

**Major Subdivision
Preliminary Plan Application
Town of Falmouth
Land Subdivision Ordinance**

Project:

Old Barn Estates

*1062 Ocean Avenue Portland, ME
and
26 Ledgewood Drive, Falmouth, ME*

Applicant:

TPO Properties, LLC.
30 Ledgewood Drive
Falmouth, ME 04105

January 9, 2013

Prepared By:

**Land Design Solutions
P.O. Box 316, 160 Longwoods Road
Cumberland, Maine 04021**

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

January 9, 2013

Mr. Ethan Croce, Senior Planner
Town of Falmouth
271 Falmouth Road
Falmouth, ME 04105

**RE: Old Barn Estates - Proposed Residential Subdivision
1062 Ocean Avenue & Ledgewood Drive
Preliminary Plan Review**

Dear Ethan,

On behalf of TPO Properties, LLC, we are pleased to submit the attached preliminary subdivision application, plans and supporting documentation for your review. Since our pre-application meeting with the Falmouth Planning Board back in July we have attended one workshop with the City of Portland and recently submitted updated plans for their upcoming January 22nd workshop.

We have prepared the following narrative in response to evolution of the project design and to questions and concerns raised at the pre-application meeting.

1. The proposed development consists of the following:
 - One modified (existing) lot with a single family residence located within the Town of Falmouth with frontage on Ledgewood Drive (26 Ledgewood Drive), and access proposed to remain on Ledgewood Drive. This lot is shown as Lot 13 on the proposed plans and is not proposed to be part of the Homeowners Association.
 - One existing lot with an existing residence and its current frontage and street address on Ocean Avenue within the City of Portland. This lot is shown as Lot 14 on the proposed plans and is not proposed to be part of the Homeowners Association.
 - 12 proposed lots fronting on the proposed subdivision street. All lots are a minimum of 20,000 s.f. and will be serviced by public water and private subsurface wastewater disposal systems.
 - Two areas of open space designated as Open Space (lot 15) and Open Space (lot 16) to be owned by the Homeowners Association.
2. The name chosen for the development is “Old Barn Estates”.

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3. Subdivision street name – the name selected for the proposed street is Ice Pond Drive (Ice Pond Dr.) This name has been submitted and approved by both the Town of Falmouth and the City of Portland.
4. Subdivision street – With all but approximately the first 100 feet of the street in Portland and the City of Portland requiring City ownership we are proposing to construct the street to City Standards which consists of two 14 foot wide travel lanes. We have requested a waiver to allow us to construct curb, 6 foot wide grassed esplanade and a 5 foot wide sidewalk on only one side of the street and a grassed ditch/swale on the other side. We did talk with City Staff about the possibility of constructing a street consisting of two 12 foot wide travel lanes, but that was not viewed as favorable. The proposed street is approximately 760 linear feet long which is long enough to provide 65 ft. of paved street frontage to lot 8 and 115 ft. of paved street frontage to lot 9. The R.O.W. extends an additional 63 ft. past the end of the pavement which takes it all the way to the property line. The paved sidewalk terminates at the turn around with a gravel walk picking up at that point and extending to the property line where it will connect with the proposed trail to the Dog Park. For street ownership and maintenance purposes we are proposing to deed in fee the portion of the street R.O.W. which is located in Falmouth to the City of Portland.
5. Lot 13 is proposed to retain its existing driveway on Ledgewood Drive. Due to questionable site distance our initial thought was to relocate the driveway to the proposed subdivision street. However, with the reconstruction of Ledgewood Drive last fall the road was raised and the site distance vastly improved, see attached memo from Eaton Traffic Engineering dated January 1, 2013 (attached section 5) stating the sight distance is approximately the same as the proposed subdivision street and in his professional opinion there are no safety issues with retaining the existing driveway location. Based on this and the applicant's desire to retain a Falmouth street address since the lot is in Falmouth and the Town of Falmouth public services and schools would service the residence. The Falmouth Public Services Director and Fire Chief have indicated that they do not have an issue with the existing driveway and address. As such our proposal leaves the existing driveway in its current location. The proposed subdivision street centerline to the centerline of the driveway is 145 feet.
6. Open Space – The open space will be owned by the Homeowners Association.

Open Space (Lot 15) is located on land within the Town of Falmouth and is approximately 11,369 s.f., much of which will be taken up by a stormwater underdrained soil filter basin with a buffer tree planting surrounding it. There will be maintenance involved with the stormwater system and the trees which will be the responsibility of the Homeowners Association.

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Open Space (Lot 16) consisting of approximately 152,082 s.f. of primarily forested wetland with some forested upland will be left in its natural wooded state with the exception of the level spreader and buffer area shown on the plan just below lot 2. Most of this open space area has been proposed as Tree Save Area.

7. Tree Save Areas – The City of Portland requires that the land be evaluated for areas where existing trees can be preserved. We have done this and the designated tree save area is shown on plan S-101 Subdivision Plan, recording plan 2 of 2.

Additionally by default the stormwater buffer areas will preserve the trees located within them, with the exception of the few areas where the subsurface wastewater disposal systems encroach. Also as a requirement of the proposed stormwater management plan lots are limited to a developed area of 15,000 s.f., given the size of the lots this will lead to additional area of undisturbed ground. With the exception of the driveway construction for lot 2 and the subsurface wastewater systems shown on lots 3 and 4 the area shown within the 75 ft. of the DEP designated stream segment will remain undisturbed as well preserving more forested land.

The developer/owner has developed two other subdivisions of similar lot size, like topography and land cover (forested) in this area of Ledgewood Drive (Slocum Drive & Charlotte Drive), and it has been his experience that the people buying these lots for homes do not want to clear cut their lots as a result many trees are left as can be witnessed on the two subdivisions mentioned above.

8. Sidewalk and Trails – A sidewalk is proposed on one side of the subdivision street. Where the sidewalk intersects Ledgewood Drive an 8' wide painted crosswalk is proposed to cross Ledgewood Drive and align with the sidewalk and accessible ramp at the intersection of Ledgewood and Slocum Drives. At the turn around end of the proposed subdivision street we are proposing a gravel path from the terminus of the sidewalk to the property line where it will connect to a trail through the open space. See attachment section 11 Trails.
9. Lot 14 (1062 Ocean Avenue) – This existing lot with an existing house and garage will not be developed or sold as part of the subdivision. We realize that because it is owned by an entity under the ownership of the Applicant and the fact it is contiguous with the subdivision parcel it must be shown on the plans. While initially the applicant discussed and was looking to re-develop the lot prior to the subdivision being approved that has not happened and it is now our hope that we can focus on the subdivision at this time and the re-development or sale of lot 14 at a later date.

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10. Stormwater Management – A stormwater management report and associated plans have been prepared and are attached as section 14 Stormwater Management Plan. The plans address both water quality as well as quantity utilizing underdrained soil filter basins, level spreaders and “No Disturb” wooded buffers.
11. Open Space and Stormwater Management System - A Homeowners Association will be formed to own and maintain the two open space areas, and stormwater management systems not located within the street R.O.W. See attached sections 9 Homeowners Association and 14 Stormwater Management.
12. Wetland and Stream Impacts and Mitigation – A short stream segment running through lot #2 was identified by DEP and multiple wetland areas were delineated by Sweet Associates. A Natural Resource Protection Act PBR for a stream crossing will be required for the driveway to lot #2, and a PBR for disturbance within 75 ft. of a wetland of special significance (significant designation is due to size) will be required for construction of the stormwater underdrained infiltration basin on lot #9. The need for these permits has been discussed on site with DEP and we do not anticipate any issues obtaining them.
13. Traffic – A request was made by the Planning Board at the pre-application meeting that we review traffic impacts at the intersections at both ends of Ledgewood Drive. Eaton Traffic Engineering was retained to investigate these intersections. His memo dated January 1, 2013 is attached as section 5 Traffic Impacts.
14. Landscaping – Street tree and buffering plantings are shown on plan C-101 Lot Development and Landscaping Plan. 30 street trees spaced at approximately 50 ft. are proposed, this spacing allows the trees a regular planting scheme given the long curve in the street and potential driveway locations. Given the limited space in the R.O.W. the street trees are located approximately 10 ft. outside the R.O.W. line on the individual lots. We have proposed a mix of tree varieties so that we do not have a monoculture susceptible to one type of insect or disease. Trees have also been proposed in groupings around the underdrained stormwater filtration basins to help incorporate these land forms into the landscape. Per the proposed stormwater management plan home owners will be limited to clearing approximately 15,000 s.f. of their lot which will leave undisturbed areas of woods throughout the development.
15. Lighting – An existing street light illuminates the Slocum Drive entrance which is directly across the street from our proposed entrance, we believe this existing illumination to be adequate for our street entrance. In keeping with the rural character of the area, Ledgewood Drive and the following adjacent residential developments, all off Ledgewood Drive:

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- a. Charlottes way – entrance street light on opposite side of Ledgewood Drive, light at drive intersection within the development and one light cul-de-sac.
- b. Northledge Terrace – no light at entrance and one light at end of drive turn around.
- c. Slocum Drive – street light at entrance and light at end of drive turn around.
- d. Garden Way (currently under construction) – light at entrance and one at cul-de-sac.

We propose a single pole mounted fixture within the street R.O.W. at our street's turn around. We do not believe there is the need from a safety standpoint or a home owner desire to have the street fully lit, and it would be inconsistent with the adjacent developments and rural character of the area which is one of the characteristics which is attractive to the residents living there.

Plans Set consists of the following:

- Cover Sheet
- Survey
- Subdivision Plat Plan (recording plan 1 of 2)
- S-101 Subdivision Plan (recording plan 2 of 2)
- C-101 Lot Development and Landscape Plan
- C-201 Grading, Drainage and Erosion Control Plan
- C-202 Profile Plan
- C-300 Erosion and Sedimentation Control Notes and Details
- C-301 Site Details
- C-302 Site Details
- C-303 Site Details
- D-100 Pre-Development Drainage Plan
- D-101 Off-Site Subcatchment Plan
- D-102 Post Development Drainage Plan

We have prepared a tentative schedule for moving forward through the approval process of both the City of Portland and the Town of Falmouth. The approval schedule we are hoping to follow is:

- | | |
|------------------------------------|-------------------|
| - Portland Workshop | January 22, 2013 |
| - Falmouth Preliminary Plan Review | February 5, 2013 |
| - Portland Final Approval | February 26, 2013 |
| - Falmouth Final Approval | April 2, 2013 |

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We request that the project be placed on the February 5, 2013 Planning Board agenda. Please do not hesitate to contact me with any questions or comments concerning the submitted plans or documentation.

