



TOWN OF KITTERY
PLANNING AND CODE DEPARTMENT
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1308 Fax: 207-439-6806
kitteryme.org

NOTICE OF DECISION

PROPERTY OWNER AND APPLICANT:	Providential Equity Development, LLC
MAILING ADDRESS:	PO BOX 1725 York Beach, ME 03910
PROPERTY LOCATION:	42 State Road
MAP LOT/ZONE:	MAP 3 LOT 5/ B-L1
APPLICATION:	MINOR MODIFICATION TO AN APPROVED PLAN
DATE:	July 24, 2019

Review Threshold

16.10.9.3 Modifications to an Approved Plan

16.10.9.3. A 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 (CEO) determined that Planning Board review is **not** required considering the thresholds outlined in 16.10.3.2 not being met.

Application

The Town Planner and CEO have reviewed the Minor Modification to an Approved Site Plan application dated //2019, that included plan L1, titled 42 State Road, Landscape Plan dated Per Site Revisions 6-28-2019 from Woodburn and Company Landscape Architecture, LLC,

And make the following findings:

Prior Approval and Proposed Modifications

1) The Subdivision Plan was approved by the Planning Board on 7/9/2015 and recorded at the YCRD BK 380 PG 11 on January 11, 2016. The approved plan included two sections of five (5) foot wide sidewalk in front of the proposed building. The proposed plan modifications include:

- a) The second 5' sidewalk in front of the building is proposed to not be constructed. The sidewalk within the building line is between 4' and 4'6" wide, and was determined after a site visit to be satisfactory for ADA access, if there is no encroachment by business owners with items (chairs, flower pots, etc.). It was determined, however, that the ADA parking spot needs to be connected to the first perpendicular sidewalk on the north end of the building. A 5' wide concrete sidewalk will be constructed between the perpendicular sidewalk and the building line, and asphalt section at least 5' wide extending to the end of the handicap parking spot, and
- b) The stairs on the south end of the building are being installed on a slightly different alignment to accommodate CMP electrical boxes/meters. Due to the number of stairs - eight (8), railings

- will be installed on both sides.
- c) The second set of propane tanks could not be buried due to ledge. Three (3) propane tanks will be placed above-ground and will be screened with vinyl fence.

2) A site inspection was conducted on June 26, 2019 to view and discussed the proposed modifications. In attendance were: Pat Carroll, Owner, Jeff Clifford, Altus Engineering, Bill Straub, CMA Engineers (Town's consulting engineer), Jessa Kellogg, Interim CEO, and Jamie Steffen, Town Planner.

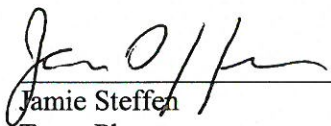
Conclusion

The proposed changes listed above fall within the jurisdiction of the Town Planner and CEO to approve per 16.10.9.3 *Modifications to an approved plan. A. Minor modifications.*

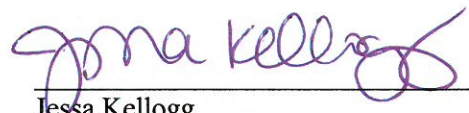
This Notice of Decision **IS NOT** a building permit or a sign permit.

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