



Town of Clinton

Zoning & Wetlands Enforcement Officer

54 East Main Street

Clinton, Connecticut 06413

ZoningWetlands@clintonct.org

Zoning Enforcement Officer Report

Eric Knapp, ZEO

August 7, 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. A tentative settlement fell through and we anticipate the matter being tried to conclusion. The trial was held and closed on April 28, 2015. **The decision came out July 30, 2015. The court issued an injunction again Mr. Cashman ordering him to completely remove all non-permitted structures and uses. It also ordered monetary penalties of \$20,860, with additional penalty of \$150/day for each day beyond September 15, 2015 if the injunction is violated. We are awaiting word on Mr. Cashman's intentions.**

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, but was reopened after an answer and special defense were filed.
- Counsel is seeking to strike all defenses, as they are based on a claim of selective enforcement.
- **See Counsel update for further information**

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

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.
- An application has been submitted to PZC. It will be on the 4/13/2015 agenda.
- The application is on the April 13, 2015 Agenda
- PZC application still in process
- **Applicant withdrew application**
- **Requested counsel to proceed with litigation**

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.
- Variance hearing in 3/18/2015
- Variance approved. Waiting for permit.
- No Change

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
- Tenants have submitted an application to the PZC.
- **Special Exception approved.**
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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.
- Hearing has been rescheduled to April due to health issues of the applicant
- Hearing was continued to May.
- Hearing was postponed to June
- **Variance granted. Owner needs to obtain a wetlands permit next.**

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.
- Owner submitted a letter outlining the resolution of the violations and was agreed upon by all parties.
- Application on 4/13/2015 agenda
- **PZC application still in process**

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.
- **Request for compliance: 5/7/2015**
- Final request for action: 6/16/2015

20 North High Street: Illegal accessory apartment

- Notice: 11/17/2014
- Met with owners attorney 12/4/2014
- Attorney submitted proposed settlement/remediation.
- **Request for compliance: 5/7/2015**
- Final request for action: 6/16/2015

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
- Counsel has submitted revised form license agreement, which was approved by this office. Needs to be signed by the First Selectman.
- Application has been submitted. Needs to be reviewed by DRB prior to approval.
- Request for appropriate submission materials: 5/7/2015
- **DRB reviewed the proposed signage and has requested the applicant to attend the 7/22/2015 meeting**

6 Nod Hill Road: Work without permit/Illegal Use

- Warning: 12/15/2014
- Notice: 1/28/2015
- Tenant submitted a letter of proposed resolution which was approved.
- Working with tenant on the resolution of the violation.
- Order: 5/7/2015
- **Corrected**

26 Long Hill Road: Prohibited Use

- Warning: 1/28/2015
- Submitted a letter of proposed resolution which was approved.
- Working with property owner on the resolution of violations.
- Notice: 5/6/2015
- **In progress**

36 Cream Pot Road: Nursery w/o SE Approval

- Warning: 1/28/2015

- Notice: 2/23/2015
- Submitted application to ZBA
- Application submitted to PZC
- PZC application still in process
- **Corrected**

11 Tamarack Drive: Nuisance

- Warning: 1/28/2015
- Owner submitted a letter of proposed resolution which was approved
- Will continue to monitor this type of violation.
- Property owner has been trading emails with this office and Peter Neff on solutions. Meeting on-site to be scheduled.
- **Meeting has occurred. Property owner is working to resolve through redirecting the water.**

51 Liberty Street: Work without Permits

- Warning: 5/7/2015
- **In process of getting permits**

46 Nod Road: Home Occupation

- Warning: 4/30/2015
- HO permit applied for
- **Corrected**

45 Hammock Road: Storage trailer

- Warning: 5/7/2015
- **Corrected**

56 West Main Street: Signs

- Warning: 6/4/2015
- **Notice: 6/30/2015**
- **Inspection Due**

115 High Street: Signs

- Warning: 6/4/2015
- **Notice: 6/30/2015**
- **Inspection Due**

89 East Main Street: Sign

- **Warning: 7/9/2015**

129B Shore Road: Work without Permits

- **Warning: 7/9/2015**

15 West Main Street: Sign

- Warning: 7/9/2015

307 East Main Street: Sign

- Warning: 7/9/2015

Blight Violations

Existing violations	15
Corrected violations	0
New violations	1
Total current violations	<u>16</u>

Permits

Certificates of Occupancy	14
Building Permits	7
Demolition	0
Zoning Compliance	2
FEMA Compliance	0
Sign Permits	12
Home Occupation Permits	1
Zoning Permits	5
Vendor Permits	0

Inspections

ZBA Sign Inspections	0
Certificates of Occupancy	9
Blight	9
Zoning	8