

MEGAN BARRY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**DEPARTMENT OF WATER AND SEWERAGE SERVICES**  
Stormwater Division – Development Review  
800 Second Avenue South  
P.O. Box 196300  
Nashville, Tennessee 37219-6300

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
November 5, 2015  
\*\*\*\*\*  
8:00 AM  
800 Second Avenue South  
Metro Office Building, 1<sup>st</sup> Floor – Development Services Conference Room**

**STORMWATER MANAGEMENT COMMITTEE**

**(Quorum Required: Four Members)**

**Committee Members Present:**

- Ms. Ronette Adams-Taylor
- Mr. Roy Dale, P.E.
- Mr. Dodd Galbreath
- Ms. Anna Maddox, P.E.
- Mr. Slade Sevier, P.E. – Vice Chairman
- Mr. Monte Turner
- Mr. Lance Wagner, P.E. – Chairman

**Committee Members Absent:**

None

**I. CALL TO ORDER**

The meeting was called to order at 8:10 a.m.

**II. APPROVAL OF OCTOBER 1, 2015 MEETING MINUTES & DECISION LETTERS**

Mr. Slade Sevier moved and Mr. Dodd Galbreath seconded the motion to approve the meeting minutes and decision letters for the October 1, 2015 meeting. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Anna Maddox, Mr. Sevier, Mr. Monte 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. 201500015 (Single Family Residential)  
1908 Warfield Drive  
APN 13103000100  
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)



If you need assistance or an accommodation, please contact Metro Water Services, at 615-862-4862, 1600 Second Avenue North, Nashville, Tennessee 37208.

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

- 1) Disturbance and encroachment of the 50' stream buffer of an unnamed tributary to Sugartree Creek (30' Zone 1 & 20' Zone 2) for construction of decks and stoops off the rear of two single family residential structures.
- 2) Installation of mitigation plantings at the rear of the existing lawn to aid in water treatment and provide visual screening.
- 3) Continuous mowing of a portion of buffer area.
- 4) Installation of modified buffer signage.

**APPELLANT:** Dean Design Group

**REPRESENTATIVE:** Mr. Charley Dean

**COMMENTS:**

**SW STAFF:** Comments:

- 1) During the pre-application meeting, Staff suggested removing a portion of proposed concrete connecting the driveways as shown on the original grading plan. It was Staff's understanding that a significant portion (shown as turnouts on the final plan), would remain grassed; however, only a 3' width of separation is proposed. For the final plan, Staff recommends the use of permeable pavers for the driveway instead of concrete.
- 2) After installation of mitigation plantings, the proposed 20' no-mow area of the Zone 1 buffer will be required to remain in an undisturbed/unmanaged native forest condition. Staff requests that the applicant provide clarification on the need for and functionality of the "continuous mulch bed edging" shown on the Mitigation Plan.
- 3) The applicant has requested the installation of modified buffer signage. If the variance is approved, Staff recommends that a condition be included that proposed buffer signage be submitted to Stormwater Staff for review and approval.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** Greenways will defer to Stormwater Staff.

Mr. Charley Dean gave an overview of the project and the variance request. Mr. Cory Short was also in attendance.

There was discussion regarding the Zone 1 buffer and proposed mow/no-mow areas, improvement of the buffer and its functionality, additional mitigation in the no-mow area, no further disturbances of the buffer, and the use of pervious material for the turnaround portions of the driveways. Mr. Slade Sevier made a motion to approve as is with the following Conditions #1-4 and with standard Conditions #5-6. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Dodd Galbreath, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner voted in favor of the motion.

1. The Appellant shall widen the 10' wide landscape area to incorporate the area to the north that is currently devoid of natural vegetation. The Appellant shall provide a revised mitigation plan to Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, for review and approval.
2. The turnaround portions of the driveways shall meet the pervious surface criteria of the infill regulations.
3. There shall be no other disturbance of the buffer other than what is shown on the Plan of Record.

4. The Appellant shall submit details of the proposed buffer signage to Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, for review and approval.
  5. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, in writing (referencing Variance #201500015), 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 November 5, 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.
2. 201500016 (Single Family Residential)  
3846 Cross Creek Road  
APN 11714001000  
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

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

- 1) Disturbance of the 75' floodway buffer of Sugartree Creek (50' Zone 1 and 25' Zone 2) for removal of existing driveway from Zone 1, removal of existing residence, driveway and related items from Zone 2, and construction/encroachment of a new residence and driveway in Zone 2.
- 2) Placement of 255 cubic yards of uncompensated fill in the 100-year floodplain.
- 3) Waiver of buffer signage requirement.
- 4) Continuous mowing of the buffer area.

