

LANDSCAPE COMMITTEE
Special Meeting Minutes, August 14, 2005, 7 p.m.

The special meeting to discuss drainage issues behind houses 106 – 124 was held at the home of Bill Arthur and Kathy Doherty (125). The Landscape Committee asked affected homeowners and Board members to attend. Present were: Marie Murray (124), Julie McNamara (122), Bob Donaldson (118), Joe Romer (116), Garry Sauner (114), Helga Johnson (112), Kevin Stephenson (110), Mark Kaye (106), Terry Zawacki (113), Ed Bromikowski (121), Tom Smolinski (135) and Kathy and Bill (125). Ed Bromikowski had agreed to serve as facilitator for the meeting.

Ed first asked for homeowners to describe the issues caused by storm water runoff behind the properties on the north side of Tollgate Way. Affected homeowners at 112, 110 and 106 described the varying issues and concerns and provided a paper outlining these concerns (*See Appendix A, below*).

Other homeowners made these observations:

- ? Julie: the property on Broad Street behind her house was re-landscaped in a way that has brought more water down to Tollgate. There also is some new landscaping going on behind homes on Broad Street that could ease some of the problem.
- ? Marie noted that her basement floods each time there is a heavy rain. Paved courtyards behind Tollhouse properties also has increased the water runoff and the “dams” between 122 and 118 and 116 and 114 may not be the sole cause of the problem. Marie also noted some large trees have been removed from Tollgate properties and that may have decreased the absorption of water into the ground.
- ? Bob noted that during a recent heavy downpour there still was three inches of fast moving water running through his side yard, despite the “dams.”

After the discussion of issues caused by water runoff, Ed asked the group to consider ways to arrive at a solution. The following ideas were brought up:

- ? Safety should be the first concern.
- ? Water inside houses also should be a prime concern.
- ? Might there be a way to run the water underground?
- ? We could consider hiring a civil engineer to study the issue.
- ? The City of Falls Church has said that, in its opinion, the storm drain between 108 and 106 has adequate capacity to handle all of the runoff and also the city noted its responsibility begins at the drain.
- ? Any proposed solution will be impacted by development on South Cherry and that should be taken into account.

From this discussion, the group identified the following five priorities for solutions:

1. Safety
2. Ensuring houses are dry

3. Access behind houses
4. Landscaping aesthetics
5. Cordial and complete communication among all parties before actions are taken or tempers flare

Ed then led the group through a discussion of possible next steps and the group mutually arrived at the following next actions, to be complete by the October Board meeting:

- ? Ed will investigate innovative solutions (such as “rain gardens”) in other neighborhoods, what other developments have done about water issues, what information the City of Falls Church can provide and whatever other avenues those inquiries might suggest.
- ? For at least the short term, Kevin and Mark will keep the concrete construction at the drain behind 108 and 106 free of mildew and moss that could cause a safety hazard.
- ? Joe and Mark will investigate liability issues related to access and safety.
- ? Marie will ask her husband (Chuck) to suggest engineering consultants knowledgeable about water issues and she and Ed will check credentials and costs in order to provide the Board with that sort of information in case it becomes necessary to engage a consultant.
- ? Bob will look at Helga’s back yard and advise her whether the wood barrier at her gate should be removed and also get a heavier stone that won’t float or break.

Joe congratulated the Board for its work as well as individuals who frequently take on work duties. The group agreed the property looks as good as it has ever looked. The group also congratulated Ed for constructively guiding discussion.

The meeting concluded at 8:30 p.m.

Respectfully submitted: Kathy Doherty, August 18, 2005

APPENDIX A: Notes from Homeowners, brought to meeting

Date: August 14, 2005

Re: Tollgate Drainage: Safety, Legal Liability Exposure and Accessibility

Background and Situation:

- ? Original Tollgate drainage system was engineered and functioned effectively for 20+ years. No atypical erosion impacted the alley from 106 to 112.
- ? Manipulation of original engineered drainage system initiated to promote the growth of standard lawn grass between 114 and 116 and 118 and 122 by placing dams between 114 and 116 and 118 and 122 in the rear next to the alley. This alleviated one problem (i.e., create ground conditions suitable for standard lawn grass), but created serious safety, legal liability exposure and accessibility issues downstream.
- ? Manipulation of engineered drainage system reduced from 3 to 1 the number of drains for the alley behind units 106 to 112; further, accessibility to the alley was diminished by the placing of shrubs between 114 and 116 next to the alley. Specifically, water can no longer drain from the alley to the drains in front of units 114 and 116 and 118 and 122. The shrubs noted above also effectively limit access to the alley for units 110 and 112 from 2 pathways to 1.
- ? Result of manipulation of the engineered drainage system: Greatly accelerated erosion in the alley behind 106 to 112 resulting in safety, liability exposure and accessibility issues.
- ? Due to deep erosion behind residences 108 and 110, a brick and slate walk-way patch was installed behind 108 and 110 without prior consultation with the impacted residents. The patch is very limited in scope and has not fixed the root cause of the erosion/drainage problem – that is the reduction in drains from 3 to 1. One (1) drain for the entire alley is insufficient.
 - o The patch itself is a liability issue because it is inclined and very slick and slippery during and after precipitation. This impacts both Tollgate residents and non-residents (e.g., delivery people).
- ? Current Situation:
 - o Safety issue for anyone using the alley
 - o Substantial HOA legal liability exposure (i.e., slip and fall)
 - o Accessibility to the alley is significantly impacted for residents of 110 and 112. These units have only one (1) effective means for access to the rear of their residences via the path between 106 and 108
 - o The right of access and enjoyment to an HOA common area is severely impacted.

Observed Facts:

- ? Residents of 110 have observed on numerous occasions precipitation cascading down the alley that was ankle high depth; including ankle high depth water next to the green utility box between 114 and 116.
 - o The above was documented pre and post patch (noted above)
 - o Resident of 106 has observed the same.

- ? Resident of unit 112, an original Tollgate owner, never observed nor experienced alley drainage issues until after the above-mentioned dams were installed. Since the dams were installed, the following has occurred:
 - o Backyard floods
 - o Expensive flagstone has been broken (due to water flooding into the premises and lifting the stones).
 - o An attempt to fix the problem by placing a piece of wood in front of the rear gate of 112 does not work (especially with the high water noted above by residents of 110 and 106).

- ? Other notes:
 - o The situation described above will result in wall damage (i.e., need for expensive re-pointing of the brick) and will undermine the stability of the wall structures.
 - o Erosion will accelerate greatly in the Fall/Winter months (as it has in the past) after the summer vegetation disappears (note: resident of 106 seeded heavily from 106 to 112 to help mitigate damage this summer).

- ? **Conclusion:** Present safety, legal liability exposure and accessibility will only be compounded by the current manipulation of the original engineered drainage system.

Proposal:

1. Immediate action: remove the dams and regrade the land around the dams prior to the Fall/Winter months when the opportunity for erosion is the greatest.
2. Retain a qualified/licensed civil engineer to examine the entire Tollgate drainage system and make recommendations
3. Consider replacing standard lawn grass with native Virginia plants and grasses between units 114 and 116 and 118 and 122 (and in other locations as appropriate). Such plants and grasses are more suitable for the environment and terrain of Northern Virginia.