

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

**Town of Gorham
Planning Board Meeting
May 4, 2020**

ITEM 1 – Final Subdivision/Site Plan Review – Public Hearing - Kasprzak Landholdings, Inc. Pheasant Knoll Condominiums Subdivision Phases 4-6 –Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll – a request for approval for 60 duplex condominium units. Zoned Contract Zone, Urban Residential and Shoreland Overlay, Map 46, Lot 11.004. The applicant is represented by Owens McCullough, P.E., 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
4. Staff Review	3-8
5. Findings of Fact, Conditions of Approval and Motions	9-22
6. Planning Board 03/04/19 Meeting Minutes	22-24

PROJECT TRACKING

DESCRIPTION	COMMENTS	STATUS
Pre-Application (optional)		September 08, 2014 July 10, 2017 March 05, 2018
Preliminary Subdivision/ Site Plan Amend Review	The Planning Board discussed road layout, traffic flow patterns, landscaping between existing units and proposed units.	December 03, 2018
Site Walk	The Board reviewed road layout, location of house units, landscaping, and stormwater pond locations.	December 20, 2018
Preliminary Subdivision/ Site Plan Amend Review	The applicant was granted preliminary subdivision approval.	March 4, 2019
Final Subdivision/ Site Plan Amend Review		May 4, 2020

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.

Stonefield, Windswept, and Winding Ridge Condominium Final Subdivision/Site Plan

1. OVERVIEW

The applicant was before the Planning Board on March 4, 2019 and received preliminary approval at that time. Minutes from that meeting are found on pages 22-23. The applicant informed the Planning Board that it would then proceed through the Maine DEP process and return for final approval once that was completed. This is the first time this item has been before the Planning Board for final approval. This item is also on for public hearing because condominiums projects are reviewed under the Town's Subdivision and Site Plan review requirements.

The project has received a review and staff has provided those comments as well as those of the Portland Water District.

The applicant is represented by Owens McCullough, P.E., with Sebago Technics.

2. WAIVER REQUEST

None requested.

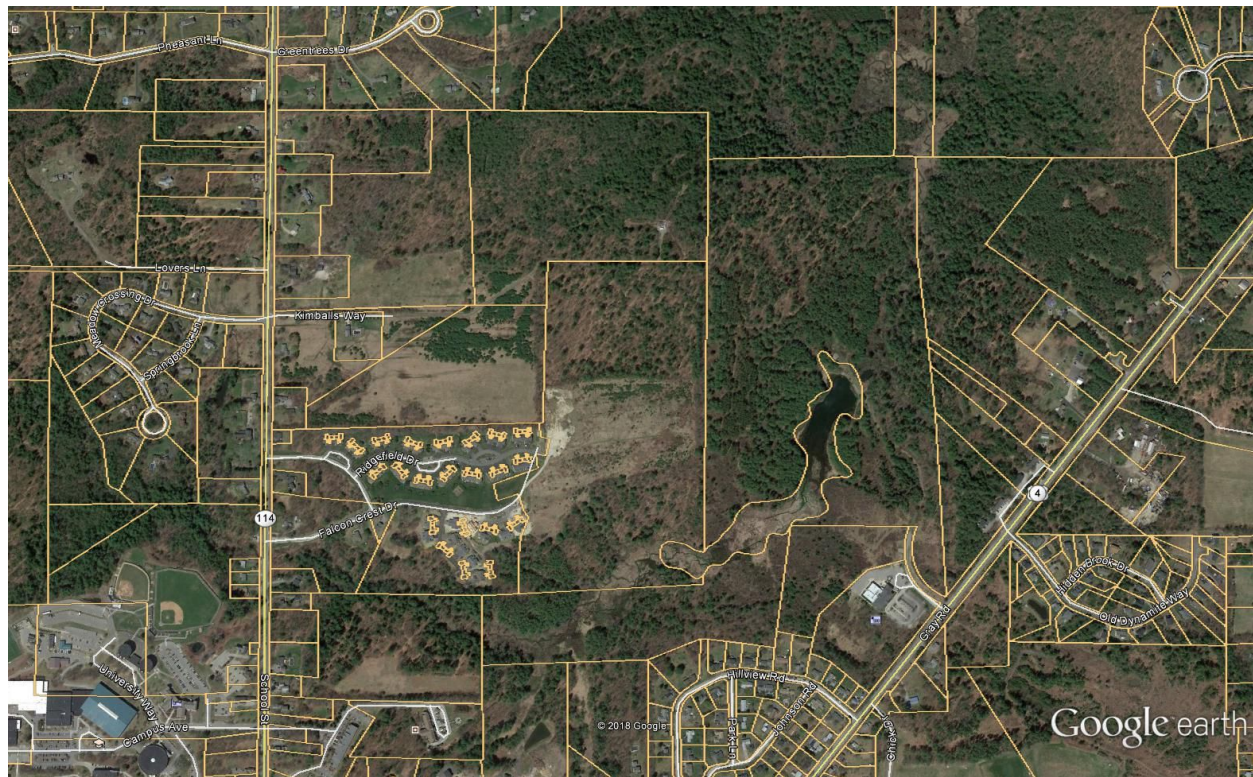
3. ITEMS OF NOTE

- A. Public Hearing – This item is on for site plan and final subdivision approval. Due to it being a site plan the item is on for a public hearing. This will require the Planning Board to open the public hearing as required under the Zoom remote meeting protocols. Community Development staff will be available to help facilitate this process to ensure the public has a chance to give comments to the Planning Board.

