

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

1 September 17, 2013
2

3 The meeting was called to order at 7:00 p.m. by Planning Board Chairman Stu Lewin.
4 Present were regular members Mark Suennen and Peter Hogan, alternate members David
5 Litwinovich and Mitch Laroche, and Ex-Officio Dwight Lovejoy. Also present were Planning
6 Coordinator Nic Strong, Planning Board Assistant Shannon Silver and Recording Clerk Valerie
7 Diaz.
8

9 Present in the audience for the meeting were Brandy Mitroff, Road Agent Dick Perusse,
10 Selectman Rodney Towne, Selectman Christine Quirk, Road Committee Member Willard
11 Dodge, Road Committee Chair, Tom Miller, John Neville, Dave Elliott, Don Walden, Craig
12 Walden and the Town's Consulting Engineer, Kevin Leonard, P.E.
13

14 **Planning Board to discuss road construction inspection procedures for Fieldstone Drive, off**
15 **Wilson Hill Road, Tax Map/Lot #9/21-5, including but not necessarily limited to, materials**
16 **and compaction testing.**
17

18 The Chairman thanked the members of the Board for attending this evening's specially
19 scheduled meeting. He noted that the acoustics in the meeting room were terrible and asked that
20 only one conversation take place at a time.

21 The Chairman indicated that there were two topics to discuss at this meeting and other
22 topics would be scheduled for discussion at a regularly scheduled Planning Board meeting. He
23 noted that alternate members were allowed to participate fully in the discussion as this was a
24 Miscellaneous Business item.

25 The Chairman advised that during the last regularly scheduled meeting the Board had
26 addressed a request from the Site Work Contractor to use their preferred testing company in lieu
27 of the one used through the Town Engineer. He stated that during the discussion two decisions
28 had been made based on the facts presented and discussed at the meeting with the caveat that the
29 Planning Department would verify the information the next day. He advised that the first
30 decision was that the Town Engineer would use DOT regulations regarding frequency of
31 compaction testing, 1,500' or material quantity if the road was less than 1,500' instead of what
32 was listed in the Town's Road Construction Inspection Procedures. He continued that the
33 second decision was to allow the firm requested by the excavation contractor to do the
34 inspection testing as specified in the Town's Road Construction Inspection Procedures if the
35 firm's employees had the required state certification. He noted that both decisions were specific
36 to the request before the Board and the development for Fieldstone Drive, off Wilson Hill Road,
37 Tax Map/Lot #9/21-5, and should not be interpreted as a general change in direction at this time.

38 The Chairman advised that some investigation by the Planning Department uncovered a
39 couple of problems. He noted that the first problem was relative to the testing frequency. He
40 indicated that a lot of discussion and deliberate thought was put into the specification of the
41 shorter length to determine the frequency of testing during the development of the Road
42 Construction Inspection Procedures. He continued that the testing and certification described
43 and used as the basis of the previous week's decision turned out to be slightly different than was
44 presented. He continued that the contractor's requested company had no employees with the

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1 certification and, therefore, the request was, in essence, denied, as it had been a condition of
2 approval.

3 The Chairman advised that he had decided to call a special meeting as the decisions of
4 the Board were not “clean” rather than waiting an additional week for the regularly scheduled
5 meeting in order to clear the matter up and not cause any undue hardship to the developer and the
6 site work contractor.

7 The Chairman stated that during the development of the Road Construction Inspection
8 Procedures between 2010 and 2011 there were several discussions during regularly scheduled
9 public meetings. He noted that the Road Committee, Town Engineer and Code Enforcement
10 Officer had been present for the discussions. He indicated that at the Planning Board's last
11 meeting the question had been asked, who was telling the Town Engineer to perform tests every
12 100’ of roadway? He indicated that the Planning Board was telling him to conduct the testing
13 every 100’ as it was listed in the Road Construction Inspection Procedures. He stated that some
14 of the discussion centered around tightening up the testing requirements in order to address what
15 had been perceived to be problems with the quality of the roads the Town was getting. He
16 continued that the Board had also done a cost analysis to determine the impact to developer fees
17 in order to support the increased testing requirements. He stated that the Road Committee was
18 present at the final public hearing when the vote was taken to adopt the Road Construction
19 Inspection Procedures and no objections had been raised.