Sincerely,



Peter B. Biegel, RLA, LEED AP
Maine Licensed Landscape Architect
Land Design Solutions

FALMOUTH PLANNING BOARD REQUEST FOR HEARING

IN ADDITION TO THE SPECIFIED REVIEW FEES, APPLICATIONS SHALL BE ACCOMPANIED BY A SEVENTY-FIVE (\$75.00) DOLLAR FEE TO COVER THE COST OF NOTIFICATIONS AND PUBLISHING.

Name of Applicant: TPO Properties, LLC (Tim O'Donovan) Phone# (207) 450-7890

Fax: _____ E-Mail: ocpminc@maine.rr.com Alt. Phone # _____

Full Address: 30 Ledgewood Drive, Falmouth, Maine 04105

Address of Property to be Developed: (if different) 26 Ledgewood Drive

Map: R-04 Lot: 068 E Zone: RAm

Property Owner (if other): Richmond Properties LLC & TPO Properties LLC (Tim O'Donovan)

Full Address: 30 Ledgewood Drive, Falmouth, ME 04105 Phone: (207) 450-7890

The undersigned requests that the Falmouth Planning Board consider the following application for:

- | | |
|--|--|
| <input type="checkbox"/> Pre-application Sketch Plan Review | <input checked="" type="checkbox"/> Major Subdivision |
| <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Private Way | <input type="checkbox"/> Shoreland Zone Permit |
| <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Fill Permit |
| <input checked="" type="checkbox"/> Other (specify) <u>Preliminary Plan Application</u> | |

Briefly describe proposed application: See Attached Cover Letter

Notes to the Applicant:

1. This application must be filed at the Town Hall no later than twenty-eight (28) days prior to the regular meeting of the Board (1st Tuesday monthly). Applications shall be accompanied by all application fees and materials required by the applicable ordinance(s), checklists and fee schedule.
2. All applications shall include all materials and copies as specified on the submittal requirements form.
3. All materials in color shall be copied in color.

Application Authorization

I hereby make application to the Town of Falmouth for the above-referenced property(ies) and the development as described. To the best of my knowledge the information provided herein is accurate and is in accordance with the Zoning Ordinance and Subdivision Ordinance of the Town, except where waivers are requested. The Town of Falmouth Planning Board and/or town employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at any and all meetings before the Planning Board.

Signed: _____

Date: 1/9/13

Printed name: Peter B. Biegel (Land Design Solutions)

Please identify yourself (check one): Agent* Property Owner

*(If you are an agent, written authorization from the property owner must be attached to this form.)

30 Ledgewood Drive
Falmouth, ME 04104
June 26, 2012

**RE: TPO Properties, LLC
Residential Subdivision**

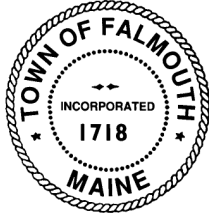
To whom it may concern:

Please consider this letter as authorization for Land Design Solutions to act as the agent relative to the local and state permitting required for the referenced project.

Sincerely,
Tim O'Donovan

A handwritten signature in black ink, appearing to read "Tim O'Donovan", with a long horizontal flourish extending to the right.

Owner
TPO Properties, LLC



Town of Falmouth
Planning Department
Subdivision Fee Calculation Sheet
Effective 01-01-09

Name of Applicant TPO Properties, LLC
Applicant Address 30 Ledgewood Drive, Falmouth, Maine 04105
Project Name Old Barn Estates
Address of Project 26 Ledgewood Drive, Falmouth, Maine
of Units or Lots 12 Proposed Lots
Map-Lot # R-04 / 068 E

Publishing & Notice \$75.00 flat fee 75.00

Review Fee

Pre-application Sketch Plan \$250.00 flat fee _____

Subdivision

First three lots \$600.00 flat fee 600.00
Each additional lot 9 x \$100.00 900.00

Private Way \$200.00/lot _____

Subdivision Review Escrow

Each Dwelling Unit or Lot 12 x \$100.00 1,200.00

Amendment

Revision \$250.00 flat fee _____
Each additional lot _____ x \$100.00 _____

Re-approval \$250.00 (with no changes) _____

TOTAL FEES REQUIRED 2,775.00

Note: If an application is subject to site plan review and subdivision review, the applicant shall pay the larger of the subdivision review fee or the site plan review fee. Both Fee Calculation Sheets must be completed.

Review fees are not typically refundable. If extenuating circumstances occur, the Department may consider a partial or full refund.

Staff Use Only:
Approved by _____ Date _____

**MAJOR SUBDIVISION
PRELIMINARY PLAN CHECKLIST**

Name: Old Barn Estates Date: 1/9/2013

Note: Please refer to separate "Submittal Requirements" form to determine the number of copies necessary for each submission.

A. PLANNING ADMINISTRATION

(✓)

- 1. Applicable Fees (see fee schedule)
- 2. Fee Calculation Sheet
- 3. Review escrow account: \$100.00 per lot (returned to applicant at end of review process unless outside consulting services are required to conduct review).
- 4. Property located in Shoreland Zone. Yes ___ No
Property located in Flood Hazard Zone. Yes ___ No
- 5. DEP approval required. Yes ___ No ___
- 6. Appropriate number of copies of plans at 1" = 100' scale (max. 24" x 36" sheet), appropriate number of 11 x 17 copies, and one electronic set in .pdf format; all to include:
 - a. Location map at 1" = 1,000' scale.
 - b. Proposed subdivision name and municipality.
 - c. Name and address of record owner, subdivider, and designer.
 - d. Date of plan submission, true north point, and graphic scale.
 - e. Number of acres within subdivision, location of property lines, existing easements, building, watercourses, and other features.
 - f. Names of all abutting property owners and subdivisions.
 - g. Zoning district space standards and Zoning boundaries.
 - h. Deed references and survey tract by registered land surveyor. Deed restrictions.
 - i. Proposed lot lines with dimensions and suggested building locations.
 - j. Parcels proposed for public use and conditions of dedication.
 - k. Location of natural features or site elements to be surveyed.
 - l. Landscaping plan.
 - m. Location of existing and proposed on-site wastewater disposal systems.
 - n. Three (3) different Proposed street names, and traffic control signs.
 - o. Mark on the plan, lines or dots, in the center of the streets every 100 feet as to aid in the assignment of numbers to structures subsequently constructed. (Street Addressing Ordinance Adopted 2/22/99)
- 7. On-site wastewater disposal:
 - a. Soils test by licensed soil evaluator.
 - b. Department of Human Services approval if required.
- 8. Soils report and map showing soils boundaries and names per USDA classification.

Major Subdivision Preliminary Plan Checklist

Page 2

B. ENGINEERING

1. Appropriate number of copies of engineering and road design at 1"=40' scale (max. 24" x 36" sheet), appropriate number of 11 x 17 copies and one electronic set in .pdf format; all to include:
- a. Existing and proposed sewers, water mains, culverts, hydrants, and electrical services.
 - b. Locations, names, and widths, of existing and proposed streets, easements, building lines, and open spaces.
 - c. Five (5) foot contours maximum referred to mean sea level (based on USGS).
 - d. Grading plan.
 - e. Surface drainage plan (see Subdivision Ordinance, Appendix 6).
 - f. Location of temporary field markers.
 - g. Layout of bridges (if present).
2. Street Standards - grades, street profiles, and cross sections:
- a. Right-of-way widths.
 - b. Pavements widths.
 - c. Minimum and maximum grades.
 - d. Grade at intersections.
 - e. Angle of intersections.
 - f. Width and surface of shoulders.
 - g. Center line radii on curves.
 - h. Tangent length between reverse curves.
 - i. Road base (sub and upper bases).
 - j. Paving thickness.
 - k. Road crown.
 - l. Sidewalks.
 - m. Curb radii at intersections.
 - n. Length of dead-end streets or cul-de-sacs.
 - o. Frequency of street entrances and nearby intersections.
3. Stormwater Management Plan (See Appendix 6). One (1) copy.
4. Certification by registered professionals on all plans.
5. Monumentation on plans.
6. Performance Guarantee(s):
- a. Improvements to be covered.
 - b. Amount and form.

