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January 19, 2021

Deb Brusini, Chair  
Town of Bridgton Planning Board  
3 Chase Street, Suite 1  
Bridgton, ME 04009

**Re: Application for Amendment to Land Use Ordinance**  
**Owner: The Carry All Corner, LLC**  
**Address: 2 Cottage Street**  
**Map/Lot: Map 23, Lot 148**

Dear Ms. Brusini:

I am writing on behalf of my client, Justin McIver, who is the sole manager of The Carryall Corner, LLC, which owns the property at 2 Cottage Street in Bridgton (Map 23, Lot 148) (hereinafter, the “Property”).<sup>1</sup> This letter will serve as my client’s application for a zoning amendment, seeking to change the zoning of the Property from Downtown Village Neighborhood to Downtown Village Business I. Because there currently is no application form for such a request, this letter includes the information requested in Article V, Section 5 of the Town of Bridgton Land Use Ordinance (“Ordinance”).

**I. Proposed Amendment**

A proposed amendment to the Town of Bridgton Land Use Ordinance (“Ordinance”) may be initiated by a property owner by written request to the Planning Board. See Bridgton, Me., Land Use Ordinance, Art. V, § 5(b)(1). The Carryall Corner, LLC is the owner of certain real property in Bridgton located at 2 Cottage Street, which is improved with a mixed-use building

<sup>1</sup> Attached is a map showing the Property to be affected by the amendment and properties located within 600 feet of the Property, as well as a map showing the existing land uses of the Property.

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consisting of two commercial suites on the ground floor and two residential dwelling units on the second floor. One of the two commercial suites is occupied by the Bavarian Chocolate Haus, and the other had been occupied by Bear Bones Beer until its recent closure.

This requested amendment arises due to my client's recent discovery that, under the Ordinance as adopted in June 2019, the Property is zoned in the Downtown Village Neighborhood ("DVN") district, despite its very close proximity to Main Street. With Bear Bones Beer now closed, my client had intended to fill the space by renting to a new tenant, Calvin Gorrell, who would like to open a brick oven pizzeria (Nora Belle's Pizza) at that location. Normally, this would be a simple matter of submitting an application for change of use to the Code Enforcement Officer. The problem, however, is that a restaurant is not a permitted use the DVN district; rather, it is permitted under the Downtown Village Business I ("DVB-I") district. Therefore, we are seeking to an amendment to change the zoning of the Property to the DVB-I district, which is described in the Ordinance as follows:

"In this area are located town government uses including police and fire departments; the District Court; public services such as the Bridgton Public Library and Bridgton Community Center; parks; retail, professional, and service businesses, **including restaurants and bars; along with single family homes and apartments.** Pondicherry Park lies in the center of Town along Stevens Brook. Both on-street and off-street parking are available. Businesses are encouraged to remain as unique, independent enterprises offering complementary yet diverse goods and services appealing to both residents and visitors. The scale, pattern and character of Bridgton's historic town center shall be maintained."

Bridgton, Me., Land Use Ordinance, Art. II, Sec. E(1) (emphasis added). Although this description of the zone perfectly describes the mixed-use building at 2 Cottage Street, the Property was zoned instead in the DVN district, which focuses primarily on residential uses outside of the Main Street area.

We assume that this zoning of the Property was not intended at the time the Ordinance was adopted. At that time, Bear Bones Beer had already been operating as a tavern for several years and held a special amusement permit that was issued by the Board of Selectmen on September 12, 2017.<sup>2</sup> A tavern is not a permitted use in the DVN district, and one would assume that the Town did not intend to create a nonconforming use at the time it adopted the Ordinance.

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<sup>2</sup> By issuing the special amusement permit, the Board of Selectmen found that the tavern use was not "detrimental to the public health, safety or welfare" and would not "violate municipal ordinances, or rules and regulations, articles or bylaws." Bridgton, Me., Special Amusement Ordinance, Art. II, Sec. 201(5).

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Nonetheless, as it stands today, Bear Bones Beer could not get approved as a tavern in that location.

Accordingly, we are requesting an amendment to the Official Zoning Maps that would change the zoning for the Property from DVN to DVB-I.

## **II. Consistency with Comprehensive Plan**

As required by Art. V, Sec. 5(b)(2)(d) of the Ordinance, this request for zoning amendment is consistent with the Town of Bridgton Comprehensive Plan. One of the primary objectives of the Comp Plan is to “reinforce the concept of Bridgton’s downtown village lifestyle, as a special and attractive aspect of small-town life.” (Comp. Plan at 11-9.) Some of the other key provisions of the Comp Plan that relate to the Property are as follows:

- “The Downtown Village Business District represents Bridgton’s traditional downtown along its Main Street and includes several off-Main Street areas as shown on the Future Land Use Map.” (Comp. Plan at 11-10.)
- “These mature, developed areas have traditionally accommodated a higher density of Bridgton's population, a greater mix of businesses and institutions, and an overall higher intensity of use than occurs in the rest of the Town. Furthermore, presently much of the Town’s commercial and a large part of its social activity take place in the Downtown Village Business District. This designation is intended to encourage the preservation, revitalization, and some expansion of development in the Downtown Village Business District and to protect it from encroachment from incompatible uses.” (Comp. Plan at 11-8.)
- “The Town could adopt an approach to dealing with existing buildings that encourages their full utilization by allowing flexibility in their use. Permitted uses may include higher density residential, comparable to the intensity and design of existing development in the surrounding village, community facilities, and appropriately scaled retail, office, service, and other nonresidential uses suitable for a central business area and mixed use village.” (Comp. Plan at 11-9.)

As the Comp Plan’s stated goals describe, an important aspect of the village lifestyle is having complementary commercial uses, including restaurants. In addition, having a variety of options for permitted commercial uses, as provided in the DVB-I district, is essential to ensure that commercial spaces do not remain vacant for very long. The requested zoning amendment

Jensen Baird  
Gardner Henry

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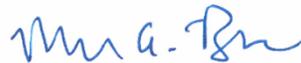
would provide this flexibility by allowing all of the permitted uses in the DVB-I district at the Property, which is located just off Main Street. And, as described above, such amendment would be consistent with the Comp Plan.

### **III. Conclusion**

My client developed 2 Cottage Street with the belief that it could be used for a wide variety of commercial uses—such as the tavern that was there until recently, the retail shop that remains, and the restaurant that he hopes will be there in the future. His goal was to develop the Property in a way that would contribute to the vibrant village lifestyle. But with the limited uses allowed under the DVN zoning, much of the value of the development has been taken away. Therefore, given the requested zoning amendment's consistency with the Comprehensive Plan, we respectfully request that the Planning Board forward this application to the Board of Selectmen with a recommendation of the written request as submitted.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mark A. Bower".

Mark A. Bower, Esq.

MAB/gw  
cc: Justin McIver (via email)