20 The Chairman noted that the Board needed to determine if they wanted to change the
21 direction that was given at the last meeting to use the NHDOT testing specifications of 1,500’.
22 He continued that the Board could also choose to use the currently adopted procedure of 100’ as
23 there was a lot of thought put into that number, choose an intermediate value or provide
24 additional guidance to the Town Engineer.

25 Peter Hogan stated that he remembered a lot of comments made by the Tom Miller and
26 Willard Dodge of the Road Committee with regard to the Road Construction Inspection
27 Procedures. He noted that ultimately the Town would own the road and tax payers would pay
28 for the maintenance and upkeep of the road. He expressed concern with the possibility of roads
29 only being tested once as they may not be longer than 1,500’. He noted that one test per road
30 was inadequate. He further noted that the Town Engineer had determined the cost to inspect a
31 1,000’ as frequently as they did would be \$2,500. He commented that \$2,500.00 was a small
32 price to pay to the Town unless the contractor building the road wanted to give the Town a
33 lifetime warranty.

34 Peter Hogan stated that the Planning Board had not come up with any of the Road
35 Construction Inspection Procedures and explained that the Board had reviewed them and gave to
36 the Town Engineer for review. He went on to say that it seemed like the Road Construction
37 Inspection Procedures were reviewed over and over and it was odd that currently there was such
38 an uproar. He indicated that he was unsure if testing should occur every 100’, however, he did
39 not believe that the testing interval should occur at every 1,500’.

40 Dwight Lovejoy stated that he knew very little about roads and he would like to see a
41 meeting take place with the people who really knew what they were talking about to come up
42 with a plan. He indicated that he was open to suggestions on this matter. He believed that
43 different sites may require different testing and the testing intervals needed to be adjustable.

44 Mitch Larochelle stated that the reason these issues were brought up was because a
45 contractor was concerned with the cost of the inspections as well as the potential for testing

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1 delays. He continued that the issue that was discussed was not whether the inspections took
2 place at 100' or 1,500' but were with regard to getting inspections completed in a timely manner.
3 The Chairman indicated that the issues described by Mitch Laroche would also be addressed,
4 however, the current issue before the Board was determining the frequency of testing. Mitch
5 Laroche believed that the Road Agent and Road Committee should provide input on the
6 testing frequency.

7 Mark Suennen stated that at the end of the day it was important to the Board and the
8 Town to get a good final product. He explained that the Road Committee was an advisory
9 committee to the Planning Board and would advise on how to get the good final product. He
10 continued that the Road Agent was associated with the Road Committee to ensure that the Town
11 got the good product at the end of the day. He questioned the Planning Board arguing with
12 suggestion of the Road Committee to use NHDOT Specifications if they were willing to stand by
13 the specifications and accept the road. He noted that the current Road Construction Inspection
14 Procedures provided flexibility for the Town Engineer to make decisions on the spot as the
15 Planning Board, Road Committee and Road Agent were not always onsite. He believed that the
16 Planning Board needed to give the Town Engineer the flexibility, based on what he saw at any
17 given time, to make the decision as to the frequency and location of testing. He went on to say
18 that the 100' testing frequency was a maximum and worst case scenario was that the Town
19 Engineer would drill holes every 50', up and down both sides of the road. He continued that
20 testing every 50' may not be practical and the Town Engineer could make that call.

21 David Litwinovich welcomed input from the Road Committee if they felt that the current
22 testing procedures were unrealistic or cumbersome. He believed that the guidance that was
23 giving to the Town Engineer needed to be "beefed-up".

24 The Chairman asked Tom Miller, Road Committee Chair, to comment on the matter
25 being discussed. Tom Miller, Road Committee Chair, referred to page 4, of the Planning Board
26 Minutes, dated March 22, 2011, and noted that the word "maximum" should not be listed. He
27 explained that instead it should read "100' intervals, if needed". He added that if material was
28 being placed down properly it would not be necessary to test every 100'.

29 Tom Miller, Road Committee Chair, referred back to a statement made earlier in the
30 discussion by Peter Hogan that there was a possibility that some roads in Town would only be
31 tested once as they could be shorter than 1,500'. He clarified that all roads needed to have tests
32 done every 1,500' per lane. He added that all select materials, i.e., gravel, crush and sand, would
33 also be tested at least twice. He further added that material that was brought in to put into a fill
34 would also be tested.

