MEGAN BARRY
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 3, 2018
* * * * * * * * * * *
8:15 AM
2601 Bransford Avenue
Metropolitan Board of Education

STORMWATER MANAGEMENT COMMITTEE
(Quorum Required: Four Members)
Committee Members Present:
Ms. Ronette Adams-Taylor
Mr. Dodd Galbreath – Vice Chairman
Ms. Debra Grimes
Ms. Anna Maddox, P.E.
Mr. Slade Sevier, P.E. - Chairman
Ms. Carrie Stokes, P.E.

Committee Members Absent:
Mr. Roy Dale, P. E.

I. CALL TO ORDER

Meeting was called to order at 8:45 a.m.

II. APPROVAL OF APRIL 5, 2018 MEETING MINUTES & DECISION LETTERS

Mr. Slade Sevier (chair) called meeting to order.

The first item of business was to approve minutes from March 1, 2018 meeting which was requested by the committee for revision. Ms. Carrie Stokes made a motion to approve, and was seconded by Ms. Ronette Adams-Taylor, the motion carried.

The next item of business was the approval of the decision letters and minutes from April 5, 2018 meeting. Mr. Dodd Galbreath asked for verification from counsel that everything was being covered correctly in the detail of the minutes since the committee had requested changes in the recording of the minutes.

Counsel advised the meetings were recorded; however, the recordings are not the official records of the meeting. Minutes are required according to the "Open Meetings Act." The OMA is a state law that requires meetings of public bodies be open to the public. Minutes are required that include the date, time and place of the meeting. A list of the members present and absent from the meeting, a summary of the discussion of all matters proposed, deliberated, or decided; and a record of any votes taken.

Mr. Slade Sevier made a motion to approval the minutes from the April 5, 2018 meeting. The motion seconded by Ms. Carrie Stokes, the motion carried. Ms. Debra Grimes abstained.

Ms. Anna Maddox made a motion to approve the decision letters as they were written from April 5, 2018 meeting. The motion was seconded by Ms. Carrie Stokes, the motion carried. Ms. Debra Grimes abstained.

III. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

1. **201700023**
   2207 Pennington Bend Road (Single Family Residential)
   2207 Pennington Bend Road APN 06213014500 & 06213014600
   Inspector: (Logan Bowman) CD-15 (Jeff Syracuse)

Case was granted approval on September 7, 2017, with the request to allow the following: 1) Disturbance of the Zone 2 floodway buffer for elevated deck. 2) Maintenance of the Zone 2 buffer (mowing grass).

The conditions of the approval were the standard Conditions #1-2 and Conditions # 3-4.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to, Ms. Kimberly Hayes, MWS – Stormwater Development Review Section, in writing (referencing Variance #201700023), 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 September 7, 2018. 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. Mitigation to be moved in closer per Metro Water Staff.
4. No extended stairway off deck in back of home.

Applicant requested a rehearing on case #2017000023 based on information obtained from the Nashville Fire Marshall's Office stating the sites need for a secondary means of egress for the two homes.

APPLICANT'S REQUEST: Request is to allow the following:
1) To allow constructed stairs from elevated decks to remain
APPELLANT: Adam Epstein
REPRESENTATIVE: Adam Epstein
COMMENTS:
SW STAFF: No comments provided.
CODES: No comment provided.
PLANNING: Site is zoned R15, defer to Stormwater for review.
GREENWAYS: Deferred to comments of Stormwater Variance Committee

Mr. Adam Epstein, spoke on behalf of the location of 2207 Pennington Bend.
After discussion during the Executive Session of the Committee on May 3, 2018 and review of the information presented, a motion to defer for 30 days was approved and seconded. The motion carried.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201700023 as set out above and further described in the case record, be and is hereby **DEFERRED."**

Committee is requesting the applicant provide written documentation from the Fire Marshall verifying that the garage is not a qualifying exit or if any alternative exits maybe added.

2. **201800008**
   Tire Discounters
   741 Myatt Drive — APN 03406003500
   Inspector: (Boots O' Hara) — CD-10 (Doug Pardue)

Case was previously deferred on April 5, 2018 for 30 days with the request to allow the following: 1) Disturbance of the 75' floodway buffer to allow for re-development of the existing parcel, 2) To allow continuous mowing & maintenance of a portion of the buffer area, 3) Placement of stream buffer signage in alternate location, 4) Placement of Stormwater BMP's in the buffer, and 5) To allow impervious areas within the buffer area.

The 30-day deferral was to allow appellant to meet with staff on mitigation of site. Appellant has made modifications to plans and added to the mitigation.

APPLICANT'S REQUEST: Request to allow the following:
1. Disturbance of the 75' floodway buffer to allow for re-development of the existing parcel.
2. To allow continuous mowing & maintenance of a portion of the buffer area.
3. Placement of stream buffer signage in alternate location.
4. Placement of Stormwater BMP's in the buffer.
5. To allow impervious areas within the buffer area.

APPELLANT: Ronald H. Johnson
REPRESENTATIVE: Don Kendall (Development Management Group, LLC)
COMMENTS:
SW STAFF: No Comment.
CODES: No comment provided.
PLANNING: Site is zoned CS, defer to Stormwater for review.
GREENWAYS: Defer to Stormwater Management Committee.

