

SUPREME COURT OF CONNECTICUT

The Strand/BRC Group, LLC, et al. v. Board of Representatives of the City of Stamford

SC 20578 · No. SC 20578 · Decided March 15, 2022

SUMMARY

The Connecticut Supreme Court held that the Stamford Board of Representatives lacked authority to determine the validity of a protest petition referred to it by the Planning Board under the Stamford Charter. The court further held that an invalid protest petition could not confer authority on the Board of Representatives to decide the merits of the proposed master plan amendment. The judgment sustaining the plaintiffs' administrative appeal was affirmed.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Ecker, J.; Robinson, C. J.; McDonald, J.; D'Auria, J.; Mullins, J.; Kahn, J.; Keller, J.
JURISDICTION	Connecticut
DECIDED	March 15, 2022
DOCKET	SC 20578
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant Board of Representatives appealed, after certification, from the Superior Court's judgment sustaining the plaintiffs' administrative appeal from the board's rejection of a planning board amendment to Stamford's master plan.
STANDARD OF REVIEW	The court reviewed the construction of the Stamford Charter de novo. Because the Board of Representatives acted in a legislative capacity, its decision was reviewed to determine whether it was arbitrary or illegal; action exceeding the authority granted by the charter is contrary to law and an abuse of discretion.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court majority opinion; precedential.
PARTIES	Board of Representatives of the City of Stamford v. The Strand/BRC Group, LLC, 5-9 Woodland, LLC, Woodland Pacific, LLC, Walter Wheeler Drive SPE, LLC

TOPICS

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zoning

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Board of Representatives had authority under Stamford Charter § C6-30-7 to determine the validity of a protest petition after the Planning Board referred it to the board.
2. Whether the Board of Representatives could decide the merits of the plaintiffs' master-plan amendment when the protest petition was invalid as to that amendment.
3. Whether signatures on a single protest petition challenging two distinct master-plan amendments could be aggregated to satisfy the charter's twenty-percent signature requirement.

HOLDINGS

1. The Board of Representatives lacked authority to assess the validity of a protest petition after the Planning Board referred it. Under Stamford Charter § C6-30-7, the petition is the procedural vehicle that brings the proposed amendment before the Board of Representatives, which is authorized only to approve or reject the proposed amendment.
2. The Board of Representatives lacked authority to vote on the merits of the plaintiffs' amendment because a valid protest petition was a condition precedent to that authority. Its vote on an amendment contained in an invalid petition was void.
3. Signatures on a single protest petition challenging two distinct amendments could not be aggregated. The signature requirement had to be measured separately for each amendment, and the petition was invalid as to the plaintiffs' amendment because it lacked the required number of signatures for that amendment.

KEY QUOTATIONS

“The petition was merely the vehicle that brought the issue before [said] board. The charter does not provide for the approval or rejection of the petition itself.”

“Because a valid protest petition is a condition precedent to the authority of the board of representatives to vote on the merits of an amendment, that board’s vote on the merits of an amendment contained in an invalid petition is void.”

“The signature requirement is not a mere formality but a substantive provision of the charter intended to ensure that review by the board of representatives is triggered if, and only if, there is a sufficient number of owners of private land with interests directly affected by the proposed amendment.”

FACTUAL BACKGROUND

The plaintiffs owned several parcels in Stamford, including property formerly used as a recycling collection and disposal center, and sought to amend the city's master plan to permit high-density residential development. The Planning Board separately proposed a related amendment for adjacent properties and approved both applications by separate motions. A neighborhood-affiliated individual filed one protest petition challenging both amendments, but the petition lacked the required percentage of signatures as to the plaintiffs' application. The Board of Representatives nevertheless verified the petition and rejected the plaintiffs' amendment on the merits.