35 The Chairman asked Tom Miller, Road Committee Chair, if he believed the Road
36 Construction Inspection Procedures should be changed. Tom Miller, Road Committee Chair,
37 answered that the Road Construction Inspection Procedures should require that small stretches of
38 sand and gravel should be tested. He indicated that the minimum testing requirement should be
39 every 100' and the testing should be done every 1,500' per lane and the decision should be made
40 by the Town Engineer. The Chairman noted that currently the wording did reflect what had been
41 stated by Tom Miller, Road Committee Chair. Tom Miller, Road Committee Chair, disagreed.
42 The Chairman stated that at the last meeting the wording had been changed to allow testing to be
43 done every 1,500'. Tom Miller, Road Committee Chair, indicated that the testing should be
44 done every 1,500' unless the Town Engineer felt it should be different. The Chairman pointed
45 out that Tom Miller, Road Committee Chair's, previous statement had not been stated at the last

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1 meeting. Mark Suennen disagreed with the Chairman and indicated that he had said that the
2 Planning Board should be giving the Town Engineer the direction to follow NHDOT
3 Specifications or to use his discretion. The Chairman asked if Mark Suennen's statement
4 allowed the Town Engineer to test between 100' and 1,500'. Mark Suennen answered yes and
5 added that the decision would be based on things like the material that was coming in, weather
6 conditions and his professional opinion. He added that the 100' to 1,500' was a test range that
7 was based on the Town Engineer's professional opinion onsite. Tom Miller, Road Committee
8 Chair, stated that the frequency of testing could never go beyond 1,500'. The Chairman added
9 that the testing range could never go below 100'. Tom Miller, Road Committee Chair, agreed
10 with the Chairman's statement.

11 Willard Dodge, Road Committee, referred to the March 22, 2011, Planning Board
12 meeting minutes and stated that the discussion with Tom Miller had been missed in the final
13 analysis and the procedures came out differently which was a shame.

14 Peter Hogan asked how a contractor could bid on a road with an open ended inspection
15 process. Dave Elliott indicated that the inspection cost was the developer's and not the
16 contractor's and, therefore, it was not part of the contractor's bid. Peter Hogan asked if the
17 contractor's work would be slowed down by not knowing the frequency of testing. Dave Elliott
18 answered that this was the first time he had run into this frequency of testing and had not ever
19 happened before in his 27 years of building roads. He stated that this information was
20 contradictory as the chart said to test every 100', alternating lanes. He continued that a 2,500'
21 road, similar to Wright Drive, would cost over \$6K for testing and probably could have been
22 done for \$500.00. He believed that if 95% compaction was exceeded in testing then the range
23 should be opened up and if you were just barely getting it the range should be closed up. He
24 referred to the construction of Wright Drive and explained that the conditions were so difficult
25 that the tester could not drive a pin down with a 4lb sledgehammer and that he had to supply the
26 tester with an 8lb sledgehammer. He continued that an experienced, professional person could
27 see that it was consistent to do testing every 500'. Peter Hogan asked for Kevin Leonard, P.E.'s,
28 opinion on the situation Dave Elliott described. The Chairman intervened and noted that the
29 question Peter Hogan was asking could be asked during the general discussion that would be
30 scheduled at a future meeting. He added that the specific question being asked dealt with
31 development being discussed and the Board needed to determine if they were going to change
32 what they had said at the last meeting. He indicated that it seemed to be the Board's consensus
33 that the Road Construction Inspection Procedures as written were okay and the maximum
34 frequency was 1,500' and the minimum frequency of testing was 100'. He continued that the
35 Town Engineer should be the one to decide the frequency of testing based on the conditions.

36 Dave Elliott pointed out that the Town Engineer had done what was instructed in part of
37 this. He stated that the other part of it was a teeny bit confusing. He stated that it was his
38 understanding that if the compaction rate was reached easily, the range should be opened up.
39 The Chairman agreed with Dave Elliott. Dave Elliott stated that there was a mistake within the
40 Road Construction Inspection Procedures and explained that one section allowed for the range to
41 be opened up but a different section stated 100' intervals, alternating which he did not believe
42 was accurate. The Chairman pointed out that the sentence prior to "100' intervals, alternating"
43 stated that "the following should be followed unless modified at the discretion of the Town
44 Engineer".

