

Town of Gorham Planning Board Meeting March 1, 2021

Consent Agenda – Final Subdivision/Site Plan Review Amendment – Public Hearing – Cottage Advisors ME, LLC Pheasant Knoll Condominiums Subdivision Phases 4-6 –Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll – a request for approval for an ownership change for the previously approved 60 duplex condominium units under a Kasprzak ownership and application. Zoned Contract Zone, Urban Residential and Shoreland Overlay, Map 46, Lot 11.004. The applicant is represented by Kylie Mason, Registered Landscape Architect, of Sebago Technics, Inc.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2
2. Items of Note	2
3. Waiver Request	N/A
Aerial Photographs	3
5. Findings of Fact and Motions	

PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Preliminary Subdivision/ Site Plan Amend Review and approval	Original approval for Kasprzak	July 6, 2020
Consent Agenda Review	Review for new ownership change	March 1, 2021

The following staff notes are written to assist the Applicant with compliance to the Town of Gorham Land Use Development Code and are not necessarily inclusive of all project requirements. Staff notes contain review comments and recommendations from Town Staff and may include comments from any of the Town’s peer review consultants, regarding applicability to the Gorham Land Use and Development Code and standard engineering practices.

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

George H. Fox, Planning Board Chairman

PLACE MAP AND LOT NUMBER IN 1/4" HIGH LETTERS AT LOWER RIGHT BORDER OF ALL PLAN SHEETS.

1. OVERVIEW

Pheasant Knoll Phases 4-6, under the ownership of Kasprzak Homes, Inc., were approved on July 6, 2020. The project is under a purchase and sale agreement dated February 5, 2021 to Cottage Advisors ME, LLC.

The applicant is represented by Kylie Mason, Registered Landscape Architect, with Sebago Technics.

2. WAIVER REQUEST

None requested.

3. ITEMS OF NOTE

- A. Maine DEP Approval – The project has received Site Location of Development Act, Natural Resources Protection Act Tier 1 Wetland Alteration permit approvals for the project, Permit # L-21262-87-F-A & L-21262-TB-G-N. Cottage Advisors ME, LLC has submitted for an ownership change to the Maine DEP.
- B. The applicant is only required to submit plans that show the new owners on each page of the plan set as well as provide proof of technical and financial capacity for the Board's review. Review of other ordinance requirements is not necessary at this time. Therefore, this review is limited to only those ordinance requirements that are necessary.
- C. All previous staff and peer review comments and conditions of approval apply to this application. Therefore, they are not reiterated herein.

**TOWN OF GORHAM PLANNING BOARD
FINDINGS OF FACT**

For

**COTTAGE ADVISORS ME, LLC – STONEFIELD, WINDSWEPT, AND
WINDING RIDGE CONDOMINIUMS AT PHEASANT KNOLL: PHASES 4-6**

Whereas, Cottage Advisors ME LLC., seeks ownership change approval for Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll.

Pursuant to the Application:

Consent Agenda review and approval was held on March 1, 2021.

Project Description:

The proposal is to change the ownership of the last three phases in the Pheasant Knoll Condominium development. The three phases are identified as Stonefield Condominium, Phase 4, Windswept Condominium, Phase 5, and Winding Ridge Condominiums Phase 6. The new phases are proposed to be age-restricted units as identified in the Contract Zone for the lot.

Phase 4: Stonefield Condominium is proposed to be 12 new duplex units (24 new dwelling units). The units will be served by an extension to Falcon Crest Drive as well as 2 new streets, Rockwood Lane and Rockwood Lane Extension. All utilities are proposed to be underground.

Phase 5: Windswept Condominium is proposed to be 18 new duplex units (36 new dwelling units). The units will be served by an extension to Falcon Crest Drive as well as one new street, Windswept Drive. All utilities are proposed to be underground.

Phase 6: Winding Ridge Condominium is proposed to be 30 new duplex units (60 new dwelling units). The units will be served by an extension to Falcon Crest Drive. All utilities are proposed to be underground.

