

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF WATER AND SEWERAGE SERVICES
Development Services
800 Second Avenue South
P.O. Box 196300
Nashville, Tennessee 37219-6300

**Minutes
of the
Stormwater Management Committee (SWMC)
July 7, 2016**

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:

- Mr. Roy Dale, P.E.
- Mr. Dodd Galbreath
- Ms. Debra Grimes
- Ms. Anna Maddox, P.E.
- Mr. Slade Sevier, P.E. – Vice Chairman
- Mr. Lance Wagner, P.E. – Chairman

Committee Members Absent:

- Ms. Ronette Adams-Taylor

I. CALL TO ORDER

The meeting was called to order at 8:09 a.m.

II. APPROVAL OF JUNE 2, 2016 MEETING MINUTES & DECISION LETTERS

Ms. Debra Grimes moved and Mr. Lance Wagner seconded the motion to approve the meeting minutes and decision letters for the May 5, 2016 meeting. Ms. Ronette Adams-Taylor, Mr. Dodd Galbreath, Ms. Grimes, Mr. Slade Sevier, and Mr. 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. 201600012

138 Lucile Street
(Single Family Residential)
APN 07115005800
Inspector: (Kimberly Hayes)

CD-05 (Jim Shulman)



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 30' Zone 1 stream buffer of an unnamed tributary to the Cumberland River for construction of a bridge, driveway, portion of sidewalk, and portion of front porch, associated with construction of a single family residence.
- 2) Placement of Stormwater Best Management Practice (BMP) in the buffer.
- 3) Stream crossing variance.
- 4) Waiver of stream buffer identification signage.
- 5) Continuous mowing and maintenance of the stream buffer.

APPELLANT: Brett Design/Build, PLC

REPRESENTATIVE: Mr. Thomas Brett

COMMENTS:

SW STAFF: No additional Staff comments.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

Mr. Thomas Brett gave an overview of the project and variance request.

Mr. Lance Wagner asked if the ARAP had been filed with TDEC, to which Mr. Brett responded yes. Mr. Wagner asked if there was any correspondence with the Corps, to which Mr. Brett answered they have not issued any requests for additional information (referring to TDEC). Even though the stream is small, Mr. Wagner encouraged him to reach out to the Corps and felt more comfortable if made a condition.

There was discussion regarding mowing and maintenance of portions of the buffer area. Mr. Wagner wanted to ensure that over time, mowing did not encroach into the mitigation plantings. He asked if there was a landscape edging, to which Mr. Brett stated no. To clarify for the record, Mr. Wagner highlighted the areas of allowable mowing and maintenance on the Plan of Record. Mr. Galbreath asked if Staff would be comfortable working out an appropriate tree canopy ratio for the yard to mitigate the porch and the sidewalk. Ms. Kimberly Hayes (MWS – Development Services) felt what was on the plan was already substantial. Mr. Galbreath moved to approve the variance request with the following Conditions #1-2 and standard Conditions #3-4. Mr. Roy Dale seconded the motion. Mr. Dale, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, and Mr. Wagner voted in favor of the motion.

1. The Appellant shall submit a copy of the TDEC ARAP permit and provide correspondence from the Corps to Stormwater Staff.
2. The Appellant shall submit revised grading and mitigation plans to Stormwater Staff with delineation and labeling of the approved limits of mowing in the buffer as highlighted on the mitigation Plan of Record on July 7, 2016.
3. 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 #201600012), 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 7, 2017. 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 reasons for approval were that: a) two previous obstructions are being removed that were already in use and b) the health of the buffer is being dramatically improved.

Mr. Slade Sevier arrived during Case #201600013.

2. 201600013

220 Lucile Street
(Single Family Residential)
APN 07115005900

Inspector: (Kimberly Hayes)

CD-05 (Jim Shulman)

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

- 1) Disturbance and encroachment of the 30' Zone 1 stream buffer of an unnamed tributary to the Cumberland River for construction of a portion of single family residence and portion of rear deck.
- 2) New pedestrian bridge crossing.
- 3) Waiver of stream buffer identification signage.
- 4) Continuous mowing and maintenance of the stream buffer.