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1 The Chairman reiterated that the consensus of the Board was for a maximum testing
2 frequency of 1,500' and a minimum of 100' and was done at the discretion of the Town
3 Engineer. He asked Kevin Leonard, P.E., if he had any questions. Kevin Leonard, P.E.,
4 answered that he had a couple of scenarios to explain and share that could affect the discussion.
5 He stated that different materials could be used for bank run for different sections of the roads
6 and those smaller sections should be tested at least once. He asked for the Board to give him
7 input on how to handle those instances. Tom Miller, Road Committee Chair, indicated that a
8 proctor needed to be done. Kevin Leonard, P.E., stated that he would do a proctor but
9 questioned how to inspect gravel. Tom Miller, Road Committee Chair, answered that he would
10 need to do a proctor. Kevin Leonard, P.E., questioned if he needed to do a proctor on each one,
11 noting that the material might be fill.

12 Kevin Leonard, P.E., mentioned the issue of short stretches of road.. Tom Miller, Road
13 Committee Chair, pointed out that it was not being done per the NHDOT Specifications. He
14 added that they should not be installing 50' at a time. Kevin Leonard, P.E., did not disagree
15 about doing it every 50' but noted that it was sometimes done in hundreds of feet due to the
16 nature of the individual road being built.

17 Kevin Leonard, P.E., explained that he had drafted Road Construction Inspection
18 Procedures in 2011 and they were based on what the Town had been implementing at the time.
19 He stated that he disagreed with Dave Elliott's statements that testing did not occur on other
20 projects at a frequency of every 100' as he had been doing the same thing for the last seven
21 years. He continued that he was open to changing the frequency of the testing. The Chairman
22 noted that everyone agreed that the Town Engineer was allowed to use his discretion and open
23 the frequency of testing range. Kevin Leonard, P.E., stated that there seemed to be a
24 misconception that the Town had adopted the NHDOT Standards which was not the case. He
25 continued that the standards that had been adopted were those that were written. He explained
26 that he had written the first draft and then everyone had worked together to add more things. He
27 stated that the Road Constructions Procedures were what were being implemented and not
28 NHDOT Standards. He noted that there were differences between the two documents. The
29 Chairman indicated that issues Kevin Leonard, P.E., was addressing would be further addressed
30 during the general discussion and noted that Kevin Leonard, P.E., would be invited to attend the
31 meeting.

32 The Chairman stated that it was the consensus of the Board, Road Committee and
33 everyone else that the Road Construction Inspection Procedures should be followed as written,
34 with the maximum frequency of testing at 1,500', the minimum frequency of testing at 100' and
35 discretion was given to the Town Engineer for the determination of the frequency of testing
36 based on the conditions and what was being done.

37 Mark Suennen questioned if the escrow account had suitable funds to cover the cost of
38 testing. Kevin Leonard, P.E., indicated that it seemed as though testing frequency was being
39 reduced, therefore, there should be enough funds to cover the testing fees.

40 Peter Hogan noted that it was the Town Engineer's job to ensure that the road was being
41 built correctly, so that the Town would have a sustainable road that would not cost a lot of
42 money to maintain. He commented that if the Town Engineer felt that testing was needed for
43 every 100' he should document his reasons in his notes so that the Planning Board could back
44 him up. He stated that it was the number one, most important thing to the Planning Board, as
45 well as their primary job, to make sure that the taxpayers received the road they were expecting.