Property Description:

The lot is identified as Tax Map 46, Lot 11.004, Contract Zoning (CZ) District, Urban Residential and Shoreland Overlay District, and is located off Falcon Crest Drive and Woods Edge Drive. The western half of the parcel is developed with Ridgefield and Woods Edge Condominium developments. The eastern half of the site is undeveloped with the northern third being woods, the middle third being fields, and the southern third being steep slopes and wetlands.

Variations: None required.

Waivers: None required.

The projects and plans and other documents considered to be a part of the approval by the Planning Board in this ruling consist of the following:

Sebago Technic’s Plans consist of the following:

Sheet 2 – Fourth Amended Overall Site and Subdivision Plan – 02/19/19; 06/30/20; 02/12/21
Sheet 3 – Fourth Amended Overall Site and Subdivision Plan – 02/19/19; 06/30/20; 02/12/21
Sheet 4 – Phase 4 Site and Landscape Plan – Area 1 - 02/19/19; 06/30/20; 02/12/21
Sheet 5 – Phase 4 Site and Landscape Plan – Area 2 - 02/19/19; 02/12/21
Sheet 6 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 7 – Plan and Profile – Falcon Crest Drive - 02/19/19; 02/12/21
Sheet 8 – Plan and Profile – Rockwood Lane Extension – 02/19/19; 02/12/21
Sheet 9 – Plan and Profile – Rockwood Lane – 02/19/19; 02/12/21
Sheet 10 – Grading Plan – Area 1 - 02/19/19; 02/12/21
Sheet 11 – Grading Plan – Area 2 - 02/19/19; 02/12/21
Sheet 12 – Phase 4 Wet Pond 1 Construction Plan – 02/19/19; 02/12/21
Sheet 13 – Utility Plan – Area 1 – 02/19/19; 02/12/21
Sheet 14 – Utility Plan – Area 2 - 02/19/19; 02/12/21
Sheet 15 – Phase 5 Site and Landscape Plan – Area 3 – 02/19/19; 02/12/21
Sheet 16 – Phase 5 Site and Landscape Plan – Area 4 - 02/19/19; 02/12/21
Sheet 17 – Plan and Profile – Windswept Drive – 02/19/19; 02/12/21
Sheet 18 – Plan and Profile – Windswept Drive – 02/19/19; 02/12/21
Sheet 19 – Plan and Profile – Windswept Drive – 02/19/19; 02/12/21
Sheet 20 – Grading Plan – Area 3 – 02/19/19; 02/12/21
Sheet 21 – Grading Plan – Area 4 – 02/19/19; 02/12/21
Sheet 22 – Phase 5 Wet Pond Construction Plan – 02/19/19; 02/12/21
Sheet 23 – Utility Plan – Area 3 – 02/19/19; 02/12/21
Sheet 24 – Utility Plan – Area 4 – 02/19/19; 02/12/21
Sheet 25 – Phase 6 Site and Landscape Plan – Area 5 – 02/19/19; 02/12/21
Sheet 26 – Phase 6 Site and Landscape Plan – Area 6 – 02/19/19; 02/12/21
Sheet 27 – Phase 6 Site and Landscape Plan – Area 7 – 02/19/19; 02/12/21
Sheet 28 – Phase 6 Site and Landscape Plan – Area 8 – 02/19/19; 02/12/21
Sheet 29 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 30 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 31 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 32 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 33 – Plan and Profile – Falcon Crest Drive – 02/19/19; 02/12/21
Sheet 34 – Grading Plan – Area 5 – 02/19/19; 02/12/21
Sheet 35 – Grading Plan – Area 6 – 02/19/19; 02/12/21
Sheet 36 – Grading Plan – Area 7 – 02/19/19; 02/12/21
Sheet 37 - Grading Plan – Area 8 – 02/19/19; 02/12/21
Sheet 38 - Phase 6 Wet Pond 3 Construction Plan – 02/19/19; 02/12/21
Sheet 39 - Utility Plan – Area 5 – 02/19/19; 02/12/21
Sheet 40 - Utility Plan – Area 6 – 02/19/19; 02/12/21
Sheet 41 - Utility Plan – Area 7 – 02/19/19; 02/12/21
Sheet 42 - Utility Plan – Area 8 – 02/19/19; 02/12/21
Sheet 43 – Structure Tables – 02/19/19; 02/12/21
Sheet 44 – Details – 02/19/19; 02/12/21
Sheet 45 – Details – 02/19/19; 02/12/21
Sheet 46 – Details – 02/19/19; 02/12/21
Sheet 47 – Details – 02/19/19; 02/12/21