- B. Gorham Conservation Commission – The Pheasant Knoll Condominium has trail access to the Town's trail system located to the lot to the east. The applicant has been in discussions with the Gorham Conservation Commission about providing further trail access to the south and parking for trail use. The Gorham Conservation Commission has reviewed the plans and recommends a second trail be located in the area near the southwestern corner of the Condominium Open Space Lot.

- C. Aerial Photographs – Staff has provided 2 aerial photographs from Google Earth showing the Pheasant Knoll Development. The first photograph is a zoomed-in photograph just showing the proposed development parcel and some of the direct abutting parcels. The second photograph is zoomed out showing the development parcel in relation to the land area just north of the Gorham Village.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**



4. STAFF REVIEWS

Assessing Department: March 31, 2020

Assessing: Request copy of reduced size plan. Projected start of each phase. Copy of condo docs for each phase. Allocated interest of units in each phase.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Code Department: No comments received.

Fire Department: April 7, 2020

MAP 46 Block 11 LOT 4

I have reviewed the latest plans for the Pheasant Knoll Condo project and have the following requirements

1. All the homes shall be sprinkled meeting all applicable requirements of the Town of Gorham's Sprinkler Ordinance. The sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting. The plans for the Fire Department shall be submitted at least two weeks prior to the start of installation of the system. Sprinkler Test papers shall be provided to the Fire Department before a certificate of occupancy is issued.
2. Public and private roads shall be properly signed and named with a Town approved street sign; the name of the roads shall be approved by the Police and Fire Chiefs. The street sign shall be put in place as soon as the road is constructed. Maintenance of Private road street signs is the responsibility of the developer and/ or Homeowners Association.
3. Houses shall be properly numbered with the numbers being visible from the street year around.
4. Buildings in Phase 5 shall not be constructed until the hydrant on Falcon Crest Dr opposite the parking area is operational. Buildings in Phase 6 shall not be constructed until the new hydrant on Falcon Crest Dr is operational.
5. The hydrants shall also be flow tested in accordance with NFPA 25 once sufficient drainage and pavement has been installed and every 5 years thereafter with the results reported to the PWD and the GFD.
6. In accordance with NFPA 1, the private hydrants shall be maintained by the developer and/ or Homeowners Association to include a maintenance agreement with Portland Water District or other acceptable entity to perform required winter maintenance and checks. Any hydrant needing repairs will have those repairs made within 4 days and clearing of snow shall not exceed 24 hours after the end of a storm.
7. The private way shall be maintained to allow access for emergency vehicles year around. **Past history has repeatedly shown that private ways are very poorly maintained, and wintertime poses a very serious issue of emergency vehicle access, with very little**

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

enforcement available to the Town. I would state for the record and make notice that the Fire Department cannot and will not be held responsible for incidents where we can not gain access to buildings or incidents on these private ways that are not properly maintained.

Planning Department: April 29, 2020, Items in Italics are from March 4, 2019 staff notes.

1. Application:

- a. Provide copies of the approved DEP and any Army Corps permits obtained for the project.
- b. *Is there is a reason the Planning Board members need to sign all the individual phasing plans: sheets 4, 5, 15, 16, 25, 26, 27, and 28? If the applicant would like a plan signed for each phase, is it possible to get each phase down to a single sheet?*

2. Fourth Amended Overall Site & Subdivision Plan: Sheet 2 of 50

- a. *Why does Falcon Crest Drive in phase 4 have pins and monument marking for the right-of-way? No other roads have any right-of-way markings.* Not sure why the road right-of-way ends at the intersection of 2 other roads. Staff went back and looked at the approved amended plans for Woods Edge Phase and appears that no monuments were set in the right-of-way for that phase, an amendment to that phase appears to be required to provide the required type of right-of-way monumentation. If the applicant wants to have this portion as a public road then additional turnaround and snow storage will need to be reviewed by Gorham Public Works Department.
- b. *The trail will be located in an easement to the Town of Gorham. Lay out the location of the trail so it is better visible on the plan. Also, provide metes and bounds information for the boundaries of the trail right-of-way.*
- c. *Identify the areas and the amounts of wetland impacts proposed with the construction of the stormwater ponds.*
- d. *Show the location of the Shoreland Protection Overlay District boundary on the plan.*
- e. The right-of-way off the end of Rockwood Lane should also identify 50' right-of-way to abutting parcel.

