

MINUTES OF THE
STORM WATER APPEALS BOARD (SWAB)
MEETING OF JANUARY 27, 2021

1. **OPENING** – The Williamson County Storm Water Appeals Board met for a regular meeting on January 27, 2021 at 8:30 a.m. via GoToMeeting, online video conferencing.

Chairman Reese called the meeting to order and asked Floyd Heflin to call the roll. Mr. Heflin noted that a quorum was present.

A motion to conduct the Storm Water Appeals Board meeting electronically due to the necessity caused by the COVID-19 crisis was made by Davis Lamb. The motion was seconded by Brad Hoot, and passed by unanimous roll call vote.

1.1 Board Members

Andy Reese, Engineering Representative, Chairman
Brad Hoot, Homeowner Representative, Secretary
Betsy Hester, County Commission Representative
Rob Adams, Jr., Building Representative
Liz McLaurin, Environmental Representative
John Kinnie, Agricultural Representative, Vice Chairman
Davis Lamb, Development Representative

1.2 Staff

Michael Scott, Storm Water Quality Coordinator
Floyd Heflin, County Engineer
Kristi Ransom, County Attorney
Debbie Smith, Administrative Office Manager

2. **APPROVAL OF MINUTES** – Chairman Andy Reese opened the floor for comments on the September 23, 2020 minutes. Brad Hoot moved to approve, seconded by Davis Lamb. The motion was unanimously approved by roll call vote.

3. **01-27-21-02 – Marion Yoder waiver for property at 7538 Caney Fork Rd.**

3.1 Introduction by Staff - Mr. Scott reviewed the report for the record.

3.2 Public Hearing –An email from Wendell King was presented to the Board for review. No one else wishing to speak, Chairman Reese closed the public hearing.

A member of the public wished to make comments during the public hearing, and joined via phone. Mr. William Tomlinson joined late, due to difficulty in connecting to the meeting. Chairman Reese recognized Mr. Tomlinson and allowed his comments due to the technical difficulties.

Mr. Tomlinson asked for clarification of what the waiver is requesting.

Approximately 9:00 a.m., Brad Hoot recused himself, because of a personal connection with Mr. Tomlinson. The public hearing was once again closed.

3.3 Applicant – Jay Yoder, property owner, stated that his driveway was already installed on the property when he purchased it, but the driveway culvert needed to be replaced and with that he also decided to clear alongside the driveway. Once the violation was received he stopped work immediately in order to get this resolved.

3.4 Board Discussion – John Kinnie asked how much more property would have to be cleared for the utility easement. Mr. Yoder indicated that a 40-foot easement will need to be cleared for the overhead electric.

Andy Reese asked if this was an existing drive or new installation. Mr. Yoder indicated it was existing, but due to the topography he did change the location of the driveway approximately ½ mile up the hill (see records for map) and will be crossing the stream. He noted that the existing driveway that ran along the property line will be used for the overhead utilities.

Andy Reese asked for clarification on the clearing for the utility lines and if it would be uphill or downhill from the WNA. Mr. Yoder indicated it would be uphill from the WNA.

Rob Adams asked if it was correct that the utilities would follow the existing road bed approximately half way up and then would separate and run up the property line around the septic. Mr. Yoder indicated that was correct.

John Kinnie asked if the clearing would be with a dozer or cutting by hand and leaving the root system. Mr. Yoder indicated the remaining clearing would be done by hand because of the soil in the area being soft and to avoid future erosion. John Kinnie asked about erosion control barriers would be used to keep the erosion out of the WNA. Mr. Yoder stated currently he has brush, but would be installing silt fence.

John Kinnie asked what surface he planned for the drive. Mr. Yoder indicated it would be limestone and possible concrete in the future.

Betsy Hester asked for clarification on the Hydrologic Map. Mr. Scott stated the property was assessed as to whether it was a wet weather conveyance or a stream. Per the Hydrologic Determination, it was found that the waterway was an intermittent/perennial stream up to a point where there is a spring delineated. Upstream of the spring is considered a wet weather conveyance.

