

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

MAY 7 2015

Michael and Gloria Reese
913 E. Marable St.
Monroe, Georgia 30656

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Winsdor Forest Dam Maintenance
City of Monroe

Dear Mr. and Mrs. Reese:

Thank you for your letter of March 6, 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 consultant on behalf of the variance applicant and requested that they consider them and provide a response. We have reviewed the applicant's response (enclosed) and are satisfied that your concerns have been adequately addressed. 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,



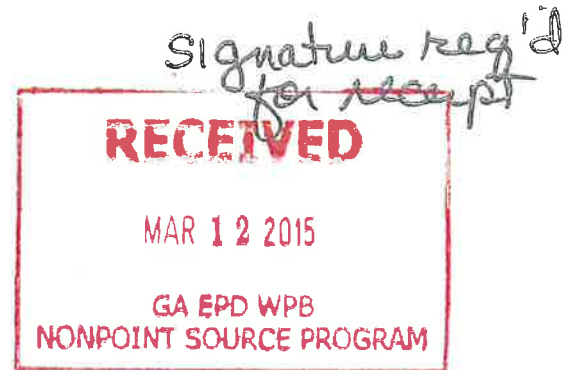
Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:pc
Enclosure

March 6, 2015

From: Michael & Gloria Reese
913 E. Marable Street
Monroe, Georgia 30656

To: Program Manager, Nonpoint Source Program
Erosion and Sedimentation Control
2 MLK Jr Dr. SW Suite 1152
Atlanta, Georgia 30354



Subject: Request for Denial of Variance Application for Windsor Forest Subdivision-Dam
Maintenance/Tree Removal Activity

Sirs

In response to the public notice posted in the March 1, 2015 Walton Tribune, we are requesting that the Variance Application for Windsor Forest Subdivision-Dam Maintenance/Tree Removal Activity be denied. We are asking for a halt/postponement of any activity in this area until a study can be performed on the extent of any additional adverse environmental impact which will be caused by the removal of the trees from the dam and work in the buffer area. These trees play a critical part in erosion control and pollution control in the creek, lake and land of the property adjacent to the buffer zone.

The way in which the existing sewer line is positioned is causing an overflow of storm water onto our property and into the natural lake, a 5 acre lake that is fed by a natural waterway. We are concerned that the proposed removal of additional trees in the dam/retention pond work area, and work in the buffer zone itself, as defined in the variance application, will create even more adverse impacts and damage to our property. Our property is adjacent to the area - and the tree removal will create more soil erosion, sedimentation and pollution onto our property and waterway.

The area defined in this application is located between the Windsor Forest Subdivision identified in the application and our property at 913 Marable St Monroe Ga. The trees on the dam and buffer zone near the detention pond are a natural barrier preventing soil erosion, and help to slow the storm water runoff that overflows onto our property - a barrier between the lake, our property, Jack's Creek, and the unfenced retention pond. These trees and shrubs have helped to control some of the run off and erosion from the swell and retention pond.

Background: This is part of a larger erosion and runoff problem whereby the City of Monroe storm water runoff overflows onto our property and into our natural lake. We already requested that the City of Monroe remedy this horrible overflow and run off situation. We requested that the city provide adequate drainage and an adequate spillway to insure that the city runoff water and trash drains appropriately into the retention pond. We have also requested that the natural barrier that has already been removed by the city in the buffer zone and right of way be replanted and fenced to prevent further additional erosion and damage.

We filed a complaint in January 2014 with the City of Monroe regarding various aspects of the project to correct the current drainage of water onto our property and into our lake. While some steps have been taken, the watershed quality and quantity issues have still not been adequately addressed to protect and conserve land and water. Work promised by the City has still not been completed. We are very disappointed to see that the next step in this city project appears to be the removal of trees from the dam and additional work in the buffer zone - this will cause more erosion.

Page 2 Subject: Request for Denial of Variance Application for Windsor Forest Subdivision-Dam Maintenance/Tree Removal Activity REESE

Because we have still not had the existing situation corrected by the City of Monroe, we contacted the EPD Watershed Division on March 6, 2015 as we learned of this variance application. The tree removal will only add to the problem! We have filed a formal complaint with the EPD state watershed management division director's office regarding the existing storm water run-off drainage, which pollutes the natural lake and land; we have requested an EPD investigation and EPD assistance in correcting this situation. The sedimentation and pollution flows into the lake, onto the land, and into the creek. Our EPD complaint requests that the EPD conduct an environmental impact study/review on the entire design of the existing storm water swell, dam and retention pond and now the proposed dam maintenance/tree removal activity. Corrective action is warranted and overdue.

We are requesting that this variance application be denied until EPD Watershed can assess the existing storm water run-off issues along with the relationship to the proposed changes in the variance application.

We can be contacted via email at reeseq11m@bellsouth.net, or Michael Reese via cell at 770-624-1317.

