

DOCKET NO. FST-CV17-6033194-S	:	SUPERIOR COURT
THOMAS B. HARRIS	:	J.D. OF STAMFORD/NORWALK
	:	
V.	:	AT STAMFORD
	:	
INLAND WETLANDS AND	:	
WATERCOURSES AGENCY OF THE	:	
TOWN OF WILTON, ET AL	:	APRIL 19, 2021

**AFFIDAVIT OF SMOKEY HORMEL**  
**RE: WAIVER AND RELINQUISHMENT OF INLAND WETLANDS APPROVAL**

I, Smokey Hormel, being duly sworn, depose and say:

1. I am over the age of 18 and believe in the obligation of an oath.
2. I make this affidavit based upon my direct knowledge, or based on facts I have learned from an inspection of records of the agencies and departments of the Town of Wilton, and in consultation with my attorney.
3. As of January 7, 2021, by Deeds recorded in Volume 2524 at Pages 752, 748 and 755 of the Wilton Land Records, I became and am the owner and successor in interest to the properties known as "Revised 5", "Revised 8", and "Access to Revised Lot 8"; "Revised 9" and "Access to Revised Lot 9"; Revised 10" and Access Revised Lot 10", "Revised 6" and Access to Revised Lot 6", and "Revised 7", all as shown on that certain map entitled "Property Survey Depicting Revised Properties Revised Lots 5, 6, 7, 8, 9 and 10 Prepared for David W Brubeck, Trust, [sic] Iola W. Brubeck Trust and Derry Music Company, Wilton, Connecticut Scale 1"=80' May 4, 2020 Ryan and Faulds Land Surveyors Douglas R. Faulds Land Surveyor Conn. Lic. No. 133292" which map is on file in the Office of the Wilton Town Clerk as map numbered 5967 (collectively, the "Subject Properties").

4. I learned that on July 12, 2017, the Wilton Inland Wetlands and Watercourses Commission (the "Commission") approved an application to conduct "Significant Regulated Activities" on Lots 5, 6 and Lot 7 of the Subject Property, with conditions, in connection with a proposed residential subdivision (the "Decision").

5. I further learned that Thomas B. Harris, an owner of land that abuts the Subject Properties, appealed the Commission's Decision in an appeal captioned Thomas B. Harris v. Inland Wetlands and Watercourses Commission of the Town of Wilton, et al, FST-CV17-6033194-S, currently pending in the Stamford Superior Court (the "Harris Appeal").

6. In lieu of defending the Harris Appeal, I hereby (a) relinquish the regulated activity permit granted by the Commission on July 12, 2017, for Lots 5, 6 and 7; (b) waive all rights that I or any of my successors or assigns may have otherwise had under such regulated activity permit; and (c) authorize the Commission to treat the regulated activity permit for Lots 5, 6 and 7 and the Decision as null and void and of no further force or effect.

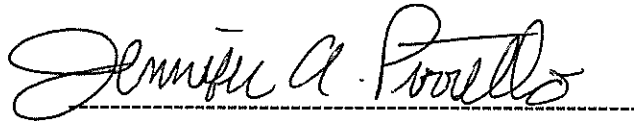
7. I execute this instrument willingly and with full knowledge of the significance of my waiver and relinquishment of the Commission's July 12, 2017, approvals, but without waiving the right to apply for and receive permits to conduct regulated activity from the Commission in the future.

IN WITNESS WHEREOF, I have hereunto set my hand and seat at  
Wilton, Connecticut, this 19 day of April, 2021.

THE AFFIANT

  
Smokey Hormel

Subscribed and sworn to before me this 19 day of April, 2021.

  
~~Commissioner of the Superior Court~~  
Notary Public

JENNIFER A. PIRRELLO  
NOTARY PUBLIC OF CONNECTICUT  
My Commission Expires 9/30/2023