

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

August 2, 2012

8:00 AM

*1600 Second Avenue North
Metro Water Services Administration Building, 2nd Floor Conference Room*

STORMWATER MANAGEMENT COMMITTEE

Committee Members Present:

Ms. Elaine Bright – Vice Chairman
Mr. Roy Dale, P.E. – Chairman
Mr. Monte Turner
Mr. Lance Wagner, P.E.

Committee Members Absent:

Mr. Dodd Galbreath
Mr. Kevin Gangaware, P.E.
Mr. Slade Sevier, P.E.

I. CALL TO ORDER

The meeting was called to order at 8:02 a.m.

II. APPROVAL OF JULY 12, 2012 MEETING MINUTES

Mr. Monte Turner moved, and Mr. Lance Wagner seconded the motion to approve the July 12, 2012 meeting minutes. The motion was approved by Mr. Roy Dale, Mr. Turner, and Mr. Wagner. Ms. Elaine Bright abstained from the vote.

Mr. Lance Wagner provided clarification regarding the previous discussion of Item of Business 1.a. – Urban Farming. The statement, "Urban farms are currently allowed in AR/AG (agricultural) zoning districts, but not allowed in residential or any of the other zoning districts." is actually false. Mr. Wagner stated that per the zoning code, they are allowed as community farms in some zoning districts.

III. APPROVAL OF JULY 12, 2012 DECISION LETTER

Mr. Lance Wagner moved, and Mr. Monte Turner seconded the motion to approve the July 12, 2012 decision letter. The motion was approved by Mr. Roy Dale, Mr. Turner, and Mr. Wagner. Ms. Elaine Bright abstained from the vote.

IV. 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 items.

1. **201200013**
Colonial Properties
2816 Old Hickory Blvd
Map/Parcel No.14300005000

APPLICANT REQUEST – Previously granted Variance #201100015 on August 4, 2011. The Applicant's request is for a variance extension to allow disturbance of the stream and 50' stream buffer (30' Zone 1 and 20' Zone 2) of an unnamed tributary to Vaughan's Creek (tributary to Little Harpeth River) for relocation of the existing stream.

APPELLANT: Littlejohn Engineering Associates

REPRESENTATIVE: Mr. Phillip Piercy

COMMENTS

NPDES: What is status of “cross-easement between the Appellant and Friends of Warner Parks...prior to issuance of grading permit” (variance condition #1)?

CODES: No comment provided.

PLANNING: Approved: The plan is consistent with the approved preliminary plan.

GREENWAYS: Defer to Stormwater staff comments for this variance request.

Mr. Phillip Piercy gave an overview of the variance request. After significant coordination with Friends of Warner Parks (FOWP), the proposed project was reduced from 350 units to 220 units (approved as a Preliminary PUD in May). This will provide a bigger buffer and separation between the development and land that has now been deeded over to Metro Parks. The Preliminary PUD was approved by FOWP and Metro Parks, and an agreement was signed by the developer/owner, FOWP, and Metro Parks that stated the developer would provide certain things in the development and Metro Parks would accept the buffer on the property.

Both the ARAP and Corps permits have been renewed. Work is expected to begin by spring of 2013. Mr. Piercy was asked if there would be a professional involved with the project who was experienced with stream relocation, to which he replied BDY Environmental had been involved with the design previously and would also be involved in the construction.

After discussion during the Executive Session review of the information presented, Mr. Monte Turner made a motion to approve the extension of the variance, based on the Plan of Record dated 07/27/10, with the same conditions to apply (from the previous variance, as noted below in Conditions 1-8):

1. A cross-easement between the Appellant and Friends of Warner Parks shall be executed prior to issuance of any grading permit.
2. The Appellant shall have the landscaper who does the plantings certify to NPDES in writing (referencing Variance #201200013) once landscaping is installed per approved variance plans and again once plantings have been found to meet the 2-year survivability requirement.

