



TOWN OF KITTERY
PLANNING AND CODE DEPARTMENT
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1305 Fax: 207-439-6806
kitteryme.org

NOTICE OF DECISION

PROPERTY OWNER AND APPLICANT:	CPG Kittery Holdings, LLC
MAILING ADDRESS:	PO BOX 6300 Amherst, NH 03031-6300
PROPERTY LOCATION:	335 U.S. Route One
MAP LOT/ZONE:	MAP 38 LOT 1/ C-1
APPLICATION:	MINOR MODIFICATION TO AN APRVD PLAN
DATE:	June 26, 2019

Review Threshold

16.10.9.3 Modifications to an Approved Plan

16.10.9.3.1 Minor Modifications.

Modifications to a Planning Board approved plan, that do not require Planning Board review per Section 16.10.3.2, may be approved by the Code Enforcement Officer and Town Planner. Such approvals must be issued in writing to the developer with a copy to the Planning Board. The developer must provide the revised plan to the Town Planner and be recorded in the York County Registry of Deeds when applicable.

This notice serves to fulfill Section 16.10.9.3.A. The Town Planner and Code Enforcement Officer determined that Planning Board review is not required as outlined in 16.10.3.2 specifically, *Expansion of existing use where the expanded use will require fewer than six additional parking spaces*. In addition, the proposed modifications, interior and exterior renovations to the existing building associated with McDonald's rebranding/modernization do not meet the requirement of 16.10.9.3.B Major modifications. Specifically, the work will include site improvements to sidewalks, patio, and parking for accessibility compliance; new wall and directional signage; upgrades to the drive-thru area including the menu boards and speaker system. (no floor area), the relocation of handicap parking spaces, and a freezer addition.

Application

The Town Planner and Code Enforcement Officer have reviewed the *Minor Modification to an Approved Site Plan* application dated 12/21/2018, that included plans C-1 to C7 and building renovation plans A1.0, A2.0 and A2.1, and amended application dated 3/27/2019 that included a proposed freezer addition to plan C-4. The following findings are made:

Prior Approval and Proposed Modification

1) A site construction plan was approved by the Planning Board on November 5, 1986 and recorded at the YCRD BK 86 PG 200. Some parking is being relocated to allow for improved handicap parking and access. The existing parking and ADA access are constructed per the approved plan and are to be modified as noted below:

- a) Relocate ADA parking from southwest corner of parking to northwest corner of patio; relocate tip-down access points, and upgrade exterior patio area and tables to improve ADA compliance;
- b) Upgrade access to drive through improving traffic circulation, and
- c) Upgrade/relocate digital signage and directional structures per proposed plans. Note all new signage must be permitted and approved per Kittery Ordinances. All interior building renovations must be permitted as required by Kittery ordinances and the Maine Uniform Building Code.

2) The amended plan C-4 dated 3/27/2019 included a small freezer addition (64SF) to the rear of the building.

Conclusion

The proposed changes listed above fall within the jurisdiction of the Planner and Code Enforcement Officer for approval per 16.10.9.3 Modifications to approved plan, A. Minor modifications. The parking and driveway layout originally approved is being modified by a modest relocation of the handicap spaces to improve ADA compliance and improve traffic circulation. The freezer addition does not impact any traffic flow or parking requirements and makes a negligible increase in the building footprint.

The Town Planner and Code Enforcement Officer find the proposed development, as described in the application and associated plans, exhibits and email, conforming to applicable provisions of the Town's Land Use and Development Code - Title 16 and hereby approves with conditions the proposed plan modifications.

Conditions of approval:

- 1) Receipt of any required permits from the Kittery Code Office;
- 2) Revise the site plans cover sheet (12/21/18) to include the following:
 - a. Add a note above the sheet title and number box on the cover page stating "*Amendment #1* as approved by the Town Planner and Code Enforcement Officer on 6/26/2019 per 16.10.9.3 *Modifications to an approved plan.*" with a signature line for the Town Planner and Code Enforcement Officer.

This Notice of Decision **IS NOT** a building permit or a sign permit.

Any proposed field changes, diversion or revisions to the plan and construction documents after approval shall be reported to the Code Enforcement Officer prior to proceeding with the proposed changes. Any site changes not approved in this Notice of Decision will be in violation of State law and Town Codes.