Mr. Don Kendall (Development Management Group, LLC) spoke in regards

After discussion during the Executive Session of the Committee on May 3, 2018 and review of the information presented a motion to approve with the following standard Conditions #1-2 were approved and seconded. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201800008), 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 April 5, 2019. 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. 201800010
Twice Daily #7111
5272 Cane Ridge Road — APN 16300019300
Inspector (Shawn Herman) — CD-32 (Jacobia Dowell)

Case was previously deferred on April 5, 2018 for 30 days with the request to allow the following: 1) Floodway buffer disturbance of Collins Creek, 2) Mowing and maintenance of the buffer, and 3) Waiver of buffer signage.

The 30-day deferral was to allow appellant time to work on a new proposal to change the location of the cooler within the footprint of the project area.

APPLICANT'S REQUEST: Request to allow the following:
1. Floodway buffer disturbance of Collins Creek.
2. Mowing and maintenance of the buffer.
3. Waiver of buffer signage.

APPELLANT: William C. Kimbro (Kimbro Family Properties, GP)
REPRESENTATIVE: Randy Perry (Perry Engineering, LLC)
COMMENTS:
SW STAFF: No comments provided.
CODES: No comment provided.
PLANNING: Site is zoned SCR, defer to Stormwater for review.
GREENWAYS: Greenways defers to comments of Stormwater Variance Committee.

After discussion during the Executive Session of the Committee on May 3, 2018 and review of the information presented a motion to approve with the following standard Conditions #1-2 were approved and seconded. The motion carried.

1. The Appellant shall have the landscaper who installs the required mitigation plantings to certify to MWS Stormwater – NPDES Office, in writing (referencing Variance #201800010), 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 3, 2019. 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.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201800010 as set out above and further described in the case record, be and is hereby **GRANTED."**

4. 201800012

56 Brookwood Terrace	(Single Family Residential)
56 Brookwood Terrace	APN 103140E00100CO & 103140E00200CO
Inspector (Leigh Nelson)	CD-24 (Kathleen Murphy)

APPLICANT'S REQUEST: Request is to allow the following:
1. Stream buffer disturbance to fill a wetland.
2. To install a fence in stream buffer.
3. To continuously mow and maintain the buffer inside the fence.

APPELLANT: Wiggs Thompson (Cadence Construction, LLC)
REPRESENTATIVE: Clay Wallace (Energy Land & Infrastructure)
COMMENTS:
SW STAFF: No comments provided.
CODES: No comment provided.
PLANNING: Site is zoned R20, defer to Stormwater for review.
GREENWAYS: Greenways defers to comments of Stormwater Variance Committee.

Rebecca Dohn with Metro Stormwater read an email into record from Council Member Kathleen Murphy. Council Member Murphy asked that the variance hearing be deferred stating she had just heard of the case going before the committee and wanted time to review. Ms. Dohn tried to reach Council Murphy before the hearing began and was not able to reach her.

Mr. Wallace and the appellant did not want to defer and the committee agreed to move forward with the case.

Mr. Clay Wallace (Energy Land & Infrastructure) spoke on the location of 56 Brookwood Terrace stating the owner acquired the property and began constructing the residential structure with the understanding that the resource paralleling the rear of the property was a wet weather conveyance.

After discussion during the Executive Session of the Committee on May 3, 2018 and review of the information presented a motion to approve with the following standard Conditions #1-2 and Conditions #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 MWS Stormwater – NPDES Office, in writing (referencing Variance #201800012), 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 April 5, 2019. 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 work with staff on the placement of the fence where it is proposed.
4. The Appellant is to work with staff on the appropriate landscaping as much as possible to replicate a repaired buffer within 10 to 15 feet of the fence as worked out with staff.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 201800012 as set out above and further described in the case record, be and is hereby **GRANTED.**

IV. ITEMS OF BUSINESS

Metro Legal Discussion with Committee on Policies and Procedures.

Council stated that the discussion would be on what would be considered as the best practices to be used in giving comments and recommendations in asking for comments from the stormwater staff.

Michael Hunt started by explaining to the committee the role of the stormwater division in meeting with the applicants and discussing the mitigation plans presented. Mr. Hunt stated that the hardship is what has brought the applicant before the committee.

Mr. Dodd Galbreath discussed how enhancing the checklist would be more helpful and a better understanding of what mitigation is. Mr. Galbreath stated that in the staff stating, "There is no mitigation proved" is more helpful than the lack of information on a case.

Mr. Steve Mishu advised the committee that before the cases are presented to the committee there have been meetings with the stormwater staff. Mr. Mishu stated that there have been cases that staff has advised the applicant that more mitigation is needed.

Council did advise the committee on discussing cases with individuals regarding cases that may come before the committee.

Ms. Anna Maddox made a motion to adjourn, and seconded by Ms. Debra Grimes. The motion carried.

V. ADJOURNMENT

The meeting adjourned at 11:40 a.m.

Metropolitan Stormwater Management Committee
Approved:

By: _____
Secretary

Date: 6/12/2018