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Public works in progress

A flooding problem that's been plaguing one resident and the Shelburne town council for several months might have been caused by no more than a misinterpretation or misplacement of engineering symbols, the council is hoping.

The flooding of Alex Sawyers' property on Victoria Street apparently started after a short berm was constructed between his property and the site of a proposed future motel on the commercial/industrial park owned by Joe Bojin on 30 Sideroad at Victoria Street.

The berm, along with a swale, was supposed to prevent flooding. But it appears to have had the opposite effect.

Various remedies have been tried over the months to no avail, and Mr. Sawyers has been a regular attendee of extreme patience asking for progress reports at the council. Then, on Monday at council, Public Works Director Scott Wheeldon displayed a drawing of the site which showed two different symbols at either end of the berm, which is about three or four feet long and no more than three feet deep.

Based on the variation of symbols, he suggested that the swale was meant to be where the berm is, and vice versa.

It's likely the berm will be removed, the swale improved, and the flooding might go away.

In other construction-related business, resident Patti Holmes-Drysdale said in a letter to the mayor that she paid $10,000 to home builder/developer VanDyk for a retaining wall in 1996 but that the retaining wall needs to be replaced.

She said VanDyk had ?taken our hard earned money but never followed up on their warrantys (sic).? Her letter was a follow-up on prior communications.

CAO John Telfer had enquired of VanDyk via email back in November 2012. VanDyk had responded to the effect that it had advised Ms. Holmes-Drysdale in July that, ?as per her agreement of purchase and sale, once the subdivision is assumed she is responsible to maintain the retaining wall on her property.? VanDyk vice-president Ron McMillan said there is a time limit to warranties and, in any event, that ?Tarion does not warrant exterior landscaping items.?

(?Tarion is a private corporation which was established in 1976 to protect the rights of new home buyers and regulate new home builders. Tarion administers the Ontario New Home Warranties Plan Act, which outlines the warranty protection that new home purchasers are entitled to in Ontario,? according to its website.)

Councillors A.J. Cavey and Walter Benotto were concerned about lack of information on warranties, although Mr. Benotto agreed there had to be a time limit ?on everything.?

Deputy Mayor Ken Bennington said the council didn't know in what fashion the wall is not working. ?I would feel more comfortable if someone looked to see what's wrong,? he said.

Mr. Wheeldon said he ?couldn't tell just by looking what's wrong.? He outlined several ways in which a retaining wall could become defective.

In the end, the council directed the bylaw officer by motion to investigate the situation and to provide photos of the wall.

By Wes Keller

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