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1 He noted that the Town had rejected adopting “straight-up” NHDOT Specifications because the
2 Town’s experts, the Road Committee, had added a lot more to the Road Construction Inspection
3 Procedures to make sure the Town got a great road. Kevin Leonard, P.E., stated that it was his
4 experience that every 100’, alternating lanes was the industry norm for testing any public street.
5 He continued that if the Board was asking to him to extend his testing beyond every 100’ he
6 believed that the Board was asking him to “loosen” the norm. He stated that he was willing to
7 “loosen” the norm if that was what the Board wanted him to do, however, he pointed out that he
8 was being placed in a weird spot by being asked to use his judgment while at the same time
9 being asked to reduce the frequency of testing. He went on to say that he had worked as a
10 NHDOT Inspector as an intern in college and had worked on Route 4 in the Town of Epsom.
11 Kevin Leonard, PE, indicated that there were four other engineers onsite at all times and they had
12 watched every ounce of everything that had happened. He stated that this was why the on the
13 ground time that he was present made sense because otherwise he had no way to verify any
14 deviations that may have taken place while he was not there. Tom Miller, Road Committee
15 Chair, stated that it was his experience working for NHDOT that he would not have any staff and
16 would have to work three jobs at one time. He noted that his experience was no different than
17 the current Town Engineer’s current job. Peter Hogan disagreed and explained that the Board
18 had been advised that the NHDOT knew where every load was coming from, that the trucks
19 were counted and that the contractors were paid by the load. Tom Miller, Road Committee
20 Chair, stated that the information Peter Hogan had shared was the Coordinator’s interpretation
21 and was not the way it was always done. He explained that he had tested material in place and
22 they would get paid based on a template system. He stated that there was a disconnect between
23 material testing and payment and noted that it was similar to the disconnect between roads being
24 built in Town and accepting the road. He added that when he had worked for the NHDOT,
25 payment for the road was an indication of acceptance of the road. He continued that if the road
26 was not correct the contractor would not get paid. Peter Hogan commented that the point of the
27 Town Engineer’s testing was to make sure that the road was acceptable. Tom Miller, Road
28 Committee Chair, stated that his payment for the road was his way of saying that the road was
29 accepted. He continued that he did not count loads and added that there was no way he was
30 doing a six mile road and counting every load that came in. He stated that he paid by a template
31 every two weeks. He continued that the material was tested in the pit and was continuously
32 tested throughout the construction of the road with a maximum of 1,500’. He indicated that if
33 the material had changed they would test and would continue testing until the material went back
34 or there was standardized material.

35 Rodney Towne, Selectman, believed that random testing was more effective than
36 continuous testing every 100’. He explained that not knowing where the road would be tested
37 would keep everyone honest. He noted that discretion was important but made the distinction
38 that testing every 100’ was not discretion and was procedure. He believed that it was important
39 to give the Town Engineer parameters for testing, however, he did not believe that only using
40 one portion of the parameter made sense. The Chairman asked for Kevin Leonard, P.E., to share
41 his thoughts on Rodney Towne’s statement. Kevin Leonard, P.E., stated that there was logic to
42 opening up the gap in cases where passing results were provided in an entire frequency. He
43 added that if he continued to get passing results even after the gap was opened up he could
44 approve the project without testing it every 100’ increment. The Chairman asked Rodney Towne

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1 if Kevin Leonard, P.E.'s, explanation would work. Rodney Towne, Selectman, answered that he
2 preferred a random test.

3 Mark Suennen asked if it was fair to say that Kevin Leonard, P.E.'s, geotech engineer
4 was practicing random selection of his testing locations. Kevin Leonard, P.E., answered no and
5 stated that the geotech engineer was doing testing by alternating lanes and changing where in the
6 lane the test was taken and using grade stakes to move in increments plus or minus ten or twenty
7 feet. He stated that the geotech engineer had received failing results in roads that were 1,000'
8 and was able to give the direction for the compactor to be rolled over the particular areas a few
9 more times.

10 The Chairman asked if Kevin Leonard, P.E., was set for how he needed to do the testing
11 for Fieldstone Drive, off Wilson Hill Road, Tax Map/Lot #9/21-5. Kevin Leonard, P.E.,
12 answered yes.

13 The Chairman reiterated that the Board would schedule a general discussion at a future
14 meeting to discuss the road testing frequency.

15 The Chairman asked if there were any further comments or questions on this matter; there
16 were no questions or comments.

17 The Chairman indicated that he was moving on to the second matter that needed to be
18 discussed. He said that the existing regulations stated the following, "Testing shall be performed
19 by reputable geotechnical engineering firm with certified technicians". He explained that the
20 issue was that there was not a State of New Hampshire certification program but there was a
21 separate company, North East Transportation Training and Certification, that offered a
22 certification program. He advised that the proposed testing company, ConTest., did not have any
23 employees with the required certifications.