3. Fourth Amended Overall Site & Subdivision Plan: Sheet 3 of 50

- a. *It may be more beneficial to place the building and landscape design inserts on this sheet instead of adding them to all the phases' Site and Landscape plan sheets.*

4. Phase 4 Site and Landscape Plan – Area 2: Sheet 5 of 50

- a. *The line showing the 50' right-of-way for Rockwood Lane Extension to the abutting is missing.*

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

- b. *Sheet 4 shows three types of building design but the typical unit landscape plan shown on this plan only has 2 examples. What is being proposed for landscaping on the 3rd type of building?*
 - c. *At the site walk there was discussion about placing screening along the western edge of Rockwood Lane Extension to buffer the road from the abutting residential unit located in Ridgefield Condominium Association. The plans do not show any landscaping along that edge of the road.*
5. Phase 5 Site and Landscape Plan: Sheets 15 and 16
- a. *Identify the location of the 2 signs that will identify the 2 parking spots on Windswept Drive as being available for trail parking use.*
6. Details: Sheet 47 of 50
- a. What is the basis for the 18” of aggregate subbase under the Typical Road Section W/ Slip form Concrete curb Interior Private Roads? The Town has an Urban Access Road Standard which provides access for up to 250 trips and has a gravel subbase of 12” of D and 9” of E. The Town also has a paved private way standard which provides access for up to 10 dwelling units and has 15” of type D gravel subbase.

Police Department: No comments received.

Public Works Department: April 30, 2020

Tom and Carol,

Looking at the latest submission from Kasprzak on Pheasant Knoll, the applicant should be aware that having perpendicular on street parking stalls in the proposed Town Right of Way may decrease the likelihood of public road acceptance. It creates a much larger paved area than a typical roadway and would need to be maintained in perpetuity by the Town if accepted as public...so a higher cost over time. In addition, the plans should note that these parking stalls would not be cleared of snow by the Town but would be the responsibility of the association.

Thanks,

Bob Burns, PE
Public Works Director

Town Attorney: April 23, 2029

Tom,

Here is the email about my review. I'm pretty certain that Bob provided a subsequent copy that corrected the typo.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Thanks,

Natalie

February 14, 2020

Carol,

I have reviewed the condo declarations and bylaws for Winding Ridge, Stonefield, and Windswept Condominiums. Each of these condos is in turn a member of the parent Pheasant Knoll development, which has its own governance structure and maintains various infrastructure improvements that are common to all of the projects within it. According to the provided documents, maintenance of and reporting for the stormwater facilities will be the responsibility of Pheasant Knoll. I believe that we reviewed the Pheasant Knoll documents back when development of the overall site commenced and so we are familiar with the overall governance.

As to the specific documents provided for these three condominiums, Stonefield will be responsible for the maintenance of Falconcrest Drive, Winding Ridge will be responsible for Winding Ridge Drive and Windswept will be responsible for Windswept Drive.

The documents adequately provide for the creation of condominium associations that will have the authority to make assessments to maintain the established common elements. In addition, they provide for the maintenance of the stormwater facilities and for the required inspections and notice. This is something that we have been asking developers to provide in other projects, and it was good to see it included here.

There was one very minor typo in each of the documents. In Section 7.G, on p. 7, the second sentence states in part: "Provided, however, the Declarant shall relinquish all special rights expressed or implied through which *he* may directly or indirectly control...."

Because the Declarant is Kasprzak Homes, Inc., the word "he" should be changed to "it." I think the word "it" is otherwise used in the documents.

Please let me know if you have any questions or need anything else for this review.

Thanks,

Natalie

Woodard & Curran: April 23, 2020

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Woodard & Curran has reviewed the application for the Stonefield, Windswept, and Winding Ridge Condominium at Pheasant Knoll subdivision located off of Falconcrest Drive, in Gorham, Maine. We have reviewed the project for compliance with the applicable Town of Gorham Land Use and Development Codes and general engineering practices. The proposed project includes the extension of Falconcrest Drive; four interior roadways; the development of 120 units of attached residential duplex housing located within 60 buildings; and three wet ponds. The proposed subdivision is within the Urban Residential and Rural Residential districts. The following documents were reviewed:

■ Response to Comments Letter, dated April 9, 2020, prepared by Sebago Technics, Inc, on behalf of Kasprzak Homes, Inc.

■ Revised Engineering Plans, Sheets 1-15, dated January 17, 2020, prepared by Sebago Technics, Inc, on behalf of Kasprzak Homes, Inc.

We provide the following comments:

General Civil Engineering

■ Please indicate locations for stabilized construction entrance(s) for Phases V & VI on the drawings.

■ The Applicant should forward Portland Water District's Ability to Serve Determination for the project to the Town upon receipt.

Chapter III Subdivision
Section III Preliminary Plan

■ Per Chapter III, Section 3-3, B 19), please indicate locations for snow storage or provide a general note on the plans regarding snow storage on the drawings.

Apart from minor comments listed above, we take no exception to the application materials. Please let us know if you have any further questions.

Portland Water District: April 29, 2019

Phase 4 has been approved. When they are ready to do Phase 5 and 6, they will need to come in and apply. We have approved the plans for all three phases. Thanks

Thanks,
Robert Bartels, PE

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

**TOWN OF GORHAM PLANNING BOARD
FINAL SUBDIVISION AND SITE PLAN REVIEW REPORT
AND FINDINGS OF FACT**

For

**KASPRZAK LANDHOLDINGS & HOMES, INC. – STONEFIELD,
WINDSWEPT, AND WINDING RIDGE CONDOMINIUMS AT PHEASANT
KNOLL: PHASES 4-6**

May 4, 2020

Applicant/ Property Owner: The applicant/property owner is Kasprzak Landholdings & Homes, Inc., P.O. Box 26, Waterboro, Maine 04061.

Property: The lot is identified as Tax Map 46, Lot 11.004, and is located off Falcon Crest Drive and Woods Edge Drive.

