

JOHN COOPER
MAYOR



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)
May 7, 2020

8:15 AM
Place**

Meeting took place via Teleconference and aired live on Comcast channel 3. A livestream of the meeting was simulcast on Nashville.gov with a remote station set up at the Sonny West Conference Center (700 2nd Avenue South) for anyone who was unable to submit their comments electronically and wished to make comments in that manner. Social distance recommendations were implemented at the remote station.

STORMWATER MANAGEMENT COMMITTEE (Quorum Required: Four Members)

Committee Members Present:

Mr. Dodd Galbreath – Chair
Ms. Anna Maddox, P. E. – Vice Chair
Ms. Carrie Stokes, P. E.
Mr. Jesus Gomez-Velez, P. E.
Mr. Roy Dale, P. E.

Committee Members Absent:
Ms. Ronette Adams-Taylor

I. CALL TO ORDER

Mr. Dodd Galbreath, (chair) called meeting to order at 8:15 a.m. with roll call of committee members. Mr. Galbreath and Ms. Theresa Costonis (Metro Legal) stated that the first order of business would be a motion to determine under the Governor's Executive Order #16 that the meeting agenda constitutes essential business of this Board and meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak. Mr. Roy Dale moved for approval. Ms. Carrie Stokes seconded and the Board approved without objection.



If you need assistance or an accommodation, please contact Metro Water Services, at 615-862-4862, 1600 Second Avenue North, Nashville, Tennessee 37208.

II. APPROVAL OF MAY 7, 2020 MEETING MINUTES & DECISION LETTERS

A motion was made by Ms. Anna Maddox and seconded by Mr. Roy Dale for approval of the March 5, 2020 minutes and decision letters. Ms. Carrie Stokes, Ms. Maddox, Mr. Dale, Mr. Jesus Gomez-Velez, and Mr. Dodd Galbreath voted in favor of the motion. The motion carried.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. 202000001

River North – Phase 1

520 Cowan Street

Inspector: (Denice Johns)

APN 082060A00200CO & 08210000500

CD-05 (Sean Parker)

Case was previously deferred on February 6, 2020

Case was previously deferred on March 3, 2020

APPLICANT’S REQUEST: Is to allow the following:

1. Temporary uncompensated fill in the floodplain until such time that each lot becomes developed within seven-year period. (Postpone the compensating cut that is required to offset the fill).

APPELLANT: Monroe Infrastructure, LLC

REPRESENTATIVE: Civil Site Design Group, PLLC (Kevin Gangaware)

COMMENTS:

SW STAFF: Stormwater staff requests that the applicant provide floodplain storage compensation in accordance with Stormwater Management Manual Volume 1 Chapter 5.5.6 paragraph 1 that states “All dredged or cut materials shall be removed from the site before fill materials can be delivered, unless all fill material is generated onsite”.

CODES: No comment provided.

PLANNING: Approved

GREENWAYS: Parks requests, the applicant assures that in the final grading and drainage plan for this project, that greenway connectivity and construction from the north to south limits of the site, as well as from the greenway to the proposed pedestrian and bicycle infrastructure and proposed buildings within the development, can be accomplished per ADA and Metro greenway standards, given the grading and drainage plans submitted with this variance request and any anticipated riverbank stabilization needs.

Mr. Kevin Gangaware (Civil Site Design Group) spoke on behalf of the request at the location of 520 Cowan Street. Mr. Gangaware stated that the variance request was to allow work to take place in the buffer of the Cumberland River. The variance was a request to temporarily delay compensating cut required because of constructing new roads, which would be built above the 100-year flood plain elevation.

Mr. Gangaware went further to state that there was a plan in place if the development activity stalled. After seven years, if the remaining compensatory floodplain storage had not been provided, the client would take any necessary actions to remove the remaining quantity of materials to bring the site into compliance.

After discussion during the Executive Session of the Committee on May 7, 2020 and review of the information presented Mr. Roy Dale made a motion to approve with the following standard Conditions # 1-2 and Conditions # 3-7. Ms. Anna Maddox seconded the motion. Ms. Carrie Stokes, Mr. Dodd Galbreath, Mr. Dale, Mr. Jesus Gomez-Velez, and Ms. Maddox 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 the MWS Stormwater – NPDES Office, in writing (referencing Variance #202000001), 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 May 7, 2021. 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. Upon completion of construction, the Appellant shall provide MWS Stormwater staff with a set of Asbuilts showing the actual amount of fill in comparison to the amount of fill that is on the site today.
4. The Appellant shall provide a plan of stabilization along the riverbank in the confinement of Phase 1 and work with Greenways on a plan of mitigation that will need to be completed within the seven-year timeframe in which the variance is being granted.
5. The Appellant shall provide a note to the recorded plat stating each parcel is required to have at least 7200 cubic yards of compensating floodplain storage per acre.
6. There shall also be a restrictive covenant or document recorded so that anyone purchasing these parcels is aware of the obligations and responsibilities that are in place per this variance ruling.