APPELLANT: Brett Design/Build, PLC

REPRESENTATIVE: Mr. Thomas Brett

COMMENTS:

SW STAFF: Given the close proximity of the proposed structure to the creek and that no 100-year base flood elevations have been established, if the variance is granted, Staff requests that a condition be added that the applicant provide the appropriate number of FEMA flood vents.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

Mr. Thomas Brett gave an overview of the project and variance request. A setback variance was obtained from the Board of Zoning Appeals to move the proposed house closer to the street.

Mr. Lance Wagner highlighted the areas of allowable mowing and maintenance on the Plan of Record.

Mr. Roy Dale moved to approve the plan based upon what was submitted, with the following Conditions #1-3 and standard Conditions #4-5. Ms. Debra Grimes seconded the motion. Mr. Dale, Ms. Grimes, Ms. Anna Maddox, and Mr. Wagner voted in favor of the motion. Mr. Dodd Galbreath voted against the motion. Mr. Slade Sevier abstained from the vote.

1. The Appellant shall submit a copy of the TDEC ARAP permit and provide correspondence from the Corps to Stormwater Staff.
2. The Appellant shall install the appropriate number of FEMA flood vents.
3. The Appellant shall submit revised grading and mitigation plans to Stormwater Staff with delineation and labeling of the approved limits of mowing in the buffer as highlighted on the mitigation Plan of Record on July 7, 2016. (Note: No mowing within top of bank to top of bank of the stream, as shown on the plan.)
4. 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 #201600013), 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.

5. This variance will expire on July 7, 2017. 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 reasons for approval were that: a) the lot is overly encumbered by buffers, b) the building has been moved as far forward as possible and the Appellant has applied for a variance to do so, and c) the mitigation is adequate.

3. 201600014

United Parcel Service (PRELIMINARY SWM PLAN)
3205 Whites Creek Pike
APN 05900007200

Inspector: (Katherine O'Hara) CD-02 (Erica Gilmore)

APPLICANT'S REQUEST: Preliminary Stormwater Management (SWM) Plan Approval is requested. The preliminary plan includes a variance request to allow the following:

1) Disturbance and encroachment of the floodway and 75' floodway buffer (50' Zone 1 and 25' Zone 2) of Ewing Creek, tributary to Whites Creek, for installation of parking and circulation drive, installation of retaining walls, drainage outfall pipes and structures, and grading for floodplain compensation and mitigation.

2) Placement of 20,000 cubic yards of uncompensated fill in the Ewing Creek floodplain. (Note: during the meeting, clarification was made that the correct variance request is allow cut volume below the elevation of the 2-year storm event to be included in the compensating storage capacity calculation.)

3) Continuous mowing and maintenance in the Zone 1 buffer.

APPELLANT: United Parcel Service, Inc. (UPS)

REPRESENTATIVE: Mr. Jason Deal

COMMENTS:

SW STAFF: Staff comments are as follows:

- 1) In comparing the Grading Plan and Landscape/Mitigation Plan, it is unclear what existing forested areas are to be developed, cut, reforested, mowed, etc. Staff requests that the applicant provide a line drawing over an aerial to visually show proposed areas of disturbance.
- 2) Per the narrative outline on the Landscape/Mitigation Plan, Buffer Preservation is listed as a mitigation measure; however, Staff does not consider this mitigation as the buffer is required to remain undisturbed.
- 3) No plant schedule with specific type and caliper of trees, etc. is shown on the Landscape/Mitigation Plan, only general size and number.
- 4) Revegetating the proposed cut area in the floodway with amended soils and seed/straw would appear to be minimal mitigation as all disturbed land areas are required to be revegetated.
- 5) After review of the application, grading plan, and cut and fill calculations, it appears that the variance request to allow placement of 20,000 cubic yards of uncompensated fill as stated on the application is incorrect and should be a variance request is to allow cut volume below the elevation of the 2-year storm event to be included in the compensating storage capacity calculation. If that request is granted, it will not be considered uncompensated fill in the floodplain. Please verify that this is the correct request.