Sheet 48 – Details – 02/19/19
Sheet 49 – Details – 02/19/19; 02/12/21
Sheet 50 – Class “B” High Intensity Soil Map – 02/19/19; 02/12/21
Sheet 1 – Pre-Development Stormwater Plan – 02/19/19; 02/12/21
Sheet 2 – Post-Development Stormwater Plan – 02/19/19; 02/12/21

Other documents submitted consist of the following:

DEP Transfer Application for Site Location and Stormwater Projects – 02/12/21
Estimated Project Cost – 02/12/21
Letter of Financial Capacity – Stephen F. Oertel, Vice President, Kennebunk Savings – 02/12/21
Letter of Technical Capacity – Sebago Technics – 02/12/21
Corporate Status – Maine Department of the Secretary of State – Cottage Advisors, ME, LLC – 02/12/21
Notice of Intent to File, Site Location of Development Act permit from Kasprzak Homes, Inc., to Cottage Advisors, ME, LLC – 02/12/21

NOW THEREFORE, based on the entire record before the Board and pursuant to the applicable standards set out in the Land Use and Development Code of the Town of Gorham, the Board makes the following factual findings:

FINDINGS OF FACT

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

The Planning Board, following review of the Subdivision Amendment Application, makes these findings based on the Subdivision Amendment Review criteria found in Chapter 3, Subdivision, Section 3 – C. Preliminary Plan Review, and Section 4 – D. Final Plan Review.

Because this is an amendment, some of the Subdivision and Site Plan Review standards are not applicable, as indicated below.

C. PRELIMINARY PLAN REVIEW

- 2) The Planning Board shall include in its review the following general and specific requirements that the development has proposed for approval:
 - j) Financial Capacity to meet Subdivision Regulations. The applicant must have adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations. The Board will not approve any plan if the applicant has not proven its financial capacity to undertake it.

The applicant has provided a letter dated February 4, 2021 from Kennebunk Savings identifying that the applicant has the financial capacity for the project.

Finding: *The applicant has adequate financial resources to construct the proposed improvements and meet the criteria standards of these regulations.*

CHAPTER 4, SITE PLAN REVIEW, SECTION 9 – Approval Criteria and Standards

The Planning Board, following review of the Site Plan Application Amendment, makes these findings based on the Site Plan Review criteria found in Chapter 4, Section 9 – Approval Criteria and Standards, of the Town of Gorham Land Use and Development Code.

R. Technical and Financial Capacity: The applicant has demonstrated that it has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

The applicant has provided a letter dated February 4, 2021 from Kennebunk Savings identifying that the applicant has the financial capacity for the project.

The applicant has provided a list of 4 residential and recreational development projects that it has have been involved with in Maine, as well as 6 projects in Massachusetts and 1 in Canada.

In addition, the applicant has retained Sebago Technics Inc. to provide civil engineering and permitting services.

Finding: *The applicant has demonstrated that it has the financial and technical capacity to complete the project in accordance with the Land Use and Development Code and the approved plans.*

CHAPTER 3 - SUBDIVISION, SECTION 3-4C– FINAL PLAN REVIEW

D. FINAL PLAN REVIEW

- 1) The Planning Board shall review the Final Plan of the proposed development as submitted. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

The applicant has submitted all financial capacity information required of preliminary plan.

Finding: *The applicant has met the standards of this section for final plan approval.*

- 3) No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

The applicant has submitted the application and plans within 12 months of preliminary plan approval.

Finding: *The applicant has met the standards of this section for final plan approval.*

NOW THEREFORE, on March 1, 2021, the Gorham Planning Board based on these Findings determines that Cottage Advisors ME, LLC may proceed as the new owners of Pheasant Knoll Phases 4- 6.

SUGGESTED MOTIONS:

Move to approve the item on the Consent Agenda