



Town of Clinton

Zoning & Wetlands Enforcement Officer

54 East Main Street

Clinton, Connecticut 06413

ZoningWetlands@clintonct.org

Zoning Enforcement Officer Report

Eric Knapp, ZEO

September 10, 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. **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.**

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)

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

- Commission approved the modification to previous Special Exception approval. Owner has stated that he will remove the stockpiles and bring the site into compliance.
- ZEO will continue to monitor the site until violations are corrected.

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.

1 Nod Road: Illegal accessory apartment.

20 North High Street: Illegal accessory apartment

- The owner of these properties has submitted a petition to the Commission to amend the Zoning Regulations which would, if approved, offer an avenue to correct the violations.

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.

26 Long Hill Road: Prohibited Use

- ZEO inspected the property on 9/1/2015 and found most of the site cleaned up

11 Tamarack Drive: Nuisance

- A letter was sent to the property reminding him that all work to correct this situation needed to be done prior to the cold weather setting in. The ZEO will continue to monitor.

227 East Main Street: Change of use without approvals

- Unit owner's daughter contacted ZEO to discuss a resolution. ZEO will continue to monitor.

Blight Violations

| | |
|--------------------------|-----------|
| Existing violations | 16 |
| Corrected violations | -2 |
| New violations | <u>5</u> |
| Total current violations | <u>19</u> |

Permits

| | |
|---------------------------|----|
| Certificates of Occupancy | 5 |
| Building Permits | 7 |
| Demolition | 0 |
| Zoning Compliance | 1 |
| FEMA Compliance | 0 |
| Sign Permits | 16 |
| Home Occupation Permits | 3 |
| Zoning Permits | 4 |
| Vendor Permits | 1 |

Inspections

| | |
|---------------------------|----|
| ZBA Sign Inspections | 1 |
| Certificates of Occupancy | 5 |
| Blight | 9 |
| Zoning | 19 |

**Town of Clinton
Zoning Violation Log**

| Location | Type of Violation | Warning | Notice | Order to Discontinue | Appealed to ZBA | Sent to Attorney | 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 | | ** |
| 2 Oakwood Drive | Work without permits | 8/14/2014 | | | | | 9/9/2015 | |
| 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 | 9/9/2015 | | | | |
| 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 | | | | | ** |
| 26 Long Hill Road | Prohibited use | 1/28/2015 | 5/6/2015 | | | | | ** |
| 11 Tamarack Drive | Nuisance | 1/28/2015 | | | | | | ** |
| 51 Liberty Street | Work without permits | 5/7/2015 | | | | | 7/8/2015 | |
| 56 West Main Street | Illegal Signs | 6/4/2015 | 6/30/2015 | | | | 7/22/2015 | |
| 115 High Street | Illegal Signs | 6/4/2015 | 6/30/2015 | | | | 7/22/2015 | |
| 307 East Main Street | Signs without Permits | 7/9/2015 | 9/2/2015 | | | | | |
| 89 East Main Street | Illegal Sign | 7/9/2015 | | | | | 7/21/2015 | |
| 15 West Main Street | Illegal Sign | 7/9/2015 | | | | | 9/1/2015 | |

**Town of Clinton
Zoning Violation Log**

| Location | Type of Violation | Warning | Notice | Order to Discontinue | Appealed to ZBA | Sent to Attorney | Corrected | See Notes on ZEO Report |
|----------------------|--|-----------|----------|----------------------|-----------------|------------------|-----------|-------------------------|
| 129B Shore Road | Work without permits | 7/9/2015 | | | | | 7/23/2015 | |
| 49 Stanton Road | Camper Trailer in front/side yard | 8/6/2015 | | | | | 9/1/2015 | |
| 57 Liberty Street | Two Family Dwelling w/o permits & work w/o permits | 8/9/2015 | 9/2/2015 | | | | | |
| 56 West Main Street | Excessive Signage | 8/18/2015 | 9/2/2015 | | | | | |
| 59 West Main Street | Excessive Signage | 8/18/2015 | | | | | 9/1/2015 | |
| 227 East Main Street | New use without approvals | 8/24/2015 | | | | | | ** |
| 154 West Main Street | Flashing/Blinking Sign | 9/3/2015 | | | | | | |
| 204 East Main Street | Flashing/Blinking Sign | 9/3/2015 | | | | | | |
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