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VILLAGES, LLC *v.* ENFIELD PLANNING  
AND ZONING COMMISSION  
(SC 19334)  
(SC 19335)

Rogers, C. J., and Palmer, Zarella, Eveleigh, McDonald, Espinosa and  
Robinson, Js.\*

Argued November 6—officially released December 29, 2015

*Kevin M. Deneen*, town attorney, with whom, on the brief, was *Maria S. Elsdén*, senior assistant town attorney, for the appellant (defendant).

*Gwendolyn S. Bishop*, with whom, on the brief, was *Paul Timothy Smith*, for the appellee (plaintiff).

*Opinion*

PER CURIAM. The defendant, the Enfield Planning and Zoning Commission, appeals, upon our grant of its petitions for certification, from the judgment of the Appellate Court affirming the judgments of the trial court sustaining the land use appeals of the plaintiff, Villages, LLC.<sup>1</sup> *Villages, LLC v. Enfield Planning & Zoning Commission*, 149 Conn. App. 448, 450, 89 A.3d 405 (2014). On appeal to this court, the defendant contends that the Appellate Court improperly upheld the trial court's determination that the defendant's decisions to deny the plaintiff's applications for a special use permit and an open space subdivision permit were not "honest, legal, and fair" because one of its commissioners was biased against the plaintiff, and had engaged in improper ex parte communications concerning the applications. *Id.*, 455.

After examining the entire record on appeal and considering the briefs and oral arguments of the parties, we have determined that the appeals in these cases should be dismissed on the ground that certification was improvidently granted.

**The appeals are dismissed.**

\* This case originally was scheduled to be argued before a panel of this court consisting of Chief Justice Rogers and Justices Palmer, Zarella, Eveleigh, McDonald, Espinosa and Robinson. Although Justice Robinson was not present when the case was argued before the court, he has read the briefs and appendices, and listened to a recording of the oral argument prior to participating in this decision.

<sup>1</sup> In two separate orders, we granted the defendant's petitions for certification to appeal, limited to the following issue: "Did the Appellate Court properly determine that the trial court correctly sustained the plaintiff's appeals from the determinations of the defendant, the Enfield Planning and Zoning Commission?" *Villages, LLC v. Enfield Planning & Zoning Commission*, 312 Conn. 913, 93 A.3d 596 (2014).

As in the Appellate Court, the defendant's claims in each of the certified appeals are identical and are presented in a single brief. See *Villages, LLC v. Enfield Planning & Zoning Commission*, *supra*, 149 Conn. App. 448, 450 n.1, 89 A.3d 405 (2014).