

**Minutes  
of the  
Stormwater Management Committee (SWMC)  
October 6, 2011  
\*\*\*\*\*  
8:00 AM  
1600 Second Avenue North  
Metro Water Services Administration Building, 2<sup>nd</sup> Floor Conference Room**

**STORMWATER MANAGEMENT COMMITTEE**

**Committee Members Present:**

Mr. Tom Allen, P.E. – Chairman  
Ms. Elaine Bright  
Mr. Roy Dale, P.E.  
Mr. Kevin Gangaware, P.E.  
Mr. Lance Wagner, P.E.

**Committee Members Absent:**

Mr. Dodd Galbreath  
Mr. Tracey Kinslow

**I. CALL TO ORDER**

The meeting was called to order at 8:19 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 items.*

**1. 201100020**

Piedmont Natural Gas (PNG) – McCrory Lane Pipeline (Avondale Park Blvd North along McCrory Lane & Beech Creek to South of Settlers Way & Newsome Station Road Intersection)  
8201 and 0 McCrory Lane and 0 Newsom Station Road  
Map 140, Parcel Nos. 68, 29, 26, and 11

**APPLICANT REQUEST** – Variance requests are:

- 1) Map 140, Parcel 29: Disturbance and permanent easement required within the 30’ Zone 1 stream buffer of Beech Creek for installation of a gas line.
- 2) Map 140, Parcel 68: Disturbance and permanent easement required within the 30’ Zone 1 stream buffer of Beech Creek for installation of a gas line.

- 3) Map 140, Parcel 26: Disturbance within the 50' Zone 1 stream buffer of Beech Creek for installation of a gas line.
- 4) Map 140, Parcel 11: Disturbance and permanent easement required within the 50' Zone 1 stream buffer of Beech Creek for installation of a gas line.

**APPELLANT:** Piedmont Natural Gas

**REPRESENTATIVE:** Mr. Clay Wallace

**COMMENTS**

**NPDES:** Given certain slopes being disturbed, will general stabilization as outlined in the plan be sufficient to prevent significant erosion. Staff also would prefer that the grass seed mix needed be specifically called out on the plans for the contractor to reference. No true mitigation proposed other than stabilization of areas to be disturbed. If approved, streambank stabilization practices compatible with natural gas line easements should be utilized.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

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

Mr. Clay Wallace gave an overview of the variance requests.

Stormwater staff expressed concern that a representative from Piedmont Natural Gas was not in attendance and expressed hope that Piedmont would be more active in its interaction with staff in order to better gauge what Piedmont can and is willing to do, and that they fully realize the impacts and possible issues with doing utility work in sensitive areas.

Mr. Wallace responded by stating that Piedmont does take water quality seriously. What is shown on the plan is a fraction of what is actually installed – Piedmont goes above and beyond to ensure that sediment stays on the site that is being disturbed. A representative will definitely be available for future meetings. Piedmont is open to any mitigation that will be recommended or required.

The Committee discussed the pipeline alignment in the proposed disturbance areas of the Zone 1 buffer, the federal requirement regarding no vegetation/plantings within the permanent easement (to maintain pipe integrity), annual mowing of the permanent easements, and mitigation for the buffer disturbances.

After discussion during the Executive Session of the Committee on October 6, 2011 and review of the information presented, Mr. Kevin Gangaware made a motion to approve the variance request with the following Conditions 1-6 and standard Conditions 7-9:

1. Disturbances of the Zone 1 and Zone 2 buffers are approved as shown on the plan.
2. Continuous annual mowing of a 20-foot strip within the buffer (easement) is approved.
3. The Appellant shall provide mitigation in buffer disturbance areas 3 & 4 (identified on the Plan of Record) as specified below:
  - a) Plant 10 trees per 100 linear feet of disturbed buffer. Trees must be minimum 6' in height and 2" caliper.
  - b) Plant native, warm season, deep-rooted grass seed mixture (approved by NPDES) at 20 one-gallon per 100 linear feet of disturbed buffer.
4. Since the Appellant cannot plant the same mitigation in buffer disturbance areas 1 & 2 (identified on the Plan of Record), the Appellant must plant the same equivalent (specified in 3.a. and 3.b. above) some place along Beech Creek, as it is needed.
5. The Mitigation Plan along Beech Creek shall be submitted to NPDES Staff for review and approval.
6. The Appellant shall provide NPDES with contact information for someone with Piedmont Natural Gas to work with on the project.

