

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)
January 7, 2021

8:15 AM**

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. Ronette Adams-Taylor
Ms. Carrie Stokes, P. E.

Committee Members Absent:

Mr. Roy Dale, P. E.

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 that due to Governor Lee's Executive Order No. 65 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.

Ms. Carrie Stokes moved for approval of the meeting being held as an electronic meeting due to the health and welfare of Tennesseans in light of the COVID-19 outbreak. Ms. Ronette Adams-Taylor 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 DECEMBER 3, 2020 MEETING MINUTES & DECISION LETTERS

A motion was made by Ms. Anna Maddox and seconded by Ms. Carrie Stokes on approval of December 3, 2020 minutes & decision letters as presented. Ms. Carrie Stokes made an amendment to the approval of the December 3, 2020 minutes and seconded by Ms. Anna Maddox to add a correction to page 10 to include at the bottom of case # 202000019-526 Myatt Drive the standard legal statement to state:

“NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 202000019 as set out above and further described in the case record, be and is hereby **Granted.”**

Mr. Dodd Galbreath, Ms. Maddox, Ms. Stokes and Ms. Ronette Adams-Taylor voted in favor of the motion. The motion carried.

III. METRO WATER SERVICES STAFF PRESENTATION: 2020 ANNUAL REPORT

Metro Water Services made its annual MS4 permit annual report presentation to the committee. This presentation included a summary of program highlights and statistics from the last permit year period.

At the end of the presentation, there was an opened floor where committee members or individuals present virtually could ask questions.

To view presentations in its entirety, go to:

<http://www.nashville.gov/Water-Services/Community/Education/Reports/NPDES.aspx>

IV. STORMWATER MANAGEMENT COMMITTEE AGENDA

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

- | | |
|---|-------------------------------|
| 1. 202000021 440 & 444 K C Court | Single Family Residential |
| 440 K C Court | APN 05205028000 & 05205028100 |
| Inspector: (Logan Bowman) | CD-07 (Emily Benedict) |

APPLICANT’S REQUEST: Is to allow the following:

1. Construction of two single family affordable dwellings and other impervious surfaces within the Zone 1 and 2 floodway buffers of Gibson Creek.
2. To allow BMP placement within the floodway buffer.
3. Modified buffer signage.
4. Mowing and maintenance of a portion of the floodway buffer of Gibson Creek.

APPELLANT: Affordable Housing Resources, Inc.

REPRESENTATIVE: Walter Davidson (Walter Davidson & Associates)

COMMENTS:

SW STAFF: Staff does not support a buffer disturbance of this magnitude.

CODES: No comment provided

PLANNING: Site is zoned R6, defer to Stormwater for review

GREENWAYS: No comment provided

Mr. Dan Eaton (Director of Affordable Housing) and Mr. Walter Davidson (Walter Davidson & Associates) spoke on the location of 440 K C Court. Mr. Eaton stated that the remaining lots for this site were created and grading done before the adoption of water quality buffers. His plans are on building affordable housing, which is extremely needed, and the water quality buffers prevent the use of these lots which were bought before the buffers existed.

Mr. Eaton stated that, “even if the Board of Zoning Appeals granted an appeal to reduce the 20-foot minimum setback there would still be a public utility and drainage easement to be abandoned or reduced. The pie shape of the lot would force the use of a narrower house which would require adding depth to the house to keep a reasonable floor area.”

Mr. Davidson stated that the lots that were being presented were the same lots that were presented in the early 2000’s. There has been a slight change to the mitigation, which would be adding more trees to the lots.

There were two residents present from the K C Court community to speak at the kiosk located at the Sonny West Conference Center (700 2nd Avenue South). Mr. James Moore and Ms. Rebecca Morgan who were both in opposition of the project. Mr. Moore spoke on the importance of having a buffer area. Mr. Moore also stated that the lots flooded during the 2010 flood and feels that the same issue can occur again, and that FEMA should investigate the purchasing of these lots.

Ms. Morgan believes that there will be more flood issues if they are allowed to build at the location in discussion. She believes the protection of the buffers are there for a reason and that it needs to stay in place.

Mr. Logan Bowman (Metro Water Services) read into record an email that was sent from Mr. Thomas Haehn also a resident of the K C Court area in opposition of the project. Mr. Haehn stated that he strongly object to the variance request stating it will lead to a disturbance of the floodway buffer of Gibson Creek and he believes it will very much restrict the habitat of the animals relying on undisturbed areas along the storm water drains.

Mr. Haehn also stated that, the stormwater drain rises significantly during heavy rains, which also jeopardizes the house itself being built too close to the stormwater drain. He believes there are plenty of in fill lots available in the area, it is not advisable to sacrifice storm water butter zones. However, he would support a variance to build a denser housing unit (aka duplex) on the front side of this lot, if the storm water buffer zone is maintained.

After discussion during the Executive Session of the Committee on January 7, 2021 and review of the information presented Ms. Anna Maddox made a motion to deny and Ms. Carrie Stokes seconded the motion. Ms. Ronette Adams-Taylor, Ms. Stokes, Ms. Taylor, and Mr. Dodd Galbreath voted in favor of the motion. The motion to deny was based on non-proper usage of site. The structure of these buildings would be too close to Gibson Creek and the associated buffer zones. The motion carried.

NOW THEREFORE, it is the decision of the Committee that the request in Variance Request No. 202000021 as set out above and further described in the case record, be and is hereby **DENIED.”**

V. ITEMS OF BUSINESS

Regulation Revision (Rebecca Dohn) – Ms. Dohn (Metro Water Services) stated that the revision of the 2020 Stormwater Regulation Manual was released in November. And the comment period had ended. Ms. Dohn displayed a list of individuals and trade organizations that the notice of the

proposed change was sent to for comments. She stated that now the comments are being reviewed and should be completed by the end of the month.

Ms. Dohn stated that the revision is approved by Mayor Cooper so after completion it will be sent to his office for signature. After approval there is a time period before the new regulations go into effect. While this is going on, there is training with metro staff and the development community on the new implantation.

Ms. Dohn discussed some of the high points for the Low-Impact Development Manual such as:

- 1) Making everything more user friendly especially for the engineers (there were complaints from engineers and metro staff)
- 2) Infiltration testing will now be required
- 3) References are updated to the 100-year storm
- 4) Non-conversion agreement was added
- 5) Added a control measure for stormwater measures to have signage, and several others that you will be able to view online

From Pre-App to Committee (Steve Mishu) – Mr. Mishu (Metro Water Services) give information to the Stormwater Management Committee Members the process taken on all cases before they are placed on the agenda to be heard by the committee members.

- 1) Applicants first request a pre-application with Metro Water Staff, a set of plans are submitted, and staff and applicant can discuss what maybe required for the site with comments given.
- 2) Wednesday at noon before the variance meeting, a complete application and package is due on cases that will be on the next month's agenda. This set of plans is reviewed by the reviewer to make sure any comments or suggestions were corrected from previous plans. Any slight corrections are given until Monday make

- 3) correction or case will be pulled from going on the agenda. (At submission you are stating you have a complete application and package).
- 4) It is then all-hands on deck, after everything is logged into the system the applicant is required to send letters and post signs to allow the community to be aware of the upcoming case going before the Stormwater Variance Committee.

VI. ADJOURNMENT

The meeting adjourned at 10:00 a.m.

Metropolitan Stormwater Management Committee
Approved:

By: Peninsula Gilbert
Secretary

Date: 5/20/2021