

BOARD OF SELECTMEN MEETING MINUTES
MAY 22, 2023 SPECIAL MEETING
6:00 P.M.

1. Call to Order and Pledge of Allegiance: Meeting was called to order at 6:00 p.m. by Kurt Youland and the Pledge of Allegiance was said. Present were: Selectmen Kurt Youland, Angelo Terreri, Warren Hood, Kevin Nichols and Steve Maheu; Town Manager Kurt Schaub; and Karen Richardson, Alex Thibodeau, David and Kary Franchetti, Neil and Rebekah McLean, John Cole, George Day, and several other residents.

2. Meeting Purpose: Mr. Youland said the purpose of the meeting was to discuss the May 15 removal of the small pond within the subdivision by the town's Highway Department. He said he instructed the crew to remove the outlet structure as it had not been maintained and failed during the May 1 storm event, which resulted in substantial damage to Orchard Way and neighboring properties. He said the structure had failed several times earlier – once on December 23, 2022, and in another event some 15 years prior, which closed the road for several days. In the 2022 incident, the town crew cleared debris from the outlet structure to prevent more significant damage. In the incident prior to that, the lower end of Orchard Way was significantly washed out. He said that Property Restrictions for the subdivision specify that the outlet structure is to be maintained by the owner of Lot 4 unless it is taken over by the town. Karen Richardson, the owner of the subject lot, said she assumed the town had taken it over when the Highway Department would clear debris. Mr. Youland said the only reason the Highway Department would clear debris from the drain was to prevent damage to Orchard Way, which is a town road. Mr. Youland said he had cleaned the outlet structure before, as did Mr. Thibodeau. The drainage structure has not been accepted for maintenance by the town. Mr. Youland apologized that he didn't at least warn the affected lot owners (Ms. Richardson and the McLeans) before instructing the crew to remove the drainage structure and drain the pond, but the decision was made in order to prevent future damage since nobody was maintaining it. The drainage structure consisted of a 4-foot culvert that ran under Orchard Way from the pond, attached to that was a 3-foot culvert that stood upright, to allow surface water to drain in. Sitting on top of the 3-foot culvert opening was a metal screen. The screen often clogged with tree branches and other debris that would flow into the pond. The drain pipe itself also was clogged.

Mr. McLean said he appreciated that the town had put the meeting together. He said he felt communication was the problem, and that what's left of the pond is now an eyesore and its benefit to local wildlife is gone. He said he and his family are disappointed and would like to see the pond restored, especially since it was one of the key features that attracted them to Turner and this property.

Mr. Cole said he likes the looks of the pond but doesn't like what it does to his house. He lives on the other side of the road from the outlet and when it fails, water runs into his garage and basement, and gravel from the road winds up all over his yard and his neighbor's, too. He agrees that it is not attractive and that now would be a good time to fix it right.

Ms. Richardson said she is the owner of the lot that is supposed to maintain the drainage structure. She said she thought the town had taken it over since they cleared from the screen several times. Mr. Youland said the town's efforts were done to preserve the road so it would not wash the hill away like it did about 15 years prior. That's when the overflow pipe was installed. Mr. Youland also said that the pond does not serve any specific environmental or functional purpose – that there had been a small farm pond at the site that was enlarged when the subdivision was created – around 1997 or 1998 – within an existing gully that collected runoff from Route 219 and the adjacent area. It serves no specific purpose that he is aware of.

Mr. McLean said he believes the issue is due process but nobody really wants to go there. He asked what can be done to restore the pond and that we should be looking to FEMA to provide funds. Mr. Youland said the key is how to restore it without putting the road at risk during heavy rains. He said a dam could be the answer. Mr. McLean said he wants to see the pond to be restored even if it looks a little different. Mr. Youland said the former drainage structure contained an elbow where the 3-foot pipe connected to the 4-foot pipe, and that was problematic, in addition to the grate. Mr. Maheu asked what size pipe would be needed. Mr. Schaub said that may have to be engineered. Mr. Cole said the 4-foot pipe was more than sufficient for many years. Mr. Hood said the town needs to figure out how to pay for restoring the pond – that everybody seems to want it. Mr. Franchetti asked if the town had taken responsibility for the outlet structure. Mr. Schaub said it had taken responsibility for the road only. Mr. McLean said what's left is an attractive nuisance – that someone could slide down the embankment and get trapped. The question of contingency funds was raised. Mr. Youland said the town has contingency funds but their use is very specific.

Mr. Schaub is to work with FEMA to see about restoring the road and pond. He will report back to the Board of Selectmen. The residents shared their emails so all could be kept informed.

3. Adjournment: The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Kurt E. Schaub, Town Manager

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