BY:



Jamie Steffen
Town Planner



Jessa Kellogg
Interim Code Enforcement Officer

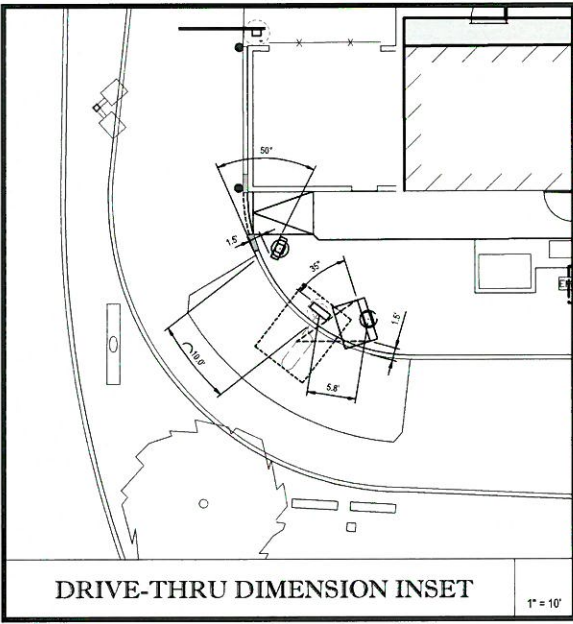
Cc: Planning Board, and File



LAND USE / ZONING INFORMATION & NOTES

- APPLICANT / OWNER:
MCDONALD'S USA, LLC
110 N CARPENTER ST
CHICAGO, IL 60607
- PARCEL:
MAP 38 & LOT 1
335 US ROUTE 1
TOWN OF KITTERY
YORK COUNTY, MAINE

ZONING ANALYSIS TABLE			
ZONING DISTRICT	REQUIRED	EXISTING	PROPOSED
COMMERCIAL DISTRICT (C-1) - USE: RESTAURANT (SPECIAL EXCEPTION USE)			
MINIMUM LOT AREA	40,000 SF	30,001 SF (E)	NO CHANGE
MIN. STREET FRONTAGE	150 FT.	179.8 FT.	NO CHANGE
MAX. BUILDING COVERAGE	40%	15.2%	15.3%
MIN. FRONT YARD	50 FT	55.2 FT.	54.8 FT.
MIN. SIDE YARD	30 FT	35.3 FT. *	36.2 FT. *
MIN. REAR YARD	30 FT	80.2 FT. *	80.6 FT. *
MAX. BUILDING HEIGHT	40 FT	1 STORY (+ 40 FT.)	19' - 4"
MIN. OPEN SPACE	15%	13.9% (E) *	13.7% (E) *
PARKING SPACES	63	39 (E)	39 (E)
PARKING CRITERIA (PERPENDICULAR = 9x19) (PARALLEL = 9x22) (9x18 - 14 SPACES REPLACED IN KIND AS EXISTING NON-COMFORMITY)	MINIMUM 15 PARKING SPACES, PLUS ONE (1) SPACE FOR EACH THREE (3) SEATS. SEATING IS CALCULATED BY DIVIDING THE TOTAL FLOOR AREA WITH CUSTOMER ACCESS BY 16. FLOOR AREA WITH CUSTOMER ACCESS = 2,154 SF [(2,154 SF / 16) / 3] = 45 SPACES + 63 SPACES REQUIRED		
ACCESSIBLE PARKING SPACES	2	4	2
ACCESSIBLE PARKING CRITERIA (STANDARD SPACE: 8x18 W/ 5 ACCESS AISLE) (VAN ACCESSIBLE SPACE: 11x18 W/ 8 ACCESS AISLE)	TOTAL PARKING 26 TO 50 = 2 ACCESSIBLE SPACES VAN ACCESSIBLE SPACES= 1 / 6 SPACES		



