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**INLAND WETLANDS/  
WATERCOURSES  
AGENCY**

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February 25, 2021

Mr. Anthony Flannery  
Big Sky Dream, LLC  
101 Main Street  
East Hampton, CT 06424

Re: Cease and Desist  
Regulated Activity in Wetland and/or Upland Review Area  
97 Main Street  
Map 06A/ Block 57/ Lot 1A

Dear Mr. Flannery,

It has come to our attention that a regulated activity pursuant to Chapters 22a-36 through 22a-42a of the Connecticut General Statutes is taking place at a property where you are acting as a contractor.

Excavation and placement of fill in and within 100 feet of a wetland or watercourse is a regulated activity and must be reviewed by the East Hampton Inland Wetlands and Watercourses Agency before any work is undertaken. Included with this letter is Section 6 of the East Hampton Inland Wetlands Regulations dictating the need for a permit, and Section 14, describing enforcement proceedings. All activities within 100 feet of a wetlands or water course must **Cease and Desist**.

Please plan to appear before the IWWA on Tuesday March 2, 2021, at 5:00pm at a virtual meeting to provide an explanation of this activity and present any reasons why the cease and desist should be lifted. Details for the virtual meeting will be emailed to you prior to the meeting.

If you have any questions, please feel free to contact the office at 860-267-7450.

Sincerely,

Jeremy DeCarli  
Wetlands Enforcement Officer  
East Hampton IWWA

SECTION 6  
REGULATED ACTIVITIES TO BE LICENSED

- 6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the East Hampton Inland Wetlands and Watercourses Agency.
- 6.2 The Agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these Regulations.
- 6.3 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.

## SECTION 14 ENFORCEMENT

- 14.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. In carrying out the purposes of this section, the Agency or its duly authorized agent shall take into consideration the criteria for decision under section 10.2 of these regulations.
- 14.2 The Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- 14.3 If the Agency or its designated agent(s) find that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these Regulations, the Agency or its duly authorized agent may:

- a. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection 14.3.b of this section or other enforcement proceedings as provided by law.
- b. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the Agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn.

The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the Agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the General Statutes, as amended.

- c. Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a public hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The Agency shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.
- 14.4 As-Built plans of any work done under a permit issued by the Agency may be required by the Agency.