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HIGH RIDGE REAL ESTATE OWNER, LLC v. BOARD OF
REPRESENTATIVES—CONCURRENCE

D'AURIA, J., concurring. I concur in the result because I agree with the majority that the Board of Representatives properly reached the merits of the zoning amendment, and, thus, the matter should be remanded to the trial court to consider the plaintiff's claims regarding that decision. I also agree with the majority that the Stamford Charter delegates authority to the Zoning Board of the City of Stamford to validate a protest petition before referring it to the Board of Representatives. However, as in my dissenting opinion in the companion case we also decide today; see *Strand/BRC Group, LLC v. Board of Representatives*, 342 Conn. 365, 390, A.3d (2022) (*D'Auria, J.*, dissenting); which I incorporate by reference, I do not agree that the Board of Representatives' proper exercise of authority hinges on whether it was presented with what the majority declares to be a "valid" protest petition. The majority concludes that, unlike the situation in *Strand/BRC Group, LLC*, the protest petition in this case contained the requisite number of signatures, and, therefore, the Board of Representatives properly considered the merits of the amendment. As I discussed in detail in *Strand/BRC Group, LLC*, I take issue with the majority's holding for two reasons. First, I believe that the Board of Representatives' exercise of authority on the merits of an amendment does not depend on the validity of the protest petition because the signature provision is directory, not mandatory. Second, I believe that, because the plaintiff has no vested right in a particular legislative outcome, the court should refrain from intervening in the local legislative process undertaken by the Board of Representatives, such as by examining how signatures in the petition were counted. Accordingly, I respectfully concur.