SIGN SUMMARY TABLE			
TYPE	ALLOWED	EXISTING	PROPOSED
SITE SIGNAGE	ONE (1) SIGN PERMITTED	ONE (1) FREESTANDING SIGN (TO REMAIN)	ONE (1) FREESTANDING SIGN (EXISTING)
FREESTANDING I.D. SIGN	NO LOGOS PERMITTED "ENTER" & "EXIT" SIGNS MAX. AREA=4 SF. ALL OTHER INFORMATIONAL SIGNS MAX. AREA=2 SF	ONE (1) DIRECTIONAL SIGN (TO BE REPLACED)	ONE (1) DIRECTIONAL SIGN (EXISTING)
DIRECTIONAL SIGN	TWO (2) FOOD MENU SIGNS PERMITTED. MAX AREA OF EACH SIGN= 32 SF	ONE (1) PRE-BROWSE AND ONE (1) MENU BOARD (TO BE REPLACED)	ONE (1) MENU BOARD @ 20 SF ONE (1) PRE-BROWSE @ 10.1 SF TOTAL AREA = 30.1 SF
MENU BOARDS (1)			
BUILDING SIGNAGE			
FRONT WALL SIGN	MAX. AREA=300 SF OR MAX. AREA=1.5 SF PER S'GAL' OF BUILDING FRONTAGE, WHICHEVER IS SMALLER	ONE (1) "MCDONALD'S" SIGN (TO BE REPLACED)	1" M LOGO @ 14 SF
NON DRIVE THRU WALL SIGN		NONE	NONE
DRIVE THRU WALL SIGN		NONE	1" M LOGO @ 14 SF
REAR WALL SIGN	MIN. TOTAL SIGN AREA = 12 SF PERMITTED.	NONE	NONE
TOTAL BUILDING SIGNAGE	[1.5' x 85 FT] = 127.5 SF MAX.	ONE (1) "MCDONALD'S" SIGN	26 SF

(1) NO SIGN MAY CONTAIN MOVING MESSAGE BOARD OR INTERMITTENT ILLUMINATION. NO EXTERIOR SIGN MAY BE ARTIFICIALLY ILLUMINATED EXCEPT WHERE HOODED OR SHIELDED OR OTHERWISE DESIGNED TO PREVENT DIRECT LIGHT SPILLING ONTO TRAVELED WAYS OR NEIGHBORING PROPERTY.
NOTE: ALL SIGNS AREAS ARE "BOXED" FOR CALCULATIONS

PAVEMENT STRIPING LEGEND	
6"SYSL = 6" SINGLE YELLOW SOLID LINE	
8"SYSL = 8" SINGLE YELLOW SOLID LINE	
4"SWSL = 4" SINGLE WHITE SOLID LINE	

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

DOOR PULL NOTE: NEW SIDEWALK CONSTRUCTION SHALL BE ADA COMPLIANT WITH EDGE OF NEW SIDEWALK AND ANY OBSTRUCTION, INCLUDING RAILINGS, BEING INSTALLED A MINIMUM OF 24" FROM THE DOOR LATCH.

M.D. SMITH
PROFESSIONAL ENGINEER
MASSACHUSETTS LICENSE NO. 45498
RHODE ISLAND LICENSE NO. 1148
CONNECTICUT LICENSE NO. 24547
NEW HAMPSHIRE LICENSE NO. 12931

McDonald's
AND SHALL NOT BE REPRODUCED WITHOUT THEIR WRITTEN PERMISSION. THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF MCDONALD'S CORPORATION.
BOSTON REGION
110 N CARPENTER ST
CHICAGO, IL 60607

DATE	DATE	DATE
12/21/2018	12/21/18	12/21/18
01/24/2019		
03/27/2019		

BOHLER ENGINEERING
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING PROGRAM MANAGEMENT LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN PERMITTING SERVICES TRANSPORTATION SERVICES