Consultants: Owens A. McCullough, P.E. # 7122, with Sebago Technics.

Project Description: The proposal is to create 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. All the stormwater management from the 3 phases will be collected in a closed stormwater drainage system and directed to the 3 stormwater ponds that are to be located in the open space parcel. The open space area is located on the southern quarter of the parcel.

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.

Site Description: 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.

Applicability: Amendment review under the Subdivision and Site Plan regulations identifies the Planning Board as having review and approval authority.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Zoning: Contract Zoning (CZ) District, Urban Residential and Shoreland Overlay District.

Variances: None required.

Waivers: None required.

Pursuant to the Application:

Subdivision/Site Plan Amendment review was held on December 3, 2018.

A Site Walk was held on December 20, 2018.

Preliminary Subdivision and Site Plan Reviews were held on March 4, 2019, with Preliminary Approval being granted.

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 1 – Cover Sheet – 02/19/19
- Sheet 2 – Fourth Amended Overall Site and Subdivision Plan – 02/19/19
- Sheet 3 – Fourth Amended Overall Site and Subdivision Plan – 02/19/19
- Sheet 4 – Phase 4 Site and Landscape Plan – Area 1 - 02/19/19
- Sheet 5 – Phase 4 Site and Landscape Plan – Area 2 - 02/19/19
- Sheet 6 – Plan and Profile – Falcon Crest Drive – 02/19/19
- Sheet 7 – Plan and Profile – Falcon Crest Drive - 02/19/19
- Sheet 8 – Plan and Profile – Rockwood Lane Extension – 02/19/19
- Sheet 9 – Plan and Profile – Rockwood Lane – 02/19/19
- Sheet 10 – Grading Plan – Area 1 - 02/19/19
- Sheet 11 – Grading Plan – Area 2 - 02/19/19
- Sheet 12 – Phase 4 Wet Pond 1 Construction Plan – 02/19/19
- Sheet 13 – Utility Plan – Area 1 – 02/19/19
- Sheet 14 – Utility Plan – Area 2 - 02/19/19
- Sheet 15 – Phase 5 Site and Landscape Plan – Area 3 – 02/19/19
- Sheet 16 – Phase 5 Site and Landscape Plan – Area 4 - 02/19/19
- Sheet 17 – Plan and Profile – Windswept Drive – 02/19/19
- Sheet 18 – Plan and Profile – Windswept Drive – 02/19/19
- Sheet 19 – Plan and Profile – Windswept Drive – 02/19/19
- Sheet 20 – Grading Plan – Area 3 – 02/19/19
- Sheet 21 – Grading Plan – Area 4 – 02/19/19
- Sheet 22 – Phase 5 Wet Pond Construction Plan – 02/19/19
- Sheet 23 – Utility Plan – Area 3 – 02/19/19
- Sheet 24 – Utility Plan – Area 4 – 02/19/19
- Sheet 25 – Phase 6 Site and Landscape Plan – Area 5 – 02/19/19
- Sheet 26 – Phase 6 Site and Landscape Plan – Area 6 – 02/19/19
- Sheet 27 – Phase 6 Site and Landscape Plan – Area 7 – 02/19/19
- Sheet 28 – Phase 6 Site and Landscape Plan – Area 8 – 02/19/19
- Sheet 29 – Plan and Profile – Falcon Crest Drive – 02/19/19

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Sheet 30 – Plan and Profile – Falcon Crest Drive – 02/19/19
Sheet 31 – Plan and Profile – Falcon Crest Drive – 02/19/19
Sheet 32 – Plan and Profile – Falcon Crest Drive – 02/19/19
Sheet 33 – Plan and Profile – Falcon Crest Drive – 02/19/19
Sheet 34 – Grading Plan – Area 5 – 02/19/19
Sheet 35 – Grading Plan – Area 6 – 02/19/19
Sheet 36 – Grading Plan – Area 7 – 02/19/19
Sheet 37 - Grading Plan – Area 8 – 02/19/19
Sheet 38 - Phase 6 Wet Pond 3 Construction Plan – 02/19/19
Sheet 39 - Utility Plan – Area 5 – 02/19/19
Sheet 40 - Utility Plan – Area 6 – 02/19/19
Sheet 41 - Utility Plan – Area 7 – 02/19/19
Sheet 42 - Utility Plan – Area 8 – 02/19/19
Sheet 43 – Structure Tables – 02/19/19
Sheet 44 – Details – 02/19/19
Sheet 45 – Details – 02/19/19
Sheet 46 – Details – 02/19/19
Sheet 47 – Details – 02/19/19
Sheet 48 – Details – 02/19/19
Sheet 49 – Details – 02/19/19
Sheet 50 – Class “B” High Intensity Soil Map – 02/19/19
Sheet 1 – Pre-Development Stormwater Plan – 02/19/19
Sheet 2 – Post-Development Stormwater Plan – 02/19/19

Other documents submitted consist of the following:

