

**SPECIAL MEETING
PONCHA SPRINGS BOARD OF TRUSTEES
330 BURNETT AVE., PONCHA SPRINGS, CO**

TUESDAY, APRIL 16, 2013 - 5:30 p.m.

The meeting was called to order at 5:36 p.m. by Mayor Furton, who asked for a roll call. Those present:

Mayor:	Richard Furton
Mayor Pro-tem:	Ben Scanga
Trustees Present:	Galen Angelo, Darryl Wilson
Town Attorney:	Brad Redmiles
Town Administrator:	Jerry L'Estrange
Public Works Director:	Greg Smith - Absent
Clerk/Treasurer:	Diana Heeney
Town Planner:	Dee Miller - Absent
Visitors:	Terry Hadley, Jake & Kari Hadley, Bill Paradise, Chaffee County Building Official

BOARD OF ADJUSTMENT

1113 Little River Lane – Hadley

Administrator L'Estrange informed the Board the Board of Adjustment is a formal process, Town Attorney Redmiles will explain what the Board needs to find with the applicant making their presentation followed by response from Bill Paradise, Chaffee County Building Official.

Attorney Redmiles stated the Hadleys would present their request followed by Bill Paradise, Chaffee County Building Official then the Board can have the opportunity to ask questions for burden of proof. Attorney Redmiles stated statute requires five members of the Board for a decision to be made, noting only four members were present, he stated the recording of the meeting could be listened to by other Board members in preparation for a decision at the April 22nd Board meeting.

Jake Hadley, stated they(the Hadleys) are here not trying to scoot around or skip a step, they just do not feel like it is necessary to have the damp proofing done on the exterior of their foundation. They have not seen any ground water, they had to over excavate for the foundation due to alluvial soils, we had to excavate five feet deeper than the footings and seven feet wider just to place compactible (engineered) soil to avoid settling like the Satorius' like it is stated in the Terrcon report. We also got recommendations from Mountain Engineering and Testing (Salida) and we are just coming to the conclusion it can be done, we know that, we can do that but it is a huge headache to go back and dig it all out and paint this stuff on and then you are not even guaranteeing that it will make it waterproof as you still have to backfill it and there are so many different measures that you would have to go through to keep water from getting in there. At this point I don't see any way water is going to be infiltrating our basement the whole front area where water may be able to stack up against the foundation at any time maybe off the roof from snow load we are going to have concrete all in front of that so it is going to have positive drainage we will have drains for all our gutters and down spouts and it will be very well drained.

Mayor Furton asked what type of material was used for the foundation.

Jake Hadley stated ICF foundation, foam block. So far we have had plenty of moisture around the foundation and have not seen anything, no moisture getting in anywhere. That is kind of our case we are just here to see what the Board has to say.

Bill Paradise, Chaffee County Building Official – the basic premise here is that code requires damp proofing and then water proofing if it can be proven there is a high water table. Code requires damp proofing in any enclosed living space such as a basement. Code requires it because you cannot tell when you are going to have a heavy winter and have drainage in that soil, this is sand and it does drain so it will allow water up against that foundation. The material I have given you behind the code is the manufacturers' requirements on that specific ICF for the same damp/water proofing which voids warranty on the ICF product. Two years from now you will flood the house and move on to the next one. Anyway those are the two issues as I see, the Code requires it, the Code is the law, it is not a suggestion it is a requirement, number two the manufacturer requires it before they will warranty their product. I will leave it at that.

Terry Hadley - asked if damp proofing or water proofing is required.

Bill Paradise – the Code requires damp proofing so the manufacturer requires it for warranty purposes, if water proofing was required the manufacturer would require that for warranty purposes.

Terry Hadley – termite mitigation is also required but I do not think it is very applicable in this area it is not necessarily important as we won't have the presence of termites.

Bill Paradise – I do not think this is the issue.

Terry Hadley – well I know that, it is just an example. Like Jake said when he made our statement the soil types that we have here are essentially an alluvial deposit and they are very well drained in order to have enough standing water adjacent to a foundation in order to generate enough static hydraulic pressure to generate any transmigration of water through a foundation wall is astronomically unbelievable.

Bill Paradise – I will leave that up to the (Town) Board of Adjustment.

Terry Hadley - it will never occur. We have been putting foundations in this ground, this will be our 40th year. In Salida our very first one was put in on top of a spring and it ran several gallons a minute and to this day it does not have any water issues inside the basement as we took appropriate measures to mitigate the water as we deemed necessary and we have done so for ages prior to any mandatory requirements for damp or water proofing. Where we see there is a water problem we take appropriate measures in this case it doesn't look that the soils are of the type that it would mandate it they are very well drained and no water table to speak of it is not a necessary function in order to maintain damp proofing inside the foundation. And everyone knows by just looking at a piece of polystyrene that it is water proof forever I mean surf boards are made out float materials are made out of it boats are made out of it. It is not very likely that water is going to transmigrate through it, the only place it could possibly migrate through would be the on the joint side. Most ICF including this ICF have a tongue and groove arrangement all the way along the longitudinal axis where the blocks form together the only place that they don't have an arrangement like that is on the abutments, but it is only 18" tall and it is butted together with concrete poured up against it the likelihood of water making it through that thing is infinitesimally small to ever generate a problem with the interior of the house or anything else. In this occasion it does not seem necessary or prudent, in other cases if I find it is I take the necessary steps.