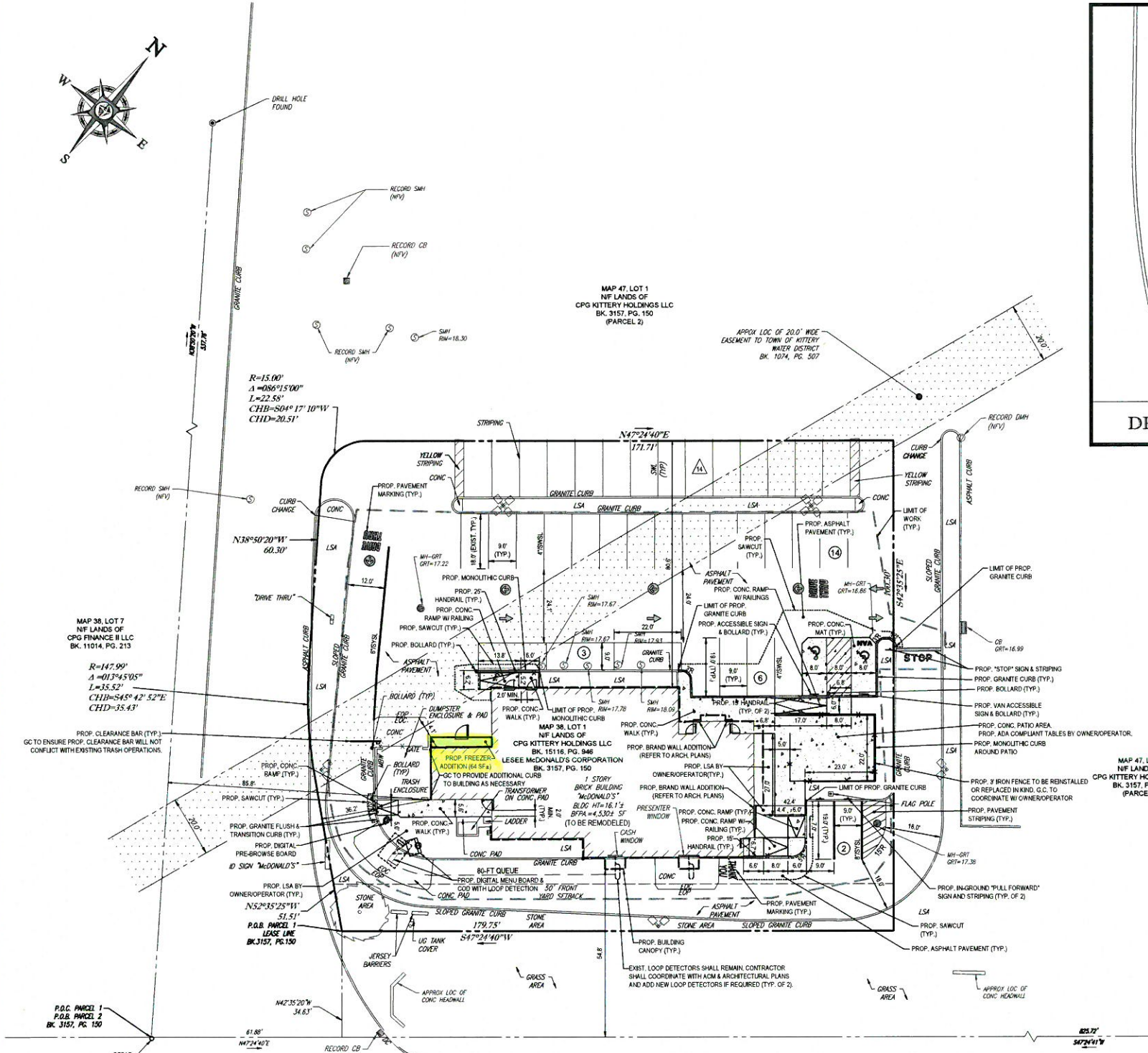
UPSTATE NEW YORK NEW ENGLAND BOSTON, MA NEW YORK, NY NORTHERN NEW JERSEY PHILADELPHIA, PA LEHIGH VALLEY, PA NEW YORK METRO NORTHERN NEW JERSEY SOUTHERN NEW JERSEY BALTIMORE, MD CHARLOTTE, NC ATLANTA, GA TAMPA, FL NORTHERN VIRGINIA CENTRAL VIRGINIA SOUTH FLORIDA SOUTH-EASTERN PA BALDWIN, NC GALLAS, TX WASHINGTON, DC

352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 485-9900
www.BohlerEngineering.com

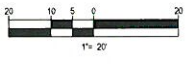
COMPLIANCE CHECK	DATE
CONSTRUCTION CHECK	DATE
CONSTRUCTION CHECK	DATE
PROJECT No.:	M182018
CAD I.D. #:	M182018_ss1.dwg

CONSTRUCTION SET	STREET ADDRESS	335 US ROUTE 1
TOWN	STATE	KITTERY MAINE
COUNTY	PLAN DESCRIPTION	YORK SITE PLAN
SITE I.D.	18-0053	

STATUS	DATE <td>BY</td>	BY
DRAWN BY:	12/21/18	DJF
PLAN CHECKED	12/21/18	WL
AS-BUILT		
SHEET NO.	C-4	



US ROUTE 1
(AKA BLUE STAR MEMORIAL HIGHWAY)
(PUBLIC - VARIABLE WIDTH)
(ASPHALT ROADWAY)



P:\1801013181\Drawings\Plan\ss1.dwg (12/21/2018 12:17:14 PM) Rev. 03/27/2019 12:17:14 PM Rev. 03/27/2019 12:17:14 PM