argued that nothing could have been placed there and it would have been stable because it was sand.

The Chairman asked for further comments and/or questions; there were no comments or questions.

9. Letter copy dated September 3, 2013, from David J. Preece, AICP, Executive Director SNHPC, to Richard Perusse, Road Agent, re: SNHPC Regional Traffic Counting Program - New Boston Counting Sites, for the Board’s information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

10. Copy of August 2013, 2013 Sessions, Legislative Bulletin, for the Board’s information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

11. Construction Services Reports received September 10, 2013, dated August and September 2013, from Northpoint Engineering, LLC, for LeClair Builders/Woodland Development, for the Board’s information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

12. Construction Services Reports received September 10, 2013, dated July, August and September 2013, from Northpoint Engineering, LLC, for Twin Bridge Estates, Phase II, for the Board’s information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

13. Construction Services Reports received September 10, 2013, dated July and August 2013, from Northpoint Engineering, LLC, for Forest View II, for the Board’s information.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

5
6 14. Construction Services Reports received September 10, 2013, dated August and
7 September 2013, from Northpoint Engineering, LLC, for SIB Trust, Indian Falls/Susan
8 Road, for the Board's information.

9
10 The Chairman acknowledged receipt of the above-referenced matter; no discussion
11 occurred.

12
13 15a. Article entitled: *Conditions Imposed by Local Use Boards Now Subject to Heightened*
14 *Scrutiny*, By Paul Sanderson, published in the September/October 2013 edition of New
15 Hampshire Town & City, for the Board's information.

16
17 The Chairman acknowledged receipt of the above-referenced matter; no discussion
18 occurred.

19
20 15b. SNHPC Planners Roundtable/Natural Advisory Committee Agenda with attachment,
21 Thursday, September 19, 2013, SNHPC, for the Board's information.

22
23 The Chairman acknowledged receipt of the above-referenced matter; no discussion
24 occurred.

25
26 16. Letter dated September 9, 2013, from Earl J. Sandford, Sandford Surveying &
27 Engineering, Inc, to New Boston Planning Board, re: SIB Trust, Plan Substitutions,
28 portions of Susan Road and Indian Falls Road, for the Board's review and discussion.

29
30 The Coordinator indicated that above-referenced letter was received today and she
31 placed it under Miscellaneous Business as she was not entirely sure of what was being asked.
32 She explained that discussion had taken place at the pre-construction meeting regarding various
33 slopes being approved that differed from those on the approved plan. She continued that she had
34 anticipated a letter that would request the design change, however, the letter did not read as if it
35 were asking the Board to make the change and instead read as if they were just telling the Board
36 what existed.

37 Mark Suennen asked if the plans were available to view as he was concerned with
38 item 1 in the letter.

39 The Chairman suspended the discussion while the Planning Board Assistant retrieved the
40 plans from the Planning Department Office.

41
42 17. Announcement: 2013 Greater Manchester Economic Development Summit, October 9,
43 2013, Radisson Hotel, Manchester, NH.

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1 **MISCELLANEOUS BUSINESS, cont.**

2
3 The Chairman acknowledged receipt of the above-referenced matter; no discussion
4 occurred.

5
6 18. Master Plan Review Deadline

7
8 The Coordinator noted that a deadline had not been created for Mark Suennen's review of
9 the Master Plan. She explained that if the Board planned to hire outside consultants for work to
10 be completed next year, she would need that information for the budget season. She noted that
11 the Planning Board Finance Committee meeting was scheduled for October 24, 2013. Mark
12 Suennen stated he would have his review completed in time for that meeting.

13
14 19. Pulpit Road

15
16 The Coordinator advised that she had asked the Town Engineer to remind the owners of
17 the Pulpit Road Subdivision that the road had not been finished through to acceptance and they
18 were still responsible to maintain it this winter. She noted that with some houses being occupied
19 there was the potential for the homeowners to question the maintenance of their road.

20
21 16. Letter dated September 9, 2013, from Earl J. Sandford, Sandford Surveying &
22 Engineering, Inc, to New Boston Planning Board, re: SIB Trust, Plan Substitutions,
23 portions of Susan Road and Indian Falls Road, for the Board's review and discussion.

24
25 Discussion resumed for the above-captioned matter.

26 Mark Suennen questioned the proposed 2:1 slopes. The Coordinator pointed out the area
27 in question on the plan.

28 Mark Suennen stated that the Board wanted a request for a design change and not a
29 statement of certification that the design had been changed. The Chairman agreed with Mark
30 Suennen's statement. Mark Suennen added that he needed more for item #1 as the way it was
31 currently written was not acceptable. The Chairman asked if item #1 was not acceptable in terms
32 of what was being asked. Mark Suennen answered it was not acceptable in terms of what they
33 had done. He continued that a slope steeper than 2:1 was an open statement. He noted that
34 lining it with stone was the right solution as long as they had gone 1 1/2:1. He stated that there
35 was a real problem with more than 1 1/2:1 as the slope may not hold up.

36 The Chairman asked what the letter should state. Mark Suennen answered that the letter
37 should state that a design change was being requested and a plan of the design change should be
38 provided. The Chairman asked which items needed to be addressed. Mark Suennen answered
39 that the request and plan should be required for items #1 through #4. He stressed that it was
40 critical for item #1 as it may not be acceptable.

41 The Chairman asked if there were any other questions and/or comments; there were no
42 comments or questions.

43

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1 **MISCELLANEOUS BUSINESS, cont.**

2

3 Mark Suennen **MOVED** to adjourn at 9:10 p.m. Peter Hogan seconded the motion and it
4 **PASSED** unanimously.

5

6 Respectfully Submitted,
7 Valerie Diaz, Recording Clerk

Minutes Approved:
10/08/2013