

**Minutes
of the
Stormwater Management Committee (SWMC)
July 2, 2015

8:00 AM
800 Second Avenue South
Metro Office Building, 1st Floor – Development Services Conference Room**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

Ms. Ronette Adams-Taylor
Mr. Slade Sevier, P.E. – Vice Chairman
Mr. Monte Turner
Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent:

Mr. Roy Dale, P.E.
Mr. Dodd Galbreath
Ms. Anna Maddox, P.E.

I. CALL TO ORDER

The meeting was called to order at 8:15 a.m.

II. APPROVAL OF JUNE 4, 2015 MEETING MINUTES & DECISION LETTERS

Mr. Slade Sevier moved and Mr. Monte Turner seconded the motion to approve the meeting minutes and decision letters for the June 4, 2015 meeting. Ms. Ronette Adams-Taylor, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

Comments were solicited from the Planning and Codes Departments for the following Agenda items.

1. 201500009

River Road Horse Farm – Fishing Shack
7838 & 7934 River Road Pike
Map 77, Parcel 27 and Map 78, Parcel 110
Inspector: (NPDES Staff)

CD-35 (Bo Mitchell)

APPLICANT'S REQUEST: Variance #201400013 was granted August 7, 2014 allowing disturbance and impoundment of two existing streams for construction of two farm ponds and continuous mowing and maintenance of the existing and created water quality buffers. This variance request is to allow disturbance of the buffer of Pond #2 (10' Zone 1 & 15' Zone 2) for construction and encroachment of a portion of fishing shack, impervious walkway, associated grading, and pipe & outlet structures.

APPELLANT: Andrew M. Stone Engineering and The Chazen Companies

REPRESENTATIVE: Mr. Chip Howorth, Mr. Michael Flanagan, and Mr. Andrew Stone

COMMENTS:

SW STAFF: Staff comments are as follows:

1. The Plan of Record shows a portion of the septic field within the lake and lake buffer. Metro Health Department requires septic tank field lines to be no closer than 25' from the streambank, and during the pre-application meeting, Staff stated that septic needed to be at least 25' away from live storage. If the variance is approved, Staff requests that a condition be added that the septic field/tank field lines be located outside of the lake buffer.
2. If the variance is approved, Staff requests that a condition be added that the applicant provide written confirmation that upon completed lake construction, the lakes will not become waters of the state.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff comments.

Mr. Andrew Stone introduced the project team members and gave a brief description of the project location. Mr. Michael Flanagan, Mr. Chip Howorth, Mr. Ed Tessier, Mr. Jamie Pfeffer, and Mr. Ryan Shields were also in attendance. Mr. Flanagan gave an overview of the project and variance request, and Mr. Tessier gave an overview of the proposed mitigation.

In response to staff comments, Mr. Stone stated that the mapped grid for the septic system is shown on the Plan of Record. The system has not been designed yet, but will be outside of the buffer. Regarding waters of the state, he submitted copies of the Notice of Coverage under the NPDES Construction General Permit from the state of TN and a Farm Pond Exemption Determination Letter from the Corps of Engineers. Mr. Lance Wagner stated that there was documentation that the lakes would not become waters of the U.S., but he asked staff if they were requesting documentation from TDEC to verify that the lakes would not become waters of the state. Staff stated that if they become waters of the state, it would become regulatory for Metro, and water quality cannot be done within waters of the state. There was additional discussion regarding permit requirements for the existing and proposed lakes. It was unknown if and when the created lakes would become waters of the state; therefore staff requested written documentation from the state on its determination.

After discussion and review of the information presented, Mr. Slade Sevier made a motion to approve the plan as presented with the following Conditions #1-2 and Standard Conditions #3-4. Mr. Monte Turner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

1. The septic field/tank field lines shall be located outside of the lake buffer.
2. The Appellant shall provide written confirmation from TDEC that upon completed lake construction, the lakes will not become waters of the state.
3. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201500009), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
4. This variance will expire on July 2, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

The reason for approval was that they will be creating a lot more buffer in the entire project.