Preliminary Subdivision/Site Plan Application – 08/28/18
Plans – 04/28/14; 08/01/14; 12/24/14; 05/01/18; 08/01/18; 08/28/18
Building Elevations – 01/26/15
Stormwater Management Report – 06/18
MDOT Letter re Traffic Movement Permit – Robert vanLuling, Region 1 Traffic Division –
05/01/18
Gorham Town Planner Comments – 01/20/15; 11/29/18; 02/26/19; 04/29/20
Gorham Assessor Comments – 01/06/15; 03/26/18; 03/31/20
Gorham Fire Chief Comments – 02/20/19; 04/07/20
Gorham Public Works Director – 04/30/20
Town Attorney - 02/14/20; 04/23/20
Woodward & Curran – 04/23/20
Portland Water District – 04/29/20
Christine Woodruff, Maine DEP, Division of Land Resource Division – 01/20/15
Abutter Doris Miller Comments - 01/02/19

CHAPTER 3 - SUBDIVISION, SECTION 3 - PRELIMINARY PLAN

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site 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:
- a) Shall be in conformance with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances, including the Performance Standards related to specific types of development which are stipulated in Chapter II.

The amendment to Stonefield, Windswept, and Winding Ridge Condominiums will meet the requirements of the Contract Zone. The applicant is required to get all required local, state, and federal permits required for the proposed development.

The Comprehensive Plan identifies this area as Village Residential which is designate to be similar to the current Urban Residential District. The plans and contract zone meet the requirements of the Urban Residential zoning district for density.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums conforms with the Comprehensive Plan of the Town, and with all pertinent State and local codes and ordinances.

- b) Will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

Access to Stonefield, Windswept, and Winding Ridge Condominiums is via Falcon Crest Drive, which has been designed under the Town’s Urban Sub-collector road standard, and Rockwood Lane, which has been designed under the Town’s _____ standard. Windswept Drive has been designed under the Town’s _____ standard.

The condominium development is accessed from Fort Hill Road, State Route 114, and is designated as a major/urban collector road by the Maine Department of Transportation.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not cause congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed on or off the site.

- c) Will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal,

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

The condominium units will be served by public water, public sewer, underground power, telephone, and cable lines as shown on plan sheets provided.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not place an unreasonable burden by either direct cause or subsequent effect on the availability of the Town to provide municipal services including utilities, waste removal, adequate roads, fire and police protection, school facilities and transportation, recreational facilities, and others.

- d) Has sufficient water supply available for present and future needs as reasonably foreseeable.

The condominium units will continue to be served by public water from the Portland Water District. Each phase of the development is proposed to be served by an 8” water main extension into that phase of the development. The 8” water mains are proposed to be located in the right-of-way for each road. The water main design and installation are required to meet the requirements of the Portland Water District.

The applicant has received the ability-to-serve letter for water service dated April 23, 2020 from the Portland Water District.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums provides for adequate water supply for present and future needs.

- e) Will provide for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

The condominium units will continue to be served by public sewer from the Portland Water District. The gravity sewer main is proposed to be 8” and will be located within rights-of-way of the roads in each phase. The sewer main is required to meet the requirements of the Portland Water District.

The applicant has received the ability-to-serve letter for sewer service dated April 23, 2020 from the Portland Water District.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums Subdivision provides for adequate solid and sewage waste disposal for present and future needs as reasonably foreseeable.

- f) Will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

The proposed condominium buildings will have two dwelling units per building. Stormwater from the site will be treated in stormwater infrastructure meeting the Maine Department of

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Environmental Protection's and the Town of Gorham's stormwater requirements. The dwellings units' sewage disposal will be via the public sewer maintained and treated by the Portland Water District.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not result in undue pollution of air, or surficial or ground waters, either on or off the site.

- g) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

All of the area around the condominium development not proposed as houses or other impervious area will be loamed and seeded to prevent soil erosion. The majority of the stormwater from the subdivision will be directed into grassed ditches.

Each condominium association shall be responsible for maintenance of the stormwater infrastructure in its phase as well as the appropriate stormwater pond(s).

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result

- h) Will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

The proposed revised layout of the condominium development will impact _____ sq. ft. of wetland area.

Finding: The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will not affect the shoreline of any body of water in consideration of pollution, erosion, flooding, destruction of natural features and change of ground water table so that a dangerous or unhealthy condition may result.

- i) Will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.

The applicant is proposing to place the southern one-third of the parcel with the steep slopes and wetlands into open space. The only improvements proposed in the open space will be 3 stormwater ponds used to treat the stormwater run-off from phases 4-6.

No scenic vistas, historic sites or irreplaceable natural or manmade assets have been identified on the site.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Finding: *The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums will respect fully the scenic or natural beauty of the area, trees, vistas, topography, historic sites and rare or irreplaceable natural or manmade assets.*

- 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 6, 2018 from Gorham Saving Bank identifying they will be financing the project.

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

- 3) Every subdivision shall be responsible for providing open space and recreational land and facilities to meet the additional demand created by the residents of the subdivision. This requirement shall be met by the payment of a Recreational Facilities and Open Space Impact Fee in accordance with Chapter 8.

The applicant will be required to pay the Recreational Facilities and Open Space Impact Fee prior to issuance of the building permits.

Finding: *The subdivision approval for Stonefield, Windswept, and Winding Ridge Condominiums is responsible for providing open space and recreational land and facilities to meet the additional demand created by residents of the subdivision.*

- 4) If an applicant chooses to create open space and/or recreational land and facilities within the subdivision in addition to paying the impact fee, the following applies:
- a) **Land Improvements:** The applicant shall improve the land according to the proposed use of the land and the requirements of the Planning Board.
 - b) **Owners Association:** A homeowners' association shall be formed to provide for the perpetual care of commonly owned recreation land.