24 The Chairman stated that the Board needed to determine if they wanted to stand by the
25 decision that a company with certified employees could be used and companies without certified
26 employees could not be used. Mark Suennen noted that the Board would not accept a required
27 engineered plan from someone who was not a Professional Engineer and as such he did not
28 believe that the Board should accept an uncertified technician when the regulations required a
29 certified technician. Dwight Lovejoy questioned why the Board should accept a testing company
30 that could not figure out why their tests were not coming back correct as had been represented by
31 Dave Elliott. The Chairman indicated that a discussion on the matter referenced by Dwight
32 Lovejoy would take place at a future meeting.

33 The Chairman indicated that the Board would accept a company that had certified
34 technicians but would not accept a company without certified technicians. John Neville of
35 Goffstown questioned if a company without certified employees could be accepted if they had
36 experience working on state and federal jobs. The Chairman explained that the any company
37 that worked for the State was required to have the certification. Don Walden, owner of ConTest,
38 explained that the certification that the Chairman had referenced only applied to NHDOT
39 roadways and bridges. He stated that this program was relatively new and was started as a
40 federally funded program in an effort to get everyone to do the same thing, up and down the east
41 coast. He noted that he had been in this business for forty years, ran a top ship company and the
42 people he sent out to do testing knew what they were doing. He continued that he could not
43 afford to send five or six employees to get certification.

44 Brandy Mitroff of Thornton Road asked if ConTest was certified by a different
45 organization. Don Walden answered no. The Chairman explained that the New England states

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1 and New York had a consortium for certifications for the states. Brandy Mitroff asked if the
2 Board was looking for the specific certification referenced by the Chairman. The Chairman
3 answered yes.

4 Mark Suennen pointed out that the language in the regulation only required that a
5 reputable geotechnical firm with certified technicians be used and it did not say that the tester in
6 the field needed to show his card.

7 Kevin Leonard, P.E., advised that he had worked with Don Walden and believed he
8 provided good testing. He stated that the procedure's requirement that a geotechnical firm be
9 used was important to him because it meant that a Professional Engineer was on staff that
10 specialized in geotechnical engineering. He continued that when unique situations arose like the
11 technical review of the Forest View II subdivision's retaining walls or the amount of ledge that
12 was addressed for the Indian Falls subdivision, the geotechnical engineer could be called on for
13 advice and implementation.

14 Kevin Leonard, P.E., stated that he did not ask for cards in the field but could if the Board
15 wanted him to do so. He advised that if the Board wanted certified testers to be in the field they
16 would be charged higher fees as they were typically senior level staff. He noted that Terracon
17 was a large company that completed work all over New England.

18 The Chairman stated that the question before the Board was how to determine a firm was
19 acceptable in a quantitative way other than letting the Town Engineer vet the companies. He
20 reiterated that the regulations required "a reputable geotechnical engineering firm with certified
21 technicians". He noted that the regulations did not require that those performing the tests needed
22 to be certified. The Chairman asked if that were true, why bother asking? He continued that the
23 decision that the Board had made at the last meeting said that ConTest was okay to use if they
24 had certified employees. He noted that ConTest did not have certified employees and, therefore,
25 the Board needed to determine if they needed to do anything differently.

26 Brandy Mitroff asked for confirmation that Kevin Leonard, P.E., used Terracon because
27 he could call on a geotechnical engineer to solve any problems that might arise and that Terracon
28 was sending out techs to do the testing not the geotechnical engineers. She continued by asking
29 if it was a smarter bet to use ConTest to conduct the testing as the owner had forty experience as
30 opposed to using a junior, entry level tech from Terracon. The Chairman asked Kevin Leonard,
31 P.E., if testers and consulting geotechnical engineers could be from different firms. Kevin
32 Leonard, P.E., answered yes and noted that it was convenient to have the testers and geotechnical
33 engineers from the same firm. Dwight Lovejoy asked if Kevin Leonard, P.E., had any problems
34 using ConTest for testing. Kevin Leonard, P.E., stated that he did not have any problems with
35 Don Walden. He went on to say that the Board needed to determine if it would be one person or
36 if multiple companies could be used.

37 The Chairman stated that the Board needed to decide if the proposed testing company,
38 ConTest, was acceptable to do the testing for the Fieldstone Drive subdivision, off Wilson Hill
39 Road, Tax Map/Lot #9/21-5. He noted that the Board would be polled on this question but first
40 invited comments or questions from the audience.