7. The Appellant shall have the landscaper who does the plantings certify to Stormwater - NPDES, in writing (referencing Variance #201100020), once landscaping is installed per approved variance plans, and again once plantings have been found to meet the two-year survivability requirement.
8. This variance will expire on October 6, 2012. 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 as the plan presented to the Stormwater Management Committee does not change.
9. 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. Tom Allen. Mr. Allen, Ms. Elaine Bright, Mr. Roy Dale, and Mr. Gangaware voted in favor of the motion. Mr. Lance Wagner voted against the motion. The motion was approved by a vote of 4:1. The reason for approval was that there is a federal regulation that requires no plantings or vegetation within the permanent easement of a gas line project.

2. **201100021**  
PRELIMINARY SWM PLAN  
Single Family Residence  
9200 and 9378 South Harpeth Road  
Map 153, Parcel Nos. 8 and 9

**APPLICANT REQUEST** – Preliminary SWM Plan approval requested. Previously granted Variance #201100006 on 3/3/11 to construct a single family residence with buffer disturbances for new driveways/walkways & associated grading, repair of an existing wall & overlook, streambank plantings, and continuous mowing & maintenance. This preliminary plan includes variance requests 1) to allow disturbance of the floodway & floodway buffer (50' Zone 1 & 25' Zone 2) of the South Harpeth River for the property owner to construct a new driveway and bridge that will cross the river to the residence, and 2) to allow an existing crossing to remain which would be <1000' in spacing between crossings. The existing access is via a low water crossing which is frequently inundated by high water.

**APPELLANT:** Mr. George E. Mudter, Jr., Trustee

**REPRESENTATIVE:** Ms. Anna Roberts, Mr. Stephen Brown, and Mr. Rob Whitson

**COMMENTS**

**SW SINGLE FAMILY RESIDENTIAL:** No comment.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

**GREENWAYS:** Defer to Stormwater staff's comments on this request.

Mr. Stephen Brown, Ms. Anna Roberts, and Mr. Rob Whitson gave an overview of the variance request.

The Committee discussed the bridge and its proposed design, the flood study conducted by the applicant, including modeling of the bridge, the cut and fill requirements for the project, and the impacts of the May 2010 flood.

After discussion during the Executive Session of the Committee on October 6, 2011 and review of the information presented, Mr. Kevin Gangaware made a motion to approve the preliminary stormwater management (SWM) plan with the following conditions:

1. The Appellant shall provide bridge cross-sections (along with locations) and information on the type of bridge to be used with the final submittal for the variance request.
2. The Appellant try to remove the middle bridge pier from the river.

3. The Appellant try to transition a softer proposed cut to prevent creating an eddying effect.
4. The Appellant shall have some communication with the local community (for example; the Metro councilman, Harpeth River Watershed Association, etc.) about the project, prior to coming back before the Committee.
5. The Appellant consider removal of the existing bridge as mitigation.
6. The Appellant shall provide a master plan/blow-up of the whole property with the final submittal for the variance request.

The motion was seconded by Mr. Roy Dale. The motion was approved by Mr. Tom Allen, Ms. Elaine Bright, Mr. Dale, Mr. Gangaware, and Mr. Lance Wagner. The reason for preliminary plan approval is that the Appellant appears to have met the no-adverse impact requirement.

**3. 201100022**

YMCA - Nelson Andrews Leadership Center  
3088 Smith Springs Road  
Map/Parcel No. 90000002105

**APPLICANT REQUEST** – This project was issued Grading Permit SWGR #201000012 on 9/23/11, based on a Stormwater Development Review approved plan which specifies the use of a rain garden. This variance request is to allow the use of a man-made stormwater pond, stream, & bog filtration system as an 80% TSS removal system instead of the rain garden.

**APPELLANT:** Littlejohn Engineering Associates

**REPRESENTATIVE:** Mr. Andrew Wolthers and Mr. Keith Coss (YMCA)

**COMMENTS**

**NPDES:** Interesting proposal with significant educational benefit potential. Has consideration been given to what would be done if the system for whatever reason over time is deemed not feasible or sustainable? If the variance is granted, staff would ask that the current BMP Maintenance Agreement be officially modified by the applicant to reflect any unique maintenance and/or operational needs of the treatment system to include the contact information of the owner representative responsible for such activities being performed.

