



## Town of Clinton

Zoning & Wetlands Enforcement Officer

54 East Main Street

Clinton, Connecticut 06413

[ZoningWetlands@clintonct.org](mailto:ZoningWetlands@clintonct.org)

### Zoning Enforcement Officer Report

Eric Knapp, ZEO

February 6, 2015

#### Legal Actions:

22 High Street: Unsafe property and structure. Blight Order issued. Legal Counsel or Town is attempting to remedy the issue. Court granted motion for default for failure to plead on October 23, 2012. Court Order dated December 17, 2012 – compliance by January 31, 2013. Town to begin cleaning up property as of February 4, 2013. Town is scheduled to begin demolition on September 12, 2013. Notice to owner sent 9/5/2013. Town cleaned up exterior of the property and removed decayed fencing, debris and dangerous trees. Working with bank for further cleanup. Town is working owner's family members for a solution. **Work has begun on the structures located on the property, including reroofing, new windows and yard work.**

66 River Road: Conducting a recycling facility for composting, mulch manufacturing, importing raw materials for reduction to a marketable item (top soil, fire wood, compost); the keeping of livestock without a permit and operating a far without a permit; failure to keep livestock in an enclosure that meets the required setbacks for the front and side yards. Lawsuit continues. Order to Discontinue re: Storage Trailers: 7/24/2014; owner has now appealed new and 2012 C&D orders to ZBA. Hearing is scheduled for 9-17-14. Owner believes Channel 8 report vindicated his position and is waiting for town to admit it is wrong and withdraw all actions against him. Based on the fundamental disconnect in understanding, all we can do is continue with the existing enforcement action. Attorney Rutkowska amended the complaint to include the new violation and to list the new ZEO as plaintiff. Mr. Cashman has filed a civil rights complaint against the Town of Clinton and Thomas Lane. We have met with insurance counsel about the best manner to dispose of the law suit. **Trial is next month. There are settlement discussions scheduled.**

4 Menunketesuck Drive: Prohibited use. Notice of Violation sent 9/17/2013. 2<sup>nd</sup> Notice of Violation sent 12/16/2013. Order to Discontinue sent 1/2/2014. Referred to Counsel 3/13/2014. Formal demand sent 3/27/2014 by Attorney Rutkowska. After this matter was returned to court, the truck was removed. Attorney Rutkowska has arranged for the case to settle in exchange for payment of court costs. Judgment has now entered in favor of the Town. **A Judgment Lien has been placed on the property.**

14 Old Road: Accessory Apartment without permits.

- Notice: 11/25/2013.

- Order to Discontinue: 3/20/2014
- Special Exception application filed: 6/6/2014
- Application withdrawn: 7/14/2014 [Variances required]
- This matter has been forwarded to Halloran & Sage for commencement of litigation.
- **A motion to default for failure to plead has been granted by the court against the property owner. A motion for default judgment is scheduled to be filed shortly.**

121 Old Nod Road: Work without Permits

- Warning: 8/20/2014
- Notice: 10/3/2014
- Order: 11/6/2014
- Referred to Counsel: 12/5/2014
- **See Counsel update for further information**

**Violations**

14 Bargate Road: Work without Permit.

- Notice: 11/15/2013
- Determined a variance was necessary. Variance approved with conditions. Shed is unable to be moved to meet conditions of approval due to location of inland wetlands. Owner never did apply to ZBA. Wetlands enforcement has commenced.
- Owner has applied to ZBA. Public hearing will be on 11/19/2014
- Variance granted 11/19/2014. Owner needs to apply to Wetlands to legalize location.
- **Application submitted for WEO Permit.**

Bluff Avenue, Lot 100, Bluff Properties: Establishment of a contractor's storage yard in a residential district and utilizing Town property for storage of equipment and materials.

- Variances granted 8/21/2013 and 4/16/2014.
- This matter has been forwarded to Halloran & Sage for commencement of litigation.
- The owner has applied to IWC. A site walk has been set for 10/19/2014
- IWC approved application on 11/6/2014. PZC application is the next step.
- **No change since the last report**

2 Oakwood Drive: Work without Permits

- Warning: 8/14/2014
- Variance granted 10/16/2014 with conditions
- Needs to apply for a permit

- Owner has re-applied for a new variance to retain to current location of the shed.

224 East Main Street: Prohibited Use, Contractor's Businesses, Motor Vehicle Uses, Storage trailer:

- Notice: 10/7/2014
- Owner and tenants meeting with ZEO and Assistant ZEO on 10/24/2014
- Tenants met with ZEO and Assistant ZEO on site on 10/29/2014
- Inspections continue. Anticipating submission of Special Exception application for Contractor's Business and Storage yard
- No change

9 Nod Place: Work without Permits, Setback Violation

- Warning: 10/3/2014
- Owner met with ZEO on 10/15/2014. Will be submitting application for variance.
- Owner engaged Arthur Barden, LS, to prepare A-2 Survey for submission to ZBA and PZC. Application to ZBA due by 11/12/2014.
- Applied to ZBA. Public Hearing on 12/10/2014. Variance granted.
- Application before PZC.
- Corrected

11 Nod Place: Outside storage

- Warning: 9/16/2014
- Notice: 10/3/2014
- 30 day extension granted for compliance. Assistant ZEO met with owner and applications to legalize outside storage will be submitted
- No change. Waiting for applications.
- Applied to ZBA. Hearing will be in March due to scheduling conflicts.