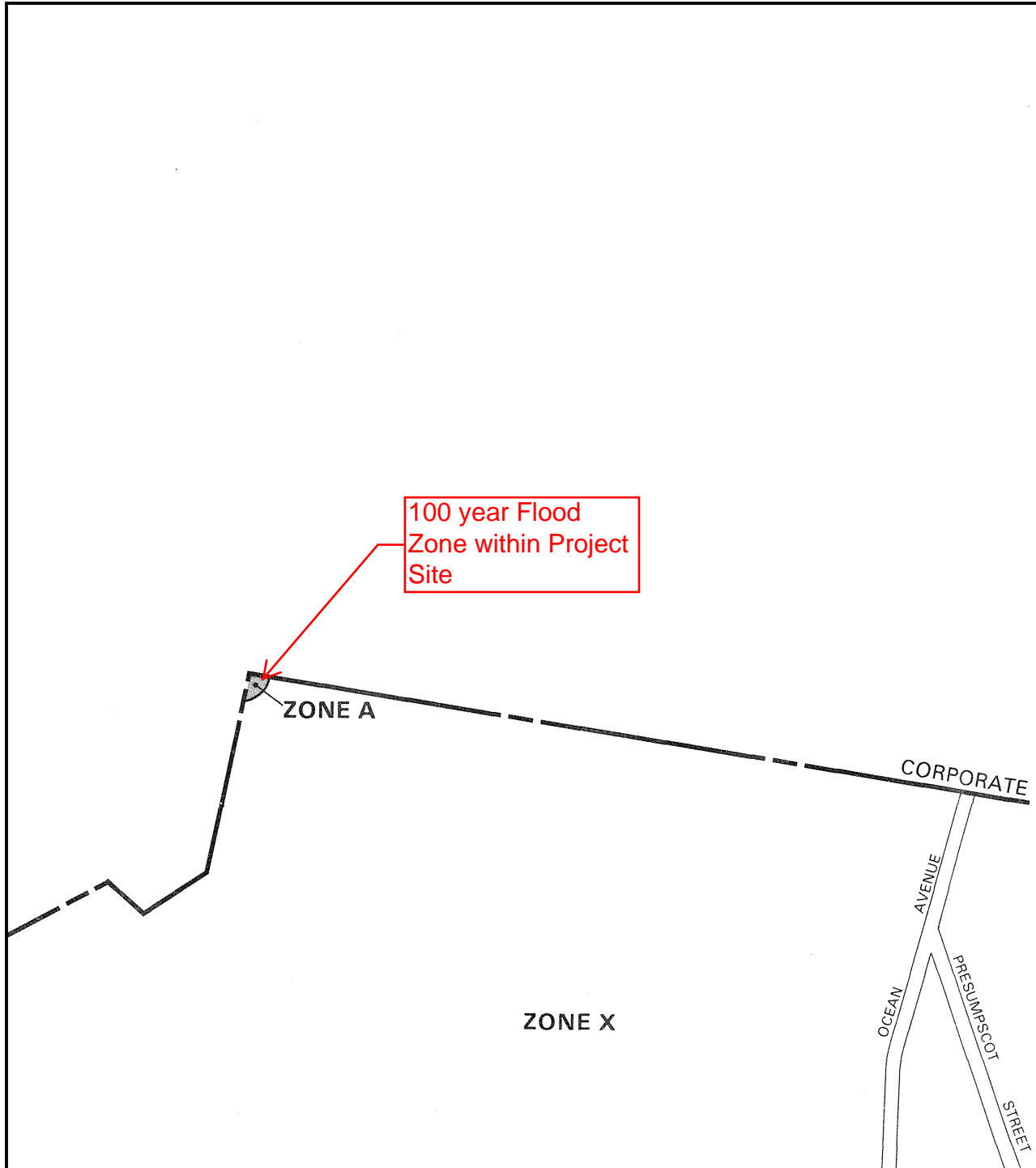
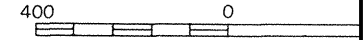
SECTION 2

Flood Maps








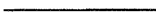
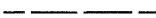


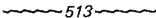


An area (approximately 2,900 square feet) located in the northwest corner of proposed lot 10 is within the 100 year flood zone. This area is 40 ft. inside a 75 ft. wetland setback. See flood maps attached as part of this section.



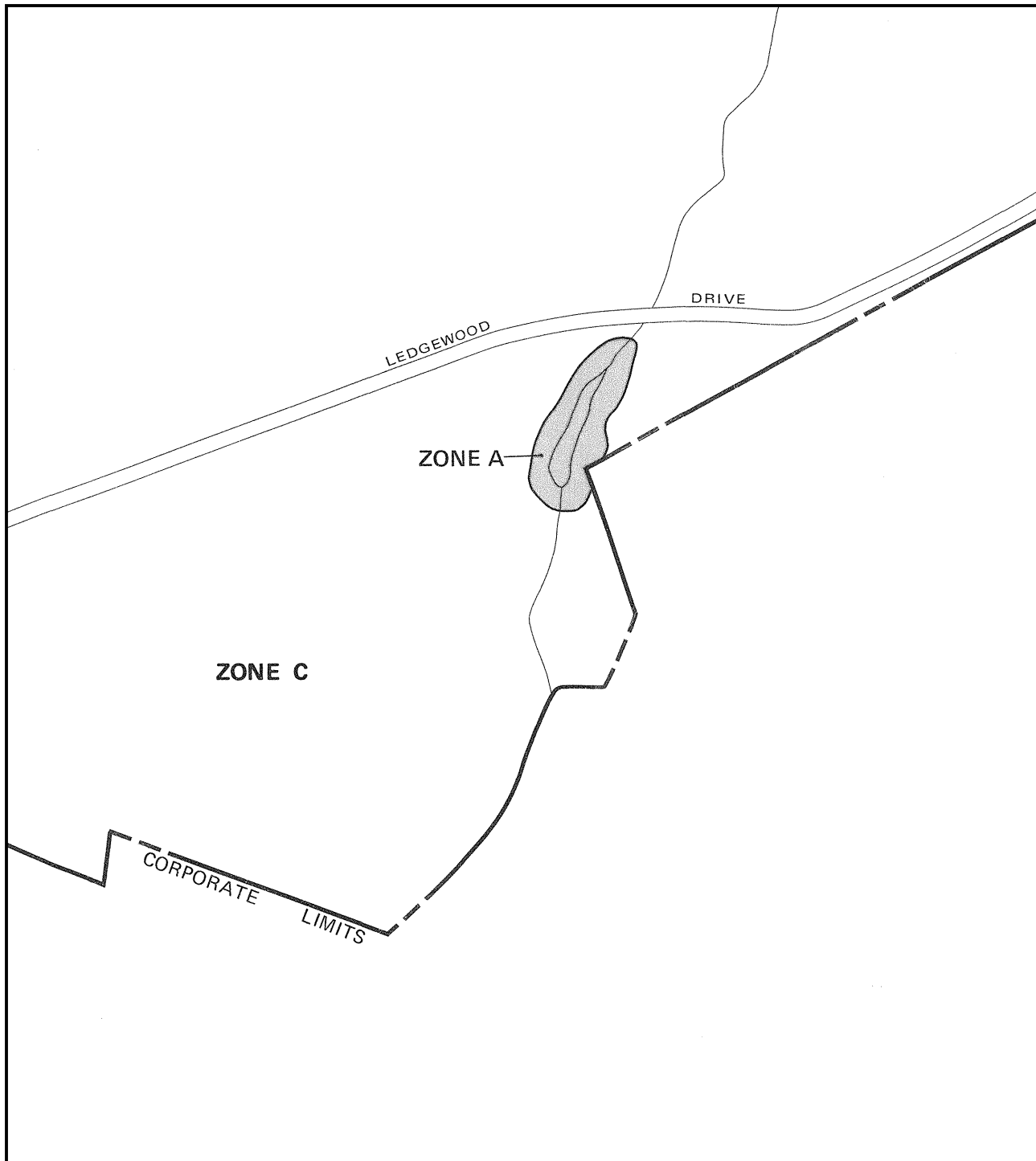
APPROXIMATE SCALE



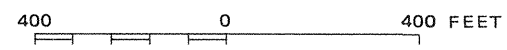
100 year Flood
Zone within Project
Site

-  SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD
- ZONE A** No base flood elevations determined.
- ZONE AE** Base flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding; velocities also determined.
- ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.
- ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.
-  FLOODWAY AREAS IN ZONE AE
-  OTHER FLOOD AREAS
- ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
-  OTHER AREAS
- ZONE X** Areas determined to be outside 500-year floodplain.
- ZONE D** Areas in which flood hazards are undetermined.
- UNDEVELOPED COASTAL BARRIERS†
-  Identified 1983
-  Identified 1990 or Later
-  Otherwise Protected Areas Identified 1991 or Later
- †Coastal barrier areas are normally located within or adjacent to special flood hazard areas.
-  Floodplain Boundary
-  Floodway Boundary
-  Zone D Boundary
-  Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.
-  Base Flood Elevation Line; Elevation in Feet*
-  Cross Section Line
-  Base Flood Elevation in Feet Where Uniform Within Zone*
- RM 7_x** Elevation Reference Mark
- M 1.5** River Mile

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



APPROXIMATE SCALE



KEY TO MAP

500-Year Flood Boundary	→	—————
100-Year Flood Boundary	→	—————
Zone Designations*	→	
100-Year Flood Boundary	→	—————
500-Year Flood Boundary	→	—————
Base Flood Elevation Line With Elevation In Feet**	→	~~~~~ 513 ~~~~~
Base Flood Elevation in Feet Where Uniform Within Zone**	→	————— (EL 987)
Elevation Reference Mark	→	RM7x
Zone D Boundary	→	—————
River Mile	→	•M1.5

**Referenced to the National Geodetic Vertical Datum of 1929

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depth are between one (1) and three (3) feet; average depth of inundation are shown, but no flood hazard factor are determined.
AH	Areas of 100-year shallow flooding where depth are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factor are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazard.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factor not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factor determined.

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SECTION 3

Sanitary Wastewater Disposal

The project area is not currently served by public sewer service therefore the proposed lots will require private subsurface wastewater disposal systems. Subsurface wastewater disposal fields have been designed and located by Sweet Associates of Falmouth, Maine. Disposal field locations are severely limited on these lots due to shallow ledge and shallow water table. The disposal fields shown on the lots are designed to as either a plastic chamber system (larger) or an eljen system (smaller), based on the available area.

Two locations are shown on lot 4 with the preferred location being the one near the rear of the lot. The reason for this preferred location is that it gives greater flexibility for house and backyard layout due to the narrowness of the front of the lot.

The soils investigation and associated soils logs as prepared by Sweet Associates is enclosed as part of this section.

PRELIMINARY SOIL INVESTIGATION

DATE: January 3, 2013

TO: Tim O'Donovan
30 Ledgewood Drive
Falmouth, ME 04105

LOCATION: This property is located on Ledgewood Drive, Portland.

DATE OF INVESTIGATION: November 13, 2012.

PURPOSE OF INVESTIGATION: The purpose is to determine the suitability of the soil and site for subsurface sewage disposal for 12 house lots.

METHOD OF INVESTIGATION: Hand auger.

RESULTS OF INVESTIGATION:

The test borings on this lot were located as shown on the survey plan. Testing was primarily confined to the higher elevations of the property.

