

9/8/2022

Ackley & Jeanne Hollister
54 Long Pond Rd. S.
Ledyard, CT 06339

To: The Ledyard Planning and Zoning Commission
RE: Opposition to Application PZ#22-15

Good evening Commissioners,

**Please accept this letter in opposition of
application PZ#22-15.**

My wife and I have lived on Long Pond since 1994. Over the years we have upgraded and maintained our property and home to enjoy throughout our retirement. We have been retired since 2012 and we were enjoying the serenity and beauty around our home and Long Pond.

In recent years we have been subjected to a nuisance next door to us that we could not have imagined would occur in our single family residential neighborhood when the new property owner began operating an illegal short term rental.

This became such a constant source of stress in our lives that we reached out to other neighbors for support and what ensued was a years-long effort to bring these activities to a stop.

As you know, we and other neighbors and citizens of Ledyard who were experiencing similar issues spent many hours at town meetings, wrote letters, filed complaints and called the police. The end result was the Short Term Rental Ordinance 300-030.

It was recognized that the Ordinance, fell short of rectifying the situations in Ledyard, especially concerning the properties where no owner or “host” was present.

Letters to offending Short Term Rental operators asking them to comply with the Ordinance, with no real enforcement or penalties imposed, did little if anything to change things.

It really felt hopeless.

When Mr. Treaster submitted the application PZ#21-14RA it seemed like a viable solution for everyone involved.

His comprehensive application which allows hosted-only Short Term rentals created requirements for applicants to adhere to that took into consideration the negative effects of non-hosted Short term rentals while still allowing a way for folks to be able to share their homes and supplement their income in a more conscientious way.

Those newly adopted regulations are the best step toward a solution to this issue we have.

The proposed application PZ#22-15 would remove the requirements of Short Term Rentals to be “Hosted-Only” and will just send us all backwards.

It will do very little to protect citizens living next door, down the street, or anywhere throughout our town.

The owner of the non-hosted Short Term Rental that exists next to our home has become combative and aggressive ever since my wife and I began complaining about the nuisance it has created.

He has even threatened to sue my wife and me for using our driveway that abuts his property.

He has bullied other neighbors and apparently our town by threatening to sue (ALL OF US) if he doesn't get his way.

Over the years that we have attended these meetings, he has fought against every attempt to regulate his disruptive, yet very lucrative “mini-hotels” in our neighborhood.

He claimed he has worked with you and wants to have reasonable regulations, and we have heard some of you mention that he “has seen the light” and “changed his ways,” when in reality he has only done so begrudgingly once we and other neighbors made several complaints and brought attention to his behaviors and those of his guests.

If this is the best example of how non-hosted Short term rentals can work in Ledyard, it should be a warning... and this is a “local” operating multiple non-hosted short term rentals in town...what happens when it is an absentee – out of state individual or a corporation operating them...what then?

This new application being proposed comes at a time when we have already spent years of suffering through and working out the painful experiment of allowing or disallowing short term rentals in Ledyard together.

Every time a new person with an interest in operating a short term rental comes along, we lose more time debating the issue and delaying any actionable decision.

We can no longer wait and see what happens. Enough is enough already.

We urge you to please stand by your unanimously approved and newly adopted zoning regulations and do not amend them in any way that would allow non-hosted short term rentals.

It is just not worth it.

Please protect and preserve our
residential neighborhoods and
community before they become
irreparably damaged for good.

Thank you,

Ackley & Jeanne Hollister

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Ledyard, CT 06339

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES QUARTERLY NEWSLETTER

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appeal on this basis as compliance in this case was voluntary as an existing home does not need to comply with the new flood regulation requirements.

Instead, the court upheld the Board's decision because the record demonstrated that the overall nonconforming nature of the property would be reduced. The property owner's application, while creating a nonconformity as to building height, would eliminate a lot coverage nonconformity as well as reduce several others. *Fedus v. Zoning Board of Appeals*, 66 Conn. L. Rptr. 183 (2018).

SHORT-TERM RENTALS NOT PERMITTED AS A USE OF A SINGLE- FAMILY DWELLING

The Massachusetts Supreme Court addressed an issue that has the attention of many Connecticut land use agencies. The issue is whether short term rentals of single-family dwellings would be permitted as an additional or accessory use of the property. The court found short-term rentals do not as they conflict with the intended purpose of a single-family zoned district which is to have an area free of commercial, transient uses and instead provide stability and permanence which furthers a sense of community.

The court also found that the short-term rental of a single-family home is not the same as a lodging house or tourist home as both of these envision

that the owner of the property is present to supervise his lodgers whereas with a short-term rental, the owner is absent.

It should be noted that a short-term rental is defined as renting a dwelling for fewer than 30 days. *Styller v. Zoning Board of Appeals*, 487 Mass. 588 (2021).

ANNOUNCEMENTS

Lifetime Achievement Award and Length of Service Award

Nomination forms will be sent out later this month for these awards which will be presented to recipients at the Federation's annual conference. You should begin your process of finding worthy nominees now.

Workshops

At the price of \$180.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Each workshop attendee will receive a booklet which sets forth the 'basics' as well as a booklet on good governance which covers conflict of interest as well as how to run a meeting and a public hearing.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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From Eric
Therash

Lynnfield short-term rental host not responsible for murder of a guest at a party at his mansion, court rules

By adamg on Mon, 06/07/2021 - 11:35am

The Supreme Judicial Court ruled today that a man who rented out his Lynnfield mansion to people who then threw a massive party that ended with a guest shot to death was not negligent, in part because he wasn't there and had given control of the property over to the five men who'd rented the place.