41 Rodney Towne, Selectman, disagreed with a comment made earlier by Mark Suennen
42 with regard to tester's certification. He did not understand why the Board would allow a tester
43 that was not certified to work in the field if they required them to be certified. He stated that it
44 was very dangerous in our business not to make things better and only make it easier.

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1 Mark Suennen noted that Kevin Leonard, P.E., held a Professional Engineer’s license.
2 He asked if all of Kevin Leonard’s engineers that worked in the field had Professional Engineer
3 licenses. Kevin Leonard, P.E., answered no. He added that he had a Professional Engineer card
4 but had never been asked to show it. Mark Suennen stated that the Town had hired Northpoint
5 Engineering because they had a Professional Engineer on staff who was managing the work. He
6 went on to say that often other Northpoint Engineering employees who were not PE’s but who
7 were under Kevin Leonard, PE’s authority did work in New Boston. He said requiring a
8 reputable geotech firm with certified technicians meant the same thing.

9 Mitch Larochelle asked how other Towns handled this matter. Kevin Leonard, P.E.,
10 answered that he had never heard of anyone asking for the card. He added that there were
11 definitely technicians that were able to do the work that did not have the card.

12 The Chairman asked for the Road Committee and Highway Department to weigh in on
13 the discussion. Tom Miller, Road Committee Chair, agreed with Mark Suennen’s opinion on
14 this matter. He stated that not all testers were created equal and he believed that it was helpful if
15 someone had gone through the certification or been taught by someone. He acknowledged that
16 someone with forty years of experience had a clue about what they were doing but he stated that
17 Don Walden had to realize that someone just starting up was not level to him. He indicated that
18 the only way to level the field was by requiring that they be certified.

19 The Chairman asked for Dick Perusse, Road Agent’s, thoughts. Dick Perusse, Road
20 Agent, did not have anything to add to the discussion. Peter Hogan commented that Dick
21 Perusse, Road Agent, was taking a “thrashing for nothing”. He continued that it was not the
22 Road Agent’s job to be onsite watching the subdivision roads being built. He indicated that he
23 was not sure why the Road Agent’s name was being brought up with the exception of one
24 incident where he had been asked a question off the cuff. He apologized to the Road Agent and
25 stated that he knew the Road Agent had nothing to do with it.

26 The Chairman stated that he wanted to poll the Board on this matter. David Litwinovich
27 asked Tom Miller if the Road Committee was comfortable using ConTest for the testing at
28 Fieldstone Drive, off Wilson Hill Road, Tax Map/Lot #9/21-5. Tom Miller, Road Committee
29 Chair, answered that he had no basis to make a decision. David Litwinovich stated that based on
30 the Road Committee’s position he thought the Board should stay with the regulations as written.
31 He added that the procedures needed to be improved and “beefed-up” for the future.

32 Mark Suennen stated that the only way he would be comfortable with ConTest taking on
33 the testing procedures was if the Board gave the Town Engineer the authority to hire an
34 independent company that met the qualifications to do quality assurance testing.

35 Mitch Larochelle believed that Don Walden’s forty years of experience went a long way.
36 He commented to Mr. Walden that it might be a good idea to get certified.

37 Dwight Lovejoy agreed with Mark Suennen and Mitch Larochelle. He commented that
38 he had received a lot of negative feedback and all he wanted to see was that the testing came out
39 right.

40 Peter Hogan did not think there was a choice and questioned if the Board could take a
41 vote to ignore their regulations. He stated that he was in favor of changing the regulations to
42 allow for different testing companies to be used. He asked Kevin Leonard, P.E.’s, thoughts on
43 the matter. Kevin Leonard, P.E., stated that he worked for the Town and would do what they
44 wanted him to do. He believed that Don Walden’s outfit was capable of doing the testing that
45 needed to be done to assure that the Town received a quality road. Peter Hogan believed that the

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1 regulations should be changed to allow for a geotechnical engineering firm of the Town’s choice.
2 Kevin Leonard, P.E., did not believe that ConTest was a geotechnical engineering firm. Don
3 Walden indicated that his company did have geotechnical engineers. Kevin Leonard, P.E.,
4 questioned if the geotechnical engineers were on staff at ConTest. Don Walden answered that
5 they did have geotechnical engineers on staff. Peter Hogan asked if ConTest had certified
6 technicians on staff. Don Walden answered no. Peter Hogan suggested that the word “certified”
7 be changed to “qualified” with regard to the technician requirement. Kevin Leonard, P.E., stated
8 that it was his understanding that ConTest subcontracted geotechnical engineers that were sole
9 proprietors and questioned if they had the appropriate insurance. Don Walden noted that the
10 subcontracted geotechnical engineers had insurance as they were required to have insurance.
11 Peter Hogan stated that the information that had been provided totally changed his initial
12 opinion. Don Walden advised that his company had professional liability insurance.