The test borings revealed a sandy loam topsoil and subsoil overlying shallow bedrock. The exception is Lots 8, 9, and 10 where the soil is primarily silt loam. The disposal fields proposed are rated Medium-Large to Large. The Maine Subsurface Wastewater Disposal Rules designations are 2A, 3C, 8D, and 8A.

The disposal field shown on Lot 3 is 50 feet from the minor water course at the base of the slope. No clearance or ground disturbance can occur closer than 25 feet from the water course during construction of this disposal field (see Maine Subsurface Wastewater Disposal Rules, section I.H.4 and 7).

Tim O'Donovan
Page Two
Investigation Date: 11/13/12

CONCLUSION:

All tested sites represented by the attached soil logs are acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules.



Richard A. Sweet
Site Evaluator #034



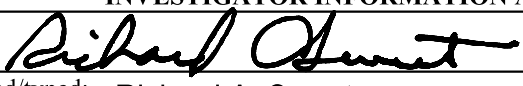
SOIL PROFILE / CLASSIFICATION INFORMATION		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name:	Applicant Name: TPO Properties, LLC	Project Location (municipality): Portland

Observation Hole # <u>TB-1A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6	Sandy Loam	Friable	Red Brown	
12	Bedrock			
18				
24				
30				
36				
42				
48				
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock
<u>2</u>	<u>A</u>	<u>3</u>	<u>12"</u>	

Observation Hole # <u>TB-2A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6	Sandy Loam	Friable	Yellow Brown	
12	Bedrock			
18				
24				
30				
36				
42				
48				
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock
<u>2</u>	<u>A</u>	<u>12</u>	<u>27"</u>	

Observation Hole # <u>TB-3A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6	Sandy Loam	Friable	Red	
12	Bedrock			
18				Few / Faint
24				
30				
36				
42				
48				
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock
<u>2</u>	<u>A</u>	<u>12</u>	<u>24"</u>	

Observation Hole # <u>TB-4A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6	Sandy Loam	Friable	Red	
12	Bedrock			
18				
24				
30				
36				
42				
48				
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock
<u>2</u>	<u>A</u>	<u>5</u>	<u>24"</u>	

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: 	Date: November 10, 2012
Name Printed/typed: <u>Richard A. Sweet</u>	Cert/Lic/Reg.# 034
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	

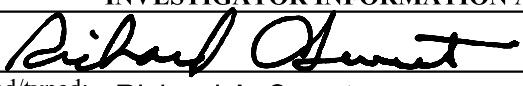
SOIL PROFILE / CLASSIFICATION INFORMATION		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name:	Applicant Name: TPO Properties, LLC	Project Location (municipality): Portland

Observation Hole # <u>TB-4B</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0		Friable	Dark Brown	
6	Sandy Loam		Red	
12	Bedrock			
18				
24				
30				
36				
42				
48				
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>2</u>	<u>A</u>	<u>5</u>	<u>10"</u>
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock

Observation Hole # <u>TB-5A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6		Friable		
12	Sandy Loam		Red	
18				
24	Bedrock			
30				
36				
42				
48				
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>2</u>	<u>A</u>	<u>3</u>	<u>22"</u>
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock

Observation Hole # <u>TB-6A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6				
12	Sandy Loam	Friable	Red Brown	
18				
24			Yellow Brown	
30	Bedrock			
36				
42				
48				
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>2</u>	<u>A</u>	<u>0-3</u>	<u>29"</u>
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock

Observation Hole # <u>TB-7A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring				
<u>1</u> " Depth of organic horizon above mineral soil				
	Texture	Consistency	Color	Mottling
0			Dark Brown	
6		Friable		
12	Sandy Loam		Red	
18				
24	Bedrock			
30				
36				
42				
48				
	Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth
	<u>2</u>	<u>A</u>	<u>8</u>	<u>18"</u>
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input checked="" type="checkbox"/> Bedrock

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: 	Date: November 10, 2012
Name Printed/typed: Richard A. Sweet	Cert/Lic/Reg.# 034
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input checked="" type="checkbox"/> Other:	


SOIL PROFILE / CLASSIFICATION INFORMATION		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name:	Applicant Name: TPO Properties, LLC	Project Location (municipality): Portland

Observation Hole # <u>TB-8A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
<u>1</u> " Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	0	Texture	Consistency	Color	Mottling
	6		Friable	Dark Brown	Few / Faint
	12	Silty Loam		Olive	
	18		Firm		
	24				
	30				
	36				
	42				
	48				
	8	D	5	10"	<input checked="" type="checkbox"/> Groundwater
Profile	Condition	Percent	Depth	<input checked="" type="checkbox"/> Restrictive Layer	
				<input type="checkbox"/> Bedrock	

Observation Hole # <u>TB-9A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
<u>1</u> " Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	0	Texture	Consistency	Color	Mottling
	6	Fine Sandy Loam	Friable	Dark Brown	
	12				
	18				
	24			Bedrock	
	30				
	36				
	42				
	48				
	8	A	8	18"	<input type="checkbox"/> Groundwater
Profile	Condition	Percent	Depth	<input type="checkbox"/> Restrictive Layer	
				<input checked="" type="checkbox"/> Bedrock	

Observation Hole # <u>TB-10A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
<u>1</u> " Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	0	Texture	Consistency	Color	Mottling
	6	Fine Sandy Loam	Friable	Dark Brown	
	12	Silty Loam			
	18		Firm		Few / Faint
	24				
	30				
	36				
	42				
	48				
	8	D	8	12"	<input checked="" type="checkbox"/> Groundwater
Profile	Condition	Percent	Depth	<input checked="" type="checkbox"/> Restrictive Layer	
				<input type="checkbox"/> Bedrock	

Observation Hole # <u>TB-11A</u> <input type="checkbox"/> Test Pit <input checked="" type="checkbox"/> Boring					
<u>1</u> " Depth of organic horizon above mineral soil					
Depth below mineral soil surface (inches)	0	Texture	Consistency	Color	Mottling
	6			Dark Brown	
	12	Sandy Loam			
	18		Friable		Red Brown
	24			Olive	
	30	Silt Loam	Firm		Few / Faint
	36				
	42				
	48				
	3	C	5	24"	<input checked="" type="checkbox"/> Groundwater
Profile	Condition	Percent	Depth	<input checked="" type="checkbox"/> Restrictive Layer	
				<input type="checkbox"/> Bedrock	

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: 	Date: November 10, 2012
Name Printed/typed: Richard A. Sweet	Cert/Lic/Reg.# 034
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	

SOIL PROFILE / CLASSIFICATION INFORMATION		DETAILED DESCRIPTION OF SUBSURFACE CONDITIONS AT PROJECT SITES
Project Name:	Applicant Name: TPO Properties, LLC	Project Location (municipality): Portland

Observation Hole # TB-12A Test Pit Boring

1 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0			Dark Brown	
6				
12	Sandy Loam	Friable	Red	
18				
24			Yellow Brown	
30	Silt Loam	Firm	Gray	Few / Faint
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input checked="" type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock
3	C	0-3	30"	

Observation Hole # _____ Test Pit Boring

_____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock

Observation Hole # _____ Test Pit Boring

_____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

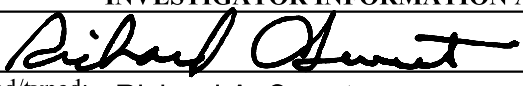
Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock

Observation Hole # _____ Test Pit Boring

_____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
0				
6				
12				
18				
24				
30				
36				
42				
48				

Soil Profile	Classification Condition	Slope Percent	Limiting Factor Depth	<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock

INVESTIGATOR INFORMATION AND SIGNATURE	
Signature: 	Date: November 10, 2012
Name Printed/typed: Richard A. Sweet	Cert/Lic/Reg.# 034
Title: <input checked="" type="checkbox"/> Licensed Site Evaluator <input type="checkbox"/> Certified Soil Scientist <input type="checkbox"/> Certified Geologist <input type="checkbox"/> Other:	

SECTION 4

Water Supply

We coordinated an 8” diameter water main stub for the proposed project with the Portland Water District and Falmouth Department of Public Works last fall when Ledgewood Drive was re-constructed and the water main in Ledgewood Drive extended.

We have spoken with the Portland Water District about the project and are anticipating their confirmation of capacity to serve.

SECTION 5

Traffic Impacts

A letter report prepared by Bill Eaton, P.E., of Eaton Traffic Engineering was submitted as part of our sketch plan review documentation. The Planning Board asked that we review the intersections of Ledgewood Drive and Ocean Avenue and Ledgewood Drive and Allen Avenue which we have done.

A memo, addressing these intersections, from Eaton Traffic Engineering is attached as part of this section.



EATON TRAFFIC ENGINEERING
67 Winter Street Suite 1 • Topsham • Maine • 04086
Tel/Fax 207.725.9805 Cell 207.841.4200

To: Peter Biegel, Land Design Solutions
Fm: William C. Eaton, P.E., Eaton Traffic Engineering
Re: Proposed Residential Subdivision, Ledgewood Drive, Falmouth
Dt: January 1, 2013

Per your request, I have performed a traffic assessment of the above noted project. The project will consist of a 14 lot residential subdivision with an access road located on the southwesterly side of Ledgewood Drive directly across from Slocum Drive. Projected trip generation from the proposed development, when fully occupied, is 140 daily vehicle trips (70 enter, 70 exit), and 14 trips (9 enter, 5 exit) during the PM peak hour (a one hour period within the range of 4:00 – 6:00 PM). There are no MDOT traffic volume data on Ledgewood Drive, but the most recent count data on Middle Road is 5,620 daily vehicles (2010 data) and on Allen Avenue, 9130 (2007).

Safety data was obtained from MDOT for the period 2009-11 for Ledgewood Drive. For the 3 year period a total 4 accidents occurred – 2 at Allen Avenue, 1 at Charlotte Drive and 1 on the link from Middle Road to Slocum Drive. There are no high crash locations in the vicinity of the site.

Intersection sight distance was measured in the field at the proposed site access drive on Ledgewood Drive following the reconstruction of Ledgewood Drive. To the southwest sight distance was measured at 425+/- feet. To the northeast, the distance is 575+/- feet. For the posted speed of 30 MPH, these distances are more than adequate to provide for safe operation.