The applicant is required to form condominium associations for Stonefield, Windswept, and Winding Ridge Condominiums. The three condominium associations will be required to maintain the stormwater ponds as well as the 17.45 acres of open space identified on the subdivision plan.

Finding: *Stonefield, Windswept, and Winding Ridge Condominiums shall be required to maintain the stormwater ponds as well as the 17.45 acres of open space identified on the subdivision plan.*

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

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

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.

CHAPTER 4, Section 9 – Approval Criteria and Standards

A. Utilization of the Site: The plan for the development will reflect the natural capabilities of the site to support development.

The proposal is to construct 60 two-unit condominium buildings, which will result in a density of 120 dwelling units in three phases of development. The development is proposed to occur in the northern two-thirds of the site where the topography is relatively flat and less wetlands will be impacted.

Finding: The plan for the development reflects the natural capabilities of the site to support the development and the natural features and drainage ways are preserved to the greatest extent practical.

B. Access to the Site: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The condominium development is accessed from Fort Hill Road, State Route 114, which is designated as a major/urban collector road by the Maine Department of Transportation.

The applicant estimates the number of additional trips entering/exiting the site on a daily basis to be at 150. The busiest a.m. peak will be 8:00 to 9:00 a.m. and will generate 34 trips entering and 34 trips leaving the development. The busiest p.m. peak will be 5:00 to 6:00 p.m. and will generate 34 trips entering and 34 trips leaving the development.

Finding: Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

C. Access into the Site: Vehicular access into the development will provide for safe and convenient access.

Access to Stonefield, Windswept, and Winding Ridge Condominiums is via Falcon Crest Drive, which has been designed under the Town’s Urban Sub-collector road standard, and Rockwood Lane, which has been designed under the Town’s _____ standard. Windswept Drive has been designed under the Town’s _____ standard.

Finding: The vehicular access into the development will provide for safe and convenient access.

D. Internal Vehicular Circulation: The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

Stonefield, Windswept, and Winding Ridge Condominium Final Subdivision/Site Plan

The road network provides for 2 points of access and no dead end roads are proposed as part of the development. The proposed road network is to remain private to be maintained by each condominium unit in that phase of development.

Each road is required to be maintained year round to ensure access by emergency vehicles.

Finding: *The layout of the site provides for the safe movement of passenger, service, and emergency vehicles through the site.*

E. Pedestrian Circulation: The development plan will provide for a system of pedestrian circulation within and to the development.

Each road is proposed to have a 5' wide sidewalk along the road. Trail access to the Town's trail network is proposed to be located in 2 locations: one to the east and the other to the south. The trail access is proposed to be open for public use.

Finding: *The layout of the site provides for a system of pedestrian circulation within and to the development.*

F. Storm water Management: Adequate provisions will be made for the disposal of all storm water collected on streets, parking areas, roofs or other impervious surfaces through a storm water drainage system and maintenance plan which will not have adverse impacts on abutting or downstream properties.

Stormwater for each phase of the development will be collected in the closed drainage system located as part of each road's drainage system. The stormwater will then be directed to a series of three ponds located in the open space parcel located in the southern one-third of the parcel to be treated prior to discharge. The stormwater infrastructure is to be maintained by each phase's condominium association.

Finding: *The site has adequate provisions for the disposal of all storm water collected on streets, parking area, roofs or other impervious surfaces through a stormwater drainage system and maintenance plan which does not have adverse impacts on abutting or downstream properties.*

G. Erosion Control: For all projects, building and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

The development of the site is limited to the northern two-thirds of the site where the terrain is suitable for development. The southern one-third of the site where the steep slopes, large wetland area, and stream are located is to remain undeveloped as part of the development's open space.

Finding: *The project, building, and site designs and roadway layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.*

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

H. Water Supply: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

The condominium units will continue to be served by public water from the Portland Water District. Each phase of the development is proposed to be served by an 8” water main extension into that phase of the development. The 8” water mains are proposed to be located in the right-of-way for each road. The water main design and installation are required to meet the requirements of the Portland Water District.

Finding: The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

I. Sewage Disposal: A sanitary sewer system will be installed at the expense of the developer if the project is located within a sewer service area as identified by the sewer user ordinance. The Site Plan Review Committee or Planning Board may allow individual subsurface waste disposal systems to be used where sewer service is not available.

The condominium units will continue to be served by public sewer from the Portland Water District. The gravity sewer main is proposed to be 8” and will be located within rights-of-way of the roads in each phase. The sewer main is required to meet the requirements of the Portland Water District.

Finding: The sanitary sewer system will be installed at the expense of the developer meeting the requirements of the sewer user ordinance.

J. Utilities: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

Cable, phone, and electric lines are proposed to be located underground. The development is also proposed to be served by natural gas.

Finding: The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

K. Natural Features: The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation insofar as practical during construction.

