



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)
September 7, 2017

8:15 AM
700 Second Avenue South
Howard Office Building, Sonny West Conference Center**

STORMWATER MANAGEMENT COMMITTEE

(Quorum Required: Four Members)

Committee Members Present:

- Ms. Ronette Adams-Taylor
- Mr. Roy Dale, P.E.
- Mr. Dodd Galbreath – Vice Chairman
- Ms. Debra Grimes
- Ms. Anna Maddox, P.E.
- Mr. Slade Sevier, P.E. –Chairman
- Ms. Carrie Stokes, P.E.

I. CALL TO ORDER

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

II. APPROVAL OF AUGUST 3, 2017 MEETING MINUTES & DECISION LETTERS

Mr. Dodd Galbreath made a motion to approve the meeting minutes and decision letters from the August 3, 2017 and Ms. Anna Maddox seconded the motion which was approved by the same. Mr. Galbreath, Ms. Debra Grimes, Ms. Maddox, Mr. Slade Sevier and Ms. Carrie Stokes voted in favor of the motion. The motion carried. Ms. Ronette Adams-Taylor abstained from the vote due to the fact that she did not attend the meeting.

Mr. Roy Dale was not present at the time of the voting of minutes.

Stormwater Management Committee Meeting on August 3, 2017 began with presentations from Mr. Tom Palko, Mr. Roger Lindsey, and Ms. Kimberly Hayes-Employees of Metro Water Services on: The History of Stream Buffers and FEMA Considerations, Mapping and Modeling Processes, and Committee Members decisions of single family homes along the Cumberland River and other areas.

Mr. Tom Palko began the presentation with the history:



Stormwater Task Force - met in 1998-1999 to discuss need and options for funding a dedicated stormwater program.

Stormwater Management Program Review Committee - Established by SR99-1389 - met in 1999 to "conduct an expeditious and comprehensive review of the Storm Water Management Program of the Department of Public Works. Such review will include consideration of water quality, water quantity, cut and fill policy, detention policy, Greenways, land conservation, floodplain preservation, and hazard mitigation." Recommended a 50' buffer which was included in 1999 version of Stormwater Regulations.

Stormwater Regulations Review Committee (SR2C) - met in 2004-2005. Reaffirmed the benefits of buffers, redefined how buffers are measured (from edge of floodway and not top of bank) to align with Metro Zoning Code. Widened buffer to 75' on FEMA studied streams to align with requirements for Open Space Conservation Easements in the Subdivision Regulations. Established buffer: 1) widths zones and allowable uses within buffers in current Stormwater Regulations.

Buffers: 1) push development away from the stream banks 2) provide open space and habitat 3) provide an extra layer of water quality benefit.

Mr. Roger Lindsey discussed the modeling process and new maps that took place in April. Mr. Lindsey stated they were the first up-dated maps in 17 years. The process of mapping for flood insurance and developing purposes though "LiDAR" is more accurate method. LiDAR is a graphing method that measures distance to a target by illuminating that target with a pulsed laser light, and measuring the reflected pulses with a sensor.

Mr. Lindsey spoke on the flood of 2010, 2013, and recent flood that had taken place several days before the meeting and the impact they have on the community.

Ms. Kimberly Hayes who manages single family home processes gave a report on lots requesting variances in the flow-way, flow-zone buffer. Packages were disturbed to the committee members for review. These were the areas of Surgartree Creek, Cooper Creek, Pennington Bend, Riverview Dr., and Miami Avenue. Ms. Hayes noted that during the timeframe of 2011 through 2017, there had not been many variance either granted or denied in these areas.

Committee stated the presentation was helpful. Cases were then allowed to be presented to the committee.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. **201700011**

2319 Pennington Bend Road

2319 Pennington Bend Road (Single Family Residential)

APN 06209005300

Inspector: (Kimberly Hayes)

CD-15 (Jeff Syracuse)

APPLICANT'S REQUEST: Case was previously deferred on August 3, 2017 by Stormwater Management Committee. Case Description: Request is to allow the following:

1. Disturbance and encroachment of the 75' floodway buffer (50' Zone 1 & 25' Zone 2) of the Cumberland River for construction of a single family residence (on piers with concrete carport and entry stairs underneath), driveway, rooftop AC unit, installation of erosion prevention and sediment control (EPSC) measures, and removal of an existing shed within the floodway. The 100 year base flood elevation (BFE) = 420.2'.

