

Wheeler, Denise

From: Art Zweil [a.zweil@yahoo.com]
Sent: Thursday, January 03, 2013 1:09 PM
To: NRB - Comments
Subject: Comment on Land Use Panel v. Mark and Julie Pernokas

To whom it may concern:

With respect to the Assurance of Discontinuance, specifically "Statement of Facts and Description of Violations".

#8) states that the original request was for a 10 foot width which was withdrawn by the Respondents

The approval for a 6 foot wide Temporary path was approved for the work to be done.

#9) states that in the Summer of 2012 a Temporary Gravel Access Path 18-20 foot wide was constructed.

Further, item (C) of the Agreement requires The Re-vegetation Restoration Plan shall address the fact that the Disturbed Area is wider and more extensive than the area allowed under the permit.

During the August and Early September 2012 period, I had been by the heavy construction work going on at the property on numerous occasions and would like to add the following observations that I personally observed and would hope that are taken into account to be remedied.

Observation 1: It is my belief that it may be difficult or impossible to re-vegetate the Disturbed Area from its current 18-20 foot width to the required 3 foot path without removing boulders and/or large broken rock approximately 6 foot wide on each side of the "excavator road" down the steep bank. This road was "covered" with some amount of dirt to cover the "substantial rock base."

NOTE: I am questioning the verbiage "Temporary Gravel Access Path" per (#9) above

Observation 2: When the concrete pier on the shore was being prepared for the new concrete, broken pieces and removed pieces of decayed concrete were last seen by me in the water in what looked like a pile of debris approximately 15-20 feet off shore (near where the "old extension" into the water for the diving board previously existed). **NOTE:** Was this left there, removed from the water in it's entirety or ??? (I see no mention of this in the documents) If in fact this debris has not already been removed, removal should be required.

Observation 3: During the same time period as Observation 2 (directly above) I saw what looked like an "oil boom type retainer/collector" around the entire project out to approximately 30 feet from shore. The water inside the "boom" approximated chocolate milk in color. What work was done that required this? Was there runoff down the bare slope or the gravel excavator tracks described above?

It is my feeling that based upon the Respondent's past history and flagrant disregard for Vermont Laws and working outside of approved plans that the penalties are insufficient.

In order for the work to be done as planned, when required, and satisfactorily and successfully re-vegetated over time the work needs to be closely monitored by a state representative. Costs for this monitoring should be paid by the Respondents.

The civil penalty, I'm sure, will be looked upon as a cost of "doing it my way" and not a deterrent to others planning disregard of local or state regulations or laws.

Sincerely,

Arthur M. Zweil, Jr.