3. After construction of the new channel, it shall be approved by State and MWS Stormwater staff prior to the initiation of any other land disturbance/development activities on the site and before any water is diverted into the “new” segment.
4. The Appellant shall have the engineering and construction of the relocated channel be performed by professionals experienced in this type of work.
5. The new stream configuration shall not impact the existing drainage culvert that runs under the railroad tracks just after where the stream leaves the owner’s property.
6. The Appellant shall meet TN Department of Environment and Conservation (TDEC) requirements for restoration monitoring of the new stream segment and provide MWS Stormwater staff with copies of documentation showing compliance.
7. This variance will expire on August 2, 2013. However, if a grading 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 that the plan presented to the Stormwater Management Committee does not change.
8. The Appellant is reminded that no construction or disturbance should commence prior to obtaining any applicable Grading Permit from Metro Water Services and any or all applicable Building Permits from Metro Codes.

The motion was seconded by Mr. Lance Wagner. The motion was approved by Ms. Elaine Bright, Mr. Roy Dale, Mr. Turner, and Mr. Wagner. The reasons for approval were that there have been no changes from the previously approved plan, and all the conditions and rationale are the same.

2. 201100024 (REHEARING)

Piedmont Natural Gas (PNG) – Bell Road Gas Pipeline (Multiple properties in the vicinity of Murfreesboro Pike and Bell Road) & The Park at Ewing Creek (2832 Whites Creek Pike - Site of Proposed Mitigation: Variance #201000024)

Address: 913 FOREST POINTE LN	APN: 150090B02900CO
Address: 909 FOREST POINTE LN	APN: 150090B03800CO
Address: HAMILTON CHURCH RD	APN: 150090B03900CO
Address: 337 BELL RD	APN: 14904011800
Address: 341 BELL RD	APN: 14904012000
Address: 2528 DEERPATH DR	APN: 14904016800
Address: 2524 DEERPATH DR	APN: 14904016900
Address: 2520 DEERPATH DR	APN: 14904017000
Address: 2609 WILLOWBRANCH DR	APN: 14904017100
Address: 2330 MURFREESBORO PIKE	APN: 13500025000
Address: 500 BROOKSBORO TER	APN: 13500036000
Address: 2114 SMITH SPRINGS RD	APN: 13500016300
Address: 2148 SMITH SPRINGS RD	APN: 13500029900
Address: 0 UNA RECREATION RD	APN: 13500031500
Address: 1792 REYNOLDS RD	APN: 13500034600
Address: UNA RECREATION RD	APN: 12100026700
Address: 0 NED SHELTON RD	APN: 12100015700
Address: 2832 WHITES CREEK PK (*Proposed Mitigation)	APN: 05900006300

APPLICANT REQUEST – REHEARING: Variance No. 201100024 was previously granted on January 5, 2012 for floodway, floodway buffer, stream, stream buffer, wetland, and wetland buffer disturbances, and annual mowing of the portions of permanent easements located within the buffers on multiple properties for the installation of a portion of approximately 25, 910 feet of eight-inch high pressure natural gas transmission line mostly in the vicinity of Murfreesboro Pike and Bell Road. The Appellant requests to use offsite buffer

disturbance mitigation at The Park at Ewing Creek, 2832 Whites Creek Pike (APN: 05900006300), to satisfy the mitigation requirements of the variance granted for the Bell Road Gas Pipeline project.

APPELLANT: Piedmont Natural Gas (PNG)

REPRESENTATIVE: Mr. Michael Ray and Mr. Michael Garrigan

COMMENTS

NPDES: Has PNG finalized how many trees are to be mitigated? Does EarthCredits have a strategy how Stormwater staff can verify/differentiate mitigation plantings for respective projects, for when/if additional projects use this location as an offset mitigation site.

CODES: No comment provided.

PLANNING: Defer to Stormwater staff.

GREENWAYS: Defer to Stormwater staff comments for this variance request.

