

**MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE  
MEETING HELD ON WEDNESDAY, SEPTEMBER 16, 2020 AT 4:00 P.M. IN  
COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT  
06410**

Present

David Veleber, Chairman; Peter Talbot and Don Walsh  
Staff: Town Manager Sean Kimball; Arnett Talbot, Asst. Town Manager; Jack Casner,  
Fire Chief; Town Attorney Patricia L. Boye-Williams

**1. ROLL CALL**

The clerk called the roll and a quorum was determined to be present.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

Chairman Veleber opened the meeting at 4:00 p.m.

**3. CONTINUING REVIEW OF UNSAFE PREMISES/POTENTIAL  
BLIGHT ORDINANCE**

Mr. Veleber thanked everyone for attending the meeting and noted there are many items to be addressed by the ORC. For this meeting, the committee will focus on the Unsafe Premises Ordinance and introduction of the short-term rental issue.

The Unsafe Premises Ordinance sunset provision was advanced by the Town Council to 2022. The committee will review the ordinance, modify the ordinance, or have a separate ordinance for blight issues.

There are many general public concerns about issues in the Unsafe Premises ordinance, and costs involved with the process.

Chief Casner informed the committee that the CFD has much activity with people calling about blight issues in their neighborhoods. In many situations, the properties are applicable to blight, but are not "unsafe premises"...the property is unsightly and nothing can be done by the Town. Chief Casner presented photographs of some of the blighted properties in Cheshire. He noted that when concerned residents are told nothing can be done because the property is not an unsafe structure, they are very dissatisfied.

It was stated by Mr. Veleber that former Fire Marshal Andrews informed the committee that some calls cannot be addressed under the current ordinance, and the ORC is concerned about how to address unsafe structure issues. There are also property rights issues to be considered, along with the affect blighted properties have on neighboring property values.

The committee members talked about modification of the current ordinance to include blight issues. Mr. Talbot has spoken with Town Attorney Smith about his concerns with blighted properties in Cheshire, and looking for some enforcement, without neighbor to neighbor conflict. He said there are isolated, identified properties known by the Town and staff. Mr. Talbot wants to have something in place which the property owner can comply with and resolve the situation.

Mr. Talbot cited a Cheshire property with building materials, 2 missing windows boarded up with plexi-glass, possible lack of heat and hot water, etc. but the house complies with the building code...but has things which need to be addressed. There must be a definition of the word "blight".

It was pointed out by Mr. Walsh that "unsafe" could also include abandoned cars, animals, snakes and other things on the property which are unsafe, not just the house structure. There are animals wandering around Town looking for places to live (fox, coyotes), and this is unsafe and should be included in the ordinance.

#### PUBLIC COMMENTS

Carol Doheny, 86 Chipman Drive, thought all this started with the hoarder situation. On Chipman Drive there is a hoarding situation with a house but she does not think it is unsafe. The question is how to know if the interior of the house is unsafe along with the two (2) abandoned cars on the property.

In this situation, Chief Casner advised that the Zoning Enforcement Officer (ZEO) can visit the property and look at the exterior...but the interior of the property is private, and nothing can be done about it. No one can enter the house without a warrant.

According to Mr. Veleber the original ordinance did have some blight provisions, which were removed. At the February ORC meeting there was a summary of how other municipalities deal with blight ordinances, and they should be reviewed again by the Cheshire ORC.

Attorney Williams reported on the Farmington CT blight ordinance. There was a neighbor to neighbor situation on an unsightly property...i.e. weeds vs. meadows/gardens, the hearing process of the blight ordinance was in question...and it ended up in a lawsuit which went through the court system. Attorney Williams emphasized there must be an appropriate hearing process with all requirements met. In her experience with blight, she stated that getting the property owners to comply and work out a plan is the best way to resolve issues, and not get to the point of fines. Farmington CT had to revise its ordinance in terms of notice of hearing procedures as opposed to actual blight issues.

Town Manager Kimball stated that Simsbury CT has a blight ordinance. The Town had one property, overgrown etc. and undertook the costs of mowing and clearing the property; had interaction with the bank on foreclosure; and the house was eventually torn down. In Cheshire, the Town staff has issues with responses from some property owners, and others will work with the Town to resolve the issues.

With fines at \$100 per day, Chief Casner said if property owners do not pay the fines, a lien can be placed on the property. The exceptions to "fines" is listed in the ordinance as elderly, disabled, low income residents.

In that regard, Attorney Williams advised the Town gives notice to the property owner. Fines would accrue, and if the matter goes to court and even if person fixes the problem, the fines are still owed. She recommended the ORC get the recent Farmington CT ordinance and litigation information.

