

Charter and Ordinance, the Commission has the powers and duties of a combined planning and zoning commission under the Connecticut General Statutes.

4. On or about March 12, 2015, Plaintiff filed a site plan application with the Commission in connection with the improvement of its existing athletic facilities on the Campus which improvements included: re-orienting existing baseball, soccer and softball fields; adding bleachers, a press box, dugouts, fencing and sports lights to the baseball field; adding dugouts and fencing to the softball field; adding bleachers, a press box, fencing and lighting to the soccer field; converting existing natural grass playing surfaces on the baseball, soccer and softball field to synthetic turf; and making certain drainage improvements including the addition of a subsurface drainage system (the "Site Plan Application").

5. The Commission's staff directed that Plaintiff submit the Site Plan Application to the Commission on the basis that the proposed structures, including the press boxes, dugouts and bleachers, exceeded 5,000 square feet of gross floor area.

6. The Commission's staff issued a report to the Commission dated April 28, 2015 pursuant to which staff recommended approval of the Site Plan Application, noting, *inter alia*, that the project is consistent with the existing use at the Campus, and that the project will significantly improve drainage conditions and reduce surface runoff with the installation of a subsurface drainage system.

7. The Commission considered the Site Plan Application at its meeting of April 28, 2015, as a regular meeting agenda item.

8. During the course of the Commission's consideration and discussion of the Site Plan Application at the April 28, 2015 meeting, three of the five Commission members participating in the review and consideration of the Site Plan Application repeatedly expressed

concern as to potential health effects to users of synthetic turf. Said members also disputed a State of Connecticut Department of Health (“CTDPH”) circular dated January 20, 2015 distributed by CTDPH to local health departments and districts throughout Connecticut in which CTDPH reaffirmed its position that outdoor artificial turf fields do not represent an elevated health risk. CTDPH originally expressed said position in 2011 based on a study that it conducted in conjunction with the Connecticut Department of Energy and Environmental Protection and the University of Connecticut Health Center, which study was peer-reviewed by the Connecticut Academy of Science and Engineering.

9. It was noted during the April 28, 2015 meeting that many colleges utilize artificial turf and that the City of Hartford has recently installed artificial turf at several of its public schools.

10. Following the conclusion of the presentation and discussion of the Site Plan Application during its April 28, 2015 meeting, the Commission, by a vote of three (3) in favor and two (2) opposed, “approved” the Site Plan Application subject to the condition that only natural turf be used and purporting to prohibit the use of artificial turf on the three athletic fields (the “Condition”).

11. The motion to approve the Site Plan Application with the Condition was made by one of the three members who had indicated concerns about the health risks of artificial turf, and only these same three members voted in favor of the motion imposing the Condition.

12. The Commission caused to be published in the Hartford Courant on May 5, 2015 a legal notice stating that the Commission had approved the Site Plan Application with conditions.

13. In approving the Site Plan Application with the Condition and in imposing said

Condition, the Commission acted illegally, arbitrarily, and in abuse of the discretion vested in it in one or more of the following ways:

(a) The Commission did not have jurisdiction or authority pursuant to Chapter 124 of the Connecticut General Statutes, the Zoning Regulations of the City of Hartford or otherwise to impose the Condition in its approval of the Site Plan Application;

(b) The Commission did not have jurisdiction or authority pursuant to Chapter 124 of the Connecticut General Statutes, the Zoning Regulations of the City of Hartford or otherwise to impose the Condition on the basis of purported concern as to potential health risks from exposure to artificial turf;

(c) In imposing the Condition on the basis of purported concern as to potential health risks from exposure to artificial turf, the Commission, through the three lay members who voted in favor of imposing said Condition, acted in an area of technical complexity requiring expertise that they did not possess;

(d) The Commission, through the three lay members who expressed concern as to potential health risks from exposure to artificial turf and who voted in favor of imposing the Condition, acted improperly because no members disclosed on the record any special knowledge, training, expertise or qualifications in the area of human health risk and assessment and exposure risks;

(e) The Site Plan Application complied with all applicable standards of the Zoning Regulations of the City of Hartford;

(f) The imposition of the Condition was the product of prejudgment and/or predetermination;

(g) The imposition of the Condition was arbitrary and without basis; and

(h) The imposition of the Condition is contrary to the evidence, is not supported by substantial evidence, and does not have a basis in fact or law.

14. Plaintiff is statutorily aggrieved by the action of the Commission pursuant to Connecticut General Statutes § 8-8(a)(1) because it is the owner of the land involved in the Commission's decision, and it was also the applicant.

15. As the owner of the land involved in the Commission's decision and the applicant, Plaintiff is also classically aggrieved because it has a specific, personal and legal interest in the subject matter of the Commission's decision and such interest has been specially and injuriously affected by the decision in that the Condition improperly and without authority restricts Plaintiff's use of its property, which will have a detrimental effect on Plaintiff's operation of a liberal arts college with associated athletic programs and facilities and on Plaintiff's students, and interferes with the use and enjoyment of Plaintiff's property by Plaintiff, its students and others.

WHEREFORE, the Plaintiff prays that the Court enter a judgment:

1. Sustaining Plaintiff's appeal and declaring the Condition to be illegal, void and of no force or effect;
2. Reversing that part of the Commission's decision that imposed the Condition such that the Condition is eliminated from the approval of the Site Plan Application and that the approval of the Site Plan Application remain in place without the Condition;
3. Granting costs; and
4. Granting such other and further relief as the Court deems just and equitable.

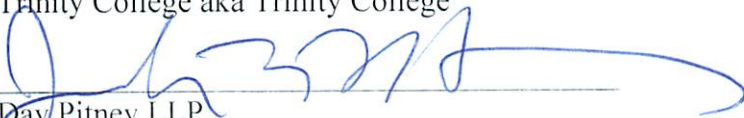
Dated at Hartford, Connecticut, this 14th day of May, 2015.

PLAINTIFF,
THE TRUSTEES OF TRINITY COLLEGE
AKA TRINITY COLLEGE

By 

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Its Attorneys

Please enter the appearance of Day Pitney LLP
on behalf of the Plaintiff, The Trustees of
Trinity College aka Trinity College



Day Pitney LLP
Juris No. 014229

which judgment may be rendered against it.

Hereof fail not, but of this writ, with your actions thereon, due service make in the same manner as is required in case of a summons in a civil action and due return make.

Dated at Hartford, Connecticut this 14th day of May, 2015.

By



Joseph L. Hammer
Commissioner of the Superior Court
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