- 6) During review of the application submittal, Staff commented: “Provide written documentation from TVA that they are agreeable to the disturbances and mitigation shown specifically on Sheets C2.00-2.05 of the Grading Plan and Sheets L1.00-1.05 of the Mitigation Plan. Otherwise, TVA needs to sign a Pg. 2 of the application and also at the bottom of another Variance Checklist for a preliminary plan submittal. Substantial disturbance is proposed in their easement and the Committee will want to know they’re agreeable to it.”
- 7) Your response was: “We have reached out to TVA for this documentation and will forward it once it is received. As with any other permit related item we understand the use of TVA’s easement would be subject to their approval regardless of any decision from the Stormwater Committee.”
- 8) Per the Landscape/mitigation plan, plantings are proposed in the TVA easement. Given TVA’s standard practice of mowing their easement, Staff envisions a possible agreement needed between the applicant and TVA that any proposed plantings will not be mowed/destroyed.
- 9) Staff requests that an update be provided on the status of your communication with TVA.
- 10) Staff has stated that a no-rise certification will be required to verify no increase in base flood elevations as a result of the proposed disturbance in the floodway. If the preliminary SWM Plan is approved, prior to submittal for a final variance, the applicant will be required to provide the no-rise certification to Stormwater Staff for review.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Ewing Creek is identified on the Community Planned Greenways master plan. Greenways staff requests that a Public Greenway Conservation easement be provided along Ewing Creek as mitigation for the buffer disturbance.

Mr. Stan Kania (UPS) was in attendance and gave an overview on the background of the existing facility and its operations and the need for the additional conveyor system for increased package handling. Mr. Jason Deal gave an overview of the project and variance request. The applicant submitted exhibits of the building floor plan and overall existing and proposed conditions. In order to provide compensating storage capacity for the increased fill for the new parking area and balance the site, utilizing the TVA easement and cutting below the 2-year elevation in that area is proposed. To address Staff’s concern whether or not the cut area would drain, Mr. Deal stated that they looked at the existing pool elevation of Ewing Creek vs. the ditch bottom and stated there is approximate 2 feet of fall between the ditch and the creek and the area should drain and not hold water.

Ms. Monette Rebecca (President, Richland Creek Watershed Alliance) asked if it is possible to do an L-shaped configuration for the addition and add layers of parking over existing vehicle parking to minimize the impact. Mr. Kania stated that it was the necessary design for the conveyor system and parking.

Mr. Roy Dale asked if the applicant had considered totally relocating, to which the applicant stated it is probably an option, but it would not be in Davidson County where they would prefer to remain. Mr. Dale stated that it appears to be a forced solution to accommodate parking. The applicant stated that it is good for UPS and the community. They are also looking at purchasing additional acreage. Mr. Dale recused himself from the case stating that he is too involved in the area.

There was further discussion regarding multi-level parking and the circulation drive. Mr. Dodd Galbreath asked if green roofs or pervious parking was considered rather than traditional surfaces to which Mr. Deal stated there may be potential for pervious paving in employee parking areas or treat areas that are not

currently being treated. He stated they are increasing hard surface area but trying to limit impacts to the buffer. Mr. Galbreath stated that more creative effort could be put into the design.

There was additional discussion regarding impacts/disturbances within the TVA easement. The applicant submitted a copy of an email from TVA stating that grading and filling can be acceptable inside of the easement; however, they will need to review the final plans to verify TVA clearances are met, the stability of TVA structures remains intact, and ingress/egress of heavy equipment along the easement is maintained. There was additional discussion regarding proposed mitigation in the TVA easement, landscaping maintenance and current TVA practices for maintaining the easement (including the use of herbicides). The applicant also submitted an additional exhibit of cross-sections and discussed the ditch line for drainage.