For the people who are exempted from fines, Mr. Walsh said they could be assisted by Human Services Department for whatever their needs might be. Also, other people in Town would offer to assist them.

Mr. Veleber agreed, stating this is why the language is in the ordinance, as it enables property owners to have communication with Human Services and other Town services. The bigger concern is people who will not repair their property. The ORC wants to possibly incorporate blight into the Unsafe Premises ordinance, or have a new blight ordinance to bring to the Town Council. This is a high priority item for the ORC as there are many Cheshire properties in unsafe or blighted conditions.

The Unsafe Structure and Premises Ordinance and further discussion on "blight" concerns will be on the agenda of the next ORC meeting.

#### **4. INTRODUCTION OF SHORT-TERM RENTAL ISSUE**

Mr. Veleber stated the short-term rental issue relates to "Airbnb" type rentals of Cheshire properties in residential neighborhoods.

The ORC received a letter from Oxford Court residents (16 names) which cited the situation in their cul-de-sac with rental of a 4,000 S.F. house to transient renters.

Attorney Williams has worked on Airbnb type regulations, understands the concerns raised by the neighbors, and will research and look into the matter and advise the Town Council.

It was noted by Mr. Veleber that property rights are involved with the owner having the right to rent the property. The neighbors also have the right to a residential neighborhood without parties, blocked driveways and the many other issues involved.

With regard to the subject property, Chief Casner reported that CFD has visited this property 5 or 6 times in the last few months (i.e. fire alarms, fire pits, smoke). The property owner was contacted to fix the issues or fines would be imposed. There are large gatherings; the house is filled with smoke, alarm systems goes off and must be reset.

Mr. Walsh cited the garbage containers outside the property as unsafe, unsanitary, with animals going through the garbage bags.

The committee was told by Mr. Kimball that PW Dept. has informed the owner there will be no trash pickup, so the property owner got four (4) more trash containers.

#### PUBLIC COMMENTS

Renee Cimino, 20 Oxford Court, stated the situation is a nightmare for the cul-de-sac residents. Every three (3) days new people arrive from New York, New Jersey, other Connecticut towns. False alarms are set off and CFD must respond. There are large parties that bother neighbors; 16 people were drinking in the front yard; cars driving over her driveway; many cars on the cul-de-sac and the street; renter's dogs running loose; a wedding was held at the property; and one renter group brought four (4) security guards during their stay.

Ms. Cimino reported the following: 116 people in 39 days rented the property; 2 Boxer dogs were running on neighbor's property; during the power outage the owner got generators in order to continue renting the property; rent is \$1,000 per day; one stay had 33 people in the house; children have been running on her front lawn. These people do not go into the community and spend money...they camp out in this house.

The committee was informed by Mr. Kimball that Simsbury CT had similar situations, has drafted an ordinance and will be bringing it back for Council review and approval. In Simsbury there are wedding venues and groups of people rent houses rather than hotel rooms.

For Oxford Court, Mr. Veleber noted the problem/issue seems to be the number of people and turn over every few days and lots of partying. There are also smaller houses in Cheshire with ongoing short-term rentals.

According to Ms Cimino this property owner has multiple sites available for short-term rentals.

Hartford CT Ordinance – allows for three (3) guest stays in six (6) month period.

The subject Cheshire rental had 116 people in 39 days at the property.

Mr. Veleber asked staff to check with Chesprocott on the number of people coming and going into this house, and possible effect on the septic system.

Chief Casner stated that after the third fire alarm or burglar call, there is a fine imposed on the property owner.

Under the Hartford CT ordinance, Ms. Cimino pointed out the Cheshire property owner would have a fine imposed, and the house is like a hotel. The property owner still has a Cheshire mailing address.

West Hartford CT does not permit transient renters.  
Granby CT does not allow short-term rentals.

In her summary remarks, Ms. Cimino said the Town of Cheshire, as a community, must make a decision on whether short-term rentals, Airbnb, can continue and where to go with this situation.

Mr. Veleber said the ORC will get more information, get ideas, look at ordinances of other like communities, and determine how to address this matter. This is happening in Cheshire and needs to be addressed.

Mr. Walsh pointed out that Cheshire Academy and Quinnipiac University have family visits and use Airbnb because it is more convenient than a hotel.

On behalf of the ORC and the Town, Mr. Veleber thanked Ms. Cimino for bringing the matter forward. There will be work going forward to insure families can live safely.

## **5. ADJOURNMENT**

MOTION by Mr. Talbot; seconded by Mr. Walsh.

MOVED to adjourn the meeting a 5:05 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk