

Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
2 Martin Luther King Jr. Dr • Suite 1152 East • Atlanta • Georgia 30334
(404) 463-1511; Fax (404) 651-8455
Judson H. Turner, Director

Ms. Kathy Autry
1192 Settles Road
Suwanee, Georgia 30024

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Dam Breach
Proposed Champions Run Phase III
Residential Subdivision
Forsyth County

Dear Ms. Autry:

Thank you for your letter dated April 26, 2015 regarding the above referenced stream buffer variance request. We appreciate you making us aware of your concerns.

After receiving your comments we forwarded them to the variance applicant and requested that they consider them and provide a response. We have reviewed the applicants' response (enclosed) and are satisfied that your concerns have been adequately addressed without the need for any changes to the variance as proposed. Because the applicant has met all applicable requirements, the requested variance has been granted. A copy of the Director's letter granting the variance is enclosed.

Again, thank you for taking the time to share your concerns with us; we appreciate your commitment to helping us protect our state's water resources. If you have any questions, please contact Peggy Chambers, Erosion and Sedimentation Control Unit, at (404) 651-8549.

Sincerely,



Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:pc
Enclosure

Georgia Department of Natural Resources

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Judson H. Turner, Director

May 12, 2015

Mr. Wade Gilbert
Travis Pruitt and Associates, Inc.
4317 Park Dr.
Suite 400
Norcross, Georgia 30093

RE: Buffer Variances under
Provisions of O.C.G.A. 7-6(b)(15)
Champions Run Dam Breach
Proposed Residential Subdivision
Forsyth County

Dear Mr. Gilbert:

The Georgia Environmental Protection Division (EPD) has received comments from a concerned citizen regarding the above referenced development. The attached letter expresses concerns regarding issues with water quality impacts on state waters. EPD requires that the applicant respond to these comments so that EPD may continue review of the stream buffer variance. Please be advised that the application for the stream buffer variance will be held in abeyance until all responses to comments are received by EPD.

If you should have questions, please contact me at (404) 651-8549.

Sincerely,

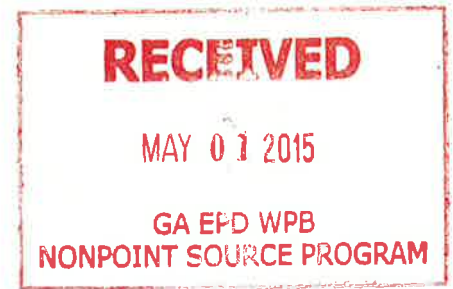


Peggy Chambers
Environmental Specialist
Erosion and Sedimentation Control Unit

PC:kj
Attachments

File: BV-058-14-09

Program Manager
NonPoint Source Program
Georgia Environmental Protection Division
4220 International Pkwy, Suite 101
Atlanta GA 30354



April 26, 2015

RE: BV-058-14-09

This is public commentary on the request by Champions Run to breach the buffer, redirect the flow of water from underground springs and storm water, and potentially re-grade the dam slopes in the area.

I request that the language for any variance to breach the pond be very specific as to the exact amount of buffer linear feet to be displaced and location. I am concerned that the development's contractors may not be careful in the area to be breached, and that the sloped land across from our property would also be breached and re-sloped / or cleared of vegetation.

Specificity in the variance approval should be exact as to the location of the breach and exact as to no intrusion into any auxiliary state buffer outside of that buffer breach requested.

We share a riparian stream with the developer directly upstream from this request. We already have volumes of redirected water from the development's hillside flowing into the new retention pond A and, subsequently, entering the blue line stream, crossing and eroding the buffers. We do not need any more change to the state and county buffers than has already taken place. I assume everything was approved; I don't have anything to say it was by the GAEPD.

The current requested breach is not scheduled to be against our property, but the current Farmer's Pond embankment begins at the far corner of our lot Pin # 180-136 (upstream).