The proposal is to limit the amount of wetland impacts to [redacted] sq.ft. The applicant is proposing to limit the development on the southern one-third of the site to the construction of stormwater ponds. The large wetland and stream located along the southern edge of the parcel are to be protected to the greatest extent practical.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Finding: *The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil, and existing vegetation will be retained insofar as practical during construction.*

L. Groundwater Protection: The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.

Stormwater from the site is required to be treated in a series of stormwater ponds located on the southern third of the site. Maintenance of the stormwater infrastructure is the responsibility of the condominium associations.

The development also received approval from the Maine Department of Environmental Protection for an amendment to the Site Location of Development permit # [REDACTED].

Finding: *The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems.*

M. Exterior Lighting: The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

The road network is proposed to have a series of decorative pole-mounted lights along the road network. The street lights are to be located on fiberglass poles with the light fixtures to be decorative street lights supplied by Central Maine Power.

The residential units are also proposed to have residential style lights near the entrance to the dwelling units.

Finding: *The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.*

O. Waste Disposal: The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

Residential trash removal will be through the Town's solid waste provider as long as acceptable access is maintained and a Private Road Release and Waiver has been signed.

Finding: *The development will provide for adequate disposal of solid wastes and hazardous wastes*

P. Landscaping: The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

Street trees are to be installed along each of the proposed streets. The plans also contain landscaping details to be located along the typical condominium unit, as well as details for the installation of deciduous and evergreen trees.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Finding: *The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.*

Q. Shoreland Relationship: The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.

The lot is located in the Shoreland Overlay District. None of the proposed improvements are located in the Shoreland Overlay District.

Finding: *The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of occupants of the development.*

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 list of 75 residential development projects that Kasprzak has been involved with in southern Maine.

The applicant has provided a letter dated February 6, 2018 from Gorham Saving Bank identifying they will be financing the project.

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.*

S. Buffering: The development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations will be improved and maintained.

The applicant is proposing to install some buffering behind building F, units 11 and 12, and along the edge of Rockwood Lane Extension to break up the development from the abutting Ridgefield Condominiums. Street trees are to be located along each of the proposed streets and there will be a mix of deciduous and evergreen plants, shrubs, and trees planted for each condominium unit.

Finding: *The development provides buffering to screen service and storage areas.*

T. Noise: The applicant has demonstrated that the development will comply with the noise regulations listed in Table 1 – *Sound Level Limits* and the associated ordinances.

The uses at the site are required to meet the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. - 7 p.m.) and 50 dBA nighttime (7 p.m. - 7 a.m.).

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

Finding: The development will comply with the A-weighted hourly equivalent sound level limits of 60 dBA daytime (7 a.m. – 7 p.m.) and 50 dBA nighttime (7 p.m. – 7 a.m.).

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 information required of preliminary plan. The plan shows all existing and proposed monuments and pins. The plan shows sufficient information to locate streets, easements, and property lines. The application states the location of the size and type of plantings and landscaping as proposed. The street plan shows the profiles, radii of curves, and angles of intersection of the road. Statements have been provided by all reviewing authorities.

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.

Conditions of Approval

1. That this approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicants and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board or Site Plan Review Committee, except for minor changes which the Town Planner may approve;
2. That prior to the commencement of construction of the site plan, the applicant is responsible for obtaining all required local, state and federal permits;
3. That all relevant conditions of approval from past site plan/ subdivision approvals shall remain in effect;
4. That any proposed use on the site shall meet the sound level requirements outlined under Chapter 4, Section 9, T. Noise;
5. That prior to the commencement of any phase of the development's site improvements, the applicant, its earthwork contractor, and the design engineer shall arrange a pre-construction meeting with the Town's Review Engineer, Public Works Director, Fire Chief, Code Enforcement Officer and the Town Planner

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

- to review the proposed schedule of improvements, conditions of approval, and site construction requirements;
6. That all site construction shall be carried out in conformance with the Maine Erosion and Sediment Control Best Management Practices, Maine Department of Environmental Protection, latest edition and in accordance with the erosion and sedimentation control information contained in the application;
 7. That all the homes shall be sprinkled meeting all applicable requirements of the Town of Gorham's Sprinkler Ordinance and the sprinkler plans shall be submitted to the State Fire Marshal's Office and the Gorham Fire Department for review and permitting;
 8. That the plans for the Fire Department shall be submitted at least two weeks prior to the start of installation of the system and the Sprinkler Test papers shall be provided to the Fire Department before a certificate of occupancy is issued;
 9. That the roads shall be properly signed and named with a Town approved street sign and the name of the roads shall be approved by the Police and Fire Chiefs;
 10. That the private way shall be maintained by the condominium association to allow access for emergency vehicles year around;
 11. That the houses shall be properly numbered with the numbers being visible from the street year around;
 12. That the buildings in Phase 5 shall not be constructed until the hydrant on Falcon Crest Drive opposite the parking area is operational;
 13. That the buildings in Phase 6 shall not be constructed until the new hydrant on Falcon Crest Drive is operational;
 14. That the hydrants shall also be flow tested in accordance with NFPA 25 once sufficient drainage and pavement has been installed and every 5 years thereafter with the results reported to the PWD and the GFD;
 15. That in accordance with NFPA 1, the private hydrants shall be maintained by the developer and/ or condominium association to include a maintenance agreement with Portland Water District or other acceptable entity to perform required winter maintenance and checks with any hydrant needing repairs will have those repairs made within 4 days and clearing of snow shall not exceed 24 hours after the end of a storm;
 16. That the prior to start of each phase of construction the applicant shall establish a performance guarantee meeting Town Staff and Town Attorney's approval totaling 125% of the costs to complete that phase of construction;
 17. That prior to the pre-construction meeting of each phase of construction the applicant shall establish an inspecting engineer escrow totaling 2% of the performance guarantee costs to complete that phase of the development;
 18. That the Planning Board Chairman is authorized by the Planning Board to sign the Findings of Fact on behalf of the entire Board; and

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

19. That once the subdivision/site amendment plan has been recorded at the Cumberland County Registry of Deeds, a dated mylar copy of the recorded subdivision/site amendment plan shall be returned to the Town Planner prior to the pre-construction meeting.

