

**MINUTES OF A MEETING OF
THE BOARD OF ZONING & APPEALS
THE CITY OF FOREST HILLS**

SPECIAL MEETING

MARCH 28, 2013

The Forest Hills Board of Zoning Appeals (herein also the “Board”) held a Special Meeting on Thursday, March 28, 2013 at the City’s Offices, 6300 Hillsboro Pike, Nashville, Tennessee, and at 5:30 p.m., for the purpose of hearing a variance request from Piedmont Gas. Chairperson Janie Rowland presided. Also present were Mr. Jim Littlejohn, Mr. Mark Banks, City Manager Al Deck, City Assistant Cynthia Despot, City Attorney Matt Foster, and City Engineer Brad Bivens. Others present are shown on the attached sign-in sheet. A copy of the Agenda is also attached to these minutes.

1. Piedmont Natural Gas requested a land disturbance permit from the City of Forest Hills for installation of a gas distribution line, with certain portions of the line to be located within the City’s Hillside Protection Overlay District.

Chairperson Janie Rowland called the meeting to order and instructed attendees that the Board would allow Piedmont ten minutes for their presentation and overview of the proposed project. Following the presentation residents will be allowed two minutes to address the Members with their comments and opinions. The Chair additionally explained that this meeting will only address the land disturbance request. Consideration of the variance for construction of the Regulator Station will be heard during the May 17th meeting.

The City Attorney addressed the Members regarding changes to the Zoning Ordinance which caused the need for this hearing. The 2012 Zoning Ordinance revisions created the Hillside Protection & Steep Slope regulations. The Zoning Ordinance requires a geotechnical plan under best management practices to protect the disturbed area and affected residents. The revision required a performance bond to ensure proper completion of the work and placement of erosion controls to protect residents and City infrastructure. The Zoning Ordinance continues by stating that if the applicant has met all standards, the Board is obligated to issue the permit. The staff’s recommendation is for approval, conditioned on issuance of a \$457,000 performance bond.

Officials from Fisher & Arnold began the presentation with an overview of the proposed pipeline and the construction techniques used to control erosion and ensure the disturbed areas will remain in place, under normal circumstances. Following the presentation the Chair called for public comment.

#1. Ilene Andrews, 6405 Sherwood Court. Mrs. Andrews expressed concern about the proposed performance bond and damage to neighboring properties in future years, not just during the construction period. She also cited the work the Board of Commissioners and Planning Commission did several years ago in the Green Community Framework Report.

#2. Mrs. Judy Issac, 1241 Cliftee Drive. Mrs. Isaac began by referring to the statement read by the City Attorney regarding an obligation to issue the permit, if the applicant had met the standards and given that statement, the matter seemed to be settled before the residents even expressed their concerns. She spoke about Piedmont cutting timber, disturbing the soil; possible permanent, visible scarring of the land; plus the emotion and financial suffering they endured from property damage during the 2010 flood and landslide.

#3. Mr. Greg Taylor, 16 Annandale. Mr. Taylor explain that the slopes already have erosion problems and he could only imagine what effect construction would have on the hillside. Large numbers of trees have already been removed and he stated that half of the remaining trees will likely be lost in this process.

#4. Mr. Dudley Smith, 1221 Cliftee Drive. Mr. Smith advised the Members that he sustained half a million dollars in damage during May 2010 flood. The slopes in the area are between 35 to 40 percent and represent an existing hazard. He also expressed concern about additional damage to the street.

#5. Mr. John Sevier, 6016 Sherwood Drive. Mr. Sevier suggested Piedmont is not being completely truthful in this matter. He also stated that the City of Forest Hills is in too much of a hurry to issue this permit.

#6. Mr. Robert Andrews, 6045 Sherwood Ct. Mr. Andrews questioned if anyone can guarantee that there will not be additional damage in the future?

#7. Mr. C. Barton, 1209 Cliftee Drive. Mr. Barton informed the Members that he lost his driveway in the 2010 flood. He also asked for an explanation of the 10% clause.

#8. Ralph Levy at 4 Glenn Abbey. Mr. Levy used TTL following the 2010 flood to oversee repairs to his property. He complimented their work and recommended both the City and Piedmont retain TTL's services for this project.

#9. Mr. Kent Weeks, 6025 Sherwood Drive. Conflict of interest.

#10. Mr. Dennis Roman, 1920 Cromwell. Mr. Romans expressed concern about safety and previous pipeline experiences. Desired a guarantee of 100% safety.

#11. Mr. Jeff Heron, Otterwood subdivision. Mr. Heron stated that there had been a lack of public meetings and mentioned the Metro Nashville meeting as the only

public session available to residents. He continued by saying the soil within the TVA easement is already unstable.

This ended the public comment portion of the agenda.

The City Attorney responded to three general issues raised during the public comment portion of the meeting.

a. The performance bond is based on the actual amount of work, in linear feet.

b. The 10% questions....the Planning Commission and Board of Commissioners set standards that limit the disturbed area to a maximum of 10% of the area within the Hillside Protection zone.

c. Mr. Foster also reminded the Members and residents that the City sent notification letters to between 300 and 400 residents concerning this meeting.

d. Regarding the review process and public meetings, Mr. Foster stated that since 2012 the Board of Commissioners has met with both TVA and Piedmont officials regarding this project. As for public meetings, the City of Forest Hills published and held a public meeting in this very building. There was an additional meeting hosted by the City of Oak Hill.

The Chair called for questions or comments from the Members: Mr. Littlejohn questioned the Piedmont engineer about safety. Mr. Bobby Gardner, Piedmont engineer, responded that safety is the primary driver for this project. Piedmont's biggest exposure to gas line damage comes from 3rd party entities. He reminded the Members of the "Call before you dig" warnings and stated private contractors are the largest cause of pipeline damage. Mr. Gardner also stated that Piedmont will walk the entire length of the pipeline twice per year examining the easement for damage or potential problems. The company will also fly over the entire pipeline and observe the condition of the easement on a quarterly basis. He informed the Members that the TVA easement extends from Granny White Pike to Melbourne Drive. From that point the line will cross private property. Mr. Gardner stated the Sheahand out of Tulsa is the contractor for the construction process. They will use "soil nails" to secure the disturbed area, along with wire mesh in certain locations.

Mr. Littlejohn offered a motion to approve the land disturbance permit, conditioned on the following items:

a. The landscape architect will recommend a tree inventory, as well as proper guidance as to the installation of the landscape materials, used in conjunction with any homeowner providing a dedicated easement to Piedmont Gas.

b. Piedmont will reevaluate the paved driveway to the regulator station, as well as the drainage issue on Melbourne Drive and the affected residents.

c. The contractor will employ best management practices and the City Engineer to have signoff authority on reestablishment of the easement site.

d. Mark Harmon, with TTL will reevaluate the original \$457,000 performance bond proposed to be posted for the Piedmont project.

There being no further matters to be discussed and no further business to come before the Board, the meeting was adjourned.

Recorder

Chairperson