7. The Appellant shall work out legal arrangements to inform future purchasers of all rulings. This may include a restricted covenants document, long term maintenance plan, and/or a bond. The documents will be recorded against each deed as necessary.

2. 202000003

Old Franklin Subdivision

0 Old Franklin Road

Inspector: (Shawn Herman)

APN 17400009600

CD-33 (Antoinette Lee)

Single Family Residential

APPLICANT'S REQUEST: Is to allow the following:

1. Removal of a total of 0.43 acres of wetlands and associated buffers to construct a single-family residential development.

APPELLANT: ECG Acquisitions, LLC

REPRESENTATIVE: Mary McGowan (Kimley-Horn & Associates)

COMMENTS:

SW STAFF: No comment

CODES: No comment provided.

PLANNING: Site is zoned RS10, defer to Stormwater for review.

GREENWAYS: Parks defers to the decision of the Stormwater Management Committee.

Ms. Mary McGowan (Kimley-Horn & Associates) and Michael Lamping (ECG Acquisitions, LLC), spoke on behalf of the request at the location of Old Franklin Road and Cane Ridge Road in Antioch, TN. It was presented to the committee that the property is L-shaped with an existing pond occupying the northern portion of the "L". South of the location is a steep hill preventing development of the southwest corner. The natural boundaries push the developable area of the site east, where three wetlands exist on the property. If the wetlands stated and their buffers are left undisturbed, a significant area would be needed for grading due to relatively low wetland elevations.

The project includes both on-site and off-site mitigation, which includes:

- 1) 60-foot buffers, in lieu of the required 30-foot buffers, provided at all existing streams and ponds within the property.
- 2) Protection of 0.36 acres of wetlands and 0.81 acres of wetland buffers.
- 3) Low Impact Development, including 82.4% post-development runoff reduction and oversized bioretention areas.
- 4) The purchase of 0.86 compensatory wetland mitigation credits from Swamp Road II mitigation bank.

After discussion during the Executive Session of the Committee on May 7, 2020 and review of the information presented Ms. Carrie Stokes made a motion to approve with the following standard Conditions # 1-2. Ms. Anna Maddox seconded the motion. Ms. Stokes, Mr. Dodd Galbreath, Mr. Roy Dale, Mr. Jesus Gomez-Velez, and Ms. Maddox 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 the MWS Stormwater – NPDES Office, in writing (referencing Variance #202000003), 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 May 7, 2021. 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. 202000005

MSUD – Madison Suburban Utility District
936 Gallatin Pike
Inspector: (Boots O’Hara)

APN: 05180000900
CD-08 (Nancy VanReece)

Case previously approved March 1, 2018 under case # 201700032 to allow the following:

1) Disturbance of floodway, Zone 1, and Zone 2 floodway buffers of Gibson Creek to allow for construction of at-grade parking facilities, placement of BMP’s and construction of sidewalks, 2) To allow 607 cubic yards of cut below the 2-yr flood elevation, 3) Continuous mowing and maintenance and 4) Waiver of buffer signage.

Case returning before the committee for the following reasons: 1) As per condition #2 of the decision letter dated March 20, 2018; variance expired March 1, 2019 and 2) Plans previously approved by the Stormwater Management Committee have changed.

APPLICANT’S REQUEST: Is to allow the following:

1. Disturbance of the Gibson Creek floodway, Zone 1 buffer, and Zone 2 buffer to remove impervious surfaces, install impervious walking trails, provide floodplain storage, and construct sidewalks.
2. Request not to be required to have Registered Landscape Architect stamp the mitigation plan.
3. Request to continuously mow and maintain the buffer.
4. Request for modified or waived buffer signage.
5. Request to allow 46 cubic yards of cut below the 2-yr flood elevation of 438.8’ NAVD 88.

APPELLANT: MSUD – Madison Suburban Utility District

REPRESENTATIVE: JVE (Jeff Vaughan)

COMMENTS:

SW STAFF: Staff does not feel adequate mitigation has been provided.

CODES: No comment provided.

PLANNING: Site is zoned CS, defer to Stormwater for review.

GREENWAYS: Parks requests that the applicant coordinate with Metro Greenways and Open Space Division to design a multi-purpose paved trail per Metro Greenways Design Standards.

Mr. Jeffery Vaughan (JV Engineering Inc.) spoke on behalf of the request at the location of 936 Gallatin Pike Madison, TN. Mr. Vaughan stated that Madison Suburban Utility District (MSUD) is proposing to construct an at-grade parking facility on the site of West Webster and Gallatin Pike which involves grading work within both the floodway and floodway buffers of Gibson Creek. MSUD would like to use a vacant lot that is on the north side of West Webster Street, directly across from the office building.

MSUD will also use a vacant lot that is located on north side of West Webster to construct a parking facility (this is also owned by MSUD). This added area will increase efficiency and operations. Once the project is complete, the finished result will be a net decrease of impervious surface, a net cut of material within the flood plain allowing for increase flood storage and a net increase in the aesthetic value of the site with addition of landscaping and detention areas.

