

TPO Properties, LLC – 26 Ledgewood Drive - Request for preliminary subdivision approval for the 14-lot Old Barn Estates Subdivision. Tax Sheet 512; Map-Lot R04-068-E. Zoned RA and RCZO.

The applicant appeared before the Board in August 2012 for a pre-application sketch plan review for this project. The applicant is now applying for preliminary subdivision approval for the proposed 14 lot Old Barn Estates Subdivision located off Ledgewood Drive in Falmouth. The proposed subdivision consists of 12 new house lots, two existing house lots with residential structures already on them (one structure at 26 Ledgewood Drive and one at the corner of Ledgewood Drive and Ocean Avenue in Portland), and two open space lots consisting primarily of wetlands and stormwater facilities. The 12 new lots will be served by public water and private wastewater disposal systems. A homeowners association will be formed to maintain the two open space parcels, the stormwater management systems, and the landscaping/buffering located on private lots.

This is a unique application since the subdivision straddles the municipal boundary between Portland and Falmouth. As a result of this, both the Portland and Falmouth Planning Boards are required to review and approve this project. The applicant has appeared before the Portland Planning Board on two occasions to-date and is seeking an approval from the Portland Board at the end of February. (Unlike in Falmouth, where subdivisions must obtain a preliminary approval prior to obtaining final approval, the Portland Planning Board only takes one vote for a subdivision approval.) The applicant would then return to the Falmouth Board for a final approval after obtaining approval from Portland.

All of the 12 new house lots being created are located in Portland. The only portions of the subdivision that are located in Falmouth are: a short section (approximately 100 feet) of the subdivision road, Ice Pond Drive; a small open space lot (Lot 15) containing a stormwater facility; and Lot 13, an existing single family house lot which will be bisected by the new subdivision road. Since the majority of the subdivision, including all of the new house lots and most of the infrastructure, are located within the City of Portland, the Portland Planning Board has jurisdiction over the majority of the project's design elements. The Falmouth Planning Board's involvement in the review process should be limited to those items directly located in, or directly impacting land in, the Town of Falmouth.

At the August 2012 pre-application sketch plan review meeting, the Board asked the applicant, without limitation, to explore pedestrian connectivity to the adjacent Portland Dog Park open space, evaluate the capacity and safety of nearby street intersections, and closely evaluate stormwater/drainage issues as they relate to impacts to property located in Falmouth. In addition to the general subdivision review criteria under Section 3 and Appendix 1 of the Subdivision Ordinance, below are some issues staff have identified for the Board to consider with this project:

Requested Waivers

The applicant is requesting the following two waivers. (Note: Waiver #1 was already granted at the last Planning Board meeting)

1. Waiver of joint municipal review process

Maine statute (30-MRSA §4403, Paragraph 1-A) states that when a subdivision crosses municipal boundaries, all planning board meetings and hearings to review an application must be held jointly with each municipality's planning board unless, upon written agreement, the respective reviewing

authorities waive the requirement for the joint meetings and hearings. At the August 7, 2012 Planning Board meeting, the Falmouth Board approved the applicant's request to waive the joint meeting requirement.

On October 9, 2012, the Portland Board voted similarly to waive this requirement with the condition that the option for a joint meeting would remain open in the event that there were issues that arose in the future that warranted joint consideration between the two municipalities. Per the Falmouth Board's request at the August 2012 sketch plan meeting, Falmouth and Portland Planning staff have been communicating throughout the review process for this project to keep each other informed as to each municipality's concerns and requirements.

2. Waiver for a traffic study

The applicant is requesting a waiver from the Appendix 5.E.2 requirement for a full traffic study. At the sketch plan meeting, the Board indicated that it would be open to considering this waiver request. The Board did request to have a traffic engineer analyze existing traffic operations at the intersections of Ledgewood Drive/Allen Avenue and Ledgewood Drive/Middle Road. The applicant has submitted an assessment from Eaton Traffic Engineering which concludes that there are no high crash locations in the vicinity of the project and that traffic impacts from the proposed subdivision on levels of service will be minimal.

