



The Town of Leesburg
INTEROFFICE MEMORANDUM
DEPARTMENT OF PLAN REVIEW

TO: DCSM Holders and DPR &
Utilities Staff

DATE: October 23, 2020

FROM: William R. Ackman, Jr., P.E.
Director, Dept. of Plan Review

RE: Interpretation regarding the
Energy Balance requirement for
Plans Disturbing Less than 1 acre

Subject: Interpretation of DCSM Sections 5-120.1 as related to the Energy Balance requirement for Plans Disturbing Less than 1 acre

Prepared by: Director of Plan Review

In accordance with DCSM Section 1-420, the Director of Plan Review has the authority to interpret the technical language of the DCSM for specific meaning and intent. Therefore, I have determined that in addition to the minimum requirements stated therein, the language in the above referenced DCSM Sections shall be interpreted, as follows, to add clarity and flexibility to the DCSM.

Under the allowances of the Town Code Section 14-23.g.5.a and State Code 9VAC25-870-122, a VSMP authority (in this case, the Director of Plan Review) may grant exception to the provisions of the Part IIB requirements, provided that (1) this exception is the minimum necessary to afford relief, (2) reasonable and appropriate conditional shall be imposed as necessary such that the intent of the Stormwater Management Act and Part IIB requirements are preserved, (3) the exception will not confer any special privileges that are denied in other similar circumstances, and (4) exception requests are not based up conditions that are self-imposed or self-created. Additionally, economic hardships alone are not considered sufficient reason to grant an exception.

Based on these above authorities, the Director of Plan Review may consider, on a case by case basis, an exception to the Energy Balance Equation requirements set forth in 9VAC25-870-66.B.3 for Natural stormwater conveyance systems. This exception must be executed through the submission of a DCSM Modification (TLDM) by the Applicant. These Modification Requests must meet all applicable minimum submission requirements in place at the time of submission. Additionally, the application must meet the following requirements in order for the Director of Plan Review to consider approval of the modification:

- The site must provide an adequate outfall(s) as defined by the DCSM with no existing signs of erosion. For sheet flow outfalls, the point of sheet flow discharge cannot be changed from the predevelopment conditions. Outfall inspections with updated color photographs are required with the justification.
- The post development discharge from the applicable outfall(s) must discharge at or below the existing flow rate(s) and not increase the 2yr. velocity at the discharge location(s).
- A signed statement must be provided by the Engineer that there will be no adverse impacts to any downstream properties.