Mr. Michael Hunt (MWS Stormwater – NPDES) highly recommended that a formal agreement between the applicant and TVA be provided regarding the easement. Mr. Deal stated that they will provide 80% treatment to areas to be disturbed and have the potential to treat areas that will not be touched. There was additional discussion regarding the need to minimize stormwater runoff.

After further discussion, Mr. Lance Wagner made a motion to approve the Preliminary SWM Plan with the following conditions. Ms. Debra Grimes seconded the motion. Mr. Galbreath, Ms. Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Wagner voted in favor of the motion.

Conditions required to be met prior to returning to the SWMC:

- 1) A no-rise certification (showing no-rise) shall be submitted to Stormwater Staff for review and approval.
- 2) Submit a copy of the legal agreement with TVA (for review of the terms of the agreement by Metro Legal) on the landscaping mitigation and maintenance (how the mitigation trees will not be cut down and herbicides will not be applied and TVA is in agreement).
- 3) Evaluate providing additional features to improve water quality and reduce runoff (Extra thought given to optimal, creative options. Green roof mentioned as one example.).
- 4) The applicant is encouraged to find parking elsewhere (Possible feeder staging mentioned as an example).
- 5) Coordinate with Greenways for the greenway easement.

The applicant requested to be back before the Committee on the August agenda, with submittal after the July 6th deadline. After discussion, Mr. Wagner made a motion to allow the applicant to be on the August meeting agenda granted they can meet all of the conditions and coordination as stated above and submit to the Secretary in a timely manner, if Staff approves. Mr. Sevier seconded the motion. Mr. Galbreath, Ms. Grimes, Ms. Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion.

4. 201600015

Lot 8, Colonial Cottages
(Single Family Residential)
1916, 1918, & 1918B Warfield Drive
Map 131-022M, Parcels 00100CO, 00200CO, and 90000CO
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

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 first level concrete patios, second level 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.
- 5) Disturbance for installation of a wooden privacy fence in the Zone 1 buffer.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: If the variance request for placement of the fence is granted, Staff requests that a condition be included that no additional fencing be installed between the two structures and that the fencing be limited to the outer perimeter as shown on the Plan of Record.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

Mr. Charley Dean gave an overview of the project and variance requests. Mr. Corey Short was also in attendance. Ms. Paula Kee (Secretary) read Stormwater Staff's technical review comments (regarding the pipe relocation) into the record, and Mr. Dean responded to them.

Mr. Slade Sevier moved for approval as is, with the following Condition #1 and standard Conditions #2-3, based on the fact that it is consistent with the past approvals other than a few minor details. Mr. Roy Dale seconded the motion. There was brief discussion regarding maintenance of the swale to which Mr. Michael Hunt (MWS Stormwater – NPDES) stated that historically, anything like it would eventually be maintained by Metro.

Ms. Monette Rebecca (President – Richland Creek Watershed Alliance), presented a visual presentation and spoke in opposition to the variance requests for the three Warfield Drive properties (Colonial Cottages, Lots 8, 7, and 6) with the following summary of comments. A written copy was also submitted for the record.

- 1) There will be significant impact on the water quality and habitat of the stream and ultimately negatively impact the receiving streams (Sugartree Creek and Richland Creek).
- 2) Although contiguous properties, the variance requests were submitted as separate parcels and case numbers, which eliminated state oversight. The process of compartmentalizing has had devastating consequences on Richland Creek and its tributaries' water quality and habitats.
- 3) Flooding is an issue already and will likely become worse with the increased imperviousness.
- 4) The Cumberland River Compact has received grants to improve Sugartree Creek.
- 5) They do not like fences in Zone 1 (closest to the stream), and object to the mowing.
- 6) The reason for the variance request is that the footprints are too large (buildings are too large for adequate outdoor space for the residents).