Trustee Wilson – was it just an oversight or now that you got caught it is a problem?

Jake Hadley – when I had to go through this whole thing I drew up my own foundation plans and everything because when I took our package (building plans) to them (Chaffee County Building Department) they covered 99% of the US so the footings were ridiculous so I suggested I draw up what I thought was necessary that would meet code and I didn't even put water proofing on or state that I was going to. At the end of the building Aaron Kroschel actually notified me that he was going to do an inspection on the damp proofing/water proofing. I did not even put this on my plans. There is a stamp on this (the plans) that says call for inspection before covering ICF for damp proofing and I just didn't catch it I would have done it right of way if I had caught it and it would have been no big deal but now it's going to be kind of a big headache to dig out the whole thing, if we have to do it we have to do it but on the other hand it just seems so minimal that it is necessary with all the concrete we are going to have up front and the sides are going to be well draining my foundation is actually only four feet below virgin soil so there is no likely hood that water stacking up and coming inside.

Mayor Pro-tem Scanga – is the whole basement covered, all the way around?

Jake Hadley – it is a walk out basement, so three sides are covered and two of the sides are only four feet high.

Terry Hadley - the uphill side will be all concrete. Essentially with the uphill side being all concrete and the bottom side being walk out, the only possibility for water to infiltrate would probably be in the sides, that being the likely hood is fairly low especially given the soil types that we have here. Everybody looks at it as high plains/dessert , if you pour a glass of water on the ground it will run out of site before you can get to it.. There are places in this county that it (damp/water proofing) is necessary, they are clay like with clay deposits and/or bentonite deposits and when we come across those we take appropriate measures to prevent water from migrating in, this particular one it does not seem necessary.

Trustee Angelo – this Terracon test done in 2004, is that 6% - 9% your lot that they are referring to in the report?

Jake Hadley – no those are some of the test holes done throughout the entire subdivision and every one of them is low on water. There is a whole manual of the testing reports on the subdivision. Just from what we have read through it there is not much of anything mentioned of any kind of water in the ground on this side of the river.

Trustee Angelo – the report says silty sand with gravel and poorly graded sand with gravel.

Terry Hadley – as I was mentioning to Bill (Paradise) the application has a need in other places, I am certain, but does not see it does right here. We are calling for an individual assessment of that application because we do not think it is necessary just like termites are not necessary here and again in the code book. I realize the gentlemen that write the code are trying to do the best job they can to generate a safe place for all of us to live but again they are a broad spectrum application. The camp proofing with the high plains dessert and the sandy gravelly soils it seems there will not be enough standing water against the foundation, that is our only argument here.

Jake Hadley – I guess if we ever did, we are not at all planning to sell this house, if there was ever an issue it would be taken care of.

Trustee Wilson – the situation is, I understand, you will probably never have a problem and I have seen your building(s) and you have taken appropriate actions, the problem is the next guy that builds up there

and just wants to skirt around the County(building code) then we have a problem, that is the balance we have to weigh.

Terry Hadley – we appreciate your circumstances, that is the reason for the existence of a variance board is for an individual assessment of the circumstances and you might be able to set this(requirement) aside. I understand that if one guy does it then others will too, I understand your circumstance.

Mayor Pro-tem Scanga – what do you think your costs would be for digging out and redoing it?

Jake Hadley – probably about three days to dig it out and approximately \$55 a five gallon bucket for the ICF coating that is a roll on coating that they have at the local lumber yard, specifically made for ICF, probably about seven or eight five gallon buckets.

Mayor Pro-tem Scanga – plus your time and costs for digging.

Jake Hadley – the sides will go easy but the front, I already have big feet set and the sewer utility, we will have to dig around them without messing them up. We can dig it out, we will have to be cautious, if we break it we break it we fix it and put it back the right way again, it's just one of those things

Administrator L'Estrange – a decision cannot be made tonight we will let another Board member listen to the tape and bring it back to you at the April 22nd Board meeting for a decision.

Attorney Redmiles – we for sure need Trustee Slaughter and/or Trustee Massey to listen to the recording prior to the Monday night meeting.

Attorney Redmiles informed the applicant that he would have 30 days to appeal to the District Court after the Board made a decision on his request.

The Hadleys thanked the Board for their time and consideration of the matter.

With no further business the Board meeting adjourned at 6:55 p.m.

Respectfully Submitted:

Diana K. Heeney
Clerk/Treasurer

Approved As To Form and Content:

Richard Furton, Mayor

Attest:

Jerry L'Estrange
Town Administrator