2. Continuous mowing and maintenance of the buffer.

APPELLANT: Kenneth & Sinoch Kisinger

REPRESENTATIVE: Mr. Jason Yost

COMMENTS:

SW STAFF: Staff comments are as following:

1. The property was purchased October 24, 2014, and signifies that property was acquired after no-disturb stream buffer provisions went into effect.

2. Stormwater staff does not support the placing of structures fully in the Zone 1 buffer.

CODES: No comment provided.

PLANNING: Site is zoned R15, Defer to Stormwater for review.

GREENWAYS: Requests the applicant provide a Greenways Conservation Easement paralleling the Cumberland River.

Previous comments for the deferral granted on August 3, 2017 were to receive from Stormwater Staff the following:

1) More information on the number of cases being granted and denied in the area of the Cumberland River.

2) Stormwater staff to educate committee on previous cases with reasons for the decisions.

3) Information on FEMA implications.

Presentations given at the opening of the Stormwater Management Committee Meeting by Mr. Tom Palko, Mr. Roger Lindsey, and Ms. Kimberly Hayes-Metro Water Services on September 7, 2017 gave insight to questions and concerns that the committee had addressed during the August 3, 2017 meeting.

Mr. Jason Yost (Ingram Civil Engineering Group, LLC) stated to the committee, the appellants were requesting variance that was presented in the previous meeting on August 3, 2017. Mr. Yost stated that he would like to wait until the end to address the individuals that wanted to speak for or against the case.

As in the previous variance on this case the emails from neighbors for and in opposition were referenced. The floor was open to individuals to speak. Councilman Jeff Syracuse spoke of his opposition and asked for a deferral pending on meeting scheduled for September 21, 2017 in relation to property buy-outs.

The appellants Kenneth & Sinoch Kisinger asked to proceed with variance hearing.

After further discussion and review of the information presented, Mr. Dodd Galbreath made a motion to deny case # 201700011. Ms. Debra Grimes seconded the motion. Mr. Galbreath, Ms. Grimes, Mr. Slade Sevier, Ms. Carrie Stokes and Ms. Anna Maddox voted in favor of the motion. Mr. Roy Dale voted against the motion. The motion carried.

Reason for denial was that the committee members felt there was nothing about the location of 2319 Pennington Bend Road that classified the property as a "hardship".

2. **201700023**

2207 Pennington Bend

2207 Pennington Bend

Inspector: (Kimberly Hayes)

(Single Family Residential)

APN 06213014600

CD-15 (Jeff Syracuse)

APPLICANT'S REQUEST: Request is to allow the following:

- 1) Disturbance of the Zone 2 floodway buffer for elevated deck.
- 2) Maintenance of the Zone 2 buffer (mowing of grass).

APPELLANT: Adam Epstein

REPRESENTATIVE: Adam Epstein

COMMENTS:

SW STAFF: Staff comments are as following:

- 1) If approved, proposed landscape plant schedule be moved to the Zone 1 buffer demarcation line.

CODES: No comment provided.

PLANNING: Site is zoned R15 Defer to Stormwater for review.

GREENWAYS: Requests the applicant provide a Greenway Conservation Easement paralleling the Cumberland River

After discussion during the Executive Session of the Committee on September 7, 2017 and review of the information presented, Mr. Roy Dale made a motion to approve as submitted with the following standard Conditions #1-2 and Conditions # 3-4. Ms. Debra Grimes seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Dodd Galbreath, Ms. Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

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 #201700023), 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 September 7, 2018. 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.
3. Mitigation to be moved in closer per Metro Water Staff.
4. No extended stairway off deck in back of home.

3. **201700020**

Plantation View

6949 Highway 70 & 6957 Highway 70

APN 14300001100 & 14300003000

Inspector: (Kenneth Tranter)

CD-34 (Angie Henderson)

APPLICANT'S REQUEST: Request is to allow the following:

- 1) Stream Buffer Disturbance for sidewalk
- 2) Stream Buffer Disturbance for driveway alignment
- 3) Stream Buffer Disturbance for headwall in Zone 2 buffer
- 4) Water Quality Calculations Limits

APPELLANT: Matt Smith – Haury & Smith Constructors, Inc.

