

Residents raise alarm bells over developer's error

By Peter Richardson

Shelburne Council heard a delegation Monday night from Elizabeth Di Cesare, representing residents of Cook Crescent, in the Neighbourhoods of Summerhill developments, expressing their concerns over the grading and subsequent drainage issues of their town homes.

At present, the grading is such that water runs into the homes' garages from the street.

The temporary solution the developers had implemented was to remove the sidewalks, which apparently were some four or five inches too high, thus forcing the run off to flow backwards into the garages, rather than into the street.

The homeowners were adamant in their petition that the sidewalks not be re-installed as the grade problem would still exist and the problem would continue. They also objected to having a different type of curb installed from that of the rest of the development as part of a fix for the grading issue.

After hearing the petition, Mayor Bennington suggested that the matter be delayed, pending another report from the Works Department to be heard later in the Agenda, addressing this same situation in detail.

Shortly thereafter, Works Manager Jack Tupling, with Town Planner Steve Weber and Town Consulting Engineer Steve Burnett, presented an in-depth analysis of the problems and offered various solutions, both from the Town and from Vandyk, the developers.

The root of the problem lay in the benchmark elevation used to grade the road relative to the 50 units affected. For some reason, Vandyk had used a different benchmark than the one specified on the approved site plans.

This resulted in the road being four to five inches too high and subsequently raising the sidewalks proportionately. In addition, it reduced the optimum grade, set by the town, from 2 per cent to, in some cases, 1 per cent.

This in turn led to the subsequent flooding of the affected garages.

The developers had suggested three possible fixes: One was to raise the garage floors, the second was to install drains outside the doors and the third was to lower the boulevards on the street.

Town Staff felt that none of these options were acceptable and instead proposed that the boulevards and sidewalks be lowered and a different type of curb be installed, called a semi-mountable curb, as opposed to the existing barrier curbs, plus a half-metre wide asphalt kill strip be placed against the back of the curb.

This strip was to prevent plow damage to the boulevards during the winter months.

As discussions continued, other options were brought forward for correcting the problem at its origins, that being the improper benchmark grade, that was used to set the lot elevations relative to the roadway.

Several councillors and the Mayor expressed concerns regarding having an asphalt strip across the front of all the homes, citing the resulting eyesore potential as the main problem.

The ultimate option was to lower the road, to its proper elevation, thus eliminating the grading issue entirely and maintaining the required 2 per cent grade on all the driveways involved.

Mr. Tupling and Steve Burnett stated that this option although the best solution, had not been discussed with the developer or Cole Engineering, their engineers and would involve considerable expense and time.

Regardless, Council instructed staff to take this option to Vandyk and Cole and to report back to Council by their next sitting on April 24.

Both Phil Cole and representatives were in attendance, however, they did not participate in the deliberations.

When asked what the Town expected, Mayor Bennington explained that as this was a recognized error, on the part of the developer and their engineers, and as the Town had not yet assumed the roadway in question, they were within their rights to expect that Vandyk would correct the problem at their expense.

He went on to add, that should they not do so, the Town held monies in reserve on such projects that would enable them to dismiss the developer and hire a new company to effect the necessary solution.

In other Council news, the Town's auditors, BDO, presented Council with an overview of their audit and the 2016 Financial Statement.

Sally Slumskie, Thomas DiCarlo and Angela Nichol made the presentation that saw an overall healthy result for the treasury.

The Town's accumulated surplus has grown to \$62,000,086 for 2016 an increase of over \$6,000,000 from the previous year.

In general, the Town's finances performed well in 2016 and is on solid footing going forward.

Council received Fire Chief Brad Lemaich's recommendations for Open Air Contained Fires, which outlines how open air containers are to use in the Town, for the purpose of recreational fires.

The types and construction of containers is also outlined, as well as the accepted hours for burning.

After some discussion and concerns, Council voted to accept the proposed regulations, pending another appearance at Council, by the chief, to address their concerns.