In previous correspondence regarding this project, you have indicated the Town of Falmouth's concern with respect to the level of service at the intersections of Ledgewood Drive and Allen Avenue and Ledgewood Drive and Ocean Avenue, the need to address the concerns of the City of Portland (within which most of the lots will occur), and the driveway on Ledgewood Drive to

the existing residence at Lot 13. As noted above, the estimated PM peak hour trip generation for the proposed development is 14 vehicle trips (at full occupancy). In my opinion, even if all 14 trips entered/exited Ledgewood Drive from one of the two access roads (Ocean or Allen Avenue), the impact on the capacity and level of service would be minimal. I have discussed this issue briefly with Thomas Errico of T.Y. Lin (traffic engineer for the City of Portland) to see if he needed additional information to support this finding, and he indicated he did not (however, he advises the Portland Planning Board and does not determine their findings). With regard to the existing driveway to Lot 13 on Ledgewood Drive, the sight distance available to the driveway is essentially the same as for the intersection of Ledgewood Drive at Slocum Drive, and I see no safety issue with retaining this driveway at the existing location (as opposed to relocating it to the new subdivision access road).

I trust that the above addresses your needs in this matter. Should you have any questions, please contact me.

SECTION 6

Aesthetic, Cultural and Natural Values

1. A letter has been sent to Maine Department of Inland Fisheries and Wildlife requesting they research their database to determine if there is any known presence of significant wildlife or habitat. See attached request letter.
2. A letter has been received from the State of Maine Department of Conservation, Natural Areas Program stating that they have researched their database and determined that the site, to their knowledge does not contain the presence of unusual natural areas in the vicinity of the project. See attached request letter.
3. A letter has been received from the Maine Historic Preservation Commission stating that they have researched their database and have concluded that there will be no historic properties affected by the proposed project as defined by Section 106 of the National Historic Preservation Act. See attached letter.

Land Design Solutions

Site Planning Land Planning Landscape Architecture

January 5, 2013

Mr. Steve Walker
Department of Inland Fisheries & Wildlife
284 State Street, State House Station #41
Augusta, ME 04333-0041

**RE: Proposed Residential Subdivision
1062 Ocean Avenue, Portland & 26 Ledgewood Drive, Falmouth, Maine**

Dear Mr. Walker:

Land Design Solutions is currently providing permitting and subdivision design assistance to TPO Properties, LLC for the design of a 14 lot residential subdivision located 1t 1062 Ocean Avenue in Portland and 26 Ledgewood Drive in Falmouth. The majority of the parcel is within the Portland City limits. The project site is shown on the enclosed Context Map 082312.

We request that you research your database to determine the presence of any significant wildlife habitat or threatened or endangered species in the vicinity of the project.

If you require further information, please contact us. Thank you for your assistance in this matter.

Land Design Solutions



Peter B. Biegel, ASLA
Maine Licensed Landscape Architect

Enclosure



STATE OF MAINE
DEPARTMENT OF CONSERVATION
93 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0093

PAUL R. LEPAGE
GOVERNOR

WILLIAM H. BEARDSLEY
COMMISSIONER

January 7, 2013

Peter Biegel
Land Design Solutions
P.O. Box 316
160 Longwoods Road
Cumberland, ME 04021

Re: Rare and exemplary botanical features in proximity to: Proposed residential subdivision, Portland and Falmouth, Maine

Dear Mr. Biegel:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received January 7, 2013 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in Portland and Falmouth, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. This lack of data may indicate minimal survey efforts rather than confirm the absence of rare botanical features. You may want to have the site inventoried by a qualified field biologist to ensure that no undocumented rare features are inadvertently harmed.

If a field survey of the project area is conducted, please refer to the enclosed supplemental information regarding rare and exemplary botanical features documented to occur in the vicinity of the project site. The list may include information on features that have been known to occur historically in the area as well as recently field-verified information. While historic records have not been documented in several years, they may persist in the area if suitable habitat exists. The enclosed list identifies features with potential to occur in the area, and it should be considered if you choose to conduct field surveys.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

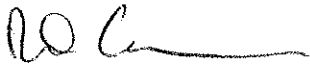
Letter to peter Biegel, Land Design Solutions
Comments RE: Residential Subdivision
January 7, 2013
Page 2 of 2

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for two hours of our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



Don Cameron
Ecologist
Maine Natural Areas Program
207-287-8041
don.s.cameron@maine.gov

Rare & Exemplary Botanical Features within 4 miles of

Project: Residential Subdivision, Portland and Falmouth, Maine

Scientific Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
<i>Adlumia fungosa</i>	T	S1	G4	1860-10	9	Rocky summits and outcrops (non-forested, upland)
<i>Allium canadense</i>	SC	S2	G5	1918-07-16	6	Forested wetland
<i>Allium tricoccum</i>	SC	S3	G5	2009-07-12	26	Hardwood to mixed forest (forest, upland)
<i>Allium tricoccum</i>	SC	S3	G5	1978-06-28	17	Forested wetland
<i>Arabis missouriensis</i>	T	S1	G5?Q	1905-06-11	5	Hardwood to mixed forest (forest, upland)
<i>Asplenium platyneuron</i>	SC	S2	G5	1910-06-06	10	Rocky summits and outcrops (non-forested, upland)
<i>Aureolaria pedicularia</i>	SC	S3	G5	1902-09-02	13	Dry barrens (partly forested, upland)
<i>Bartonia paniculata</i>	T	S1	G5	2001-09-01	17	Coastal non-tidal wetland (non-forested, wetland)
<i>Calystegia spithamea</i>	T	S2	G4G5	2007-06-28	5	Old field/roadside (non-forested, wetland or upland)
<i>Carex polymorpha</i>	E	S1	G3	2012-08-09	1	Dry barrens (partly forested, upland)
<i>Carex polymorpha</i>	E	S1	G3	2006-07-12	6	Hardwood to mixed forest (forest, upland)
<i>Carex polymorpha</i>	E	S1	G3	2003-08-06	4	Hardwood to mixed forest (forest, upland)
<i>Carex polymorpha</i>	E	S1	G3	1911-06-29	9	Dry barrens (partly forested, upland)
<i>Carex polymorpha</i>	E	S1	G3	1911	8	Hardwood to mixed forest (forest, upland)
<i>Chimaphila maculata</i>	E	S2	G5	1991-09	11	Hardwood to mixed forest (forest, upland)

Scientific Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
<i>Eleocharis engelmannii</i>	PE	SH	G4G5Q	1916-08-31	2	Open wetland, not coastal nor rivershore (non-forested, wetland)
<i>Elymus hystrix</i>	SC	S3	G5	1905-09-13	10	Hardwood to mixed forest (forest, upland)
<i>Eupatorium fistulosum</i>	SC	S2	G5?	2010-09-19	19	Old field/roadside (non-forested, wetland or upland)
Hardwood river terrace forest		S3	GNR	2010-06-23	20	Forested wetland
<i>Hieracium venosum</i> var. <i>nudicaule</i>	E	S1	G5T4Q	1909-07	1	Dry barrens (partly forested, upland)
<i>Ilex laevigata</i>	SC	S3	G5	2010-06-13	32	Forested wetland
<i>Kalmia latifolia</i>	SC	S2	G5	1985-08-01	13	Hardwood to mixed forest (forest, upland)
<i>Lobelia siphilitica</i>	PE	SX	G5	1905-09	3	Forested wetland
<i>Lonicera dioica</i>	E	S2	G5	2007-07-30	10	Hardwood to mixed forest (forest, upland)
<i>Lycopodiella alopecuroides</i>	E	S1	G5	2007-08-09	1	
<i>Phegopteris hexagonoptera</i>	SC	S2	G5	1872-08	15	Hardwood to mixed forest (forest, upland)
<i>Platanthera flava</i> var. <i>herbiola</i>	SC	S2	G4T4Q	1907-07-05	27	Open wetland, not coastal nor rivershore (non-forested, wetland)
<i>Polygala cruciata</i> var. <i>aquilonia</i>	PE	SH	G5T4	1903-08-18	1	Dry barrens (partly forested, upland)
<i>Polygonum tenue</i>	PE	SH	G5	1902-09-07	1	Dry barrens (partly forested, upland)
<i>Potamogeton vaseyi</i>	SC	S2	G4	1901-08-04	7	Open water (non-forested, wetland)
<i>Ranunculus ambigens</i>	PE	SH	G4	1903-07-29	2	Open water (non-forested, wetland)
<i>Suaeda calceoliformis</i>	T	S2	G5	2011-08-15	17	Tidal wetland (non-forested, wetland)

Scientific Name	State Status	State Rank	Global Rank	Date Last Observed	Occurrence Number	Habitat
<i>Suaeda calceoliformis</i>	T	S2	G5	1932-09-12	5	Tidal wetland (non-forested, wetland)
Tidal marsh estuary ecosystem		S3	GNR	2011-08-25	8	Tidal wetland (non-forested, wetland)
<i>Viola palmata</i>	PE	SH	G5	1908	1	Hardwood to mixed forest (forest, upland)
<i>Wolffia columbiana</i>	SC	S2	G5	2002-08-04	2	Open water (non-forested, wetland)
<i>Zannichellia palustris</i>	SC	S2	G5	1913-09-13	9	Tidal wetland (non-forested, wetland)

Maine Natural Areas Program, June 2012

Visit our website: www.maine.gov/doc/frmc/mnmap

STATE RARITY RANKS

- S1** Critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.
- S2** Imperiled in Maine because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- S3** Rare in Maine (20-100 occurrences).
- S4** Apparently secure in Maine.
- S5** Demonstrably secure in Maine.
- SH** Known historically from the state, not verified in the past 20 years.
- SX** Apparently extirpated from the state, loss of last known occurrence has been documented.
- SU** Under consideration for assigning rarity status; more information needed on threats or distribution.
- S#?** Current occurrence data suggests assigned rank, but lack of survey effort along with amount of potential habitat create uncertainty (e.g. S3?).
- SNR** State rank not yet assessed.

