

CITY OF STAMFORD

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CITY ENGINEER
LOUIS CASOLO, JR., P.E.
Email: LCasolo@StamfordCT.gov

INTEROFFICE MEMORANDUM

March 17, 2023

To: Vineeta Mathur Principal Planner

From: Susan Kisken P.E. - Coordinator of Site Plan Reviews and Inspections

Subject:

**111- 123 High Ridge Road - A & F High Ridge LLC
Zoning Application No. 223-15**

The Engineering Department has reviewed an application for Special Permit to allow a change in use to operate boutique hybrid cannabis dispensary at the location shown on the Zoning Location Survey Prepared For Sweetspot Stamford, LLC 111-123 High Ridge Road Stamford, Connecticut, revised 3/3/2023, by Edward J. Frattaroli, Inc.

The Engineering Department does not object to the change of use. However, in accordance with the City of Stamford Stormwater Drainage Manual, water quality improvements shall be provided in the existing parking area. Prior to issuance of Building Permit, site plans shall be submitted to the Engineering Department for review and approval.

Should you have any questions, please call me at 977-6165.

Reg. No.

From: Seely, Walter
Sent: Thursday, March 23, 2023 8:12 PM
To: Mathur, Vineeta
Cc: Armstrong, Chad; Repp, Christopher
Subject: Application 223-15 - Sweetspot Stamford LLC

Hi Vineeta

I have reviewed the plans for the Application 223-15 – Sweetspot
I have some concerns with the egress because of the numerous access controls on doors.
However I believe that these issues can be resolved.

I do not have any objections to the Application 223-15- Sweetspot

Have a good evening.

Walter (Bud) Seely

Fire Marshal

Stamford Fire Department

Office of the Fire Marshal

888 Washington Blvd. 7th Floor

Stamford, CT. 06902

203-977-4651

MAYOR
Caroline Simmons



**CITY OF STAMFORD
PLANNING BOARD
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April 20, 2023

Mr. David Stein, Chair
City of Stamford
Zoning Board
888 Washington Boulevard
Stamford, CT 06902

**RE: ZB APPLICATION #223-15 - SWEETSPOT STAMFORD, LLC and
A & F HIGH RIDGE, LLC - 111-123 HIGH RIDGE ROAD - Special Permit**

Dear Mr. Stein & Members of the Zoning Board:

During its regularly scheduled meeting held on Tuesday, April 11, 2023, the Planning Board reviewed the above captioned application referred in accordance with the requirements of the Stamford Charter.

Applicant is seeking approval to operate a boutique hybrid cannabis dispensary providing service to both qualified medical cannabis patients and adult-use consumers. Property is located in the C-N Zone.

This application is aligned with the more intensive commercial characteristics of Master Plan Category #7 and supports the following Master Plan policies and strategies:

- Strategy 3B.4: Encourage the reconfiguration of...retail space to accommodate market trends and potential new users.
- Policy 4D: Enhance Parking Efficiency.

Lisa Feinberg and Daniel Chappel, Carmody Torrance Sandak & Hennessey, LLP, along with Benjamin Herbst, Chief Business Development Office & Co-Founder and Blake Costa, Chief Operating Officer & Director of Security, Sweetspot, made a presentation and answered questions from the Board.

After considerable discussion, the Planning Board voted to recommended *approval* of *ZB Application #223-15* by a vote of 2-0-3 (In Favor - Buccino and Godzeno / Abstain - Dell, Tepper and Totilo).¹ Ms. Dell, Mr. Tepper and Mr. Totilo abstained as they felt the proposed location of the facility is not neighborhood friendly as it is too close to the two schools approximately ½ mile further up on High Ridge Road and the proposed location being in the same strip mall as the liquor store; Firefly, the pediatric care facility and the tutoring school. There are also concerns with the additional traffic congestion at Bull's Head caused by the new development taking place. This request is compatible with Master Plan Category #7 (Commercial - Arterial)

Sincerely,

STAMFORD PLANNING BOARD



Theresa Dell, Chair

TD/lac

Attachment - Law Department Memorandum

¹ Please see the Law Department's April 18, 2023 memorandum regarding the effect of Planning Board abstentions and determination of approval in accordance with Robert's Rules of Parliamentary Procedure.



