

**Minutes
of the
Stormwater Management Committee (SWMC)**

May 3, 2012

8:00 AM

1600 Second Avenue North

Metro Water Services Administration Building, 2nd Floor Conference Room

STORMWATER MANAGEMENT COMMITTEE

Committee Members Present:

Mr. Roy Dale, P.E. – Chairman
Ms. Elaine Bright – Vice Chairman
Mr. Dodd Galbreath – Alternate
Mr. Kevin Gangaware, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner
Mr. Lance Wagner, P.E. – Alternate

Committee Members Absent:

None

I. CALL TO ORDER

The meeting was called to order at 8:11 a.m.

II. STORMWATER MANAGEMENT COMMITTEE AGENDA

Opening Statement to All Applicants: “If you are not satisfied with a decision made by the Stormwater Management Committee, you may appeal the decision by filing for a writ of certiorari with the Davidson County Chancery or Circuit Court. Your appeal must be filed within sixty (60) days of the date of the Committee’s decision. You are advised to seek the independent advice of legal counsel to ensure that your appeal is filed in a timely manner and that all procedural requirements have been satisfied.”

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

1. 201200009

Basswood – West Park Equalization Basin Project (Metro Water Services)
6109 Morrow Road
Map/Parcel No.09105017200

APPLICANT REQUEST – Preliminary SWM Plan approval requested. Project would require a variance from Sections 5.5.6 and 6.9 of the Stormwater Management Manual (SWMM) to allow:

1) Placement of 22,500 cubic yards of uncompensated fill in the Richland Creek 100-yr floodplain for one previously installed equalization tank (previously granted Variance #200800006) and the placement of two new tanks, along with associated grading.

- 2) Disturbance and encroachment of the 75' (50' Zone 1 and 25' Zone 2) floodway buffer for the placement of one tank.
- 3) Disturbance of the floodway and floodway buffer for a portion of a temporary work road and EPSC measures and encroachment of a Stormwater BMP (infiltration trench).
- 4) Continuous mowing and maintenance of the buffer area.

GRADING PERMIT: For previous tank installation: SWGR 200900013

APPELLANT: Metro Water Services

REPRESENTATIVE: Mr. Phillip Regen, Mr. Greg Ballard, Mr. Tazio Qubeck, and Mr. Jonathan Miller

COMMENTS

NPDES: Reforestation is main mitigation being proposed to offset buffer disturbances. Reforestation proposed is slightly more than amount removed.

CODES: Defer to Stormwater Staff

PLANNING: Defer to Stormwater Staff

GREENWAYS: I have spoken to Mr. Qubeck and they are just submitting for May SWMC meeting. They will be disturbing the buffer but it does not appear that their project will impede any future greenway development. I have requested further documentation that will confirm this but for now Greenways only request is to be kept informed about the project. Greenways will defer to Stormwater Staff on this variance request.

Mr. Greg Ballard and Mr. Tazio Qubeck gave an overview of the variance request.

There was discussion regarding allowing the storage of stormwater inside the equalization tanks during flood events to serve as a benefit/mitigation for the uncompensated fill, the need for a flood study to determine the increase, if any, on flood elevations based on the uncompensated fill and potential adverse impacts to neighbors, the locations of the proposed tanks, and proposed grading for installation of the tanks.

Ms. Monette Rebecca, Executive Director – Richland Creek Watershed Association (RCWA), asked several questions relating to the project (listed below with the Appellant's responses in parentheses).

- 1) Will the equalization basins permanently eliminate the discharge into Richland Creek at the West Park Pumping Station? (Yes - for a 5-yr recurrence storm)
- 2) How would it affect overflows occurring to the south? (Eliminate overflows for a 5-yr recurrence storm)
- 3) Any plans to dredge the creek or remove fill to mitigate? (No)
- 4) What is the growth capacity? (MWS projects have been planned to a 2030 growth pattern.)
- 5) Will there be a need for other tanks? (MWS does not anticipate any additional tanks in the future.)
- 6) What is the cost of this project? (Estimated to be approximately \$20 million.)

She also read a statement regarding several RCWA concerns:

- 1) There will be added loss of flood capacity in the Richland Creek watershed.
- 2) The decision to add equalization basins, in lieu of rehabilitating existing infrastructure, was relayed as a decision made for economic reasons.
- 3) Cumulative reductions of floodways and floodplains in the Richland Creek watershed put properties at flood risk.
- 4) Sewage storage basins do not seem to be a long-term solution.