Note: State Rarity Ranks are determined by the Maine Natural Areas Program.

GLOBAL RARITY RANKS

- G1** Critically imperiled globally because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extinction.
- G2** Globally imperiled because of rarity (6-20 occurrences or few remaining individuals or acres) or because of other factors making it vulnerable to further decline.
- G3** Globally rare (20-100 occurrences).
- G4** Apparently secure globally.
- G5** Demonstrably secure globally.
- GNR** Global rank not yet assessed.

Note: Global Ranks are determined by NatureServe, for more information see <http://www.natureserve.org/explorer/ranking.htm>.

STATE LEGAL STATUS

Note: State legal status is according to 5 M.R.S.A. § 13076-13079, which mandates the Department of Conservation to produce and biennially update the official list of Maine's **Endangered** and **Threatened** plants. The list is derived by a technical advisory committee of botanists who use data in the Natural Areas Program's database to recommend status changes to the Department of Conservation.

- E** ENDANGERED; Rare and in danger of being lost from the state in the foreseeable future; or federally listed as Endangered.
- T** THREATENED; Rare and, with further decline, could become endangered; or federally listed as Threatened.

NON-LEGAL STATUS

- SC** SPECIAL CONCERN; Rare in Maine, based on available information, but not sufficiently rare to be considered Threatened or Endangered.
- PE** Potentially Extirpated; Species has not been documented in Maine in past 20 years or loss of last known occurrence has been documented.

Visit our website for more information on rare, threatened, and endangered species!
<http://www.maine.gov/doc/nrime/mnap>

Land Design Solutions

Site Planning Land Planning Landscape Architecture

December 14, 2012

Mr. Earle G. Shettleworth, Jr., Director
Maine Historical Preservation Commission
55 Capitol Street, 65 State House Station
Augusta, ME 04333-0065

DEC 17 2012

1957-12

RE: Proposed Residential Subdivision
Ledgewood Drive, Falmouth, Maine


Dear Mr. Shettleworth:

Land Design Solutions is currently providing permitting and site development design assistance to TPO Properties LLC for the construction of a 13 lot residential subdivision located off Ledgewood Drive in Falmouth. A survey plan and a google earth map with the site located is also included for your information.

We request you research your data base to determine the presence of any sites in the area of historic architecture or archaeological significance, as defined by the National Historic Preservation Act of 1966. We will be submitting the project for review to the City of Portland and the Town of Falmouth in early January.

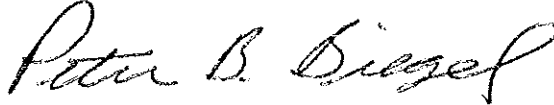
If you require further information, please contact us at 939-1717 or pbiegel@landdesignsolutions.com. Thank you for your assistance in this matter.

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.


Kirk F. Mohney,
Deputy State Historic Preservation Officer
Maine Historic Preservation Commission

12/26/12
Date

Land Design Solutions



Peter B. Biegel, RLA
Principal

Enc.

SECTION 7

Financial And Technical Capacity

Technical Capacity: The following have been retained by the owner to provide technical assistance in the design and permitting of the project.

Project Manager and Landscape Architect

Land Design Solutions

Contact: Peter B. Biegel, ASLA, LEED A.P.

Maine Licensed Landscape Architect

P.O. Box 316

160 Longwoods Road

Cumberland, ME 04021

Civil Engineer

Site Design Associates

Contact: Tom W. Saucier, P.E.

23 Whitney Way

Topsham, ME 04086

Surveyor

Cullenberg Land Surveying

Contact: Kevin W. Cullenberg, PLS

892 Old Danville Road

Auburn, ME 04210

Wetland Delineation & Soil Investigation

Sweet Associates

Contact: Richard A. Sweet (Site Evaluator #034, Wetland Scientist)

155 Gray Road

Falmouth, ME 04105

Traffic Consultant

Eaton Traffic Engineering

Contact: William C. Eaton, P.E.

67 Winter Street

Topsham, ME 04086

Financial Capacity: The applicant is the current owner of the property, and plans to finance the construction of the street and infrastructure through a local financial institution. Our preliminary opinion of cost for street, infrastructure and site improvements is approximately \$300,000.

SECTION 8
Wetland Report

The wetlands were delineated by Sweet Associates of Falmouth, Maine in November of 2012 and a wetland report prepared and is attached as part of this section.

As stated in the conclusion of the wetland report a Natural Resource Protection Act permit by rule notification (PBR) will be needed for disturbance associated with construction of the following:

- Stream crossing for the driveway on Lot 2.
- Septic system located within 75 ft. of the stream on Lot 3.
- Stormwater underdrained soil filter basin located within 75 ft of a wetland of special significance on Lot 9.

We anticipate submitting the PBR notifications mentioned above pending favorable review of the project's stormwater management design.

January 3, 2013

**WETLAND DELINEATION
TIM O'DONOVAN
LEDGEWOOD DRIVE, PORTLAND**

INTRODUCTION:

The purpose of this investigation is to flag and locate wetlands for the two lots shown on the survey plan. The site is located on the south side of Ledgewood Drive, starting 375 feet west of the Ocean Avenue intersection. Data used for this project includes a survey plan provided by Cullenberg Land Surveying.

The wetland delineation was conducted on November 11, 2011. The limits of the survey area are shown on the enclosed site plan, dated August 27, 2011. The investigation involved plant identification, topographic analysis, and soil auger borings. A series of flagged stations were established along the wetland/upland boundary. These flags were located by survey.

ON-SITE FINDINGS:

Wetlands mapped on the property are primarily forested wetlands. An exception is the emergent wetland at the northwest corner on proposed Lot 9. While no emergent wetland plants are located on Lot 9, emergent vegetation is found within the wetland off the northwest property corner, and a portion of that wetland is on Lot 9. All of this wetland is defined as a significant wetland with required setbacks and DEP permitting.

The stream crossing proposed Lots 2 and 3 is defined as a stream under DEP Rules. Building setbacks are required and a crossing permit is required from the DEP.

LITERATURE REVIEW & SITE DESCRIPTION:

The site is located on the *U.S.G.S. Portland West, Maine Quadrangle 7.5 Minute Series*. A review of the *Cumberland County Soil Survey* shows that the soil series mapped on-site are classified as Hollis very rocky fine sandy loam and Scantic silt loam. A review of the *National Wetlands Inventory Map of the Portland West Maine Quadrangle* reveals mapped wetlands on this property. There is a freshwater emergent wetland slightly touching the west end of the

property and surrounding the pond off the west end. The second wetland is freshwater forested shrub and is located at the east end surrounding the old fill mound.

The survey area consists mostly of forested upland in sandy loam rocky soils with shallow bedrock. The wetland vegetation consists predominately of sensitive fern (*Onoclea sensibilis*), and common rush (*Juncus effusus*). All wetlands are located in depressional areas.

METHODOLOGY AND CLASSIFICATION:

The delineation of wetlands was conducted according to the *Corps of Engineers Wetlands Delineation Manual* dated January 1987, and according to performance standards and the supplemental definitions issued 1 August 1995 by the New England Division, U.S. Army Corps of Engineers. The term “wetlands” is defined by federal regulation to mean “...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions...” (33 C.F.R. Part 323.2). In order to properly define these areas, three mandatory criteria must be met. These criteria define hydrophytic vegetation, hydric soils, and wetland hydrology. Hydrophytic vegetation fits into the wetland category when more than 50 percent of the dominant vegetation is within the range of obligate through facultative on the *National List of Plant Species That Occur in Wetlands: Northeast (Region 1)*. Hydric soil is any soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Wetland hydrology is the permanent or periodic inundation, or saturation of soil by groundwater for a significant period (usually two weeks or more) during the growing season. All three of the mandatory criteria, i.e., hydrophytic vegetation, hydric soil conditions, and wetland hydrology, were present within the mapped wetland areas.

The State of Maine Department of Environmental Protection Natural Resource Protection Act (Chapter 310 - Wetland and Waterbodies Protection) classifies some wetland areas as Wetlands of Special Significance. All coastal wetlands and great ponds are considered Wetlands of Special Significance. Additionally, certain freshwater wetlands are considered Wetlands of Special Significance. Freshwater Wetlands of Special Significance have one or more of the following characteristics:

- contains critically imperiled (S1) or imperiled community (S2) as defined by the Natural Areas Program (not examined in this study);
- contains significant wildlife habitat (not examined in this study);
- contain peatlands;
- located within 250 feet of a coastal wetland or GPA great pond (pond less than 10 acres in size);
- located within 25 feet of a river, stream or brook;

- contain at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water (artificial ponds or impoundments are not included);
- located within a 100-year flood plain based on Federal Emergency Management Agency flood insurance maps or other site-specific information.

The identification of a Significant Vernal Pool must be conducted according to the State of Maine Department of Environmental Protection, Natural Resource Protection Act (Chapter 335 - Significant Wildlife Habitat). The policy reads:

“A vernal pool, also referred to as a seasonal forest pool, is a natural, temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus sp.*), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

“Whether a vernal pool is a Significant Vernal Pool is determined by the number and type of pool-breeding amphibian egg masses in a pool, or the presence of fairy shrimp, or use by threatened or endangered species as specified in Section 9(B). The Significant Vernal Pool habitat consists of the vernal pool depression and a portion of the critical terrestrial habitat within a 250 foot radius of the spring or fall high water mark of the depression. An activity that takes place in, on, over, or adjacent to a Significant Vernal Pool habitat must meet the standards of this chapter.”

Many natural wetland areas can be ruled out as being or containing a Significant Vernal Pool based on the following criteria: land surface morphology, permanent standing water, a permanently flowing inlet or outlet and/or the presence of fish. However, under many circumstances it is impossible to determine whether or not a particular wetland contains a Significant Vernal Pool. Under these circumstances, two or more vernal pool surveys during the Spring are required to determine whether or not a Significant Vernal Pool exists on-site.