Mr. Dean stated that the original rental units were mowing all the way up to the honeysuckle. Mr. Dodd Galbreath stated that the original premise was to have the entire buffer vegetated, but in this case all invasives would be removed and new native vegetation would be added. Although the area of vegetation

is not getting wider, the quality of the vegetated buffer being replaced on one side of the creek will be an improvement. There was discussion regarding the existing tree line and re-establishment of a portion of existing. Mr. Short asked if they are to clear to get the new vegetation established or start at the existing vegetation, to which Mr. Lance Wagner stated start at the existing vegetation - they are trying to increase the buffer. Ms. Rebecca requested that no machinery does the work (all done by hand with shovels.). There was some discussion with Mr. Wagner stating he understood the concern but was not sure they would make it a condition because they could not get any machinery in the buffer larger than a skid steer. Mr. Dale, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion.

*After the case was heard, Mr. Galbreath made a motion to reconsider Case #201600015. Mr. Sevier seconded the motion, which was approved by the same. Mr. Galbreath then made a motion to approve the following Condition #4 (installation of the wooden privacy fence as was delineated/marked on the grading plan (Sheet C1.0) on July 7, 2016 (along the perimeter and the middle of the rear yard of the parcel). Mr. Dale seconded the motion which was approved by the same.

1. To demonstrate how the fence will not impede flow when the creek comes out of the top of its banks (has the ability to come in and come out), the Engineer shall provide a fence detail showing that the creek can access the buffer area.
2. 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 #201600015), 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.
3. This variance will expire on July 7, 2017. 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. Approval is granted for installation of the wooden privacy fence as was delineated/marked on the grading plan (Sheet C1.0) on July 7, 2016. The Appellant shall submit a revised grading plan to Stormwater Staff with the delineation and labeling of the approved wooden privacy fence.

5. 201600016

Lot 7, Colonial Cottages
(Single Family Residential)
1920, 1922, & 1922B Warfield Drive
Map 131-022L, Parcels 00100CO, 00200CO, and 90000CO
Inspector: (Kimberly Hayes) CD-25 (Russ Pulley)

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 first level concrete patios, second level 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.
- 5) Disturbance for installation of a wooden privacy fence in the Zone 1 buffer.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: If the variance request for placement of the fence is granted, Staff requests that a condition be included that no additional fencing be installed between the two structures and that the fencing be limited to the outer perimeter as shown on the Plan of Record.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

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

Ms. Monette Rebecca (President – Richland Creek Watershed Alliance) spoke in opposition to this variance request during the hearing for Case #201600015 (Lot 8, Colonial Cottages).

Mr. Slade Sevier moved for approval with the following Conditions #1-2 and standard Conditions #3-4, based on the fact that it is consistent with the past approvals other than a few minor details. Ms. Anna Maddox seconded the motion. Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Ms. Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. To demonstrate how the fence will not impede flow when the creek comes out of the top of its banks (has the ability to come in and come out), the Engineer shall provide a fence detail showing that the creek can access the buffer area.
2. Approval is granted for installation of the wooden privacy fence as was delineated/marked on the grading plan (Sheet C1.0) on July 7, 2016 (along the perimeter and the middle of the rear yard of the parcel). The Appellant shall submit a revised grading plan to Stormwater Staff with the delineation and labeling of the approved wooden privacy fence.
3. 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 #201600016), 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 7, 2017. 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.

6. 201600017

Lot 6, Colonial Cottages

(Single Family Residential)

1924, 1926, & 1926B Warfield Drive

Map 131-022K, Parcels 00100CO, 00200CO, and 90000CO

Inspector: (Kimberly Hayes)

CD-25 (Russ Pulley)

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 first level concrete patios, second level 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.
- 5) Disturbance for installation of a wooden privacy fence in the Zone 1 buffer.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS:

SW STAFF: If the variance request for placement of the fence is granted, Staff requests that a condition be included that no additional fencing be installed between the two structures and that the fencing be limited to the outer perimeter as shown on the Plan of Record.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

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

Ms. Monette Rebecca (President – Richland Creek Watershed Alliance) spoke in opposition to this variance request during the hearing for Case #201600015 (Lot 8, Colonial Cottages).

