

EDGECOMB PLANNING BOARD  
MINUTES, April 19, 2018

PUBLIC HEARING

Cindy Landry and Brian Cookson – Site Plan Review application for Change of Use from general store to restaurant with liquor license, 623 Boothbay Road, Map U-16, Lot 17

The public hearing was called to order at 6:30 p.m. by Planning Board Chairman Jack French. Attorney Joanne Kroll presented the change of use application of Cindy Landry and Brian Cookson for a restaurant and pub in the former convenience store on Route 27. The applicants will apply for an on-premise liquor license upon approval by the Planning Board. The board found the application incomplete as it lacked a complete site plan showing the dimensions of the paved parking area and the required number of parking spaces. The public hearing closed at 6:55 p.m. The application will be on the May 3 agenda.

REGULAR MEETING

1. Call to Order

The meeting was called to order at 6:55 p.m.

2. Roll Call

Members present were Gretchen Burleigh-Johnson, Jack French, Barry Hathorne, Pat Jeremiah and alternates David Boucher and Barb Gibson.

3. Approval of minutes of March 29, 2018

Gretchen Burleigh-Johnson moved to approve the minutes. Vote 5-0-0.

4. Other Business

Regarding the Peapod Jewelry property on Route 1, Karl Olson said research had indicated that in December 1, 1999 a Site Plan Review for two businesses on the property was submitted and approved on December 16, and on December 20, 1999 a building permit was issued. On May 19, 2000, the Building Code was amended to require a minimum frontage of four hundred feet in the Route 1 Growth District. The frontage of the Peapod lot was 376 feet at that time and two lots were in existence before the zoning change. Olson presented a site plan showing two lots with frontages of 200 and 176 feet on the assumption that the farm store lot was grandfathered and was a non-conforming lot of record.

On August 20, 2015, the Planning Board minutes indicate that “Jack French reported that according to MMA, when the planning board approved the building, which is now Peapod Jewelry, it must have assumed that the old building was grandfathered for a 200-foot frontage or else the board could not have granted a 200-foot frontage for the new building. When the property is divided, the former farm store property line will be 200 feet from the western boundary of the Peapod property. The Peapod property will have frontage of 200 feet; the frontage of the farm store property will be 176 feet.”

David Boucher said a legal opinion from the State would be necessary for the Planning Board to accept a lot with less than 200 feet frontage. Barry Hathorne said the board could not allow a non-conforming lot. Olson said if it is a deed of record, the owner could get a clear title for both parcels. Jack French will again contact MMA or an attorney about this matter. Olson also plans to get legal advice.

Tim Stephenson reiterated his legal problems with the town and asked the board what he could do with his property on Route 27. The state will not allow a commercial use of the property because of the lack of adequate sight distance onto Route 27. In response to Stephenson's questions, the board advised him that residential use is allowed on his property, that there was no restriction about removing trees as long as it was not a commercial operation, and he would need to apply to the Code Enforcement Officer for a sign. Stephenson was advised that the Planning Board could not give legal advice. Stephenson said he has the property listed for sale at \$60,000.

#### 5. Adjournment

Barry Hathorne moved to adjourn the meeting at 8:05 p.m. Vote 5-0-0.