Liz McLaurin asked if this would have to also be approved to TDEC. Mr. Scott stated he didn't believe in this case that the applicant needed any approvals from TDEC aside from an ARAP permit. She also asked to clarify the summary that states approximately 600 feet of disturbance will be within the WNA. Michael Scott stated he measured the length of the crosshatched areas on the drawing presented by the applicant and that is where he calculated the 600 feet.

Floyd Heflin asked who would be doing the clearing for the 40 feet utility easement and what will be the long term maintenance in that area. Mr. Yoder indicated he would be responsible for clearing that easement and maintaining it. Mr. Scott added that if the homeowner does not keep it clear, then subcontractors will be hired by the utility district and clear at will.

3.5 Board Action – John Kinnie moved to approve with the following conditions; 1) Allowing the road to remain in the current location; 2) Providing a ditch on the upper side of the road to convey stormwater; 3) Clearing of upper side of road (right of way) to be done by hand, leaving the tree stumps in place; and 4) Installation of permanent sediment barrier on low side of road, seconded by Rob Adams. The motion was approved by roll call vote. (Brad Hoot did not vote).

4. **01-27-21-03 – Anthony Brais waiver for property at 9235 Horton Hwy and 6811 Riggs Rd.**

Liz McLaurin rescued herself from this item.

3.1 Introduction by Staff - Mr. Scott reviewed the report for the record.

3.2 Applicant – Anthony Brais stated that he is working with three (3) properties in order to reconnect the streams to their flood plains and make a healthier ecological environment. This stream has been primarily agricultural use in the past, however once this project is complete, it will be placed in a conservation easement with 50 foot buffer in perpetuity.

3.3 Public Hearing – No public comments.

3.4 Board Discussion – Brad Hoot ask for the alternative plan and what would be ecological benefits. Anthony Brais stated there are 3 basic types of restoration, the type of restoration that will occur here is a priority one, which is an offline restoration of an impaired stream that re-establishes the current stream and allows it to have a connected floodplain, which in turn brings back the ecological aqutics to the stream. Brad Hoot asked if this area will still be used for agricultural. Mr. Brais noted that as far as the farm activity in this stream, cattle will still be active on the property, however they will only be allowed to cross in designated areas and the remaining stream will be fenced off. Mr. Brais also noted there is a seven (7) year monitoring period on this stream.

John Kinnie asked how long the project will take to be completed. Anthony Brais indicated it will be done in sections and as they finish a section it will be fenced in order to keep the cattle out of the restored area.

John Kinnie asked about the properties' future development potential. Anthony Brais stated this project area will be placed in a conservation easement and will only be allowed for recreational uses. He noted that there will be an average of fifty (50) feet buffer on each side of the stream.

Andy Reese asked about future development and if roadways would be allowed to cross only in the current cattle crossings or would they be allowed anywhere. Anthony Brais stated to his knowledge they would have to gain approval from the IRT to ensure it wouldn't create a detrimental impact to the project.

Andy Reese asked what the long term use of the soil piles for this project will be. Anthony Brais stated the owner of the property has identified the excess cut to stabilize some areas that currently wash or were former ponds on the property.

Andy Reese asked what the watering source would be. Anthony Brais stated that there would be an artificial watering source installed for the owner.

John Kinnie asked about the future watering for the cattle and whether a waterline was going to be installed across the easements. Mr. Brais stated that existing or proposed wells would be used for watering, but a waterline would be allowed through the easement.

John Kinnie asked if the conservation easement was for life or if there was a time limit. Mr. Brais stated to his knowledge it was for life.

3.5 Board Action – Brad Hoot moved to approve as submitted, seconded by John Kinnie. The motion was approved by roll call vote. (Liz McLaurin did not vote).

ADJOURNMENT - There being no further business John Kinnie moved for adjournment. The motion was unanimously approved.



Chairman

Date

2/25/2021