



Town of Clinton

Zoning & Wetlands Enforcement Officer

54 East Main Street

Clinton, Connecticut 06413

ZoningWetlands@clintonct.org

Zoning Enforcement Officer Report

Eric Knapp, ZEO

November 9, 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 farm 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 against 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. Mr. Cashman has filed his appeal with the Appellate Court. This will probably take another nine months to have the transcript prepared, the record transmitted, briefs prepared, oral argument scheduled, argument, and then a decision. The basis of the appeal to the Appellate Court is entirely without merit and I have no doubt that Mr. Cashman will lose and face penalties retroactive to the September 15, 2015 deadline, which he has made clear he has no intention of meeting. **A judgment of foreclosure by**

sale has now entered against this property. The sales date is scheduled for February 20, 2016, absent a bankruptcy filing or payment of all outstanding amounts, including costs of collection. Should the house be sold, the Cashmans would lose standing to proceed with their appellate case and it would be dismissed upon motion by my counsel. I presume the new owner, probably the bank, would then address the zoning violations, but would not be responsible for any outstanding penalties.

14 Old Road: Accessory Apartment without permits.

- See Counsel update for information

121 Old Nod Road: Work without Permits

- See Counsel update for information

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.

- See Counsel update for information

Violations (See Violation Log for complete list)

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

- ZEO inspected the site on 9/1/2015. There are small issues that continue to require attention and will be monitored by the ZEO.
- Grass has been established on the site and the other small issues have been addressed.

Corner of Route 1 & Knollwood Drive: Illegal Signs

- The owner of the sign has received approval for a new, conforming sign and has a sign maintenance agreement with the Town. The ZEO will be giving the owner of the sign a date by which the sign will be removed by the Town if he has not replaced it with the new, conforming sign. I have recently spoken with the owner, who is proceeding with the new sign, much to the severe dismay of the of self-storage units on the street, who came in to complain that the new sign he would be allowed would not be able to contain his telephone number and it could not be red, as it is presently.
- The new sign is currently being constructed and a date of installation should be provided to this office shortly.

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	5
Building Permits	8
Demolition	0
Zoning Compliance	0
FEMA Compliance	0
Sign Permits	17
Home Occupation Permits	2
Zoning Permits	2
Vendor Permits	0

Inspections

ZBA Sign Inspections	1
Certificates of Occupancy	5
Blight	4
Zoning	3
Dumpster	0
Aquifer Protection	0

**Town of Clinton
Zoning Violation Log**

Location	Type of Violation	Warning	Notice	Order to Discontinue	Appealed to ZBA	Sent to Attorney	Citation	Corrected	See Notes on ZEO Report
66 River Road	Farming Operation without approvals								**
Lot 100 Bluff Avenue	Establishment of a contractor's storage yard in a residential district and utilizing Town property for storage equipment and materials	6/12/2012	7/24/2012	10/17/2012		7/9/2015			**
14 Old Road	Accessory Apartment without permits	4/1/2013	11/25/2013	3/20/2014		9/23/2014			**
121 Old Nod Road	Work without permits	8/20/2014	10/3/2014	11/6/2014		12/5/2014			
11 Nod Place	Outside Storage	9/16/2014	10/3/2014	9/24/2015	10/2/2015				
12 Nod Place	Violation of Special Exception & Special Permit approvals		9/17/2014	10/14/2014	10/31/2014				**
224 East Main Street	Prohibited Use, Contractor's Businesses, Motor Vehicle Uses, Storage Trailer		10/7/2014						**
1 Nod Road	Illegal Accessory Apartment		11/6/2014						**
20 North High Street	Illegal Accessory Apartment		11/17/2014						**
Knollwood Drive	Illegal Signs (Corner of Knollwood Drive & Route 1)		12/15/2014						**
11 Tamarack Drive	Nuisance	1/28/2015							**
49 Stanton Road	Camper Trailer in front/side yard	8/6/2015	10/1/2015						
57 Liberty Street	Two Family Dwelling w/o permits & work w/o permits	8/9/2015	9/2/2015	9/30/2015					
51 Stanton Road	Illegal Accessory Apartment								**
49 Carter Hill Road	Drainage/Soil Erosion	10/14/2015	11/9/2015						
108 West Main Street	Illegal Signs	10/14/2015	11/9/2015						
16 Hammock Parkway	Work without permits	11/9/2015							
42 Sunnybrook Lane	Illegal Multifamily	11/9/2015							
28 Morgan Park	Illegal Commercial Operation	11/9/2015							