

**MINUTES OF THE CHESHIRE TOWN COUNCIL ORDINANCE REVIEW COMMITTEE  
MEETING HELD ON THURSDAY, NOVEMBER 5, 2020.**

**VIRTUAL MEETING VIA ZOOM**

*Public access made available through live streaming*

*[www.youtube.com/c/Cheshire Channel14](http://www.youtube.com/c/CheshireChannel14)*

*Public comments accepted at [Comments@cheshirect.org](mailto:Comments@cheshirect.org) and by voice mail  
message at 203 271-6638.*

Present

David Veleber, Chairman; Peter Talbot and Don Walsh

Staff: Town Manager Sean Kimball; Arnett Talbot, Asst. Town Manager; 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 5:06 p.m.

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

Chairman Veleber stated the ORC will discuss whether there should be a separate "Blight Ordinance" or whether it should be merged with the existing Unsafe Premises Ordinance. The ORC will receive legal input from Attorney Williams and also review ordinances of other municipalities.

Mr. Walsh stated his support of a Blight Ordinance for occupied and unoccupied property. He cited an example of a blight situation brought to him by a neighbor and the lack of assistance in handling the situation. There are services to property owners who are unable, financially or physically, to upgrade their property. These services come through the Human Services Dept., and groups in town who provide assistance.

Mr. Talbot had a similar situation to that of Mr. Walsh, and said the ordinance now in place is a good start. Since the ordinance went into effect, there has been assistance and guidance to needy property owners. What is lacking is enforcement for people who choose to keep their property in poor condition, and an ordinance with some penalties in such situations would help. Penalties would not be imposed on people needing assistance to take care of their property.

It was noted by Mr. Talbot that there are some structures in Cheshire that continue to linger in poor condition without the Town being able to do anything about them. He prefers one ordinance which for both unsafe and blight situations. Mr. Talbot cited the Farmington CT ordinance, and the pros and cons of having more than one ordinance.

In terms of one overall ordinance, Attorney Williams said it must be as objective as possible...clear, concise, with objective requirements. The Connecticut statutes have specific requirements for property on the blight list and moving through the process, imposing a lien or taking the property to enforce the requirements. Attorney Williams pointed out that with blight properties, everyone knows where to look...they are easy to identify for reasons why the property is on the blight list. Farmington CT has a "vegetation ordinance" for occupied and unoccupied properties. Another question is how to parcel out the need for human services versus structure enforcement. Human Services assistance could be in the ordinance.

Some towns have a Blight Committee, and Mr. Walsh said the officer looks at the complaint, the committee discusses it and makes a determination. He questioned whether this works better than just having an officer responsible for responding to a complaint.

In that regard, Ms. Williams explained there is a hearing process, with notice, before the property is on the blight list, and some towns do have a Blight Committee. The property owner is aware their property is on the meeting agenda and can speak to the Town Council. Farmington CT uses its Town Council as the decision maker on whether to place a property on the blight list. Ms. Williams will check further into the Farmington CT process and advise the ORC. She did state that it makes sense for the elected officials to make a decision on a blighted property situation.

Mr. Veleber reviewed the process with a blight officer inspecting the property, making the call whether it is a blight property or not, discussing the poor condition of the property with the owner, and what is being done. Without a resolution with the owner, the officer makes a recommendation and there is an appeals process (i.e. Town Council) for findings.

Following this discussion, the ORC recommended it look at more ordinances in other towns on which to base a Cheshire blight ordinance. Mr. Walsh recommended the Guilford CT ordinance which covers many issues...cars and miscellaneous materials (sheet metal) on lawns.

Regarding specificity in a blight ordinance, Ms. Williams advised it must be specific; it cannot be broad; the situation could be a zoning violation and referred to the ZEO; and this would all have to be defined in the ordinance. The Farmington CT blight ordinance has been tested, but the court has not yet issued its findings.