6 Nod Place: Violation of Special Permit approval

- Notice: 9/16/2014
- Owner is in process of correcting violation
- No Change
- Order: 1/28/2015

61 West Main Street: Sign Violations

- Notice: 6/27/2014
- Compliance: 7/17/2014
- Citation: 9/2/2014
- Order: 9/2/2014

- Owner submitted sign permit applications which were approved with conditions. ZEO will re-inspect to determine if conditions have been met.
- Still in Violation. Will be sending file to counsel for enforcement
- Letter sent by Attorney Slater.
- Owner filed plan for signage, which was approved. Will monitor for compliance
- Property still not in compliance – waiting for the appointment of a Hearing Officer to enter the assessment of fines.
- **Property intermittently in compliance.**

12 Nod Place: Violation of Special Permit & Special Exception approvals

- Notice: 9/17/2014
- Order: 10/14/2014
- Owner appealed Order to ZBA on 10/31/2014
- Staff met with owner and attorney on 11/5/2014 and discussed remedies.
- **Waiting for ZBA Hearing on 1/21/2015**
- **ZEO decision upheld.**
- **Staff met with Owner and attorney on 1/29/2015 and owner will submit a letter outlining resolution by 3/2/2015 or file will be forwarded to counsel for action.**

1 Nod Road: Illegal accessory apartment.

- Notice: 11/6/2014
- Met with owner's attorney on 12/4/2014 and discussed remedies.
- **Attorney submitted proposed settlement/remediation.**

6 River Road: Home Occupation without a permit

- Warning: 12/2/2014
- **Notice: 1/9/2015**
- **Citation: 2/6/2015**

78 Killingworth Turnpike: Illegal Retail Establishment

- Warning: 12/5/2014
- Owner of business came in to discuss with ZEO and came to a resolution.
- **Corrected**

20 North High Street: Illegal accessory apartment

- Notice: 11/17/2014
- Met with owners attorney 12/4/2014
- **Attorney submitted proposed settlement/remediation.**

16 Delwood Avenue: Illegal accessory apartment

- Warning: 1/12/2015
- Owner has submitted evidence indicating property was constructed as a two-family house forty years ago and has been used continuously as a two-family house since. Property is to be considered a pre-existing non-conforming use.

94 Cow Hill Road: Work Without Permits

- Warning: 12/11/2014
- Owner came in to discuss the issue - will return to obtain the necessary permits. Will be following up with Building Department
- Notice: 1/13/2015
- Order: 2/6/2015

10 Watrous Road: Work without permits

- Informal Warning: 12/22/2014
- Owner has applied for the necessary permits
- In process

Corner of Route 1 & Knollwood Drive: Illegal Signs

- Notice: 12/15/2014
- Form license agreement sent to violator's counsel. Awaiting finalized document.
- Notice of denial of permit: 1/13/2015

6 Nod Hill Road: Work without permit/Illegal Use

- Warning: 12/15/2014
- Notice: 1/28/2015

158 Cow Hill Road: Nuisance

- Warning: 1/12/2015

9 North High Street: Illegal Use

- Warning: 1/12/2015
- Corrected: 1/14/2015

266 East Main Street: Illegal Use

- Warning: 1/12/2015
- Corrected: 1/14/2015

7 Carriage Drive: Nuisance

- Warning: 1/12/2015

34 Egypt Lane: Illegal Accessory Apartment

- Warning: 1/13/2015
- Notice: 2/9/2015

26 Long Hill Road: Prohibited Use

- Warning: 1/28/2015

36 Cream Pot Road: Nursery w/o SE Approval

- Warning: 1/28/2015

192 East Main Street: Prohibited Signs

- Warning: 1/28/2015

53 Liberty Street: Nuisance

- Warning: 1/28/2015

11 Tamarack Drive: Nuisance

- Warning: 1/28/2015

7 Whitewood Road: Nuisance

- Warning: 1/28/2015

12 Cedar Road: Home Occupation

- Warning: 1/13/2015
- Notice: 2/6/2015

**Blight Violations**

|                          |                  |
|--------------------------|------------------|
| Existing violations      | 12               |
| Corrected violations     | 0                |
| New violations           | <u>0</u>         |
| Total current violations | <u><u>12</u></u> |

**Permits**

|                           |   |
|---------------------------|---|
| Certificates of Occupancy | 2 |
| Building Permits          | 9 |
| Demolition                | 0 |
| Zoning Compliance         | 1 |
| FEMA Compliance           | 0 |
| Sign Permits              | 8 |
| Home Occupation Permits   | 2 |
| Zoning Permits            | 1 |
| Wetlands Permits          | 2 |

**Inspections**

|                                 |   |
|---------------------------------|---|
| Wetlands                        | 0 |
| ZBA Sign Inspections            | 1 |
| Certificates of Occupancy       | 1 |
| Blight                          | 0 |
| Zoning                          | 9 |
| Demolition Inspection           | 0 |
| Bond Release Inspection         | 0 |
| Construction/Permit Inspections | 2 |