The Committee expressed further concern about the uncompensated fill created by the tanks and potential impacts of increased flood elevations on neighbors in three identified areas: residential areas along Marilyn Road and Terry Road, and Nashville Wire (adjacent industrial site). It was suggested that a flood analysis could be used to verify no adverse impact due to the uncompensated fill. The Committee also discussed eliminating the proposed infiltration trenches to free up resources to make sure neighbors are protected.

They may be unnecessary in a floodplain since they would only be effective a few months when the floodplain is dry.

Councilman Fabien Bedne, District 31, asked if MWS had been in contact with Councilman Buddy Baker (District 20) about the project. Mr. Ballard stated that all council representatives had been informed over the years, but there have been some member changes with elections. Councilman Bedne stated that adding new structures might visually impact neighboring houses and that the Appellant should engage with the neighbors to see if any buffering or trees around the border would be required. Mr. Ballard stated that it would be taken into consideration with the plan.

Mr. Roger Lindsey, Stormwater – Development Review Section, stated that there is a new Richland Creek model, based on new Lidar, being prepared by the Corps of Engineers.

After discussion and review of the information presented, Mr. Slade Sevier made a motion to approve the preliminary stormwater management (SWM) plan as shown, with the Appellant to address the following items:

1. Offset mitigation for uncompensated fill in the floodplain.
2. Mitigation of damages to surrounding properties for the following three areas identified and discussed during the May 3, 2012 meeting:
 - a. Portions of West Park & West Park Addition #1 – Marilyn Road/Crouch Drive area
 - b. Portions of West Park 5th Addition – Terry Drive area
 - c. D&P Custom Lights & Wiring – 900 63rd Ave. N. (Map 91-1, Parcel 92)
3. Adequate analysis to show what the flood rise might be after the above measures were considered added to the design – flood study needs to show either no-rise or no adverse impact.
4. Elimination of the proposed infiltration trenches.

The motion was seconded by Mr. Kevin Gangaware. The motion was approved by Ms. Elaine Bright, Mr. Roy Dale, Mr. Gangaware, Mr. Sevier, Mr. Monte Turner, and Mr. Lance Wagner. Mr. Dodd Galbreath abstained from the vote.

2. **201200010**
Taco Bell – 100 Oaks
114 Powell Place
Map/Parcel No. 11815000900

APPLICANT REQUEST – Variance requests are to allow disturbance of the 75' (50' Zone 1 and 25' Zone 2) floodway buffer along East Fork Browns Creek just south of Powell Drive for the following:

- 1) Disturbance to install EPSC measures and to construct a fill slope needed as part of the overall site grading activities.
- 2) Disturbance and encroachment to grade and install a driveway access onto Powell Drive.
- 3) Encroachments to include a retaining wall, driveway, and a stormwater pipe which Metro Stormwater has requested to be extended to discharge into the creek.
- 4) Regular mowing and management of the grass and/or landscaped vegetation to provide long term maintenance within the buffer area.

GRADING PERMIT: SWGR T2012000022

APPELLANT: Lukens Engineering Consultants

REPRESENTATIVE: Mr. Jim Lukens

COMMENTS

NPDES: Buffer mitigation proposed is 2100+ sedges on constructed slope.

CODES: Defer to Stormwater Staff

PLANNING: Defer to Stormwater Staff

GREENWAYS: Greenways will defer to Stormwater Staff on this variance request.

Mr. Jim Lukens gave an overview of the variance request.

Mr. Lukens introduced a revised grading plan with reduced buffer disturbances and elimination of a previously proposed access to Powell Place.

There was discussion regarding the steepness of proposed slopes (2:1) and potential erosion problems, the possible use of a retaining wall and/or reduced slopes, reducing disturbance of the Zone 1 buffer, and the type of proposed vegetation for mitigation (preferably native, deep-rooted plants).

After further discussion and review of the information presented, Mr. Roy Dale made a motion to approve the original submittal, with the modifications as indicated on the revised plan presented at the May 3, 2012 meeting, and with the following Conditions #1-3 and standard Conditions #5-7. The motion was seconded by Mr. Slade Sevier. Mr. Dale then made a motion to amend to include Condition #4. The motion was seconded by Mr. Sevier. The amendment and main motion with amendment were approved by Ms. Elaine Bright, Mr. Dale, Mr. Kevin Gangaware, Mr. Sevier, and Mr. Monte Turner. Mr. Lance Wagner voted against the amendment and main motion with amendment. Mr. Dodd Galbreath abstained from the vote.

