

Otis couple fined over dock

Jeffrey and Teresa Daignault will pay \$9,250 and submit permit applications as part of a state settlement agreement.

By Derek Gentile, Berkshire Eagle Staff

Article Last Updated: 08/02/2007 10:19:21 AM EDT

Thursday, August 02

OTIS — A local couple has been fined \$18,500 for construction of a dock and retaining wall on property they own on the Otis Reservoir, a Great Pond of the Commonwealth.

However, Jeffrey and Teresa Daignault, of 408 Pine Road, say the state's allegations that they violated the Wetlands Protection Act and state Waterways regulation are inaccurate.

"It's ludicrous," said Jeffrey Daignault. "There were no environmental violations. None."

Rather, explained his wife, the issue was more of a paperwork problem, as they had not filed for all the necessary permits before starting the work. The Daignaults have since completed those filings, she said.

According to spokeswoman Eva Tor, the DEP received a request for assistance from the Otis Conservation Commission in December of 2006 after the Daignaults failed to comply with all the filing requirements of a local wetlands enforcement order.

An inspection by the DEP revealed recent dock and retaining wall construction in regulated resource areas had occurred without first obtaining the appropriate permits.

Couple: Potential dangers

Teresa Daignault said the couple, who recently purchased the property, wanted to complete the work because the retaining wall and the dock on which the work was done were both deteriorating and potentially hazardous.

As part of the settlement agreement, the couple will pay \$9,250 of the penalty and submit the required permit applications for all the structures and work they plan. If the work already completed is not permissible, they will be required to alter or remove the structures.

However, Teresa Daignault said the town's Conservation Commission has already issued the necessary permits and the work has been approved.

The remaining \$9,250 of the penalty was suspended unless the couple did not comply with the state.