

MINUTES OF THE  
STORM WATER APPEALS BOARD (SWAB)  
MEETING OF FEBRUARY 26, 2025

1. **OPENING** – The Storm Water Appeals Board (SWAB) met in session on Wednesday, February 26, 2025, at 8:30 a.m. in the Auditorium of the Williamson County Administrative Complex. A quorum was present. Attendees were:

- 1.1 **Board Members**

- John Kinnie, Agricultural Representative, Chairman
    - Brad Hoot, Homeowner Representative, Secretary
    - Betsy Hester, County Commission Representative
    - Davis Lamb, Development Representative
    - George Garden, Engineering Representative

- 1.2 **Staff**

- Mario Forgione, Stormwater Coordinator
    - Michael Scott, Asst. to County Engineer
    - Kristi Ransom, County Attorney
    - Debbie Smith, Administrative Office Manager

2. **APPROVAL OF MINUTES** – Chairman John Kinnie opened the floor for comments on the January 22, 2025, minutes. Brad Hoot made a motion to approve; seconded by Davis Lamb. The motion was unanimously approved.

3. **02-26-2025-02– Waiver of Section 4 by M2 Group on behalf of Troubadour Golf and Field Club located off Patton Road.**

Prior to Staff addressing the item, Kristi Ransom made comments on an email that had been received early in the morning before the meeting, questioning the adequacy of the public notice for this item. She noted the following for the record:

1. Meeting notice and agenda were advertised in the newspaper as required by the SWAB Regulations and SWAB Bylaws
  2. The SWAB Regulations do not specifically require signage for notice. The Staff posts these for additional notice, over and above what is required.
  3. The Open Meetings Act requires that “adequate public notice” must be given before all meetings to which the act applies. Tenn. Code Ann. Section 8-44-103. Adequate public notice has been determined to be fact-specific by the Tennessee Courts, but it means “adequate public notice under the

circumstances, or such notice based on the totality of the circumstances as would fairly inform the public.”

4. This morning at 7:26 am, we received an email from a member of the public that the notice signage had fallen and, according to the email, was not replaced, but was lying on the ground since February 13.
5. The member of the public followed up via email at 8:07 am noting that it is not the public’s job to monitor these signs, but it is the responsibility of the county for the signs as well as the developer making the request.
6. I will note that the sender of the email, based on her own email, took the photo (or someone did) on February 13<sup>th</sup>, yet she chose until 64 minutes until the start of the meeting on February 26<sup>th</sup> to put anyone on notice of this issue.
7. The provisions addressing public notice requirements provided by the email sender were pages photographed from the zoning ordinance, which are not applicable to this proceeding. As you all know, the SWAB has its own regulations and Bylaws that govern its actions.
8. While we can agree that it is not the burden of the public to monitor our public notice signs, which for SWAB meetings are a courtesy and not a requirement, however should a citizen notice a problem and if they are concerned about public notice as the sender seems to claim, it also seems to me that it would be the helpful thing to notify those who were recipients of this email on February 13 or 14<sup>th</sup> or any day prior to the actual day of the meeting, to give staff the opportunity to replace it.
9. It is my opinion that the County gave adequate public notice and, in fact, endeavored to provide more public notice than is required by law and this matter may proceed as presented and advertised.

**3.1 Introduction by Staff** – Mr. Forgione reviewed the report for the record.

**3.2 Applicant** – Matt Bryant, M2 Group, stated that when the project began in 2008 the Traffic Consultant required the improvements on Patton Road. Then in 2013 they requested the Traffic Consultant to break these improvements up into 2 phases. At the time, they are doing phase 1 of the improvements which include the entrance at Trident Ridge Road and Patton Road. These improvements are located within the WNA. Mr. Bryant stated that the entrance, as it existed prior to the subdivision, was a low water crossing and when it flooded the water just passed over the bridge. Permits have been obtained by

TDEC to remove the low water crossing and replace with the span bridge crossing.