2. 201500010

Misty River Farm – Boathouse
9430 South Harpeth Road
Map 167, Parcel 2
Inspector: (NPDES Staff)

CD-35 (Bo Mitchell)

APPLICANT'S REQUEST: Variance #201300013 was granted August 1, 2013 to allow disturbance of an existing lake and lake buffer and streams and associated stream buffers of an unnamed tributary to the South Harpeth River to enlarge an existing lake, allow plant survivability requirement to match TDEC permit requirements, and allow continuous mowing and maintenance of a portion of the buffer around the finished lake. This variance request is to allow the following:

- 1) Disturbance of the approved proposed lake buffer (10' Zone 1 & 15' Zone 2) for construction and encroachment of a boathouse on the lake that is currently under construction.
- 2) Modifications to the previously approved Plan of Record (Variance #201300013) to reflect the corrected lake elevation based on recent accurate survey data.

APPELLANT: Mr. Charles Elcan

REPRESENTATIVE: Mr. T.C. Miller

COMMENTS:

SW STAFF: No additional Staff comment. Regarding mitigation, the applicant states: "Construction of the proposed boathouse will impact about 0.2 acres of the previously approved buffer zone. To mitigate for this buffer disturbance, the applicant proposes to change the buffer from its current designation as grassed and allowing maintenance mowing to natural wooded areas that extend to the waterline. An example of the proposed buffer is found in the submitted pictures that show an existing wooded buffer in the existing upper lake. The request is to change a minimum of 1.0 acres of mowable buffer to natural wooded buffer as indicated on the submitted maps. This change in buffer, at a ratio of 5:1 will result in improved water quality and access for wildlife."

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff comments.

Mr. T.C. Miller gave an overview of the project and the variance request. Mr. Jim Mallowney was also in attendance. There was brief discussion regarding the proposed mitigation and contact/correspondence with TDEC. Mr. Miller stated that the lake would be waters of the state.

After discussion and review of the information presented, Mr. Monte Turner stated that there will be minimal impact and more buffer area created and made a motion to approve the plan as submitted with the following Standard Condition #1. Mr. Slade Sevier seconded the motion. Ms. Ronette Adams-Taylor, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

1. This variance will expire on July 2, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

3. 201500011

230 Hicks Road Apartment Development
230, 232, & 0 Hicks Road
Map 142, Parcels 92, 93, & 149
Inspector: (NPDES Staff)

CD-34 (Carter Todd)

APPLICANT'S REQUEST: Preliminary Stormwater Management Plan approval was granted on April 2, 2015. This variance request is to allow disturbance of the 75' floodway buffer of Flat Creek (50' Zone 1 & 25' Zone 2) for the following:

- 1) Construction and encroachment of a portion of paved access drive in the Zone 1 & Zone 2 buffers to provide site access to Hicks Road. Also included are a retaining wall, outlet structures, a 4' wide site amenity trail in the Zone 2 buffer, and installation of EPSC measures.
 - 2) Grading in the Zone 1 buffer to compensate fill in the 100-year floodplain.
- The site plan proposes 52 townhouse apartments, a pool/clubhouse, and associated infrastructure.

APPELLANT: Littlejohn Engineering Associates

REPRESENTATIVE: Mr. Andrew Wolthers

COMMENTS:

SW STAFF: Staff comments are as follows:

1. If the variance is approved, Staff requests that a condition be added that there be no bypass of roof drains or parking areas for water quality treatment. Staff recommends that no use of an open-space conservation easement be approved in lieu of providing full water quality treatment for the site.
2. On the grading plan, Staff noted that there is no pretreatment shown for the proposed bioretention area.
3. The location of water quality buffer signage is not shown on the grading plan as a condition of approval of the preliminary stormwater management plan. The applicant is reminded that signage is required to be installed per section 6.9.3 of the Stormwater Management Manual (SWMM). If the variance is approved, Staff requests that a condition be added that the location of water quality buffer signs be clearly marked on the grading plan.
4. The outlet pipe and rip-rap outlet protection appear are not connected on the grading plan. If a variance is approved, Staff requests that a condition be added that the pipe and outlet locations be corrected.
5. A condition of preliminary stormwater management plan approval was to provide a mitigation plan showing how buffer loss would be mitigated, especially along the downhill portion of the roadway (thick plantings to filter water suggested). On the mitigation plan submitted, the applicant is proposing smooth sumac seedlings (18") @ 3' O.C. along this area.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways will defer to Stormwater Staff comments.

