

HOUSING CODE BOARD OF APPEALS MEETING
MEETING MINUTES
April 30, 2013

The Housing Code Board of Appeals held a meeting on Tuesday, April 30, 2013.

I. Call to Order

Chairman Charland called the meeting to order at 7:05 p.m. and asked those present to stand for the Pledge of Allegiance.

II. Roll Call

Commissioners present: Chairman N. Charland, Commissioner J. Baldwin, Commissioner J. McMellon

Commissioners absent: Commissioner T. Casey, Commissioner D. Denhup

Staff present: Environmental Health Officer Laura Miller, RS; Paul Scholz, RS; Meg Greene, Acting Recording Secretary for the meeting/Planning and Zoning Departmental Secretary

III. Consideration of Minutes for the January 14, 2013 meeting.

Commissioners **McMellon** and **Baldwin** made and seconded a motion to approve the minutes of the January 14, 2013 meeting as presented. The motion carried unanimously.

IV. Appeal of Mr. Brian Briscoe, conservator of person and estate of Ms. Jean Briscoe, regarding a Notice of Violation issued by the City of Milford Health Department on February 20, 2013 for the premises at **32 and 34 James St.**, Milford, Connecticut, the two dwellings on the parcel being dilapidated, in a state of severe disrepair and in violation of the Anti-blight ordinance.

Mr. Charland invited Mr. Briscoe to address the board. **Mr. Brian Briscoe** stated that his mailing address is 32 James Street. He said that his mother once lived in the house on the rear lot there, that he is conservator for his mother, that the property is involved in probate, and that his mother is in a nursing home now. He said he had been speaking with Attorney John Coughlin, 92 Cherry Street, who today called the chairman to ask if the hearing could be postponed because Attorney Coughlin had a schedule conflict. The chairman declined to postpone it.

Mr. Charland asked if Mr. Briscoe was living in one of the houses now and confirmed that Mr. Briscoe is not. **Mr. Briscoe** noted storm damage to the houses and described several hardships in the personal lives of his mother and himself. He said he wanted to rebuild the structures and that he was searching for a solution that would please the city. He said that the property is still in his mother's name and that the state of Connecticut has a half-million dollar lien against it for Medicaid expenses. Mr. Briscoe said he had applied for an SBA loan and relief from FEMA, but was turned down. He said he doesn't want to put money into property he doesn't own and that the state has a claim to. He said he had listed the property for sale, but when **Mr. McMellon** said he had not seen a sign, **Mr. Briscoe** said it had been knocked down in the storms. He told the board he was open to suggestions for solving the problem.

Mr. Charland asked when the Notice of Violation had been issued. **Mr. Briscoe** said he received it February 20th, but that he did not understand it and had called **Mr. Scholz**. He stated that he visited the Health Department and spoke to both **Mr. Scholz** and **Ms. Miller** and received clarification.

Ms. Miller handed out photographs to the board members illustrating the blight on the property.

Mr. Briscoe said he had discussed signing a contract with Sears for repairs and remodeling, but had not finalized anything.

Mr. Baldwin asked Mr. Briscoe if he felt his mother might move back to the properties one day with a caveat that Mr. Briscoe did not have to answer the question. **Mr. Briscoe** said he had religious faith that it might happen. He also noted that another family member was very ill in another state, adding that he was relying on religious faith in that matter and to manage his own stress. **Mr. Baldwin** suggested that given the valuations of the structures and land in the city's online

tax assessment system, there might not be enough value in the property to satisfy even the existing lien. **Mr. Briscoe** asked for another 90 days to examine more options for the property such a VA loan or bank loan, noting its importance to his family.

Mr. Charland asked if Mr. Briscoe was finished with his remarks; **Mr. Briscoe** said yes. **Mr. Charland** asked for anyone speaking in favor; no one did. He asked for anyone speaking in opposition.

Opposition

Ms. Miller stated that the Health Department has received ongoing complaints about the property. She reviewed the history of investigation beginning in March 2012. She noted correspondence to and conversations with Mr. Briscoe to ensure he was aware of the Notice of Violation issued on February 20, 2013. She emphasized that Mr. Briscoe had been advised that the Health Department requires some evidence of action taken to address the violation, but that there had been no evidence of such action. She stated that evidence of action to address the violation required a signed contract with a builder or a sales contract for the property that indicated the intent of the new owner to repair the property. She stated that the two structures are dilapidated, unsecured, and had suffered damage from two severe storms and a very harsh winter. She said neighbors had approached Mr. Briscoe with an offer to buy the property, but nothing had come of it. **Mr. Scholz** said that Mr. Briscoe seemed to mean well, but that each time he provided a plan, no follow up had occurred and the property continues to deteriorate.

Mr. Baldwin asked Ms. Miller what needed to be done to remedy the blight. **Ms. Miller** described the steps, one of which was a signed contract for repairs.

At this point, **Ms. Greene**, who works in the Planning and Zoning Office, asked the chairman for permission to add relevant information. **Mr. Charland** agreed. **Ms. Greene** noted that if the storm damage exceeded 50% of the value of the houses, Mr. Briscoe would be prohibited from obtaining the necessary permits to repair either property unless he also planned to elevate the structures because they are in a flood zone. This means the project would be far more expensive and complex, and that a signed builder's contract might not ensure that basic repairs could be done legally.

Mr. Charland invited Mr. Briscoe to rebut.

Rebuttal

Mr. Briscoe reviewed his previously stated perceptions of the obstacles and complexities he faces in resolving the problem. He asked if demolishing the blighted structures would resolve it. **Ms. Miller** said yes. **Mr. Briscoe** said he would consider this option. Mr. Briscoe agreed to provide a written a written contract for either demolition or repair of the properties to the Health Department by the end of the week of May 6th.

Mr. Charland closed the hearing. After a short discussion, he asked for a motion.

Mr. McMellon motioned to uphold the Notice of Violation on both buildings. **Mr. Baldwin** seconded. The motion passed unanimously.

V. Adjournment

There being no further business to discuss, **Messrs. Baldwin** and **McMellon** made and seconded a motion to adjourn, which carried unanimously. The Committee adjourned at 7:45 p.m.

Respectfully submitted,

Meg Greene
Acting Board Secretary