

# **Bond Case Briefs**

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## **LAND USE - CONNECTICUT**

### **Emerick v. Town of Glastonbury**

**Appellate Court of Connecticut - August 20, 2013 - A.3d - 145 Conn.App. 122**

Landowner brought action against town, seeking writ of mandamus and injunctive and declaratory relief, to restore and preserve a mill located on town property that abutted landowner's property.

The Appellate Court held that:

- Landowner lacked standing to challenge city's mill demolition by virtue of his status as abutting landowner;
- Landowner lacked voter standing to challenge the demolition; and
- Landowner lacked taxpayer standing to challenge the demolition.

Abutting landowners are statutorily aggrieved in zoning cases. However, landowner lacked standing to challenge town's demolition of a mill located on town property by virtue of his ownership of property abutting the mill. Landowner's action was not an administrative appeal from the decision of a zoning agency or conservation commission, and landowner failed to allege specific, personal, and legal interest in the mill demolition arising from his status as abutting landowner that was any different from the general interest that all members of the community shared.

A plaintiff's status as a taxpayer does not automatically give him standing to challenge alleged improprieties in the conduct of the defendant town; plaintiff must also allege and demonstrate that the allegedly improper municipal conduct caused him to suffer some pecuniary or other great injury.

To establish taxpayer standing, it is not enough for a plaintiff to show that his tax dollars have contributed to the challenged municipal project. Plaintiff must prove that the project has directly or indirectly increased his taxes or, in some other fashion, caused him irreparable injury in his capacity as a taxpayer.