

**PLANNING BOARD REPORT**

**PORTLAND, MAINE**

Ledgewood Drive 14 Lot Subdivision

1062 Ocean Avenue

Waiver of joint meeting (with Falmouth) requirement under 30-MRSA Section 4403 (1-A)

Project ID #2012-584

Tim O’Donovan, TPO Properties LLC, Applicant

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| Submitted to:  Portland Planning Board:  Public Hearing Date: October 9th, 2012 | Prepared by: Jean Fraser  Date: October 5th, 2012  Planning Board Report Number: #47-12 |

1. This Report relates to the Subdivision project discussed by the Planning Board at its Workshop on September 24th, 2012. At the Workshop the Board was advised of Maine State Law 30-MRSA Section 4403 (1-A) which requires all review meetings and hearings of the Planning Boards of Portland and Falmouth to be held jointly where a project crosses municipal boundaries, unless the respective reviewing authorities waive this requirement in writing. The Falmouth Planning Board voted on August 7, 2012 to waive this requirement (Attachment 1) and the Portland Planning Board is requested to vote on a similar motion.

1. The proposed 14-lot Subdivision was proposed by Tim Donovan for 12.78 acres of land between Ocean Avenue in Portland and Ledgewood Drive in Falmouth. The bulk of the site is located within the City of Portland, but just under one acre (located along Ledgewood Drive) is located within the Town of Falmouth. One proposed house lot and one proposed open space/ stormwater management area is located in Falmouth along with about 100 linear feet of the proposed new access drive (see Sketch Plan in Attachment 3). The applicant is currently preparing Final Plans for submission in the near future.
2. At the September 24th 2012 Workshop the Board indicated support for waiving the joint meeting requirement and staff confirmed that this needed to be voted upon at a hearing and would prepare a draft letter to Falmouth that would provide a basis for the vote at the next available hearing. Staff suggested that the Board might wish to reserve the option to request a joint meeting in the event that issues arise which would benefit from joint consideration.
3. The Corporation Counsel has prepared the draft letter in Attachment 2 to reflect the discussion at the Workshop, and it is referenced in the proposed Motion for the Board to consider.

**MOTION FOR THE BOARD TO CONSIDER**

That the Planning Board agrees to waive the joint meeting requirement of 30- M.R.S.A. Section 4403 (1-A) in respect of the proposed Ledgewood Drive Subdivision at 1062 Ocean Avenue [Tim O’Donovan, TPO Properties, LLC applicant], as based on the draft letter prepared by Corporation Counsel and attached to Report #47-12 as Attachment 2.

Attachments:

1. Letter from Town of Falmouth dated September, 2012
2. Draft letter prepared by Corporation Counsel to send to Town of Falmouth
3. Sketch Plan of proposed Subdivision

**Attachment 1**

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**Attachment 2**

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***[Legal Department letterhead]***

**DRAFT**

October 9th, 2012

Falmouth Planning Board

c/o Ethan J Croce, Senior Planner

Town of Falmouth

271 Falmouth Road

Falmouth, ME 04105

Re: Proposed subdivision: TPO Properties LLC (Tim O’Donovan) applicant; Ledgewood Drive

Dear Mr. Croce and Members of the Falmouth Planning Board:

As you know, under 30-M.R.S.A. section 4403(1-A) the above project requires all review meetings and hearings of the relevant Boards to be held jointly unless both Boards agree, in writing, to waive this requirement.

The Portland Planning Board (the “Board”) held an informational workshop on September 24th, 2012, where the Board discussed the project and considered the several issues raised as a result of the its location within both the City of Portland and Town of Falmouth. The Board requested that Portland staff coordinate with Falmouth staff regarding all aspects of the review and we anticipate that detailed issues, including those raised by the Falmouth Planning Board at its pre-application sketch plan review on August 2012, will need to be reviewed and resolved.

This letter confirms that on October 9th, 2012, the Portland Planning Board voted unanimously to waive the joint meeting requirement in section 4403(1-A), with the proviso that the option for requesting a joint meeting remains available to the Board in the event there are issues that arise that require joint consideration and resolution.

Please contact me if you have any questions.

Sincerely,

Danielle West-Chuhta

Acting Corporation Counsel

**Attachment 3**

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