1. The 3:1 slope shall be extended no further than the floodplain – the slope cannot extend into the floodplain.
2. The pipe from the detention basin to the embankment of the stream is allowed.
3. Continuous maintenance of the buffer area shall be allowed.
4. The 3:1 slope shall be planted with low maintenance, indigenous vegetation that requires no mowing, to be reviewed and approved by Staff.
5. The Appellant shall have the landscaper who does the plantings certify to MWS – NPDES office, in writing (referencing Variance #201200010), once landscaping is installed per approved variance plans, and again once plantings have been found to meet the two-year survivability requirement.
6. This variance will expire on May 3, 2013. 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.
7. The Appellant is reminded that no construction or disturbance should commence prior to obtaining any applicable Grading Permit or Stormwater Single Family Permit from Metro Water Services and any or all applicable Building Permits from Metro Codes.

Reasons for approval were: 1) the modified plan eliminates an access to Powell Place, previously proposed within the buffer, 2) the configuration of the site is very confined, and 3) the Appellant was doing the best he could in order to find a reasonable use.

III. ITEM OF BUSINESS

1. Mr. Roger Lindsey, Stormwater – Development Review Section, gave an update on the process of approval of proprietary Best Management Practices (BMPs)/water quality treatment devices. He stated that there have been a number of new submittals to Stormwater, and a committee has been established consisting of several Stormwater staff members to evaluate the proposals and is scheduled to meet next

week. The intent is to ultimately expand Stormwater's list of acceptable proprietary BMPs that will be considered approvable by Metro for 80% total suspended solids (TSS) removal. Other criteria and protocols will be reviewed, such as the state of Washington and Technology Acceptance Reciprocity Partnership (TARP), in addition to using New Jersey Corporation for Advanced Technology (NJCAT). No date was given as to when an updated, approved list would be available.

IV. STORMWATER MANAGEMENT COMMITTEE AGENDA (Continued)

- 3. 201100020**
Piedmont Natural Gas – McCrory Lane Pipeline
8201 and 0 McCrory Lane & 0 Newsom Station Rd (4 parcels)
Map 140. Parcel Nos. 11, 26, 29, and 68

REQUEST – Previously granted Variance #201100020 on October 6, 2011. Stormwater Staff requests clarification from the Committee regarding variance conditions for tree planting requirements associated with mitigation based on buffer disturbances for installation of a gas line.

GRADING PERMIT: SWGR 201100109

COMMENTS

NPDES: PNG representatives approached staff questioning whether tree planting conditions really were applicable since the project was able to make some post-hearing project adjustments that served to cause no trees to be lost as a result of the project. The site's GP final signoff is being held up until the matter can be resolved.

PREVIOUS COMMENTS (10/6/11)

CODES: Defer to Stormwater Staff

PLANNING: Defer to Stormwater Staff

GREENWAYS: Greenways will defer to Stormwater staff comments on this request.

After discussion, the consensus of the Committee was that the tree planting condition was based on the amount of buffer disturbance and not the number of trees removed and that the required mitigation, as prescribed in the decision letter, was correct.

V. APPROVAL OF APRIL 5, 2012 MEETING MINUTES

Mr. Slade Sevier moved, and Mr. Monte Turner seconded the motion to approve the April 5, 2012 meeting minutes. The motion was approved by Mr. Roy Dale, Mr. Kevin Gangaware, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner. Mr. Dodd Galbreath abstained from the vote. Ms. Elaine Bright abstained from the vote because she was not present at the meeting.

VI. APPROVAL OF APRIL 5, 2012 DECISION LETTER

Mr. Slade Sevier moved, and Mr. Monte Turner seconded the motion to approve the April 5, 2012 decision letter. The motion was approved by Mr. Roy Dale, Mr. Kevin Gangaware, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner. Mr. Dodd Galbreath abstained from the vote. Ms. Elaine Bright abstained from the vote because she was not present at the meeting.

VII. ITEM OF BUSINESS (Continued)

1. Mr. Michael Hunt, Stormwater – NPDES, stated that another issue, again involving clarification of conditions for a previous variance, would be brought before the Committee at next month's meeting. Mr. Hunt also stated that it is better to have more detail put into variance conditions to be accountable from a legal perspective, procedural perspective, and if needed, an enforcement perspective.

VIII. ADJOURNMENT

Mr. Roy Dale moved and Ms. Elaine Bright seconded the motion to adjourn the meeting. The motion was approved unanimously, and the meeting was adjourned.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____