

[To be recorded after construction completion and prior to a certificate of occupancy]

**DECLARATION TO MAINTAIN STORMWATER MANAGEMENT PLAN  
(141 Danbury Road, Wilton, CT)**

**DECLARATION**, made this \_\_\_\_ day of \_\_\_\_\_, 202\_, by **FDSPIN 141 DR, LLC**, with a principal place of business c/o Fuller Development, LLC 1 N. Water Street Suite 100 Norwalk, CT 06854.

**WHEREAS**, Declarant owns that certain piece, parcel and tract of land located in the Town of Wilton, County of Fairfield and State of Connecticut shown and designated as “4.2833 Acres” (the “**Property**”) on that certain map titled “\_\_\_\_\_” by D’Andrea Surveying & Engineering, P.C. dated \_\_\_\_\_; which map is on file in the office of the Clerk of the Town of Wilton as map numbered \_\_\_\_\_ the “**Survey**”); and

**WHEREAS**, the Inland Wetlands Commission of the Town of Wilton (the “**Commission**”) granted Declarant’s application for a regulated activity permit (“**Permit WET#2714(S)**”) as evidenced by the Commission’s Resolution # \_\_\_\_\_ dated \_\_\_\_\_ to allow the redevelopment of the Property (the “**Resolution**”); and

**WHEREAS**, special condition \_\_\_\_\_ of the Resolution requires that a Declaration to Maintain the Stormwater Management Plan be filed on the Wilton Land Records prior to issuance of a certificate of occupancy for the approved redevelopment; and

**WHEREAS**, in satisfaction of said condition # \_\_\_\_\_, Declarant has installed on the Property certain facilities, including but not limited to porous pavement, two subsurface infiltration systems, 3 hydrodynamic separators, catch basins, manholes, HDPE and PVC piping, pipe end section with riprap energy dissipation, and level spreader and other features (collectively, the “**Drainage Facilities**”) all as more particularly shown and designated on those certain plans prepared by Tighe & Bond, Inc. dated \_\_\_\_\_ and last revised \_\_\_\_\_, titled: [List As-Built Plans] collectively, the “**Drainage Facilities Plans**”); and

**WHEREAS**, the Drainage Facilities Plans are on file in the office of the Commission located in the Town Hall Annex at 238 Danbury Road, Wilton, CT; and

**WHEREAS**, Declarant intends that Property and the current and any subsequent owner thereof shall have the benefits and burdens of certain covenants, conditions and restrictions imposed on the Property by this Declaration;

**NOW, THEREFORE**, Declarant hereby declares that the Property shall be held, transferred, sold, conveyed, encumbered subject to the covenants, conditions and restrictions

hereinafter set forth, which covenants, conditions and restrictions shall constitute equitable servitudes and shall run with the land:

1. Declarant or its successors and assigns have installed the Drainage Facilities all as more particularly described and shown on the Drainage Facilities Plans.
2. Declarant or its successors and assigns shall cause the Drainage Facilities to be inspected, maintained, cleaned and repaired in accordance with the Storm Water Management Maintenance Plan (the “**Maintenance Plan**”) attached hereto as *Exhibit A*.
3. Declarant grants to the Town of Wilton the right to enter upon the Property to perform any necessary inspections of the Drainage Facilities. In the event that the Declarant, or its successors and assigns, fails to inspect, maintain and clean the Drainage Facilities in accordance with the Maintenance Plan, Declarant grants the Commission or the Director of Environmental Affairs of the Town of Wilton the right, but not the duty, to take the action necessary to assure compliance, including the right to enter upon the Property to perform the necessary inspections, maintenance and cleaning of the Drainage Facilities and the right to assess against Declarant the costs incurred by the Town in taking such action.
4. In the event that any party shall violate or attempt to violate the terms or conditions of this Declaration, it shall be lawful for the Town of Wilton to prosecute any proceedings at law or in equity against the party violating or attempting to violate such terms or conditions. Furthermore, the party who shall succeed on the merits in an action to enforce the terms and conditions of this Declaration shall be entitled to recover all costs and expenses incurred in said enforcement action, including reasonable attorney’s fees.
5. Declarant agrees that the provisions of this Declaration shall run with the land, and that it shall be binding in perpetuity on the Declarant and its successors and assigns. The obligations under this Declaration may only be modified or released with the consent of the Commission.
6. This Declaration shall not change the character of private ownership of the Property nor shall it create a right of the public to use the Property.
7. This Declaration, the Drainage Facilities Plans and the Maintenance Plan may be modified in writing by the Commission, or its designee, upon the request of the Declarant.
8. Declarant agrees that this Agreement shall be recorded on the Wilton Land Records at Declarant’s sole cost and expense.



