

# **Bond Case Briefs**

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## **ZONING - CONNECTICUT**

### **City of Meriden v. Planning and Zoning Com'n of Town of Wallingford**

**Appellate Court of Connecticut - October 1, 2013 - A.3d - 2013 WL 5314349**

Planning and Zoning Commission denied City's application for a special use permit to expand an existing landfill. City appealed, claiming that the Commission's decision was not supported by substantial evidence. City argued that the Commission "gave only general, nonspecific reasons as the basis of unanimous denial" and that the superior court's reliance on the defendant's finding of intensification was improper and not supported by the record.

The appeals court disagreed, affirming the judgment of the superior court.

Section 7.5.B of the Wallingford Zoning Regulations sets forth the criteria for evaluating applications for special permits. Most relevant to this appeal is § 7.5.B.1.a, which provides that the defendant should consider "the size and intensity of the proposed use or uses and its or their effect on and compatibility with the adopted Plan of Development, the specific zone and the neighborhood...." Thus, the Wallingford Zoning Regulations explicitly listed intensity of the proposed use as a factor for the Commission's consideration when deciding a special permit application. The Commission stated that intensification, e.g., an unacceptable increase in the intensity of the current use, was the basis for denying the special permit application. Thus, the appeals court concluded that the record contained substantial evidence supporting this specific reason, and, thus, the City's claim that the Commission provided only a general reason was without merit.