Mr. Slade Sevier moved for approval with the following Conditions #1-2 and standard Conditions #3-4, based on the fact that it is consistent with the past approvals other than a few minor details. Mr. Roy Dale seconded the motion. Mr. Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Lance Wagner voted in favor of the motion.

1. To demonstrate how the fence will not impede flow when the creek comes out of the top of its banks (has the ability to come in and come out), the Engineer shall provide a fence detail showing that the creek can access the buffer area.
2. Approval is granted for installation of the wooden privacy fence as was delineated/marked on the grading plan (Sheet C1.0) on July 7, 2016 (along the perimeter and the middle of the rear yard of the parcel). The Appellant shall submit a revised grading plan to Stormwater Staff with the delineation and labeling of the approved wooden privacy fence.
3. 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 #201600017), 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 7, 2017. 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.

7. 201600010

Parc at Metro Center 2B

330 Athens Way

APN 08104023900

Inspector: (Denice Johns)

CD-02 (Erica Gilmore)

APPLICANT'S REQUEST: Variance request is to allow disturbance and encroachment to fill two ponds and associated 25' pond buffers (10' Zone 1 and 15' Zone 2) for construction of a residential development with associated parking and detention.

APPELLANT: Kelly Lot Development, Inc.

REPRESENTATIVE: Mr. Houston Smith

COMMENTS:

SW STAFF: Staff comments are as follows:

1. It appears that some of the plantings shown on the Landscape Plan may be proposed to meet Urban Forester requirements and Stormwater BMP planting requirements and not be additional mitigation. Please verify whether or not this is the case. If so, please identify which plantings are specifically proposed as mitigation for the variance request.
2. Clarify what Stormwater Control Measures (SCMs) are to be used and verify the appropriate plantings.
3. On the Landscape Plan, it appears that plantings are proposed in a dry pond. Stormwater normally does not approve plantings in a dry pond.
4. Is detention being provided that is not a Stormwater requirement? If so, is it to be considered as mitigation?

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Defer to Stormwater Staff comments.

Mr. Houston Smith gave an overview of the past history of the site and the variance request.

State and Corps permit requirements were discussed. Mr. Dodd Galbreath stated that the most relevant issue is onsite tree mitigation. He asked Mr. Smith what was his response to Staff Comment #1. Under the Plant Schedule (Sheet L1.2), Mr. Smith pointed out the required landscaping and additional specific mitigation for the variance request. Variance mitigation was highlighted (Shrubs and Ground Covers) and read into the record. Mr. Smith stated that the water quality swale, additional open spaces, etc. are proposed on top of water quality requirements. Several plantings are proposed in the dry pond. Mr. Michael Hunt (MWS Stormwater – NPDES) stated that plantings in a dry pond could contribute a lot of biomass into the pond that can impact the outlet structure and create issues over time if it is not maintained. They should be kept as far as possible from outlet structures and maintenance be done to remove accumulated material (leaves, twigs, etc.). Mr. Lance Wagner stated no extra detention, just a water quality swale. Mr. Wagner stated that they are in line with TDEC and the Corps. It improves the area and brings residential back into the area. Ms. Paula Kee (Secretary) asked about plantings in the dry pond to which Mr. Hunt suggested less vs. more, pretty far centered and suggested that a condition be included that the final mitigation plan be approved by Staff. Mr. Slade Sevier made a motion to approve with the following Condition #1 and standard Conditions #2-3. Mr. Galbreath seconded the motion. Mr. Roy Dale, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Sevier, and Mr. Wagner voted in favor of the motion.

1. The Appellant shall submit a revised, landscape mitigation plan to Stormwater Staff for review and approval.
2. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201600010), 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.