CITY OF STAMFORD, CONNECTICUT
INTER-OFFICE CORRESPONDENCE

To: Lindsey Cohen; Ralph Blessing
From: Dana B. Lee Esq. /S DLEE
Copy: Thomas Cassone, Esq.
Date: April 18, 2023
RE: Effect of Planning Board Abstentions

ISSUE:

What effect does the Planning Board's vote of two in favor with three abstentions have on a motion to recommend the approval of a special permit application to the Zoning Board?

BRIEF ANSWER:

According to Robert's Rules, the basic requirement for approval of an action is a majority vote, which means more than half of the members present and voting on a particular issue. Robert's clarifies that this means more than half of the votes cast by persons entitled to vote at a regular or properly called meeting, excluding non-votes or abstentions.

Here, the three abstentions are excluded. Consequently, the only votes cast by persons entitled to vote were the two in favor, which means the motion to recommend approval passed.

FACTUAL BACKGROUND:

This issue comes by way of Zoning Board Application # 223-15, from Sweetspot Stamford, seeking approval a special permit to operate a boutique hybrid cannabis dispensary providing service to both qualified medical cannabis patients and adult-use consumers.

Regarding Special Permit applications, Stamford Zoning Board regulation 19.C.3. provides in pertinent part:

All applications for Special Permit shall be referred to the Planning Board for an advisory report and acted on in the same manner as provided under Section 19.B.3.d. of these Regulations.¹ **If the Planning Board recommends denial of an application for Special**

¹ Stamford Zoning Board Regulations § 19.B.3.d. provides as follows:

Permit, such Special Permit shall not be granted except by the affirmative vote of four members of the Zoning Board; the Zoning Board of Appeals must follow Section 8-6, CGS and vote by four affirmative votes whether or not the Planning Board recommends approval or denial. (91-019)

(emphasis added).

On April 11, 2023, the Planning Board held a regular meeting wherein Sweetspot Stamford's special permit application was considered. All five members of the Planning Board were present. On motion to recommend the approval of the special permit, the five-member Planning Board voted with two in favor; zero against; with three abstentions. (In Favor - Buccino and Godzeno / Abstain - Dell, Tepper and Totilo).

The Planning Board follows Robert's Rules of Parliamentary Procedure.

ANALYSIS:

The Planning Board follows Robert's Rules of Parliamentary Procedure. Robert's Rules, Chapter XIII, § 44, entitled "Majority Vote—the Basic Requirement," provides as follows:

[T]he basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a *majority vote*. The word majority means "more than half"; and when the term majority vote is used without qualification—as in

d. Referral to Planning Board

- (1) All applications for variances to authorize the operation of a use other than those specifically listed as "Permitted Uses" in the LAND USE SCHEDULE for the district in which the subject property is located, and all applications for variances from the SCHEDULE OF REQUIREMENTS FOR AREA HEIGHT AND BULK OF BUILDINGS, approval of which would (1) reduce the required minimum number of square feet of Lot Area per family, (2) reduce off-street parking and loading requirements, (3) increase maximum permitted Building Heights or bulk beyond permitted limits in the SCHEDULE, or (4) result in greater Building bulk in ratio to Lot Area than permitted in the Regulations, shall be referred to the Planning Board for an advisory report of its recommendations, which recommendations shall outline all factors considered, and which shall not be binding upon the Zoning Board of Appeals. Each such application shall be referred to the Planning Board at least thirty (30) days prior to the date assigned for a public hearing thereon. Failure of the Planning Board to report within 30 days shall be construed as no response. A statement of the vote of the Planning Board recommending approval or denial, or proposing a modification of such application shall be publicly read at any public hearing thereon. The full report of the Planning Board regarding such application shall include the reasons for the Board's vote therein and shall be incorporated into the records of the public hearing held thereon by the Zoning Board of Appeals.
- (2) The Planning Board, in reviewing such matters, shall set forth its opinion as to whether or not the proposed use or feature is in reasonable harmony with the various elements and objectives of the Master Plan and the comprehensive zoning plan, and in case of a recommendation for approval, may suggest conditions deemed to be necessary in the granting of any such application

the case of the basic requirement—it means more than half of the **votes cast** by persons legally entitled to vote, **excluding blanks or abstentions**, at a regular or properly called meeting at which a quorum is present.