**APPELLANT:** Rochford Construction Co. Inc.

**REPRESENTATIVE:** Mr. Walter Davidson

**COMMENTS:**

**SW STAFF:** No additional comment. Stormwater will defer to the Committee on this request.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** Greenways will defer to Stormwater Staff's comments on this request.

Janine and Kenneth Palm, 3712 Sycamore Lane, submitted an email that was read into the record stating their opposition (along with other neighbors: Lisa & Rich Germano, Jodie Barringer, and Owen Maddux) to the variance request for uncompensated fill in the floodplain.

Mr. John Rochford (property owner) gave an overview of the site and submitted a handout of the house plan. Mr. Walter Davidson gave an overview of the project and the variance request. Mr. Bill Morton was also in attendance. Mr. Davidson also stated they will be going before the Board of Zoning Appeals to request reductions in setbacks along both Cross Creek Road and Abbott Martin Road.

There was discussion regarding the request for uncompensated fill, the proposed mitigation, maintaining a portion of no-mow buffer, and maintaining the requirement for buffer signage. Mr. Slade Sevier made a motion to approve with the following Conditions #1-4 and standard Conditions #5-6. Mr. Monte Turner seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Ms. Anna Maddox, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner voted in favor of the motion. Mr. Dodd Galbreath voted against the motion.

1. Variance Request #1 – Disturbance of the 50' Zone 1 and 25' Zone 2 buffers for removal of the driveway and existing residence and the construction of the new residence is approved as shown on the Plan of Record.
  2. Variance Request #2 – 255 cubic yards of uncompensated fill is not approved.
  3. Variance Request #3 – Buffer signage shall be required and located on the newly-established modified no-mow zone which will be 25' off the floodway.
  4. Variance Request #4 – Continuous mowing of buffer area is approved only for Zone 2 and the first 25' of Zone 1.
  5. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, in writing (referencing Variance #201500016), 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 November 5, 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. 201500017 (Single Family Residential)  
1502 Kirkwood Avenue  
APN 11801008900  
Inspector: (Kimberly Hayes) CD-18 (Burkley Allen)

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

- 1) Disturbance and encroachment of the 50' stream buffer of an unnamed tributary to West Fork Browns Creek (30' Zone 1 and 20' Zone 2) for construction of a duplex and installation of mitigation plantings.
- 2) Placement of Stormwater BMP (rain garden) in the buffer.
- 3) Continuous mowing and maintenance of the buffer (south side only).
- 4) Modified buffer signage.

**APPELLANT:** Mr. Gerald Bucy, Consulting Engineer

**REPRESENTATIVE:** Mr. Gerald Bucy

**COMMENTS:**

**SW STAFF:** Comments:

- 1) Staff expressed to the applicant concern with the top of bank locations identified on the Plan of Record (width from bank to bank of approx. 43'). The applicant stated that the locations were made by his surveyor experienced at this sort of location, and he believes the findings are accurate. However, Staff has also visited the site and based on observations, believes the width is less. The top of bank provided by the surveyor will also apply a buffer for properties on Paris Avenue if and when new development or significant redevelopment occurs on those properties.
- 2) The rear of the structure will be extended 10'. Based on visual inspection, it appears that there will be significant buffer disturbance and vegetation removal in the remaining 15' (edge of structure to top of bank) for the retaining wall, rain garden, and additional mitigation plantings.
- 3) Proposed side setbacks will be reduced from 9.8' (west side) and 8.3' (east side) to 5' on both sides. As part of the mitigation, eight of the proposed trees will be located along the sides of the property (4 on each side). This reduced 5-ft width is the proposed area for access along the sides of the structure and installation of tree plantings.

- 4) In the variance application, the applicant states “There will be no wood decks. There will be third-story front decks in lieu.” If the variance is approved, Staff requests that the Plan of Record be revised to show the proposed front decks which will be out of the buffer.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** Greenways will defer to Stormwater Staff.

Mr. Gerald Bucy gave an overview of the project and the variance request. Mr. David Tudor (property owner) was also in attendance.

After discussion regarding the stream/streambank width and proposed mitigation, Mr. Slade Sevier made a motion to approve as is (with the location of buffer signage as shown on the Plan of Record) and with the following standard Conditions #1-2. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Ms. Anna Maddox, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner voted in favor of the motion. Mr. Dodd Galbreath voted against the motion.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, in writing (referencing Variance #201500017), 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.
2. This variance will expire on November 5, 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.

#### **IV. ITEMS OF BUSINESS**

There were no items of business.

#### **V. ADJOURNMENT**

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

Metropolitan Stormwater Management Committee

Approved:

By: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_