Street Design

- Ice Pond Drive is classified as a local street under the Subdivision Ordinance. The local street standard in Falmouth requires a 24 foot pavement width and a sidewalk on at least one side of the street. The City of Portland requires a 28 foot pavement width and sidewalks on both sides of the street. At the sketch plan review hearing, the Falmouth Planning Board indicated that it would give deference to the City of Portland's design standards since the majority of the development is located in Portland and since the City of Portland will be taking over and maintaining the street as a public street. Plowing, trash collection, and emergency response for the 12 new house lots will be the responsibility of Portland.
- To staff's knowledge, the applicant is still working to resolve street lighting details with the City of Portland. The developer would like to illuminate the new street intersection using the existing CMP cobra-style street light at the intersection of Slocum Drive and Ledgewood Drive. The applicant is also proposing one pole mounted fixture at the hammerhead turnaround. In Falmouth, street light treatment is subject to the Planning Board's discretion. The City of Portland's standards require full cut-off, "Town and Country" lights spaced 120 feet apart along the sidewalk side of the street. The developer is believed to be requesting a waiver from Portland's street lighting requirement.

Pedestrian connectivity

- At the hammerhead turnaround, the applicant is proposing to install a gravel path to the property line from the terminus of the paved sidewalk. The applicant has also been working with the Falmouth Land Trust (owner of the abutting subdivision's open space) and Portland Trails to create a trail connection to the Portland Dog Park trail network. The applicant has verbally agreed to construct the trail and provide a one-time stewardship fee for trail maintenance. A letter of support from the Land Trust is included in your packets.

Final siting of the trail on land within Falmouth, and proposed trail design standards, should be described in greater detail prior to final subdivision approval.

- The Town Engineer has requested that the proposed crosswalk across Ledgewood Drive include signs approved by the Manual of Uniform Traffic Control Devices providing notification of a pedestrian crosswalk. A similar request has been made by the City of Portland.

Buffers

- Appendix 1(B) of the Subdivision Ordinance speaks to the preservation of trees >10" dbh. Open Space Lot 15 is currently heavily wooded but is being proposed to include an underdrained soil filter basin which will entail clearing much, if not all, of this area. The applicant is proposing to replant this stormwater area with eight "buffer trees" and two "street trees". One question is whether there are any opportunities to preserve any of the mature vegetation on this parcel to help retain the character of Ledgewood Drive along this stretch of road and to help buffer the stormwater area and the new house lots behind.
- A "no disturb stormwater buffer" is proposed along the back of Lots 9-12. This buffer will help screen the visual impacts of the development from Ledgewood Drive. How will these buffers be identified to prevent clearing abuses by future lot owners?

Stormwater

- Per Appendix 7(C) of the Subdivision Ordinance, the stormwater management plan needs to show the pre- and post-development peak runoff rates for the 100 year storm.
- Sheet C-101 and C-201 appear to show conflicting storm drain alignments in the street near the municipal property boundary. (The Town Engineer has made some comments regarding the location and configuration of drainage structures in this area – See Mr. Mason's review memo.)
- One of the points of analysis (AP #1) used to compare pre- and post-development flows is located off-site at the existing 60" culvert under Ledgewood Drive. While there is some rationale for using this location as a point of analysis, especially since the flows are directed to an off-site wetland that is owned in part by the applicant and in part by the open space to the abutting Elm Landing Subdivision, the Subdivision Ordinance technically requires that an analysis be performed at the subdivision boundary. The Board should determine if it is comfortable with the analysis presented or if it would like the applicant to run the stormwater calculations for flows at the subdivision's property boundary.
- Prior to final approval, evidence of DEP permitting (three Permit by Rules are required) should be submitted as well as an endorsement from the Cumberland County Soil and Water Conservation District for both the stormwater plan and erosion and sedimentation control plan.

Misc.

- Since Lot 13 will continue to obtain its frontage and access from Ledgewood Drive, the building envelope on the Subdivision Plan will need to show a 40 foot setback from the rear lot line, which is the southerly lot line and the municipal boundary. Also, only a 20 foot setback is required from the easterly lot line abutting the Ice Pond Drive right of way.