3. This variance will expire on July 7, 2017. 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.

8. 201600011

Capitol View – Block E

Nelson Merry Street

(Bounded by Nelson Merry Street, 11th Avenue North, Jo Johnston Avenue, and Railroad)

APNs 09301009700 and 09305020100

Inspector: (Denice Johns)

CD-19 (Freddie O'Connell)

APPLICANT'S REQUEST: Previously deferred on June 2, 2016. Variance request is to allow placement of approximately 11,404 cubic yards of uncompensated fill in the Cumberland River floodplain (BFE = 416.0') to construct a residential/retail/office development.

APPELLANT: Barge, Waggoner, Sumner and Cannon, Inc.

REPRESENTATIVE: Mr. Adrian Ward

COMMENTS:

SW STAFF: Staff comments are as follows:

- 1) On June 14th, the applicant met with Stormwater Staff to discuss potential solutions per the decision letter from the June 2nd SWMC meeting. The applicant has since submitted a packet with narrative and additional materials and will provide a verbal summary at the July 7th meeting.
- 2) During the June 14th meeting with Staff, the applicant stated that they would meet with representatives from Clean Water Nashville. Staff requests that the applicant provide an update on the status/results of this meeting.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

GREENWAYS: Greenways has no comment.

Mr. Jeff Haynes (Boyle) gave a brief description of the project and expressed appreciation for consideration of the variance request. Mr. Bill Lockwood (BWSC) gave an overview of the current and new preliminary FEMA floodplain mapping and modeling of the uncompensated fill and evaluation of installing a storage tank onsite. He stated that a storage tank would not provide a lot of benefit.

Mr. Roger Lindsey (MWS – Stormwater) further described the FEMA floodplain mapping (current vs. preliminary) – the site was not modeled as part of the Cumberland River in the current FEMA map or the first set of preliminary maps (not part of the floodplain). He stated that first floor elevations should still be enforced to the freeboard level onsite; however, 1) there is no need to compensate, 2) it is important for the project to have the fill placed in the area, and 3) the last thing desired for the safety of the residents is back up of raw sewage. Mr. Ron Taylor (MWS - Clean Water Nashville) stated that the assessment is accurate. They looked at storage early on as a solution to Kerrigan overflows; however, it was going to be challenging because the sewer is so large and the volume is near prohibitive. Subsurface storage is expensive in areas that are redeveloping, when rock is encountered. Issues with the Kerrigan sewer are being addressed closer to the Central Wastewater Treatment Plant. The capacity of the pumping station is being increased.

Mr. Lance Wagner asked if in their analysis they placed storage upstream of this site and it did not affect the site, to which Mr. Taylor stated it did not affect this site. It would be more costly than providing treatment at the Central site. Mr. Wagner asked Mr. Lindsey if Stormwater was comfortable with filling the site to which Mr. Lindsey stated yes. He then asked Mr. Taylor if he was comfortable with filling the site and in his opinion, it will not back up sewage elsewhere, to which he responded it will be a reduction in post-development exposure.

Mr. Roy Dale made a motion to approve based upon some overwhelming evidence. Mr. Wagner seconded the motion. Mr. Dodd Galbreath asked about the written statement in the Technical Memorandum that onsite infrastructure would be affected. Mr. Ward and Mr. Chambers both clarified that it referred to under current conditions, large, high-intensity events can cause the Kerrigan to surcharge.

Mr. Galbreath reiterated that he was concerned with onsite and adjacent property owners having increased flood waters on their private property and taxpayers. He asked the applicant if their position is that they are not making localized, stormwater infrastructure function worse, to which Mr. Lockwood and others stated yes. There was brief discussion regarding the original Preliminary SWM Plan approval for 16,000 cubic yards and the revised total that includes an additional 4,000+ cubic yards. Mr. Dale clarified that he made a motion to approve the plan and also include the additional cubic yardage that was indicated to the Committee. Mr. Dale, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Mr. Wagner voted in favor of the motion. Mr. Dodd Galbreath voted against the motion.

IV. ITEMS OF BUSINESS

There were no items of business.

V. ADJOURNMENT

The meeting was adjourned at 11:14 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____