**CODES:** No comment provided.

**PLANNING:** Defer to Stormwater Staff.

Mr. Andrew Wolthers and Mr. Keith Coss gave an overview of the project and the variance request.

Mr. Wolthers gave a description of the stormwater best management practices (BMPs) of the project, including the proposed bog infiltration system.

There was discussion regarding the design and operation of the bog infiltration system, total suspended solids (TSS) removal, and the expected BMP maintenance.

*Prior to his leaving the meeting, Mr. Tom Allen, Chairman of the Committee, made a motion to appoint Mr. Lance Wagner as Acting Chairman during the remainder of the meeting. Mr. Wagner seconded the motion, which passed unanimously. Mr. Allen then left the meeting.*

After further discussion during the Executive Session of the Committee on October 6, 2011 and review of the information presented, Ms. Elaine Bright made a motion to approve the variance request with the condition that the Appellant shall amend the existing BMP Maintenance Agreement (to reflect the maintenance and/or operational needs of the treatment system to include the contact information of the owner representative) and submit the amended Agreement to Staff for review and approval. The motion

was seconded by Mr. Roy Dale. The motion was approved by Ms. Bright, Mr. Dale, Mr. Kevin Gangaware, and Mr. Lance Wagner.

1. The Appellant shall amend the existing BMP Maintenance Agreement (to reflect the maintenance and/or operational needs of the treatment system to include the contact information of the owner representative) and submit the amended Agreement to Staff for review and approval.

### **III. APPROVAL OF SEPTEMBER 1, 2011 MEETING MINUTES**

Mr. Lance Wagner moved, and Mr. Kevin Gangaware seconded the motion to approve the September 1, 2011 meeting minutes with the amendment that the attendance on Pg. 1 be corrected to show that Mr. Dodd Galbreath was present, and Mr. Roy Dale was absent. The motion was approved by Ms. Elaine Bright, Mr. Gangaware, and Mr. Wagner. Mr. Roy Dale abstained from the vote due to the fact that he did not attend the meeting.

### **IV. APPROVAL OF SEPTEMBER 1, 2011 DECISION LETTER**

Mr. Lance Wagner moved, and Mr. Kevin Gangaware seconded the motion to approve the September 1, 2011 decision letter. The motion was approved by Ms. Elaine Bright, Mr. Gangaware, and Mr. Wagner. Mr. Roy Dale abstained from the vote due to the fact that he did not attend the meeting.

### **V. ITEMS OF BUSINESS**

Ms. Paula Kee and Mr. Michael Hunt, Stormwater staff, gave an overview of the current status of Greenview Estates and the Appellant's noncompliance with several of the conditions of a variance granted (#201000020, October 14, 2010). Past and current site photos were presented, along with a summary of the status of communications with Mr. Arles Greene, property owner, regarding primarily 3 variance conditions which have not been met, per Stormwater staff: 1) not providing a 20' wide unmowed buffer strip on either side of the conveyance, 2) not providing adequate 'No Mow' buffer signage, and 3) limiting mowing of the 20' wide buffer strip to no more than twice per year. Staff asked the Committee to provide guidance on the next course of action for resolution of the outstanding issues.

*Mr. Kevin Gangaware left the meeting.*

After the Committee's discussion regarding the matter, Mr. Lance Wagner moved, and Mr. Roy Dale seconded the motion to have a letter crafted and sent to Mr. Greene stating that Case #201000020 would be reheard at the next meeting, and he will need to attend to show cause as to why the variance conditions have not been met and why the variance should not be revoked. If he is not able to attend the meeting, a representative, able to speak on his behalf, will need to be present. The letter should also include what would happen if the variance is revoked – revert to the original Notice of Violation. The motion was approved unanimously.

Mr. Dale moved, and Mr. Wagner seconded the motion to have the second agenda item, "SWMC review and vote on a draft revision to the SWMC Variance Checklist to require additional mitigation for any variance request submitted to the Committee for consideration", moved to the next meeting agenda. The motion was approved unanimously.

The Committee expressed interest in the results of the follow-up letter from FEMA after its community assistance visit (CAV) in May of this year. A copy of the letter will be provided to Committee members.

**VI. ADJOURNMENT**

Ms. Elaine Bright moved, and Mr. Lance Wagner seconded the motion to adjourn the meeting. The motion was approved unanimously, and the meeting was adjourned at 11:20 a.m.

Metropolitan Stormwater Management Committee

Approved:

By: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_