(emphasis added)

We are not aware of any other rule adopted by the Planning Board that would apply to the Planning Board’s vote on the application for a special permit. As set forth in Robert’s Majority Vote Rule, what is determinative is the number of votes **cast** by the Planning Board members. Abstentions, however, are **not votes**. That is, the authors’ official interpretation explains that:

The phrase “abstention vote” is an oxymoron, an abstention being a refusal to vote. To abstain means to refrain from voting, and, as a consequence, there can be no such thing as an “abstention vote.”

[Robert’s Rules Official Interpretation, www.robertsrules.com/faq.html]

As a result of the application of the Majority Vote rule, there were two votes cast at the April 11, 2023, regular meeting of the Planning Board, and both were in favor of recommending the application. Consequently, under Robert’s Rules, the motion passed. For purposes of Stamford Zoning Board regulation 19.C.3., the Planning Board *did not* recommend denial of the application, therefore, the affirmative vote of four members of the Zoning Board is not required per that regulation.

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CITY OF STAMFORD





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INTEROFFICE MEMORANDIUM

TO: Zoning Board Office

FROM: Frank W. Petise, PE  Transportation Bureau Chief
Jianhong Wang, PE, PTOE, RSP1  Traffic Engineer

DATE: April 18, 2023

RE: Zoning Board Application 223-15

Application #223-15

111-123 High Ridge Road
Sweetspot Stamford

The Transportation, Traffic & Parking Department (TTP) has reviewed the following documents:

- Zoning Board application received March 21, 2023
- Project narrative; and,
- Traffic and Parking Study Prepared by SLR dated March 2023

The applicant proposes to replace 2,412 square feet of existing commercial uses with a retail cannabis store at 111 High Ridge Road without changes to the existing building, drives or parking areas. The TTP Department provides the following comments based on a review of the existing site and the zoning board application documents.

Traffic & Parking Study

1. Figure 5 should be revised to illustrate the site trip distribution at each of the study intersections. Given that Halpin Avenue is one-way roadway, the site trip distribution pattern for entering and exiting traffic should be shown separately.

2. The existing on-site parking counts during Weekday 4:30pm-6:30pm or Saturday 11am-1pm were not included in the report nor the appendix. Please clarify the parking observation duration and intervals and include raw parking observation counts to support review on the peak-hour parking demand at the existing site during both weekday and weekend.
3. It is recommended to include available speed data on the site frontage roads in the Existing Conditions of the study.
4. It is recommended to include the operating frequency of transit services in the Existing Conditions of the study.

Site Circulation & Safety

1. A review of the crash history in the study area shows that two crashes were reported within the project site during the most recent three-year period. To improve the site circulation and safety, the applicant should remove the two parking spaces in the middle of the lower lot near the southern driveway along High Ridge Road as these parking spaces appear to conflict with vehicles entering and exiting the driveway. In addition, the applicant should install appropriate signage and pavement markings including double yellow center line, stop bar and stop sign to better delineate ingress and egress vehicular movement at both site driveways on High Ridge Road.

Memo To: Vineeta Mathur, Principal Planner
Zoning Board, Stamford

From: Pamela B. Fausty, Environmental Analyst
Environmental Protection Board

Subject: Application 223-15, Special Permit
111-123 High Ridge Road, Sweetspot Stamford LLC and A&F High Ridge LLC

Date: May 15, 2023

Environmental Protection Board Staff has reviewed the aforementioned application and has no objection to the proposed activities given that they are limited to the interior of the existing building. The property does not contain flood hazard or other regulated areas or important natural resources,

Any site work resulting from modification of parking areas and or drainage will require the submittal of a Site Development Plan with erosion controls and be in compliance with Stamford's Drainage Manual. requirements.

Thank you for the opportunity to comment.