13 Peter Hogan stated that after hearing more information it did not seem like ConTest was
14 different from Terracon with the exception that the geotechnical engineer used by ConTest was
15 subcontracted. He continued that it was different than what the Board had said but what the
16 Board had said did not exist. The Chairman clarified that the what the Board had said did exist.
17 Peter Hogan questioned who had the requirements that the Board had required. The Chairman
18 answered that Terracon had met the Board’s previously determined qualifications. Peter Hogan
19 agreed that Terracon had the qualifications required, however, they were not using them. He
20 stated that they were splitting hairs and he did not have a problem using ConTest based on the
21 information provided by the Town Engineer.

22 Tom Miller, Road Committee Chair, did not agree with the Board moving forward with
23 the decision to let any company in if they had “nothing” as a general rule for all subdivisions.
24 The Chairman indicated that the decision was only for Fieldstone Drive, off Wilson Hill Road,
25 Tax Map/Lot #9/21-5. He stated that a subsequent meeting would be scheduled to discuss the
26 procedures. He added that this was not a precedent setting decision and was only for this
27 development and asked if Tom Miller, Road Committee Chair, was okay with it. Tom Miller,
28 Road Committee Chair, answered yes. Peter Hogan asked if Tom Miller, Road Committee
29 Chair, was expressing approval of the Planning Board’s opinion to allow ConTest to provide the
30 geotechnical engineering and testing for this development. Tom Miller, Road Committee Chair,
31 answered no and stated that he would prefer that the Board stick with the original statement. He
32 continued that he could offer no decision as he had not seen the company or worked with any of
33 its testers. He added that no one present had worked with any of the company’s testers. Peter
34 Hogan clarified that Kevin Leonard, P.E., had worked with the testers. Tom Miller, Road
35 Committee Chair, asked if Kevin Leonard, P.E. had worked with a particular tester. Kevin
36 Leonard, P.E., explained that he had been hired to work on the same job site as ConTest last
37 summer to accomplish some improvements.

38 Tom Miller, Road Committee Chair, stated that if he was having a problem with a
39 consulting testing firm he would contact the lab to have a certified tester sent to the site for
40 quality assurance testing.

41 The Chairman asked if anyone on the Board had an issue with allowing the Town
42 Engineer to contact the Board with any problems followed-up with independent testing; the
43 Board did not have any issues. Tom Miller, Road Committee Chair, commented that he would
44 feel more comfortable with allowing the Town Engineering to conduct independent testing.

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1 The Chairman thanked those in attendance for coming to the meeting as it was off-cycle
2 and participating in the discussion. He again stated that a future meeting would be scheduled to
3 discuss the Road Construction Inspection Procedures in general.

4 The Chairman noted that ConTest should contact the Town Engineer and reminded
5 everyone that ConTest was conducting their testing for the Town Engineer and not the
6 developer. He added that if the Town Engineer had any problems he had the ability to conduct
7 independent testing. John Neville stated that he understood fully what the Chairman had
8 explained.

9 Kevin Leonard, PE, asked to get a proposal from ConTest with fees and rates and so on.
10 He also noted that Terracon was scheduled to be onsite the next morning for testing and asked if
11 ConTest could be there instead. Don Walden said he would be able to be there. Mark Suennen
12 reiterated that Kevin Leonard, PE, had the authority to bring in whoever he needed to verify
13 procedures or results. He thought that Kevin Leonard, PE, should get proposals for on call
14 services as needed.

15
16 Peter Hogan **MOVED** to adjourn at 8:17p.m. Mark Suennen seconded the motion and it
17 **PASSED** unanimously.

18
19 Respectfully Submitted,
20 Valerie Diaz, Recording Clerk

Minutes Approved: 10/22/13