SUGGESTED MOTIONS:

FOR FINAL SUBDIVISION/SITE PLAN APPROVAL:

Move to grant Kasprzak Landholdings, Inc.’s request for final subdivision plan approval for 60 duplex condominium units for Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll, located on Map 46, Lot 11.004, in the Contract Zone, Urban Residential and Shoreland Overland zoning districts, based on Findings of Fact as written by the Town Planner (and amended by the Planning Board).

TO POSTPONE APPROVAL:

Move to postpone further review of Kasprzak Landholdings & Homes, Inc.’s request for final subdivision plan approval pending responses to remaining issues and finalizing revisions to the plans.

TOWN OF GORHAM
PLANNING BOARD MEETING MINUTES

For Reference Only
March 4, 2019

ITEM 5 Preliminary Subdivision/Site Plan Review – Kasprzak Landholdings, Inc., - Pheasant Knoll Condominiums Subdivision Phases 4-6 – Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll – a request for approval for 60 condominium units, zoned Contract Zone, Urban Residential and Shoreland Overlay, Map 46, Lot 11.004.

Mr. Poirier said that the application is being reviewed under subdivision and site plan, with the applicant last before the Board on December 3, 2018 and a site walk having been held on December 20, 2018. The applicant has submitted revised plans for the Board’s review.

Bob Georgitis, Kasprzak Homes, Inc. and Kasprzak Landholdings, came to the podium and told the Board that the project has gone from 122 to 120 units, with one duplex being taken out because of neighbor concerns, and one duplex being moved. They have met with the Water District last week and are in the process of making changes to the utility plans for the sewer and stormwater and water lines per their comments. Mr. Georgitis described the 3 basic building styles, which will be added to the plans. He said this is phase 1 of a 3-phase project, and described the proposed stormwater treatment and the three stormwater ponds proposed. The project will have public sewer, public water, underground utilities, natural gas. Mr. Georgitis said they are willing to give the Town an easement next to the brook for a trail to connect to the trails on the Town’s property, and also provide two parking spaces at the trail head.

PUBLIC COMMENT PERIOD OPENED: Fritz Meslow, 7 Summerfield Court, said his primary concern is the number of units and the primary exit, and asked if it is customary to have this many units exiting through such a narrow gap.

**Stonefield, Windswept, and Winding Ridge Condominium
Final Subdivision/Site Plan**

PUBLIC COMMENT PERIOD ENDED.

Mr. Fox noted that the Water District's ability-to-serve letter is still outstanding. Mr. Georgitis said they received an email which he does not believe adequately serves the Town's requirements, and said that the Water District will provide a new letter or email stating that they have the capacity to serve but still reserve the rights to approve all the utility plans.

Owens McCullough, Sebago Technics, came to the podium and advised the Board that they have received an email stating that the Water District has the capacity to service this project but reserves the right to finish the review of all the water design and infrastructure. Mr. Poirier said that typically what the Board will see is an ability-to-serve at preliminary approval with final approval by the Water District needed before final approval by the Board.

Mr. Firmin noted that he works for the Portland Water District, but he has not been nor does he expect to be involved with the project, and he is not asking to be recused.

In reply to a question from Mr. Fox about landscaping along Rockwood Lane, Mr. McCullough said that when one building was eliminated and another was shifted, the landscaping was shifted as well. He said there was a row of pines which will be salvaged where possible and supplemented where needed; this information will be added to the plans before final.

Mr. Firmin asked about the letter of financial capacity and a cost estimate mentioned in staff notes. Mr. Georgitis said the information is in process and will be provided for final plan review.

Mr. Fox referred to the question raised by the abutter during public comment about whether the primary access road is adequate for this number of units. Mr. Georgitis said that there are two entrances coming in from Fort Hill Road; the main road coming in, Falcon Crest, is designed to the urban subcollector standard to serve 222 units, and now they have taken out 20 units less than was approved.

Mr. Georgitis and Mr. Fox discussed the wetland impacts on the total site of some 8,500 square feet, which is still under Tier I. Mr. Georgitis advised that the site location of development permit numbers are on the plan.

Scott Firmin MOVED and Brian Plowman SECONDED a motion to grant Kasprzak Landholdings, Inc.'s request for preliminary subdivision plan approval for 60 duplex condominium units for Stonefield, Windswept and Winding Ridge Condominiums at Pheasant Knoll, located on Map 46, Lot 11.004, in the Contract Zone, Urban Residential and Shoreland Overlay zoning districts, based on Findings of Fact as written by the Town Planner. Motion CARRIED, 6 ayes. [9:50 p.m.]