Councilmember Nancy VanReece of District 8, sent notice which was read into the record by Mr. Logan Bowman (Metro Water Services) regarding her support of the project at the location of 936 Gallatin Pike Madison, TN.

After discussion during the Executive Session of the Committee on May 7, 2020 and review of the information presented Ms. Anna Maddox made a motion to approve with the following standard Conditions # 1-2. Mr. Roy Dale seconded the motion. Ms. Carrie Stokes, Mr. Dodd Galbreath, Mr. Dale, Ms. Maddox, and Mr. Jesus Gomez-Velez voted in favor. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to the MWS Stormwater – NPDES Office, in writing (referencing Variance #202000005), 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 May 7, 2021. 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. 202000006

Vastland OHB

527 Old Hickory Blvd

Inspector: (Kenneth Tranter)

APN: 16000010600

CD-04 (Robert Swope)

APPLICANT'S REQUEST: Is to allow the following:

1. Uncompensated fill. Amount of uncompensated fill requested for this variance is approximately 5,250 CY fill.

APPELLANT: Vastland Northcrest Dev., LLC

REPRESENTATIVE: Civil Site Design Group, PLLC (Kevin Gangaware)

COMMENTS:

SW STAFF: Staff does not feel adequate mitigation has been provided for the volume of uncompensated fill requested as there may be opportunities to reduce the amount of fill.

CODES: No comment provided.

PLANNING: Variance request is consistent with the Final Site plan. Approve.

GREENWAYS: Parks defers to the decision of the Stormwater Management Committee.

Mr. Kevin Gangaware (Civil Site Design Group, PLLC) spoke on behalf of the request at the location of Vastland Communities, 527 Old Hickory Blvd. Mr. Gangaware stated that the owner and developer were seeking relief from the Stormwater Management Ordinance to allow non-compensated fill in the floodplain of the Sevenmile Creek. The stated project proposes 32 townhomes along with associated driveways, parking utilities and other infrastructure.

Mr. Gangaware stated to the committee that a variety of grading options were tried however, they had not been successful. He did go further to state they were able to create a driveway crossing that filled a portion of the floodway allowing the entry drive to safely remain above the flood elevation and still not raise the FEMA base flood elevation.

Mr. Brian Siewert submitted comments in writing and read into the record by Mr. Logan Bowman (Metro Water Services) regarding Mr. Siewert's concerns regarding the development proposed by Vastland for the property located at 527 Old Hickory Blvd., Brentwood, TN 37027. Mr. Siewert stated that though the proposal had been approved by Metro Planning and Metro Council, what was NOT taken into consideration in those approvals was a perpetually shifting water table directly adjacent to the development located at 5709 and 5711 Chadwick Lane, Brentwood, TN 37027 (in Montgomery Place).

Mr. Siewert stated that it was his understanding that all approvals for this development were in compliance to maps and requirements/standards that were re-established in 2017. Since 2017, the problem areas in the aforementioned flood plain of Chadwick Lane have grown significantly. Mr. Siewert requested a halt of all approvals until a careful re-assessment of the flood plain area is surveyed and updated and all requirements/restrictions related to any construction on 527 Old Hickory Blvd. takes into consideration the continuously growing standing water issues in and around the Montgomery Place parcels.

Councilmember Robert Swope of District 4 submitted comments on the project at 527 Old Hickory Blvd. Councilmember Swope stated there had been multiple community meetings on projects proposed for this location however this is the only project that passed almost unanimously. He also spoke on the property being a difficult piece of property to build on.

Councilmember Swope stated he was aware of the concerns Mr. Siewert has addressed to the Planning Department. However, Councilmember Swope as well as many members of the community are in favor of the development.

After discussion during the Executive Session of the Committee on March 5, 2020 and review of the information presented a motion to approve with the following standard Conditions # 1-2 and Condition # 3-4 were approved and seconded. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to the MWS Stormwater – NPDES Office, in writing (referencing Variance #202000006), 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 May 7, 2021. 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 May 7, 2020. The variance is valid only so long as the plan presented to the Stormwater Management Committee does not change.
3. The Appellant shall work from “alternative” plan, which was approved by the SWMC Committee Members during the May 7, 2020 variance meeting instead of the original plan presented. The alternative plans allow the removal of material within the floodway for areas that planting will take place.
4. The variance request will allow for compensatory cut under the 2-year storm event elevation, which will result in approximately 680 CY of uncompensated fill. This condition pertains to what would otherwise be required per Metro Stormwater Management Manual 5.5.6 Floodplain Alterations.

IV. ITEMS OF BUSINESS

VI. ADJOURNMENT

The meeting adjourned at 12:50 a.m.

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Metropolitan Stormwater Management Committee
Approved:

By: _____ *Peninsula Gilbert* _____
Secretary

Date: _____ 08/10/2020 _____