Thank you

Michael & Gloria Reese

Michael & Gloria Reese
913 E. Marable Street
Monroe, Georgia 30656

Attachment copy of Public Notice 3/1/2015 Walton Tribune



March 25, 2015

Peggy Chambers
Environmental Specialist
Erosion and Sedimentation Control Unit
Georgia Department of Natural Resources
2 Martin Luther King Jr. Dr.
Suite 1152 East
Atlanta, GA 30334

RE: Response to the concerns of Mr. and Mrs. Reese at 913 E. Marable St. Monroe, GA 30656

Dear Ms. Chambers:

In response to the concerns raised by Mr. and Mrs. Reese whose property is adjacent to the project area as follow:

1. Concern: Existing sewer line is positioned is causing an overflow of storm water onto our property and into the natural lake.
Response: The existing storm sewer line mention in Mr. and Mrs. Reese concern is approximately 792' upstream of the site. The location of the buffer variance is much further down stream, therefore the requested variance activity will not impact the existing lake. Please see attached drawing. Furthermore, after the our site visit, there were no evidence that any water have over topped the existing channel and coming the neighbor's property, which is HLF Properties, LLC, not Mr. and Mrs. Reese's property.
2. Concern: The tree removal will create more soil erosion, sedimentation and pollution onto our property and waterway.
Response: Tree roots can damage and compromise the integrity of the dam, therefore removing the trees from the dam is the prescriptive maintenance procedure to prevent the very concern which Mr. and Mrs. Reese have stated. If the dam fails, all the dirt from the dam will become sediment polluting the water way as feared by Mr. and Mrs. Reese. Furthermore, when inspecting the site, the existing dam on the Reese's property is covered with large trees. This dam is holding back the 5 acre lake as mentioned in their letter. The potential for roots damaging this dam and causing flood damage and pollution to the downstream properties will be much greater than our proposed project.

Please contact me if you have any question or concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Tip Huynh", written over a horizontal line.

Tip Huynh, P.E.
Principal Engineer

2205 Highway 81 South
Loganville, Georgia 30052
Phone: 770-466-4002 Fax: 770-466-4296

Tip@AlcovySE.com

Georgia Department of Natural Resources

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2 Martin Luther King Jr. Dr • Suite 1152 East • Atlanta • Georgia 30334

(404) 463-1511; Fax (404) 651-8455

Judson H. Turner, Director

MAY 7 2015

Robert D. Biehl
618 Windsor Drive
Monroe, Georgia 30656

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Windsor Forest Dam Maintenance
City of Monroe

Dear Mr. Biehl:

Thank you for your letter of March 20, 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 consultant and the City of Monroe and requested that they consider them and provide a response. We have reviewed their 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 application 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.

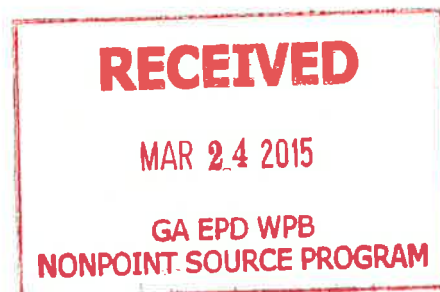
Sincerely,



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

GB:pc
Enclosure

ROBERT BIEHL
618 WINDSOR DRIVE
MONROE, GA 30655



Program Manager, Nonpoint Source Program

Erosion and Sedimentation Control

2 MLK Jr. Dr. Suite 1152

Atlanta, Georgia 30354

Subject: Request for denial of Variance Application for Windsor Forest Subdivision
Dam Maintenance/Tree Removal Activity

March 20, 2015

Dear Sirs:

I am writing today in regards to the retention pond located in Windsor Forest Subdivision. I own the property and live at 618 Windsor Drive in Monroe, Georgia. The majority of the actual basin is located in my backyard. I have several concerns about what is going on and I understand I have a very limited time to act.

1. When I was first approached by Jimmy Davis last year, regarding giving the City permission to clean out the area, I was not aware of the impact it would have on my property. Upon examination of the area with Jimmy Davis recently, several things were pointed out that I had not realized and I hope that it could be corrected. Mr. Davis told me that they were going to cut down the trees that were on the dam and leave the stumps intact. However, last year, when they took the trees off the hillside nearest my house, instead of cutting them down, they dug them out by the roots including a tree above the dam line that was 20 inches in diameter and 2 feet from my deck post exposing the concrete footer of my deck post. At the time, they put some netting on my hillside by the place where they took the biggest tree. In addition, they removed several trees that were rooted higher than the top of the dam. Mr. Davis told me that they supposed to shoot a laser line and they will remove only the trees below the level on the top of the dam. I don't believe that they set a line but instead simply took out all the

trees on the hillside even the ones near the top of the hill higher than the dam line.

2. At the head where the first drain empties toward the pond, they extended the head gate out to the swale and turned it back towards the pond. The opening for the drain at my property, the head gate is up on the hill, and water is washing away the land. Upon observation by Mr. Davis and me it was noted that the opening for the head gate had deteriorated and needed to be replaced. If this is being replaced, it should be extended out towards the pond and backfilled to support the head gate.