Comments (attached) from Ms. Michelle Carratu, Whites Creek Watershed Alliance (WCWA), were read into the meeting record. Questions were asked regarding planting trees/providing mitigation in the Stones River watershed and where/when will the proposed trees be planted. Suggestions were made to use a 5-year or greater tree care plan, use Metro's water as an irrigation source other than using creek water, create and use a local committee for project oversight, have the landscaping company report annually on the tree survivability, identify the greenway on mitigation plans, and use a historic marker to describe some of the area history. There were additional comments regarding the existing site constituting a natural eco system and increased problems with soil removal, for example, that can worsen flash flooding. She stated that following Metro's buffer requirements is best for water quality.

Mr. Roy Dale abstained from the discussion and vote.

Mr. Michael Ray gave an overview of the proposed mitigation. PNG plans to contract similar to if the mitigation was being done along the gas line. The only requirement that will be put on the contractor is the 2-year, 75% survivability. He stated that PNG is an advocate of mitigation sites as opposed to existing and new gas easements, especially from the standpoint of how it would affect pipe maintenance.

Mr. Michael Gangaware, representing the property owner of The Park at Ewing Creek, submitted a revised mitigation plan (dated and stamped 8/1/12) with a final, detailed planting schedule for the applicable PNG mitigation at The Park at Ewing Creek. He responded to WCWA questions and comments stating that they would not be utilizing any creek water - there is a dedicated irrigation meter and backflow, trees would be planted in the Zone 1 buffer in the late fall, and the variance and approved plan for The Park at Ewing Creek includes the property owner building the future greenway and the trees planted along the future greenway. He also stated that the trees planted for The Park at Ewing Creek would be segregated from the PNG trees. The 100 trees for the Eco-Park would be adjacent to the wetlands, and the PNG trees would be along the buffer.

Mr. Terry Flatt, Southern Nurseries, spoke regarding the proposed tree maintenance. The company has an office and nursery ten minutes from the mitigation site. They have surplus people from time to time, and in the case of a foreseeable long-term drought, a dedicated person could be hired to be on the project and oversee the work. He stated that proper installation and maintenance are important. A 75% survival rate would require minimal watering.

Mr. Michael Hunt, Stormwater – NPDES, stated that staff appreciated everyone's patience with Stormwater in understanding why this was a concern based on historical issues and the legalities related to banks in the environmental community.

After discussion during the Executive Session and review of the information presented, Mr. Monte Turner made a motion to approve the variance request (with the mitigation as shown on the submitted Plan of Record). The motion was seconded by Ms. Elaine Bright. The motion was approved by Ms. Bright, Mr. Turner, and Mr. Lance Wagner.

The reasons for approval were that: 1) it will be a huge benefit between the two options of planting trees in the easement where the pipeline will be versus planting in an area where the trees will be well cared for, 2) a good contractor will be in place, and 3) it will meet all of the survivability requirements.

- 3. 201200014**
Steel Summit
1718 J. P. Hennessy Drive
Map/Parcel No.17500012300

APPLICANT REQUEST – Request is to allow the first floor elevation (FFE) of a proposed 2,500 sq. ft. rear addition to an existing commercial structure to be constructed at an elevation of 560.87', which is 0.27' above the base flood elevation (BFE) of 560.6' for Hurricane Creek.

APPELLANT: Dean Design Group

REPRESENTATIVE: Mr. Charley Dean

COMMENTS

NPDES: No comment. General note... This area drains to Hurricane Creek, which is on the 303(d) list (nutrients, loss of biological habitat due to siltation, and E coli) and has associated TMDLs for nutrients and siltation/habitat alteration.

CODES: No comment provided.

PLANNING: Defer to Stormwater Staff.

Mr. Charley Dean gave an overview of the variance request.

After discussion during the Executive Session and review of the information presented, Mr. Monte Turner made a motion to approve the variance request with the following Condition #1 and standard Conditions #2-3. Mr. Lance Wagner seconded the motion. The motion was approved by Ms. Elaine Bright, Mr. Roy Dale, Mr. Turner, and Mr. Wagner. The conditions of approval are:

1. The Appellant shall incorporate a grass swale in the bottom of the detention area.
2. This variance will expire on August 2, 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.
3. 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.

