

**Blight Citation Hearing Appeals Board Meeting Minutes for Wednesday, October 18, 2017  
(unapproved)**

Please note the minutes are not verbatim

**Attendees:** Board Member Michael Trenck, Board Member Michael Cunningham, Board Member Brian Gaumer, Recording Secretary Linda Andrews.

**Guests:** Mr. Marlon Pereira (29 Lakeview Drive), Mr. Marcio Pereira (29 Lakeview Drive), Ms. Tish Brubeck ( 300 Mountain Rd., Wilton, CT), Mr. Jack Parascondola and ( 1 Lookout Drive), Ms. Cindy Crean and Ms. Michelle Powers (28 Lakeview Drive), Mr. Frank Bereza (25 Lakeview Drive).

Mr Trenck started the meeting at 10:00. The Board members introduced themselves. Mr Trenck made reference to the timeline of events starting with the complaint received on 5/12/17, the investigation of the property, the Determination of Blight on 6/27, the 30 day extension on 7/25/17 and the Citation issued on 8/28/17 as a result of the BPB meeting on 8/22/17. Mr. Pereira said that he followed the instructions to board the openings but that is now cited as a reason for blight. Mr. Pereira said that in the 7/25 meeting, Mr. Reynolds asked that the wall be completed before the ground freezes. Mr. Pereira believes it's unfair to meet that deadline since the ordinance allows for active remodeling within one year of the complaint. Mr Trenck asked what permits are out on the property? Mr. Marcio Pereira went to retrieve the electrical and retaining wall permits. Mr. Cunningham asked how long the house was in this condition? Mr. Pereira replied that in May of 2016, he removed trees, removed the failing septic and prepped the land for construction. He added that no well was listed on the survey. Mr. Trenck referenced the dilapidated siding and the boarded openings. Mr. Pereira replied that it has been his goal to have it torn down and that the well wasn't listed on the survey and part of it is on his land causing set back issues. Mr. Trenck asked if the blight issues are causing serious, immediate danger, health or welfare to community. Mr. Pereira asked for an example of danger? Mr. Trenck replied that a child could get hurt. Mr. Cunningham noted an issue with damming and run off. Mr. Marcio Pereira supplied a retaining wall permit and an electrical permit. Mr. Trenck asked if there was any progress on the retaining wall? Mr. Marcio Pereira said the house must be demolished first and they are waiting for the new permit for the septic. Mr. Pereira said the soil testing sample was dropped off last week. Mr. Trenck said he was concerned about forward progress: electrical doesn't affect blight and the permit for the retaining wall was issued 3 months before the complaint. Mr. Marcio Pereira explained that weather has been an issue. Mr. Trenck asked if weather was an issue in June, July or August? He also asked about the demo permit. Mr. Marcio Pereira replied they are waiting on the septic. Mr. Trenck asked if there were other comments? Mr. Pereira replied that the logs were not a health concern, the soil was disturbed for testing and the house is boarded so that no one can get in. Mr. Marcio Pereira indicated that Highway dept is concerned about water on the road. He said that work will resume when everything gets resolved, after winter. Mr. Cunningham asked if the condition of the house has worsened after the purchase in May '16. Mr. Pereira replied yes but it is a construction site and their intent was to work quickly and live there but the complaints have slowed the process. The well slowed the process because it wasn't on the survey. Aquarion said the house had access to public water and private well but the Health dept. says they can't have both. Mr. Marcio Pereira said they have house

plans and architect plans but now the Health dept. says they can't build the house and the plans took several months. Mr. Cunningham asked who is it incumbent upon to be knowledgeable about making a house habitable? Mr. Marcio Pereira said they had an engineer for the septic and two surveys didn't show anything. The engineer did a new survey to put the well in. Mr. Trenck asked if any provisions were made to make the property safer such as a barrier or fence. Mr. Marcio Pereira said the basement is open but not dangerous. Mr. Trenck replied that the building dept. disagreed and asked, on May 23<sup>rd</sup>, that the opening be boarded up. Mr. Gaumer said the argument is that it's an active construction site. Mr. Cunningham asked if the timetable of one year in the ordinance is unfair. Mr. Parascondola said the situation is beyond blight. He added that his well was on his land since 1955 and he hooked back up to his well after the owner next door passed. He said nothing has been done for 6-7 months. Ms. Brubeck said there is no sense in repairing the the windows and siding but no demo permit has been pulled. Mr. Pereiro said the septic affect the house plans. Mr. Trenck asked if they pulled a demo permit. Mr. Marcio Pereira said their lawyer advised waiting . Mr. Trenck said the town has advised you to make progress since May '17 and nothing is active about this site. Mr. Marcio Pereira said they are waiting on the Health dept. Mr. Trenck said that septic doesn't affect the blight citation and the Health dept. is separate from the citation. Mr. Marcio Pereira said that demo will occur after the winter. Mr. Cunningham commented that the home was purchased 18 months ago. Mr. Trenck said the town says the home is blighted and there is no forward progress on construction or demolition permits. Mr. Pereira said they are waiting to hear from everyone and that it is a process. Mr. Gaumer asked to hear from the neighbors. Ms. Crean said no progress has been made and there is danger, rubble , a port-a-potty and trailer. She produced pictures of the house from earlier this morning. Mr. Cunningham noted that in the last year and a half the condition of the property has worsened because of the tree removal. Ms. Powers asked why the lights are on all night? Mr. Trenck asked if the citation should be upheld. Ms. Brubeck added that the pile of logs may roll onto the property. Mr. Gaumer asked if there are any arguments against the citation? Mr. Trenck asked if the trailer is registered. Mr. Gaumer asked the guests to leave the room so that the board could make a determination. Mr. Gaumer said they listened to why the appeal should not be granted and the primary/only argument for the appeal is the active construction site. Mr. Cunningham said the arguments are separate, the demo permit is separate from the septic. Mr. Gaumer said he is not convinced it is an active site. Mr. Trenck said it is approaching one year. Mr. Gaumer said he doesn't see a valid appeal because the timetable is in place with no clear intent to resolve. Mr. Cunningham agreed. Mr. Trenck agreed. Mr. Gaumer and Mr. Trenck said health and safety aren't being addressed. Mr. Trenck said he votes to deny the appeal and uphold the citation. Mr. Gaumer agreed. The Board voted 3-0, motion passed. Mr. Trenck explained their vote to the complainants and the property owner by saying there was a valid appeal on 8/28 arguing that it is an active construction site but they have found no evidence that it is an active construction site. Therefore, they must deny the appeal. Mr. Pereira asked about follow up. Mr. Trenck replied that the minutes will be posted. Mr. Marcio Pereira asked if the voice recording will be available to them. Mr. Trenck motioned to adjourn the meeting at 11:17 am. Mr. Gaumer seconded the motion. The Board voted 3-0, motion passed.