3. Mr. Davis informed me that on the basin, measured in 15 feet from the toe on each side, they could plant trees and that they could be possibly plant a handful of dogwood trees. I lost many very tall trees when they cleaned this out which could have possibly been saved. It would be much better if they could replace those trees with trees that could grow taller creating a buffer between my house and the traffic on Marable Street. Before they removed all the trees, it was impossible to see Marable Street and almost impossible to see the dam which was only 10 yards from my back deck. Now, my understanding is when they finished my whole backyard will essentially be just a big hole with almost no trees at all.

4. In other retention ponds, the area is fenced. However, Mr. Kelly, the city inspector, told me they could not fence this pond because they have to leave an opening at the bottom of the fence to allow trash and debris to flow underneath the fence. It would seem to me that if they put a fence past the furthest head gate, there would be no reason to leave a gap at the bottom, especially if they moved the second head gate out closer to the pond.

It appears that the work which has been done thus far was done without any surveying of the area and they just went in and tore out all the trees and shrubs without any consideration for doing what was necessary without further damage to my property.

They also need to do a topographical survey to establish the actual 100 year flood line, which has not been done, as there is no reason to clear my hillside above the 100 year line. The city needs to replace all trees and shrubs above this line and do what is necessary to restore my hillside to stop further erosion caused

by their reckless removal of trees and shrubs near my home. My house sits approximately 10 feet from the top of this hill and I am very concerned regarding the stability of the soil due to their total removal of all the tree root systems holding this hillside in place.

If this area is not going to be fenced, I would request the city properly maintain this area upon completion of this project.

Because of the items stated above and the shortcuts taken without regard to the environmental impact this has caused I request that the Variance be denied until such time as these matters can be addressed.

I would further request any response and remedies be addressed to me in writing and not just verbal assurances.

Thanks you for your time and please contact me if you have further questions.


Regards, Robert Biehl

cc: Jimmy Davis, Storm water Technician, City of Monroe
Denise Dixon, District 2 City Council
Matthew Chancey, Monroe City Administrator



3/30/2015

Mr. Robert Biehl
618 Windsor Drive
Monroe, GA. 30655

RE: Detention Pond Issues Agreement

Mr. Robert Biehl,

The intent of this letter is to accurately reflect the agreement we arrived to in our meeting yesterday.

Yesterday we discussed the maintenance activities that needed to be done to the detention pond. We also discussed how we would build up the eroded areas of the slope including the area around the deck with soil to restore the shape and integrity of the slope. We spoke of bringing in top soil and any fill dirt that might be needed. We also spoke about how the pond is an elongated design with multiple owners and the method we would employ to clear and stabilize it.

Our agreement for tree replacement and maintenance is as follows.

- 1.) Mr. Biehl agreed to maintain the slope after construction above the dam line on the house slope side and the City will maintain the rest.
- 2.) The City agreed to plant junipers around the deck area to replace the tree that was removed at the deck.
- 3.) The City agreed to plant six or seven Leyland cypress trees between the house and the sewer man-hole in a staggered line on the slope shoulder.
- 4.) The City agreed to planting three Bradford pear trees in the bottom of the pond.

The City will not be responsible for any of these trees after proper planting has taken place. Care and nurturing that might be needed will be the responsibility of Mr. Biehl. If these trees die for any reason after September, 2015 they will not be replaced by the City.

This is agreed upon by the following.

Rodney Middlebrooks

Date: 3/30/2015

Jimmy Davis

Date: 3/30/2015

Robert Biehl

Date: 3/30/2015

CITY OF MONROE
EASEMENT

GEORGIA, WALTON COUNTY

This conveyance is made and executed on the 30th day of, MARCH 2015, witnessed that ROBERT BREAL / Robert Breal the undersigned, (PRINT / SIGNATURE) are the owners of a tract of land in said State and County, and CITY OF MONROE desires to acquire a temporary easement and right of way over, through, and across the said land.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) in hand paid to the undersigned, and for other good and valuable consideration received by the undersigned, the receipt and adequacy being hereby acknowledged, the undersigned do hereby grant to **CITY OF MONROE**, a Municipal Corporation, a temporary easement and right of way 20 feet wide, over, through, and across the lands described as follows:

See Exhibit "A" attached hereto and made a part hereof by reference.

The undersigned grant to City the right to service drainage lines and to excavate for lines, with the right to remove trees, bushes, undergrowth, and obstructions interfering with the location, construction and maintenance of the lines, on the temporary easement.

The temporary easement shall expire 120 days from the date first above written.

TO HAVE AND TO HOLD said permanent easement and right of way unto **CITY OF MONROE**, a Municipal Corporation, its successors and assigns, forever / 120 days.

The undersigned warrant that the undersigned have good and lawful right to convey this easement and the undersigned will forever warrant and defend the title thereto against the claims of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals the day and year first above written.

Signed, sealed and delivered in the presence of:


Unofficial Witness


Notary Public

BIEHL ROBERT D REVOCABLE TRUST
618 WINDSOR DR.
PO BOX 1917
MONROE, GA 30656

My Commission expires

06/13/18



Exhibit A

