

**Minutes
of the
Stormwater Management Committee (SWMC)
December 6, 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. Dodd Galbreath
Mr. Kevin Gangaware, P.E.
Mr. Slade Sevier, P.E.
Mr. Monte Turner
Mr. Lance Wagner, P.E.

Committee Members Absent:

None

I. CALL TO ORDER

The meeting was called to order at 9:02 a.m.

II. APPROVAL OF DECEMBER 6, 2012 MEETING MINUTES

Mr. Slade Sevier moved, and Mr. Monte Turner seconded the motion to approve the December 6, 2012 meeting minutes. The motion was approved by Mr. Roy Dale, Mr. Dodd Galbreath, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner.

III. APPROVAL OF DECEMBER 6, 2012 DECISION LETTERS

Mr. Slade Sevier moved, and Mr. Monte Turner seconded the motion to approve the December 6, 2012 decision letters. The motion was approved by Mr. Roy Dale, Mr. Dodd Galbreath, Mr. Sevier, Mr. Turner, and Mr. Lance Wagner

Ms. Elaine Bright and Mr. Kevin Gangaware arrived at the meeting.

Mr. Michael Hunt, Stormwater – NPDES, gave a summary of the Metro Nashville/Davidson County MS4 Permit – Annual Report for the FY2012 Reporting Period (July 1, 2011 – June 30, 2012). Metro Nashville is required by EPA and TDEC to have a municipal separate storm sewer system (MS4) permit by which Metro is to implement programs to reduce stormwater pollution that reaches waters of the state through the storm sewer system. As a major NPDES permittee, Metro can incur penalties, consent decrees, or any number of enforcements, if found to be non-compliant with the permit. The MS4 permit relates to all of Metro and much

of the coordination is done with multiple departments – Health, Planning, Parks, General Services, etc. The recently issued, third cycle permit now requires that in finalizing the Annual Report, a public hearing be held to go over what was done. Mr. Hunt introduced Stormwater NPDES staff that attended, along with providing a brief description of their job functions, and gave a summary to meet the public notice requirement. The following highlights were presented:

1. Over 4,800 tons of debris were captured by street sweeping; it would have otherwise gone into streams.
2. 1,174 plans were approved by the Stormwater – Development Review Section.
3. Almost 6,000 construction site inspections were conducted this year.
4. 122 water quality investigations (illicit discharge) were initiated. There is Stormwater staff on-call 24/7 to respond to spills.
5. 53 Notices of Violation (NOVs) were issued to construction sites, and 12 NOVs were issued to non-construction sites. Five NOVs were issued to owners of Permanent Stormwater Control BMPs for lack of maintenance or failure to submit inspection reports. This will be an emphasis in the future. There were also 20 Environmental Court appearances.
6. Almost 1,200 water quality samples were collected, and 45 miles of visual stream assessments were performed.
7. Public education reached almost 4,400 students.

Mr. Hunt also stated that the Annual Report would soon be posted on the Stormwater website.

IV. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. **201200019**
2828 Sugartree Road (Single Family Residential)
APN #11709008800
Inspector: K. Hayes

APPLICANT REQUEST – Variance requests are to:

- 1) Allow disturbance of the 75' floodway buffer (50' Zone 1 and 25' Zone 2) of Sugartree Creek to construct a portion of a single-family residence and driveway.
- 2) Allow continuous mowing and maintenance of the buffer area.

APPELLANT: Mr. Jerry Bowen

REPRESENTATIVE: Self

COMMENTS

SW SFR (K. HAYES): Approved under condition that proposed footprint of structure and mitigation are constructed as submitted, with the exception of further reducing impervious surface on parcel. Also, the proposed garage can not be a "basement" and can not be converted to living space. Defer to Metro Legal on certification/documentation to be recorded and submitted to Metro Stormwater for non-conversion.

CODES: Defer to Stormwater Staff.

PLANNING: Defer to Stormwater Staff.

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

Mr. Jerry Bowen gave an overview of the variance request.

Minimum floodplain elevation requirements shall be met for the first floor, service utilities, etc. The proposed garage will be below the constructed first floor level of the residence. The garage will be the only portion of

the enclosure underneath the house that will have a concrete floor. The garage portion will be completely enclosed with foundation walls, with the remaining crawlspace area only accessible through a crawlspace door. Flood vents are to be installed in both of the enclosed areas and the interior wall(s).

There was discussion regarding possibly moving the building forward (requesting a setback variance from the Board of Zoning Appeals), the amounts of previous and proposed impervious areas, requirements for executing a non-conversion agreement for the proposed compliant enclosure, and proposed and increased mitigation.

After discussion during the Executive Session of the Committee and review of the information presented, Ms. Elaine Bright made a motion to approve the variance requests as presented with the following Conditions #1-2 and the following standard Conditions #4-8. Mr. Slade Sevier seconded the motion. Mr. Lance Wagner then made a motion to amend to include Condition #3 - increase the density of the existing tree line by the additional planting of a minimum of three native, hardwood canopy trees. The motion was seconded by Mr. Kevin Gangaware. The amendment was approved by Ms. Bright, Mr. Roy Dale, Mr. Dodd Galbreath, Mr. Gangaware, Mr. Sevier, Mr. Monte Turner, and Mr. Wagner. The main motion with amendment was approved by the same. The conditions of approval are:

1. The Appellant shall include what Metro Legal will provide as a Non-Conversion Agreement.
2. Continuous mowing and maintenance of the buffer shall be allowed as a condition of this variance.
3. The Appellant shall increase the density of the existing tree line by the additional planting of a minimum of three native, hardwood canopy trees. A revised Mitigation Plan, reflecting the additional plantings, shall be submitted to MWS Stormwater – Ms. Kimberly Hayes, for review and approval.
4. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – Ms. Kimberly Hayes in writing (referencing Variance #201200019) 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. Openings (flood vents), sufficient to allow for entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls, shall be provided in accordance with FEMA standards.
6. All electrical wiring, outlets, switches, equipment, HVAC units, ductwork, plumbing, or other utility connections shall be located a minimum of 1.0 foot above the 100-year base flood elevation (BFE).
7. This variance will expire on December 6, 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.
8. 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) the same owner of the home that burned is trying to rebuild, 2) the owner has been conscientious to remove some impervious areas, and 3) the structure does protrude negligibly into the buffer further than the original footprint.

V. ITEMS OF BUSINESS

Mr. Roger Lindsey, Stormwater – Development Review Section, provided an update on the status of the review and approval process for additional proprietary BMPs. Mr. Lindsey stated that multiple water quality units are currently being reviewed using a six-point plan that defines the process, and the previous checklist has been updated. A target date of January 15, 2013 has been established for Stormwater to release a new list of units that are acceptable for 50% total suspended solids (TSS) removal and 80% TSS removal.

VI. ADJOURNMENT

The meeting was adjourned at 10:12 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: _____
Secretary

Date: _____