The reasons for approval were that: 1) it is a small addition, 2) the FFE is still above the BFE (meets the FEMA requirement), and 3) water quality is not required, but the proposed mitigation will increase water quality a minimal amount – additional water quality measures probably would not survive in this industrial scenario.

V. ITEMS OF BUSINESS

1. The Committee discussed its standard condition requiring a two-year survival guarantee/certification for plantings associated with buffer disturbance mitigation. After discussion Mr. Roy Dale made a motion that the standard condition be amended to the following:

"The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office in writing (referencing Variance #_____) 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."

The motion was seconded by Mr. Monte Turner and approved by Ms. Elaine Bright, Mr. Dale, Mr. Turner, and Mr. Lance Wagner.

2. The Committee was given a draft copy of the MWS Stormwater Proprietary BMP Checklist that will be used during the review of submittals that are requesting MWS Stormwater approval.

VI. ADJOURNMENT

The meeting was adjourned at 10:10 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____

Comments re: case # 2012 000 24 - The Park at Ewing Creek

Thank you for the opportunity to comment. We request please, that these comments be read at the hearing and included in the meeting record. Several members of the Public and the Whites Creek Watershed Alliance wanted to be present at this meeting, but as Aug. 2 is Election Day, we previously volunteered to help at the polls, and are not able to attend.

History: General Ewing owned this property in the early 1800's, before the Civil War. He farmed this area, and developed a plantation here, on some of the richest and most sought after soil in Davidson County.

We appreciate the planting of trees in the Whites Creek Watershed, but have several questions regarding this.

1.If so many trees will be destroyed in the East Fork of Hamilton Creek, and related creeks, couldn't some tree planting and mitigating work being done in the Stones River Watershed?

1. As our weather and climate seem more changeable and variable, a 5 year plan for tree care would be preferable. Trees must face drought and extremes that continually challenge them.
2. We noticed trees planted by NES in this general neighborhood died this year, even after 4-5 years of care, possibly because of the extremes of heat and drought this summer. Therefore we request 5 years plus of care to combat this, so more trees will continue to live.
3. As stream water often clogs irrigation lines, we prefer using Metro's water for irrigation
4. We prefer not to set the precedent of using creek water, which can also run dry during certain times of the year.
5. Where will the trees be placed on the property? ... They stand a much better chance of survival when they are placed on areas of existing soil, not areas where the topsoil has been removed.
6. When will the trees be planted? ...Trees planted in late fall have the best chance of survival.
7. To help this and future projects, oversight could be provided by a local committee composed of a representative e.g. of the Nashville Tree Foundation, Whites Creek Watershed Alliance, Friends of Warner and Beaman Parks, a member of the Stones river Watershed group, who checks the trees, and provides notification when some require additional care, if this Park at Ewing Creek is intended for people to use.
8. The landscaping company could report annually to the SWMC, this citizen committee, and neighborhood groups, on the survivability of the trees. The committee will follow the events and ascertain if these projects need more monitoring and adjustment for future reference.
9. Mitigation Plans could include the future greenway, and tree planting along that greenway, plus connections to the Whites Creek Greenway. A Historic Marker to describe some of the area's 18th Century settlers and history, would be a helpful, if this is a public park.

Conclusion: We are happy about trees being planted in the Whites Creek area, but saddened that Stones River is losing them. This 92 acre field and flood plain constitutes a natural eco system that operated successfully on its own, without mitigaton. Previously, the waters infiltrated the soil layers, nurtured the subterranean ecology, and contributed to base flow. Now the creek suffers damage from large new subdivisions, soil removal, and other manmade problems that can also worsen flash flooding. This makes it more difficult for north Nashville residents. Following Metro's buffer requirements is best for water quality.

Thank you for this opportunity.

Whites Creek Watershed Alliance