We do not wish the buffer across from our property to be encroached / smoothed / re-sloped where the Farmers Pond is opposite our property. Pictures are attached showing the buffer bank across from our property. It is quite steep and vegetated with mature trees and scrub on the bank facing the stream. The developer is to replant the 25' county buffer with evergreens against our property and assumably not disturb the 25' state buffer and/or replant?. The stream runs the full length against our property on the western edge.


The developer, per the zoning amendments on the property, is to replant on any disturbed buffer areas within the 25' county buffer, with the assumption they will not need to re-vegetate the state waters buffer unless disturbed. Per their re-vegetation plans submitted to you, they list American Hornbeam's, Silky Dogwoods, Red Maples, Virginia Sweetspire, and Elderberry.

The County zoning amendment, ZA2936, approved 8/23/2004, lists the various steps for this development.

Per the RC130009, No. L1.8, the developer shows Cupressocyporis leylandia, Ilex x Nellie R. Stevens, Acer rubrum, magnolia grandiflora and Cryptomeria japonica.

This appears to be a difference between what was approved by the County on 8/19/14 with the assumption that the variance would be approved by GA EPD. This is not against our property, but it is something different that I noticed.

Respectfully,


Kathy Autry

1192 Settles Rd
Suwanee, GA 30024



26/04/2015 16:04



26/04/2015 16:05



May 13, 2014

Ms. Peggy Chambers
Georgia Department of Natural Resources
Environmental Protection Division
Water Protection Branch
4220 International Parkway, Suite 101
Atlanta, Georgia 30354

Subject: **Response to Comments for
the 25-Foot Vegetative Buffer Encroachment for
Champions Run Farmer Pond Dam Breach
Forsyth County, Georgia
TPA Project No 1-13-0344**

Dear Ms. Chambers:

On behalf of our client, Rocklyn Homes, Travis Pruitt & Associates, Inc. (TPA) hereby submits the response to the comments received from you on May 12, 2015. Based on the letter attached to the email TPA received, the comments associated with the project were limited to comments received from Kathy Autry. The comments were concerning the amount of buffer encroachment, the location of the buffer encroachment, the clearing of the undisturbed buffer adjacent to their property, and the revegetation of the area and the species selected to plant within the dam breach.

The first two comments were concerning limiting the buffer encroachment and the location of the dam breach/stream buffer encroachment. As discussed in great detail in the variance application, the dam breach will be in the exact area shown on the Dam Breach Erosion Control Plans. The encroachment into the 25-foot State Buffer will be limited to the 105 linear feet/4,136 feet² on the unnamed stream to the perennial stream that Ms. Autry described in her comments. As discussed in the variance application, no additional encroachment is proposed within the 25-foot undisturbed state water buffer, along the perennial stream or any other State Waters with the Champions Run Subdivision. The only encroachment is in the area required to breach the failing farmer pond dam, as depicted in the plans submitted in the variance application. The slope in the photograph that Ms. Autry attached is part of the Farmer Pond Dam that runs parallel to the perennial stream she described as her property line. The area along her property line and upstream and downstream of the dam breach will remain undisturbed and in its current natural state. The final comment Ms. Autry made was concerning the proposed species selected to re-vegetate the area within the Dam Breach verses those shown in the Forsyth County approved land disturbance permit (LDP). The species selected to be planted within the actual area of the dam breach are to be planted within the 25-foot buffer along the area of the breach. These plantings in addition to those required to meet the zoning conditions associated with the 35-foot and 50-foot Forsyth County buffers. As discussed above, there is not any disturbance within the 25-foot Sate Waters buffer with the exception of the dam breach and exempt activities associated with road and sewer line crossings.

Ms. Peggy Chamber
Georgia Environmental Protection Division
May 13, 2014
Page 2

We believe we have provided the necessary information to address the comments concerning the stream buffer encroachment associated with the dam breach. However, if you have any questions or require any additional information, please call or email (770) 318-5560 or wade@travispruitt.com.

Respectfully submitted,
Travis Pruitt & Associates, Inc.

A handwritten signature in black ink, appearing to read "S. Wade Gilbert", written over a horizontal line.

S. Wade Gilbert, LEED AP BD+C
Vice President

SWG