PROCEDURAL HISTORY

The Stamford Planning Board approved separate applications to amend the city's master plan to permit high-density residential development. A single protest petition was filed challenging both amendments. The Board of Representatives treated the petition as valid, rejected both amendments, and the plaintiffs appealed. The Superior Court sustained the plaintiffs' appeal, concluding that the Board of Representatives lacked authority to determine the petition's validity and, alternatively, that its vote did not receive the required majority. The Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Benenson v. Board of Representatives, 223 Conn. 777, 612 A.2d 50 (1992)
- Stamford Ridgeway Associates v. Board of Representatives, 214 Conn. 407, 572 A.2d 951 (1990)
- Hanover Hall v. Planning Board, 2 Conn. App. 49, 475 A.2d 1114, cert. granted, 194 Conn. 805, 482 A.2d 710 (1984) (appeal dismissed March 5, 1985)
- Burke v. Board of Representatives, 148 Conn. 33, 166 A.2d 849 (1961)
- Protect Hamden/North Haven from Excessive Traffic & Pollution, Inc. v. Planning & Zoning Commission, 220 Conn. 527, 600 A.2d 757 (1991)
- Campion v. Board of Aldermen, 278 Conn. 500, 899 A.2d 542 (2006)
- West Hartford Taxpayers Assn., Inc. v. Streeter, 190 Conn. 736, 462 A.2d 379 (1983)
- Perretta v. New Britain, 185 Conn. 88, 440 A.2d 823 (1981)
- Thomson v. New Haven, 100 Conn. 604, 124 A. 247 (1924)
- Kiewlen v. Meriden, 317 Conn. 139, 115 A.3d 1095 (2015)
- Fennell v. Hartford, 238 Conn. 809, 681 A.2d 934 (1996)
- Commissioner of Public Safety v. Freedom of Information Commission, 312 Conn. 513, 93 A.3d 1142 (2014)
- Highgate Condominium Assn. v. Watertown Fire District, 210 Conn. 6, 553 A.2d 1126 (1989)
- Miller v. Eighth Utilities District, 179 Conn. 589, 427 A.2d 425 (1980)
- Food, Beverage & Express Drivers Local Union No. 145 v. Shelton, 147 Conn. 401, 161 A.2d 587 (1960)
- Steiner, Inc. v. Town Plan & Zoning Commission, 149 Conn. 74, 175 A.2d 559 (1961)
- Warren v. Borawski, 130 Conn. 676, 37 A.2d 364 (1944)

- Parks v. Planning & Zoning Commission, 178 Conn. 657, 425 A.2d 100 (1979)
- Woldan v. Stamford, 22 Conn. Supp. 164, 164 A.2d 306 (1960)
- Blaker v. Planning & Zoning Commission, 219 Conn. 139, 592 A.2d 155 (1991)
- LaTorre v. Hartford, 167 Conn. 1, 355 A.2d 101 (1974)
- Mills v. Town Plan & Zoning Commission, 145 Conn. 237, 140 A.2d 871 (1958), overruled in part on other grounds by Mott's Realty Corp. v. Town Plan & Zoning Commission, 152 Conn. 535, 209 A.2d 179 (1965)
- Lauer v. Zoning Commission, 246 Conn. 251, 716 A.2d 840 (1998)
- Angelsea Productions, Inc. v. Commission on Human Rights & Opportunities, 236 Conn. 681, 674 A.2d 1300 (1996)
- Blake v. Meyer, 145 Conn. 612, 145 A.2d 584 (1958)
- Electrical Contractors, Inc. v. Insurance Co. of the State of Pennsylvania, 314 Conn. 749, 104 A.3d 713 (2014)
- United Illuminating Co. v. New Haven, 240 Conn. 422, 692 A.2d 742 (1997)
- Katz v. Commissioner of Revenue Services, 234 Conn. 614, 662 A.2d 762 (1995)
- State v. Tedesco, 175 Conn. 279, 397 A.2d 1352 (1978)
- Broadriver, Inc. v. Stamford, 158 Conn. 522, 265 A.2d 75 (1969), cert. denied, 398 U.S. 938, 90 S. Ct. 1841, 26 L. Ed. 2d 270 (1970)
- Donohue v. Zoning Board of Appeals, 155 Conn. 550, 235 A.2d 643 (1967)
- Vartuli v. Sotire, 192 Conn. 353, 472 A.2d 336 (1984), overruled by Leo Fedus & Sons Construction Co. v. Zoning Board of Appeals, 225 Conn. 432, 623 A.2d 1007 (1993)
- Viking Construction Co. v. Town Planning Commission, 181 Conn. 243, 435 A.2d 29 (1980)
- Mott's Realty Corp. v. Town Plan & Zoning Commission, 152 Conn. 535, 209 A.2d 179 (1965)