REPRESENTATIVE: Gresham Smith & Partners

COMMENTS:

SW STAFF: Staff comments are as follows:

No comments provided

CODES: No comments provided.

PLANNING: Variance request is consistent with the approved Final SP site plan.

GREENWAYS: Requests the applicant provide a Greenway Conservation Easement along the property frontage and Flat Creek. Greenway does not support channelizing the creek.

Steven Brown with Gresham Smith & Partners spoke on variance request of location giving back history on the grading permit expiring before the recession. Mr. Brown stated that no construction started during this time frame.

After discussion during the Executive Session of the Committee on September 7, 2017 and review of the information presented, Mr. Dodd Galbreath made a motion to approve as submitted with the following standard Conditions #1-2. Ms. Anna Maddox seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Galbreath, Ms. Debra Grimes, Ms. Maddox, Mr. Slade Sevier and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201700020), 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 September 7, 2018. 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

3. 201700021

Hillsboro High School Renovation

3812 Hillsboro Pike

APN 11715003700

Inspector: (Kenneth Tranter)

CD-25 (Russ Pulley)

APPLICANT'S REQUEST: Request is to allow the following:

- 1) Stream Buffer disturbance including the 36' Corrugated Metal Pipe (CMP)
- 2) Reduced permanent buffer width as shown on plan of record
- 3) Modified buffer signage
- 4) Continuous mowing and maintenance

APPELLANT: David Proffitt – Metropolitan Government

REPRESENTATIVE: Gresham Smith & Partners

COMMENTS:

SW STAFF: Staff comments are as following:

1) The Applicant has worked with Staff to develop an alternative location for the stream relocation.

CODES: No comment provided.

PLANNING: Metro Government Property - defer to Stormwater for review.

GREENWAYS: Defers to Stormwater Staff comments.

Case was presented previously as a preliminary and granted approval under Variance # 20170009. Steven Brown with Gresham Smith & Partners gave updated information to new member on the Stormwater Committee.

After discussion during the Executive Session of the Committee on September 7, 2017 and review of the information presented, Mr. Slade Sevier made a motion to approve as submitted with the following standard Conditions #1-2. Ms. Anna Maddox seconded the motion. Ms. Ronette Adams-Taylor, Mr. Roy Dale, Mr. Dodd Galbreath, Ms. Debra Grimes, Ms. Maddox, Mr. Sevier, and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201700021), 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 September 7, 2018. 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

4. 201700022

Dry Creek WWTP

61 Edenwold Rd.

APN 03411002400

Inspector: (Boots O'Hara)

CD-10 (Doug Pardue)

APPLICANT'S REQUEST: Request is to allow the following:

- 1) Disturbance of the Zone 2 buffer of Dry Creek for the construction of a portion of a driveway and parking area.
- 2) Disturbance for the placement of a Stormwater BMP in the buffer (Headwall & Rep rap).

APPELLANT: Metropolitan Government Water Services

REPRESENTATIVE: LDA Engineering

COMMENTS:

SW STAFF: Staff comments are as following:

Staff requests that if the variance is approved, the applicant varies the native tree plantings so that one species does not comprise more than 20% of the total.

CODES: No comment provided.

PLANNING: Defers to Stormwater for review.

GREENWAYS: Defers to Stormwater Staff comments.

Stormwater Management Committee

John Barnett - Metro Water Services and Steve Drummer – LDA Engineering gave background of the upgrading at the Dry Creek location.

After discussion during the Executive Session of the Committee on September 7, 2017 and review of the information presented, Mr. Dodd Galbreath made a motion to approve as submitted with the following standard Conditions #1-2. Mr. Roy Dale seconded the motion. Ms. Ronette Adams-Taylor, Mr. Dale, Mr. Galbreath, Ms. Debra Grimes, Ms. Anna Maddox, Mr. Slade Sevier, and Ms. Carrie Stokes voted in favor of the motion. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201700022), 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 September 7, 2018. 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 variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.

IV. ITEMS OF BUSINESS

V. ADJOURNMENT

The meeting was adjourned at 11:30 a.m.

Metropolitan Stormwater Management Committee
Approved:

By: 
Secretary

Date: Oct. 5, 2017