CONCLUSIONS:

The conclusions of this wetland delineation are as follows:

- All wetlands within the survey area are shown on the attached site plan. Wetland was mapped according to the Corps of Engineers Wetlands Delineation Manual (1987) and classified according to the State of Maine Department of Environmental Protection Natural Resources Protection Act. Wetland was flagged with numbered striped pink/black ribbon.

- DEP permits are required for construction within the 75 foot setback from the emergent wetland and for crossing the DEP defined stream.
- Potential Significant Vernal Pools were investigated in April 2012 and none were found to be significant.

A handwritten signature in cursive script that reads "Richard A. Sweet". The signature is written in black ink and is positioned above a thin horizontal line.

Richard A. Sweet
Wetland Scientist

RAS/smh

SECTION 9

Homeowners Documents

A draft copy of the Homeowners Association Documents has been prepared by TPO Properties legal consul, Attorney Joseph R. Mazziotti and is attached as part of this section.

D R A F T

OLD BARN ESTATES

HOMEOWNERS ASSOCIATION

BYLAWS

ARTICLE I

Section 1. “Association” shall mean and refer to Old Barn Estates Homeowners Association, a non-stock, nonprofit corporation organized and existing under the laws of the State of Maine.

Section 2. “Old Barn Estates” shall mean and refer to a subdivision of land in the City of Portland and Town of Falmouth, County of Cumberland and State of Maine and described in a plan entitled _____ to be recorded in the Cumberland County Registry of Deeds (hereinafter referred to as “the Plan”).

Section 3. “Member” shall mean and refer to each owner (whether an individual person, corporation, partnership or other legal entity) of record of said lots as shown on the aforesaid Plan, but shall not mean and refer to an owner of record whose only interest in such lot or parcel of land is as mortgagee under a real estate mortgage as security for the performance of an obligation, until and unless such owner shall have commenced proceedings under the laws of the State of Maine to foreclose such mortgage and shall have delivered a certificate to the office of the Secretary of the Association.

ARTICLE II

Location

The principal office of the Association shall be located in the City of Portland, in the County of Cumberland and the State of Maine.

ARTICLE III

Membership and Voting Rights

Each owner of a lot as designated in Article I, Section 3 shall be a Member of the Association. However, each lot is allocated only one (1) vote regardless of whether the owner of the lot is one or more individuals, a corporation, partnership or other legal entity.

ARTICLE IV

Purpose and Financing of Association

Section 1. Purpose: The Association shall be responsible for the following:

- a. the care, control and maintenance of all common areas,
- b. the maintenance of all stormwater system components according to the “Inspection and Maintenance Plan for Stormwater Management Facilities”, as approved by the respective Planning Boards for the City of Portland and Town of Falmouth, a copy of said Plan is attached hereto and incorporated by reference, and shall include those components situated on Lots 2, 8, and 9 and depicted on the Plan.
- c. care, maintenance and necessary replacement of the trees along Ice Pond Drive.
- d. care, maintenance and necessary replacement of buffer trees situated on Lots 2, 9 and Open Space (Lot___).

Section 2. Financing: Each Member is obligated to pay to the Association, annual and special assessments. Assessments are personal obligations of the members and may be secured by liens against the land of each lot owner. If the assessments are not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of twelve (12%) percent per annum, and the Association may bring an action at law against the member personally obligated to pay the same and shall be entitled to recover interest, costs and reasonable attorney’s fees.

ARTICLE V

Members

Section 1. Annual Meetings: The first annual meeting of the Members shall be held within one (1) year from the date of the sale of the first lot in the Old Barn Estates Subdivision. The Members shall at that meeting select a date and time for the second and subsequent annual meetings.

Section 2. Parliamentary Procedure: At all meetings of the Members or of the Board of Directors, Roberts’ Rule of Order, as then amended, shall be followed, except in the event of conflict in which case these Bylaws shall prevail.

Section 3. Proxies: Votes may be cast in person or by proxy. Proxies must be filed with the Secretary at or before the time of each meeting. A Member or Director may designate any person who need not be an owner to act as proxy. The designation of any such proxy shall be made in writing, signed by the Member or Director and shall be revocable at any time by written notice to the Secretary by the person designating the proxy.

Section 4. Special Meetings: Special meetings of the Members may be called at any time by the President, the Board of Directors or upon the written request of at least three (3) members who are entitled to vote.

Section 5. Notice of Meetings: Written notice of each meeting of the Members shall be given by, or at the direction of, the secretary or person duly authorized to call the meeting, by mailing a copy of such notice postage prepaid or by facsimile or electronic mail at least ten (10) days before such meeting to each Member entitled to vote there at, addressed to the Member's address last appearing on the books of the Association or supplied by such Member to the Association for the purpose of notice. Such notice shall specify the place, date and hour of the meeting and in the case of a special meeting, the purpose of the meeting.

Section 6. Quorum: The presence at the meeting of Members entitled to vote or proxies equal to seven (7) votes of the membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation or these Bylaws. If however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have the power to adjourn the meeting from time to time without notice, other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

ARTICLE VI

Board of Directors

Section 1. Board of Directors: The affairs of the Association shall be governed by a Board of Directors consisting of three (3) Directors who need not be Members of the Association and who shall hold office until the election of their successors.

Section 2. Term of Office: At the first annual meeting, the Members shall elect one (1) Director for a term of one (1) year, one (1) Director for a term of two (2) years and one (1) Director for a term of three (3) years. At each annual meeting thereafter, the Members shall elect those Directors whose terms are expiring for a term of two (2) years.

Section 3. Resignation: In the event of the death, resignation or removal of a Director, his successor shall be elected by the remaining Directors and shall serve the unexpired term of his predecessor. Any Director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association.

Section 4. Quorum: A majority of the Directors shall constitute a quorum for the transaction of business. Every action or decision made by a majority of the Board of Directors present at a duly held meeting in which a quorum is present shall be regarded as the act of the Board.

Section 5. Powers and Duties: The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and shall do all such acts and things except those which by law or by these Bylaws may not be delegated to the Board of

Directors by the Members. Such powers and duties of the Board of Directors shall include, but shall not be limited to, the following:

- a. Management, maintenance and control all common areas,
- b. Maintenance of all stormwater system components according to the “Inspection and Maintenance Plan for Stormwater Management Facilities”, as approved by the respective Planning Boards for the City of Portland and Town of Falmouth, a copy of said Plan is attached hereto and incorporated by reference, and shall include those components situated on Lots 2, 8, and 9 and depicted on the Plan.
- c. The care, maintenance and necessary replacement of the trees along Ice Pond Drive.
- d. The care, maintenance and necessary replacement of buffer trees situated on Lots 2, 9 and Open Space (Lot___).
- e. Adoption and amendment of reasonable rules and regulations governing the use of the common areas.
- f. Opening of bank accounts on behalf of the Association and designating the signatories required therefor.
- g. Suspend the voting rights of any member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Default shall be defined as that period commencing thirty (30) days following the date on which the assessment is due.
- h. To enforce covenants, conditions and restrictions stated in the Declaration of Restrictions and Covenants of the Old Barn Estates Subdivision recorded in the Cumberland County Registry of Deeds in Book ____, Page ____ and any amendments thereto.
- i. Declare the office of a Director to be vacant in the event that such Director shall be absent from three (3) consecutive regular meetings of the Board of Directors.
- j. To maintain an adequate liability insurance policy to protect the various lot owners and Association from liability in an amount not less than One Million Dollars (\$1,000,000.00).
- k. Cause to be kept a complete record of all acts of the Board of Directors and to present a statement thereof to the Members at the annual meeting of Members, or at any special meeting requested in writing by five (5) of the Members who are entitled to vote.
- l. To fix the amount of the annual assessment against each lot at least thirty (30)

days in advance of each annual assessment and to send written notice of such assessment to every owner thirty (30) days in advance of the date by which such assessment is due and payable.

m. To file a lien with the Cumberland County Registry of Deeds against the land of any Member whose assessment has not been paid within forty-five (45) days of the date such assessment or special assessment is due.

n. To bring an action at law against the owner personally obligated to pay the assessment and to collect the assessment or special assessment, costs of collection, interest and reasonable attorney's fees.

o. Unless sooner transferred by the Declarant/Developer, upon the sale of the last lot in the subdivision by the Declarant/Developer, the Association shall assume all of the duties set forth above within the Old Barn Estates Subdivision. The Association further recognizes that the Declarant shall thereafter be under no obligation to assert any rights or have any duties or obligations assigned, transferred, or conveyed to the Association.

p. Upon request by the Code Enforcement Officer, Plumbing Inspector, or Town Engineer, the Old Barn Estates Homeowners Association shall produce for inspection and copying at the Falmouth Town Hall, or the City of Portland as the case may be, or permit the inspection and copying at its own office of any or all of its corporate, financial, operating, inspection, and maintenance records, reports, contracts, budgets and other papers, for the purpose of determining its performance of any compliance with the requirements Stormwater Plan and Tree Maintenance and Buffering Plan.

The Code Enforcement Officer, the Plumbing Inspector, or his authorized representative, or the Town Engineer, and other duly authorized employees of the City/Town bearing proper credentials or identification, shall be permitted to enter at all reasonable times, upon all real or personal property of the Association necessary to the verification of compliance with the Association's responsibilities.

Section 6. Regular Meetings: Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Members of the Board of Directors, but at least one (1) such meeting shall be held during each fiscal year to elect the offices of the Association and to transact such other business as may be necessary. Notice of regular meetings of the Board of Directors shall be given to each Member of the Board of Directors, by mail, telephone, facsimile, or electronic mail, at least five (5) business days prior to the day stated for such meeting.

Section 7. Special Meetings: Special meetings of the Board of Directors may be called by the President on three (3) business days notice to each Member of the Board of Directors given by telephone, facsimile, or electronic mail, or on five (5) business days notice given by ordinary first-class mail, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary

in like manner and on like notice on the written request of at least two (2) Members of the Board of Directors.

Section 8. Waiver of Notice: Any Member of the Board of Directors may at any time waive notice of any meeting of the Board of Directors in writing, and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Member of the Board of Directors at any meeting of the Board shall constitute a waiver of notice by him of the time and the place thereof. If all the Members of the Board of Directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

Section 9. Informal Action by Board of Directors: Any action required to be taken at a meeting of the Board of Directors or any other action which may be taken at a meeting of the board of Directors, may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the Members of the Board of Directors entitled to vote with respect to the subject matter thereof.