It was pointed out by Mr. Veleber that Farmington CT has a blight ordinance and vegetation ordinance, and he asked if they can be brought together...into one ordinance. Samples of other town ordinances include vegetation (trees down, trees encroaching neighboring property, vegetation on sidewalks etc.).

Ms. Williams stated that vegetation can be considered in a blight ordinance, which has high penalties for non-compliance. A vegetation ordinance must be clearly stated, and tied to public health and safety. The Farmington CT ordinance states grass cannot be more than one foot high and/or ornamental.

The current town ordinance talks about debris and things in a yard, and the ORC looks to the ordinance to keep property maintained, healthy and safe. Mr. Veleber talked about two ordinances having uniformity. For people unable, physically or financially, to take care of their property there should be assistance available and time to work out the problems. Mr. Veleber noted some people like their property in a natural state, grow ornamental grass and flowers, and have high grass they can hay. The question is whether this violates the blight ordinance, and endangers safety of people in the neighborhood.

The committee members agreed the subject discussion affects exterior property, not a hoarding situation. Mr. Talbot said the purpose of the unsafe premises ordinance was having the opportunity to knock on a door, talk to property owner...but nothing can be done with an interior unsafe premises. The town can offer assistance to the owner.

Town Manager Kimball said health and other services are available to a property owner, but from enforcement standpoint nothing can be done by the town. Mr. Kimball advised that Simsbury CT created an ordinance covering outside yard areas, and violations are subject to a property lien. Cheshire has some properties that violate town ordinances, and some are foreclosure or bank owned. There must be a blight ordinance to put a lien on the property.

Following the discussion the ORC members agreed to take time, review other town ordinances, provide more guidance to Attorney Williams on what Cheshire wants such an ordinance to cover (i.e. merge ordinances), and who makes a decision on property which the owner cannot take care of either physically or financially.

Ms. Talbot cited the Peck Lane property on which the town placed a lien, per court order. When the property sold a year ago the town recouped its money.

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

The ORC members discussed the specific property and the cease and desist order that was issued to the owner.

Mr. Kimball informed the ORC that the property owner's attorney reached out to him; there are talks ongoing with the neighbors; and the subject property continues to be rented on a smaller scale. The owner uses the property as a hotel. At this time the owner has not adhered to the cease and desist order, which is still in the 30 day right to appeal process. This must proceed before next steps are taken.

It was stated by Mr. Veleber that this situation could arise again, and the ORC should review short-term rental ordinances from other towns.

Attorney Williams cited Hartford CT and Ledyard CT short-term rental ordinances for review. She explained that the setup of some other towns is these rentals are not permitted by zoning. But, on weekends enforcement is difficult as the ZEO is not working and cannot enforce the regulations. There are not many short-term rental ordinances in place, and shore line/beach towns do have short-term rentals, and used to them. With COVID-19 these short term rentals pose a public health risk. Southington CT had an issue, and went with a planning and zoning injunction. Ms. Williams will forward the committee copies of the Ledyard CT ordinance and other ordinances.

The issue of having a noise ordinance was raised by Mr. Walsh, in that the late night and weekend parties are noisy for the neighbors. This ordinance would give the police ability to shut down a situation, and he questioned any police calls to the subject house.

Mr. Kimball is unaware of police calls, but reported there have been numerous fire calls to the Fire Department for fire alarms and other issues. The subject property is rented for Thanksgiving Week, and Mr. Kimball noted that under the Governor's new rule there cannot be more than 10 people in the house. The ORC will be informed of the status of the subject property.

#### **5. DISCUSSION RE: POTENTIAL MOBILE VENDORS ORDINANCE**

This matter was referred to the ORC by the Town Council, and Mr. Veleber said it will be looked at and addressed. He advised that two of the Cheshire State Representatives are supporting bringing forth a State law regulating mobile vendors. This could be the framework going forward and ORC will continue to look at the issue and updated.

#### **6. ADJOURNMENT**

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

MOVED to adjourn the meeting at 6:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk