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Marjorie Shansky

Attorney at Law

61 East Grand Avenue  
New Haven, Connecticut 06513

(203) 469-3004

(203) 671-8887

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Peter V. Gelderman, Esquire  
BERCHEM MOSES & DEVLIN  
1221 Post Road East  
Westport, Connecticut 06880

Matthew C. Mason, Esquire  
GREGORY & ADAMS, P.C.  
190 Old Ridgefield Road  
Wilton, Connecticut 06897

Re: Harris v. Wilton Inland Wetlands and Watercourses Commission  
File Number: h-060a

Dear Pete and Matt:

As you know, as of January 7, 2021, the former Brubeck Estate and Derry Music Publishing Company conveyed their respective interests in the properties on Hickory Hill and Millstone Roads to Mr. Smokey Hormel. Mr. Hormel has indicated that he is not interested in pursuing the Brubeck wetlands appeal relating to the commission's denial of proposed regulated activities on Lots 1B, 8, 9 and 10, nor is he interested in defending the Harris appeal relating to the commission's approval of regulated activities on Lots 5, 6 and 7.

Mr. Hormel has demonstrated his disinterest in the development approvals and denials of record by executing an Affidavit entitled: "Affidavit of Smokey Hormel re: Waiver and Relinquishment of Inland Wetlands Approval," a copy of which is attached to this letter. By its terms, the Affidavit does not prevent Mr. Hormel from pursuing development permits in the future.

The Appeal relating to Lots 1B, 8 9 and 10, captioned Richard S. Jeweler, Trustee of the David W. Brubeck Trust, et al, FST-CV17-6033131-S has been withdrawn by its plaintiff in April of this year. The Harris appeal of the Commission's approval of a wetlands permit for Lots 5, 6 and 7 remains on the court docket, FST-CV17-6033194-S because the approvals represent an active development right. While the underlying approvals will expire next year by the mere passage of time, in order to accurately reflect the status of the properties and extinguish the rights they represent, we are requesting that the Wilton Inland Wetlands and Watercourse Commission vacate the July 12, 2017, decision approving "Significant Regulated Activities" on Lot 5, Lot 6 and Lot 7 with conditions.

Thereafter, Plaintiff Thomas B. Harris will move to withdraw the pending appeal of the vacated approval and all matters between and among the parties will be resolved.

I am writing to you as counsel for the respective parties to elicit your agreement to this approach so that the request may be presented to the Commission as an agreement among the parties. Upon your agreement, I will redirect this letter to the Commission for its attention unless Pete has a more elegant way in mind to move this forward. Thank you.

Very truly yours,

  
Marjorie Shansky

Cc: Mr. Thomas B. Harris  
Attachment