

Wheeler, Denise

From: Julie Mountain [mountain_299@hotmail.com]
Sent: Thursday, January 03, 2013 7:47 PM
To: NRB - Comments
Subject: FW: Comment on Land Use Panel v. Mark and Julie Pernokas
Attachments: _DSC0054.JPG

Importance: High

I appreciate the opportunity to provide comments concerning multiple infractions, including Act 250 violations, committed by Mark and Julie Pernokas on their Willoughby Lake property in Westmore, VT.

While I applaud the State for its enforcement of the permit, granted to allow for reconstruction of a concrete dock, I am stunned by the small amount of the fine. This is not their first violation.

I must note that if fines were significantly larger, other property owners would be deterred from making similar violations. Perhaps environment would be considered first for a change! Then, property owners would do the necessary due diligence to familiarize themselves with town zoning laws, State regulations such as Act 250 if applicable and any stipulations outlined in a permit to ensure their full compliance. This, in turn, should reduce the work load for your department.

Having said that, I believe Mark and Julie Pernokas knew exactly what they were doing. How else can their blatant disregard for what was stipulated in the permit be explained? They anticipated the amount of the fine and added it to their construction budget. Let's face it - violating the rules, using mechanized equipment all the way down the bank and to the shoreline provided substantial cost savings over the outlined stipulations in the permit to stop 35 feet from shore and keep within a six foot maximum width. The amount of this fine was nothing more than a small percentage of their total savings.

In terms of the restoration plan, I think it is imperative that the State stipulate several details to ensure that progress is measured and full compliance attained. The State should review the **total area** that requires replanting. I understand they cut trees without authorization in advance of this violation. The state should stipulate the quantity of trees to be replanted by species and size. The State should not accept small "woody stem" plantings. They have cut far too many mature trees to allow for anything else.

As an example, the state should outline:

1. 40 Cedar trees; 15 trees at a minimum height of 8 feet tall, 15 at a minimum of 15 feet tall, spaced a minimum of X feet apart.
2. 25 white birch, minimum of 15 feet tall, etc.
3. 40 Hemlocks, again with minimum quantities in each height bracket.

The purpose of the replanting is to try to re-establish the mature wooded bank that was so aggressively denuded and destroyed. There should be no allowance for ornamental trees that would "parkify" what was a beautifully rugged and lush shoreline.

The state must also ensure regular follow up over several years. Any replanted trees that die must be replaced promptly. I would also encourage that the State stipulate that the property owners establish an escrow account with \$100,000 in funds to be used by the State if the property owners fail to comply with restoration guidelines.

Again, I thank you for your enforcement of this matter. I can only hope that the restoration plan is clearly outlined and enforced with additional penalties if needed. We can not tolerate these types of abuses going forward. I am not against change at Willoughby Lake. I am against change that is irresponsible and harmful to the environment and to the lake. Lake Willoughby is a State treasure. The Lake is clearly worth more than the sum of its individual parts; in this case, the properties! So, violations of this magnitude on one individual property can not be tolerated.

Thank you!

Julie Mountain

