

WITHDRAWAL OF APPLICATION FOR SPECIAL EXCEPTION

BY

CANTERBURY COMMUNITY MARKET, LLC

The Canterbury Community Market, LLC hereby notifies the Canterbury ZBA that it is withdrawing its application for special exception. There are several reasons for this which we will outline.

In our original application for Special Exception, we attempted to secure a Special Exception to authorize the allowable use in our ordinance of “restaurant” in our historic district. The ordinance has no definition of what constitutes a restaurant. We thought it best to be cautious and proactive and obtain authorization from the ZBA to allow the use as a restaurant – whatever that may mean. This was re-emphasized in the Addendum filed after that June 24 meeting. We also underscored that we were not seeking approval from the ZBA to allow this storekeeper- or any other storekeeper - to operate a restaurant. We were simply seeking to avoid any misunderstandings that may arise because the term restaurant is undefined. We also wished to plan for possible future uses.

Unfortunately, this backfired. This Board rigorously interrogated us on issues of septic, parking and how this storekeeper was operating. We have had various town officials use a variety of fluid definitions as to what constitutes a restaurant and whether these storekeepers are running a restaurant. We have been told that using the commercial kitchen makes this to be a restaurant, preparing food for sale makes this to be a restaurant, making cappuccino makes this a restaurant, taking an order for a sandwich makes this a restaurant, or having seating makes this a restaurant. This is what happens when there is no definition. Decisions are made based upon what someone thinks a restaurant is versus what it actually is.

We are withdrawing our application for the Special Exception because it is simply not necessary – this is not a restaurant. The storekeepers are operating with approval from the Department of Environmental Services and with a provisional food service license issued by the Department of Health and Human Services. DHHS conducted an inspection of the premises and issued the license. We, of the LLC, have spoken directly to officials with DHHS about what is allowed under their C-1 license and if the storekeepers are operating in compliance with that license. We were told that they are in full compliance. They also indicated that as far as DHHS is concerned, this is not a restaurant. It is licensed as and operates as a retail food store with one food prep area. Indeed, we invite anyone with questions about this to contact the Public Health Food Protection Section directly. We are happy to provide names, titles and contact information.

We had hoped that our application for the Special Exception would head off problems that could arise with the opening of the Canterbury Café and Country Store. Clearly that has not been the case.

Still, it would be helpful for us (and for the town) to have a decision as to whether a restaurant should be an allowed use in this space. We have determined, however, that as this is not necessary for this storekeeper, we choose not to subject ourselves to having to justify or defend things that we believe are unnecessary and that are beyond our scope as volunteers.

Submitted by the Canterbury Community Market, LLC:

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