

Bond Case Briefs

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ZONING & PLANNING - CONNECTICUT

Lime Rock Park, LLC v. Planning and Zoning Commission of Town of Salisbury

Supreme Court of Connecticut - May 22, 2020 - A.3d - 2020 WL 2642798

Racetrack owners appealed town planning and zoning commission amendments to the town's zoning regulations restricting motor vehicle racing activities.

The Superior Court granted citizens council's motion to intervene, and, following court trial, sustained the appeal in part and dismissed it in part. All three parties appealed, and the Supreme Court transferred the appeals.

The Supreme Court held that:

- Racetrack owner's predecessor in interest did not permanently waive the right of its successors in interest to seek any modification of stipulations which led to zoning amendments regarding racing;
- Racing statute was prohibitory and did not preempt town from enacting more restrictive regulation prohibiting racing on Sundays;
- Term "weekday," as used in town zoning amendments permitting muffled racing on weekdays, included Saturdays;
- Zoning amendment governing unmuffled racing activities did not constitute a "noise control ordinance" within the meaning of the Noise Pollution Control Act; and
- Requirement that only the holder of a special permit for racing could petition to change zoning amendments was arbitrary.