Mr. Bryant stated they have prepared a No-Rise study, even though this property is not located within a FEMA Flood Plain. The No-Rise study does show that the span bridge installation did not raise the current Flood in this area. The purpose of today's waiver is to allow the widening of Patton Road. This is to include filling within the WNA and adding culverts under Patton Road. When the improvements are made, the road will be higher than it currently is to make the entrance onto Trident Ridge more of a level transition.

**3.3 Public Hearing** – Alvin Burns, 6288 Patton Road, stated that the existing bridge has already cause flooding issues on his property across the street. He indicated that there was been about 20 feet of fill material placed in order to build the bridge up.

James Burns, 6288 Patton Road, stated the same as Alvin Burns, but also added that if the roadway is widened, they will need to bring in material and this will only worsen the flooding already occurring on their property.

Teresa Crissy, 6288 Patton Road, asked if there was a more recent traffic study since 2008, because there have been numerous subdivision and a school built since the original traffic study. She also asked if the improvements would only be in front of these entrance and the rest of Patton Road would remain as a two lane road. She stated it does not appear that the improvements are being done for public safety, but more so just for the benefit of the subdivision.

**3.4 Board Discussion** – Brad Hoot asked what effect this work would have on the quality and quantity of the water. Matt Bryant stated the improvements along Patton Road are 1<sup>st</sup> to improve the safety of drivers, 2<sup>nd</sup> Troubadour will go above and beyond the minimum requirements for any landscaping or mitigation. Mr. Bryant stated the runoff would be minimal and the existing vegetation would remain and additional landscaping would be added to ensure filtration before entering the stream.

George Garden asked if the No Rise study included work that had already been done or if it was only for the widening of the roadbed. Mr. Bryant indicated that included all the work to be done and what has already been done.

George Garden asked why the study stated the level of the stream dropped 10 feet by installing the span bridge. Mr. Bryant stated the increased the square footage of the cross sectional area to allow more water flow.

Davis Lamb wanted to clarify that this Board is looking at the widening of Patton Road and its effects. Matt Bryant stated that the Patton Road improvements have always been a part of the approval from the Concept Plan. This Bridge was installed per approved plans and the improvements of Patton Road will raise the road and widen it.

John Kinnie asked if the improvements would have any effect on the properties across the road from Trident Ridge Road. Matt Bryant stated the flood study does not show any additional adverse impacts to those properties. However, none of these improvements will stop the flooding of Patton Road.

George Garden asked about the possible change in Flood Plain around the bridge area and was the fill taken into consideration in the more recent study. Matt Bryant stated that in Phase 9 of Troubadour Subdivision is where Trident Ridge was extended to Patton Road and at that time they did have to map the 100 year water service elevation because there is no FEMA study in this area.

Brad Hoot asked if the adjacent property owners were correct by saying the water will be pushed onto them if the roadway is raised. Matt Bryant stated the flood study and No Rise model that they created does not show this occurring.

Davis Lamb asked about a drawing that was submitted showing a mapped floodplain and a reference to existing and proposed dated January 2025. He wanted explanation on the new elevation, and whether it's pre or post construction of the bridge. Matt Bryant stated the increase in the cross sectional area going under the bridge has attributed to overall decrease in water level.

George Garden referenced the 1<sup>st</sup> page of Appendix E, asking if they are stating the flood level is decreasing by ten feet. Mr. Bryant stated no, that it is approximately ten feet from ground elevation to 100 year flood plain.

Betsy Hester asked if they had been to the Highway Commission yet. Matt Bryant stated they had not, but were on the March meeting. She also asked if they were doing both raising and widening the road. Mr. Bryant stated that is corrected for phase 1, in phase 2 the remainder of the road to Horton Highway will be widen.

Brad Hoot asked a question about page 7 that stated there will be no additional rise in the water levels. Mr. Bryant stated that is correct.