**Exhibit A**

**Storm Water Management Maintenance Plan**

**141 Danbury Road  
Residential Development  
Wilton, Connecticut**

# **Maintenance and Inspection Plan**

**July 2021**

The initial inspection will be made during an intense rainfall to check the adequacy of the catch basins, roof leaders, piping, hydrodynamic separators, underground infiltration systems, and system outlet.

The following is a checklist of items that will be checked and maintained during scheduled maintenance operations.

Drainage Structures: The Owner will be responsible for cleaning the catch basins, yard drains, manholes, piping, and outlet protection on their property. A Connecticut licensed hauler shall clean the sumps, and legally dispose of removed sand at an off-site location. The road sand may not be reused or stored on-site. As part of the hauling contract, the hauler shall notify the Owner in writing where the material is being disposed.

Each catch basin and yard drain shall be inspected every four months, with one inspection occurring during the month of April. Any debris occurring within one foot from the bottom of each sump shall be removed by Vacuum "Vactor" type of maintenance equipment. Maintain a log of inspections. Remove organic matter, sand, and debris from catch basins as necessary and dispose of legally.

Hydrodynamic Separator: The Contech CDS units (hydrodynamic separator) will be skimmed and oil and scum removed. In a separate operation, silt, sand, and sediment will be removed. Once the structure is cleaned of debris, the chamber will be refilled with clean water to prevent wash through of debris and oil during next storm event.

Underground Infiltration: The underground infiltration system will be cleaned of all silt, debris and sediment from the inlet structure, outlet structure and the chamber lengths. The outlet control structure will be inspected and cleaned to make sure nothing is clogging the discharge pipe.

Level Spreader: The level spreader shall be inspected two times annually. Regular maintenance includes removing accumulated debris and sediment, checking for erosion, vegetative bare spots, and removing invasive plant species or tree saplings.

Pavement: Paved areas shall be swept periodically by the Owner to clean trash and other debris. The Owner will sweep paved areas on its property in the spring to remove winter accumulations of road sand.

Perform a visual inspection of paved areas four times per year with one inspection after the last snowfall, but no later than April 1. Sweep accumulated sediment and debris from the paved areas. Clean paved areas as necessary during the remainder of the year.

***Drainage Structures Inspection***

Each catch basin and yard drain shall be inspected every four months, with one inspection occurring during the month of April. Any debris occurring within one foot from the bottom of each sump shall be removed by Vacuum "Vactor" type of maintenance equipment. Maintain a log of inspections. Remove organic matter, sand, and debris from catch basins as necessary and dispose of legally.

Date (MM/DD/YY)	Company/Person	Supervising Team Member	Comments

**Underground Infiltration**

The underground infiltration system shall be inspected annually and will be cleaned of all silt, debris and sediment from the inlet structure, outlet structure and the chamber lengths. The outlet control structure will be inspected and cleaned to make sure nothing is clogging the discharge pipe.

Date (MM/DD/YY)	Company/Person	Supervising Team Member	Comments

**Pavement Inspection**

Perform a visual inspection of paved areas four times per year with one inspection after the last snowfall, but no later than April 1. Sweep accumulated sediment and debris from the paved areas. Clean paved areas as necessary during the remainder of the year.

Date (MM/DD/YY)	Company/Person	Supervising Team Member	Comments