

ENGINEERING CONSISTENCY MEETING

JANUARY 2008

MEETING MINUTES

Attendees:

Michael Clar, P.E.
Michael Clendaniel
John Gysling, P.E.
D.J. Guthrie-Carter
Doug Hokuf, Jr., P.E.
Eric Laramore
Stacy McNatt, P.E.
Rachel Mooney
Hap Ryan, P.E.

Purpose: The purpose of the engineering consistency meetings is to promote consistency among the engineering staff in the application of the County Code and Departmental Policies. During the meetings, current regulatory issues are discussed. When a consensus is achieved, the decision is documented. The goal is then to clearly communicate Departmental positions to the professional engineering community by providing a copy of the meeting minutes on the County's Engineering internet page. It is the intent of the Engineering Section to apply these decisions uniformly; however, due to the uniqueness of each land development application all plans are reviewed on a case by case basis.

Issues Discussed:

1. Stormwater access and maintenance easements

Question: Do stormwater access and maintenance easements need to appear on the Record plan or is a note sufficient?

Discussion: The need to graphically depict the locations of stormwater access and maintenance easements depends on the location of the stormwater management practice. When the stormwater management practice or conveyance system is located within public access-ways the use of a standard note is acceptable. But, when the stormwater management practice or conveyance system is located in an area of restricted access such as open space, along property lines or surrounded by pervious cover the stormwater access and maintenance easements shall be depicted on the Record Plan. By depicting stormwater access and maintenance easements in areas of restricted access the location and limits of the easement is clearly understood.

Decision: If the stormwater management practice or conveyance system is located within public access-ways the use of the standard note provided below is acceptable. But, if the stormwater management practice or conveyance system is located in an area of restricted access such as open space, along property lines or surrounded by pervious cover the stormwater access and maintenance easements shall be depicted on the Record Plan.

Standard note: *A stormwater management maintenance easement in favor of New Castle County, its agents and assigns is hereby created on, over, under and across the entire area of all stormwater management facilities and conveyance systems as identified on this plan for the purpose of inspecting, evaluating and maintaining the stormwater management facilities. The easement shall extend 10-feet from the outer edges of each such stormwater management facility. A general access easement is hereby created over and across the property shown on this plan granting New Castle County, its agents and assigns the right, privilege and authority to enter upon and travel across the property to each stormwater management facility. The easements herein created shall be for pedestrian, vehicular and equipment use. If New Castle County, its agents and assigns determines that maintenance is required to a stormwater management facility, New Castle County shall provide notice of the required maintenance and the time frame in which such maintenance shall be completed to the property owner or responsible party. No notice shall be required where New Castle County must perform maintenance where there is imminent threat to life, health or property. In the event New Castle County elects to maintain the stormwater management facilities, all expenses shall be assessed jointly and severally against the owners of the property shown on this plan.*

This decision is given as a guide and shall not be construed as all inclusive. As unique situations arise, the Department of Land Use reserves the right to require the depiction of stormwater access and maintenance easements on the Record Plan.

2. Order of Stormwater Practices

Question: When designing a treatment train for the management of stormwater runoff, in what order do the stormwater practices need appear?

Discussion: As many stormwater management practices do not focus on all aspects of stormwater management; quality, quantity, and volume control, the requirement for multiple types of practices in a series is often necessary to fulfill the requirements of the Delaware Sediment and Stormwater Regulations. Having deferred to DNREC on this matter, the direction received is to place green technology best management practices (GTBMP) upstream of any quantity management practices in order to maximize their function. The reason for this is because the soils located at the lowest points of a site tend to have lower infiltration capacities than those located at the upper part of the site. As the number of quantity management BMPs on a given site are often few for economic purposes, a collect and convey approach is utilized which inevitably requires placing the BMP at or near the lowest part of a site. To then place a GTBMP downstream of the quantity practice often limits its recharge potential. This is counter to the intent of the use of these GTBMP, which is to maximize recharge.

Decision: Unless over-riding circumstances exist, quality control features shall be placed upstream of the quantity control practice. Relief of this decision shall be granted only if site characteristics exist that preclude the preferred approach and if mitigating steps have been included to account for the resulting impacts. The burden of proof is the responsibility of the applicant and the final decision rests with the Department.

3. Re-grading/reshaping of drainage-way

Question: To what extent may the protected area of a drainage-way be modified while retaining its protected status?

Discussion: The New Castle County Code (NCCC) Section 40.10.360 allows for the protected area of the drainage-way to be re-graded and reshaped when providing for stormwater management and drainage. The Code also provides modification standards that mandate the slowing of flow velocities, the maximizing of infiltration, and the replanting of approved grasses or wetland vegetation when not in a forest. In consideration of these requirements, the re-grading and/or reshaping of a protected drainage-way should only occur when the feature is in poor condition (e.g. eroding, undesirable vegetation). The location of the drainage-way does not represent a poor condition.

Decision: When a drainage-way is modified it retains its protected status only when the adjustment occurs within the limits of the natural drainage-way (50-feet) and when compliance with the standards outlined in the NCCC Section 40.10.360 are demonstrated.