Davis Lamb stated he feels that the applicant has done their due diligence in giving the Board thorough information to support their waiver.

Betsy Hester asked if this waiver could be deferred until after the Highway Commission made a decision. Mrs. Ransom stated that the Highway Commission would probably not hear this request, without the action of this Board.

**3.5 Board Action** – Brad Hoot made a motion to approve as submitted, in accordance to the No Rise Study submitted, seconded by George Garden. The motion was approved 4-1, with John Kinnie voting no.

**4. 02-26-2025-03– Waiver of Section 4 by Gerald Bucy on behalf of Edgar and Michelle Begun for property located at 7379 Caney Fork Road.**

**4.1 Introduction by Staff** – Mr. Forgione reviewed the report for the record.

**4.2 Applicant** – Gerald Bucy (Consulting Engineer) explained that the applicant started this project without permits, and staff issued both a Stop Work Order and NOV within days of each other. Mr. Bucy stated the owners have since started septic review to gain approval for the project. This project originally started as a replacement of the existing farm structure, and during the construction process, the owners decided to add plumbing and living space to the structure. Mr. Bucy stated that due to the topography of the land and drainage calculated Flood area, the placement was limited, therefore the location is within the WNA. Mr. Bucy presented to the Board a landscaping mitigation plan, showing that they would be installing a boulder system along the creek bank to prevent further erosion and intends to plant vegetation to filter runoff.

**4.3 Public Hearing** – None

**4.4 Board Discussion** – Brad Hoot asked if the applicant would be willing to put his stamp on the mitigation plan. Mr. Bucy indicated he was not a landscape architect and could not place his Engineering stamp on that plan but would be willing to have a licensed landscaping architect redo the plans to be approved by this Board or Staff.

George Garden asked about the extensions of this structure past the concrete pad. Mr. Bucy stated the roof and deck are both extended past the footing. George Garden stated the next issue is that there should be some vegetation between a riparian barrier or the structure and the WNA and does not think a rock wall is an adequate barrier. Mr. Bucy indicated the wall would extend all the way to Caney Creek, and the owners would be willing to install a barrier in addition to the wall. George Garden stated that according to the plans, there is no room because the structure is on the top of the bank already.

Davis Lamb stated there is no information included in the submittal showing the old barn and its location, nor does it appear as if this new structure uses the existing foundation. Mr. Davis also added the burden of proof is on the applicant to show the previous location vs new location.

John Kinnie stated that during his site visit he noted it appears as though the applicant has brought in fill material under the new structure to level it up.

John Kinnie also stated it appears as though the structure could have been moved. Mr. Bucy noted that the front of the property is all within the floodplain, so it could not have been built in that area. Michael Scott stated that the lot was not in existence prior to 1981, so it is not an official lot of record. As a result, the regulations do not allow buildings within the floodplain area.

Davis Lamb added that he feels there is not enough information for him to make an adequate decision on approval or denial.

Betsy Hester asked for a photo of the old barn and more reassurance of the riparian barrier. She also asked if the fines for the violations had been paid. Staff commented they had been paid.

George Garden stated he is very sympathetic to the neighbors across the street.

**4.5 Board Action** – George Garden made a motion to defer this item until the March 2025 meeting and in addition, requested that the applicant provide more information about pre-existing and post existing conditions and to show that they didn't increase the encroachment into the WNA as well as provide a landscaping mitigation plan by a landscape architect, seconded by Davis Lamb. The motion was unanimously approved.

**OTHER BUSINESS** – Kristi Ransom advised that she will be submitting revisions to the Bylaws to allow Public Comments not only to items on the Agenda, but a Public Comment session at either the beginning or end of the meeting, whichever this Board prefers.

The Board collectively stated they would prefer the beginning of the meeting.

**ADJOURNMENT** - There being no further business Brad Hoot moved for adjournment. The motion was unanimously approved.

  
Chairman

3 - 26 - 2025  
Date