Mr. Andrew Wolthers gave an overview of the project and the variance request. Mr. Andrew Steele was also in attendance.

After discussion and review of the information presented, Mr. Slade Sevier stated that there was nothing inconsistent with what was already approved in the preliminary and made a motion to approve the plan as submitted with the following Conditions #1-4 and Standard Conditions #5-6. Mr. Monte Turner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

1. There shall be no bypass of roof drains or parking areas for water quality treatment. No use of an open-space conservation easement shall be approved in lieu of providing full water quality treatment for the site.
2. The Appellant shall provide pretreatment for the proposed bioretention area.
3. The Appellant shall clearly mark the location of water quality buffer signs on the grading plan.
4. The Appellant shall correct the locations of the outlet pipe and rip-rap outlet protection on the grading plan.
5. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201500011), once plantings are installed per approved variance plans and again once plantings have been found to meet a two full growing season requirement. The owner shall maintain a minimum of 75 percent survivability of plantings through two full growing seasons.
6. This variance will expire on July 2, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

4. 201500012

222 2nd Ave. South

222, 216 & 206 2nd Ave. South and 217, 209, & 201 1st Ave. South

Map 93-64, Parcels 96, 106, 95, 98, 99, & 100

Inspector: (Denice Johns)

CD-19 (Erica Gilmore)

APPLICANT'S REQUEST: Variance request is to allow the following:

- 1) Placement of 220 cubic yards of uncompensated fill in the Cumberland River floodplain (BFE=417.0').
- 2) Construction of the finished floor of a new office tower at elevation 417.4', with is only 0.4' above the current BFE but approximately 1.7' above the soon to be adopted BFE.

APPELLANT: Mr. Kevin Gangaware

REPRESENTATIVE: Mr. Kevin Gangaware

COMMENTS:

SW STAFF: Staff comments are as follows:

1. Regarding mitigation, the applicant states that the developer is committed to pursuing LEED Silver certification and the design team is considering a portion of 10th floor plaza on the east side to be constructed as a green roof. As mitigation if the variance is approved, Staff requests that a condition be added that the applicant shall attain LEED Silver Certification and also construct a portion of the building as a green roof.
2. If the variance is approved, Staff requests that a condition be added that full water quality treatment (80% TSS removal) be provided or LID be considered as an alternative.
3. Staff recommends that the lower level garage floor entrance be elevated above the 100-year elevation as determined from the 2013 FEMA Preliminary Study.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Mr. Kevin Gangaware gave an overview of the project and the variance request. Mr. Michael Hayes (property owner and co-developer) and architects from Gresham Smith and Partners were also in attendance. The proposed project is a 25-story office/retail building with several levels of parking (including one parking level below-ground).

There was discussion regarding the base flood elevations based on the current FEMA and 2013 FEMA Preliminary flood maps. Mr. Roger Lindsey, Stormwater-Development Review, gave a brief update stating that maps are expected to be approved by July 2016. The proposed mitigation and building design were also discussed.

After discussion and review of the information presented, Mr. Slade Sevier made a motion to approve the plan as presented with the following Conditions #1-2 and Standard Condition #3. Mr. Monte Turner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion.

1. As mitigation, the Appellant shall attain LEED Silver Certification and also construct a portion of the building as a green roof.
2. The lower level garage floor entrance shall be elevated above the 100-year elevation as determined from the 2013 FEMA Preliminary Study.
3. This variance will expire on July 2, 2016. However, if a Grading Permit, Stormwater Single Family Permit, or Building Permit is issued within that period, the variance expiration date will run concurrent with that permit expiration date.

The reason for approval was that a minimal amount of uncompensated fill was requested.

IV. ITEMS OF BUSINESS

Mr. Roger Lindsey, Stormwater – Development Review Section, stated that a public meeting is being scheduled to present the new flood insurance rate maps to anyone that wants to see them, especially to the 3,000+ parcel owners that have been notified that their properties have been mapped into either the floodplain or floodway.

V. ADJOURNMENT

The meeting was adjourned at 9:53 a.m.

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Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____