The court concluded that Alexander Styller was not negligent because it was a third party who murdered Keivan Heath early on May 29, 2016 while Styller was staying elsewhere.

In a separate ruling, the court rejected Styller's suit against the town of Lynnfield, which, following the murder, drastically restricted the ability of homeowners to rent out their properties on Airbnb and similar sites. Styller continued his suit even after selling the property; the court said the current owner could take up the question, but it laid out reasons why it was rejecting Styller's zoning case regardless of his owning the property.

According to the court's summary of the case, five men rented the 5,000-square-foot house for the night and that, rather than the college reunion they told Styller they would be holding, threw a large and widely advertised house party that attracted upwards of 100 people, including Keivan Heath, a Randolph resident, as well as two off-duty Boston police officers.

Heath was shot twice in the chest; his murder remains unsolved.

His mother, Sharon Heath-Latson, sued both Styller and the five men who rented his house for the night - only one, Woody Victor, identified by name - for negligence.

The court said it first had to determine whether the home owner had "a duty of reasonable care" to Heath, then concluded he did not, because the legal definition of that term does not include actions of a third party, in this case the still unknown murderer. Further, nothing in Styller's experiences with renting his house on Airbnb and HomeAway suggested somebody would shoot somebody else to death on the property.

The court acknowledged there are exceptions to this rule, but said that is only where there is a "special relationship" between the plaintiff and the defendant. And that, the court said, is where Heath-Latson's case falls apart, because there was no relationship at all between her son and the home owner - her son did not know Styler and he showed up at party thrown by the people who had rented the house, not by Styler.

Here, the complaint alleges no facts suggesting that the defendant had a duty to protect the decedent from wrongdoing of a third party. Although the complaint cites a finding made by a Land Court judge in a related case that that short-term rentals have "significant external effects on the neighboring community and community at large," it does not allege that short-term rentals are correlated with an increase in violent crime. The complaint alleges that the defendant had rented his residence on several other occasions for various events but does not allege that any incidents of violence occurred during those rentals that would have put the defendant on notice of a risk of violence during Victor's event. See Belizaire v. Furr, 88 Mass. App. Ct. 299, 304-305(2015) (landlord owed no duty to shooting victim where no evidence of prior gun violence on property prior to incident).

Further, the plaintiff did not allege that anything in Victor's background posed a risk of violence. Nor did she point to any information the defendant had about Victor's planned event that would have made the shooting foreseeable. Although the complaint alleges that Victor advertised the event widely, that police had been called to the residence, and that, by 1 A. M. , more than one hundred people were present, it does not go on to allege that the defendant was aware of any of these facts.

Finally, the complaint does not allege a connection between the shooter and the defendant. In fact, it makes no allegations regarding the perpetrator or the circumstances of the shooting whatsoever. Cf. Lev, 457 Mass. at 242-243 (special relationship between person posing risk and person who can prevent harm may give rise to duty).

As the plaintiff has not alleged facts demonstrating that the defendant should have foreseen the risk of harm caused by a third party to lawful visitors, she has failed to establish that the defendant had a duty to protect against such harm.

Heath-Latson's attorney also argued that short-term rental owners share the same responsibility as hotels and restaurants to keep guests safe, but the state's highest court said that argument "misses the mark," at least in this case, because unlike hotels, which maintain full control of their property at all times, in this case, the house owner had essentially ceded control of the house to the five men who'd rented it - Styler spent the night elsewhere.

Aside from the fact that there is no allegation of any relationship between the defendant and the decedent other than the fact that the decedent was shot and killed on property owned by the defendant, perhaps the biggest difference between the relationship between a business establishment and its customers and the defendant's relationship to the decedent is that the defendant had no control over the premises during the rental period. As the plaintiff acknowledged in the complaint, at the start of the rental period the defendant gave Victor "sole and exclusive possession of his [r]esidence for the three-day stay, with no visits, monitoring, or supervision by [the defendant]." In short, aside from ensuring that the property was in a reasonably safe condition when he turned the premises over to Victor, see Mounsey, 363 Mass. at 708-709, the defendant owed no additional duty of care to the decedent.

from ET

by PATRICK MAY | Bay Area News Group

PUBLISHED: November 1, 2019 at 11:53 a.m. | UPDATED: November 4, 2019 at 4:12 a.m.

The shooting at an Airbnb in Orinda Halloween night that left four people dead shocked the normally quiet enclave at the suburban side of the Caldecott Tunnel. It was not, however, the only tragedy to strike at one of the short-term rentals around the world that have replaced hotels for millions of travelers over the decade since Airbnb first launched.

For a 2017 survey of what they called “horror stories” from Airbnb properties, the Santa Fe-based travel-advice site, Asher & Lyric, researched more than 1,000 incidents found on 3rd-party review sites, major news outlets and from well-known travel bloggers. They found everything from murders, rapes and kidnappings associated with short-term rentals to sketchy hosts using secret cameras to spy on their guests.

“Since short-term rentals often have lax ID requirements for both Hosts and Guests it means anyone can be staying at the property and anyone could be your host,” said Asher Fergusson. “I believe this creates a higher chance of crime to take place at short-term rentals. Unlike hotels that have in-house security and require government ID upon arrival, short-term rentals like Airbnb offer no security and prefer their users to “police” the platform which is typically an ineffective solution.”