Section 10. Compensation: No Member of the Board of Directors shall receive any compensation from the Association for acting as a Director, except that Members of the Board of Directors may be reimbursed for expenses they incur in connection with their services of Directors, as the Board may from time to time determine.

Section 11. Fiscal Year: The fiscal year for the Association shall be the calendar year.

ARTICLE VII

Officers

Section 1. Designation: The principal officers of the Association shall be the President, the Secretary/Clerk and the Treasurer, all of whom shall be elected by the Board of Directors. The Board of Directors may appoint such other officers as in its judgment may be necessary.

Section 2. Election of Officers: The offices of the Association shall be elected annually by the Board of Directors at the annual meeting of the Board of Directors and shall hold office at the pleasure of the Board of Directors.

Section 3. Removal of Officers: Upon the affirmative vote of a majority of the Members of the Board of Directors, any officer may be removed, either with or without cause, and his or her successor may be elected at any regular meeting of the Board of Directors or any special meeting of the Board of Directors called for that purpose.

Section 4. President: The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Members and the Board of Directors. He shall have all of the general powers and duties which are incident to the office of the President of a non-profit corporation organized under the laws of the State of Maine, including, but not

limited to the power to appoint committees from among the Members and, from time to time as he may, in his discretion, decide is appropriate to assist in the conduct of the affairs of the Association.

Section 5. Secretary/Clerk (Registered Agent): The Secretary/Clerk (Registered Agent) shall keep the minutes of all meetings of the Members and of the Board of Directors; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all the duties incident to the office of Secretary/Clerk as a non-profit corporation organized under the laws of the State of Maine.

Section 6. Treasurer: The Treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate financial records and books of accounts showing all receipts and disbursements and for the preparation of all required financial data. He shall be responsible for the deposit of all monies and other valuable effects in the name of the Association, in such depositories as may from time to time be designated by the Board of Directors, and he shall in general, perform all the duties incident to the Office of Treasurer of a non-profit corporation organized under the laws of the State of Maine.

Section 7. Agreements, Contracts, Checks, etc.: All agreements, contracts, checks and other instruments of the Association shall be executed by two officers of the Association or by such other person or persons as may be designated by the Board of Directors.

Section 8. Compensation of Officers: No officer shall receive any compensation from the Association for acting as such, except that officers may be reimbursed for expenses incurred by them for their services as officers of the Association, as the Board of Directors may from time to time determine.

ARTICLE VIII

Records

Section 1. Records and Audits: The Board of Directors or its agent shall keep detailed records of the actions of the Board of Directors and its agents, minutes of the meeting of the Board of Directors and financial records and books of accounts for the Association.

Section 2. Statement: A written report summarizing all receipts and expenditures of the Association shall be rendered by the Board of Directors to all Members at least annually.

ARTICLE IX

Miscellaneous

Section 1. Notices: All notices hereunder shall be sent registered or certified mail to the Board of Directors, in care of the President, to the office of the Board of Directors or to such other address as the Board of Directors may hereafter designate from time to time by notice in writing to all Members. All notices to any lot owner shall be sent by ordinary prepaid mail to the

address or to such other address as may have been designated by them from time to time, in writing to the Board of Directors. All notices shall be deemed to have been given when mailed, except notices of change of address which shall be deemed to have been given when received.

ARTICLE X

Amendments to Bylaws

These Bylaws may be altered, amended or added to, at any duly called meeting of Members provided: (1) that the notice of the meeting shall contain a full statement of the proposed amendments; and (2) that the amendment shall be approved by at least eight (8) of the total votes of the Association. However, so long as the Association remains responsible for the operation and maintenance of the drainage systems and devices, common areas and tree buffers of Old Barn Estates, Subdivision, no action shall be taken by the Members to dissolve this Association.

DATE:

SECTION 10

Solid Waste Disposal And Recycling

Solid Waste Disposal and Recycling:

The City of Portland, owner of the proposed subdivision street, and the municipality in which lots 1 through 12 are located will provide disposal and recycling service as part of the City's municipal program. Lots 1 through 12 all have frontage on the proposed subdivision street.

We anticipate that Lot 13 which is located in Falmouth and has its driveway / access on LedgeWood Drive will participate in the Town of Falmouth's curbside collection "pay per bag" system which is currently provided through Pine Tree Waste Systems. We also believe that the homeowner's will participate in the Town's recycling programs.

Construction Waste:

Solid Waste created during construction of the development will be the responsibility of the developer and the contractors who are retained to provide construction services.

SECTION 11

Trail Connection

A trail is proposed as part of this project which will connect the subdivision sidewalk to the Dog Park perimeter trail, which in turn connects to other trails. The proposed connector trail will begin at the end of the proposed subdivision street R.O.W. (property line) and continue through the open space owned by the Falmouth Land Trust until it reaches the Dog Park and a designated trail connection point.

We have met on site with a representative from the Falmouth Land Trust and Portland Trails to review the proposed trail area and connection points. The Applicant has verbally agreed to fund the construction of the trail and pay a Stewardship fee to the Falmouth Land Trust for the future maintenance of the trail.

The Falmouth Land Trust and Portland Trails are currently working on a joint proposal which will designate which entity will be responsible for the trail construction and future maintenance.

A letter of support from the Falmouth Land Trust is attached as part of this section.

Conserve. Explore. Enjoy.



www.falmouthlandtrust.org

January 4, 2013

Peter Biegel
Land Design Solutions
160 Longwoods Rd
Cumberland, ME 04021
VIA EMAIL

Peter,
Thanks for reaching out to the Falmouth Land Trust regarding the new project you are working on off of Ledgewood Rd in Falmouth.

Based on the information provided and attached here as Exhibit A, the Trust is very supportive of Tim O'Donovan making a trail connection from the proposed development to the Ocean Ave dog park via the property owned by the Falmouth Land Trust in The Elms subdivision. We hope that the connection will encourage further use of the Elm's trail network as well as the Trust's holdings in Pleasant Woods. As you and I discussed the trail would be constructed to the usual high standards that we have experienced on your other projects. Also, the developer will make a one-time stewardship donation of \$1,000 to the Trust for the ongoing maintenance of the new trail.

On behalf of the Trust thanks for including us in this project and please don't hesitate to contact me if I can be of further assistance.

Sincerely yours,

A handwritten signature in dark ink that reads "Jed Harris". The signature is written in a cursive, flowing style.

Jed Harris
President

SECTION 12

Section 3 Guidelines

- A. *Will not result in undue water or air pollution.*
Appropriate erosion control measures as shown on Plan C-300 will be taken during the construction of the project which will minimize stormwater run-off and dust.
- B. *Has sufficient water availability for the reasonable needs of the subdivision.*
The development will be serviced by an 8” diameter water main connected to the municipal water supply main in Ledgewood Drive.
- C. *Will not cause any unreasonable burden on an existing water supply, if one is to be utilized.*
The 12 additional houses will not be a burden to the existing municipal water supply.
- D. *Will not cause unreasonable soil erosion or reduction of the capacity of the land to hold water so that a dangerous or unhealthy condition may result.*
Appropriate soil erosion and sedimentation control measures will be taken per Plan C-300 to minimize soil erosion and a stormwater management plan has been prepared to control the impacts of stormwater run-off.
- E. *Will not cause an unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.*
The 12 proposed single family homes are not anticipated to cause road congestion or unsafe conditions. See Eaton Traffic Engineering memo section 5.
- F. *Will provide for adequate solid and sewage waste disposal.*
The 12 proposed new lots will be serviced by the City of Portland which provides solid waste disposal services to its residents at part of its public services. Sewage disposal for the project will be by private subsurface wastewater disposal systems located on the individual lots. The soil investigation and system locations have been prepared by Sweet Associates a licensed soil evaluator in the State of Maine. All systems will be designed to meet all local and state codes.
- G. *Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized.*
It is not anticipated that the addition of the 12 single family homes will pose an unreasonable burden to the City of Portland solid waste system. Connection to a municipal sewage system is not proposed.

H. *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or irreplaceable natural areas.*

The appropriate State Departments and Commissions have been notified of the project and requested to review their databases for potential impacts see attachment 6.

I. *Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan if any, and*

The proposed existing lot to be modified which falls within the municipality of Falmouth meets the ordinance requirements for the project's zone.

J. *The subdivider has adequate financial and technical capacity to meet the above standards.*

The subdivider has retained the services of trained professionals to assist with the project. He is also the owner of the property and is currently working with a local lending institution for financing of the infrastructure improvements.

K. *Whenever situated, in whole or in part, within 250 feet of any pond, lake, river, or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.*

Not applicable

L. *Will not alone, or in conjunction with the existing activities, adversely affect the quality or quantity of the groundwater.*

A stormwater management plan has been prepared by a Maine licensed Civil Engineer to address both stormwater run-off quality and quantity, and ensure that the development meet all applicable local, state and federal codes and requirements. Suitable soils have been located on all lots for subsurface waste water disposal systems, and all systems will be designed by a licensed soil evaluator following all local and state codes to minimize and risks to the groundwater.

SECTION 13

Request for Waivers

Joint Municipality Review:

Based on our discussion with the Planning Board at the Pre-application meeting we have been working to keep the Town of Falmouth and the City of Portland informed of all project aspects and discussions as we move forward.

Based on state law (30-a, 4403 municipal review and regulation, 1-a joint meetings) requires that all review meetings for the project be held jointly unless the reviewing authorities in each municipality agree to waive this requirement. We request that the Town of Falmouth grant a waiver allowing the project to proceed through the review process in each municipality independently.

Full Traffic Study:

Based on the findings mentioned in the initial traffic letter report submitted with the projects pre-application documentation and the additional traffic information associated with the Ledgewood/Allen Avenue and Ledgewood Drive/Ocean Avenue intersections (see Section 5 Traffic Impacts) we request a waiver from performing a full traffic study per Appendix 5 Street Standards, E, 2.