

**PLANNING BOARD REPORT**

**PORTLAND, MAINE**

Ledgewood Drive 14 Lot Subdivision

1062 Ocean Avenue

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

Project ID #2012-584

Tim O’Donovan, TPO Properties LLC, Applicant

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

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

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

**MOTION FOR THE BOARD TO CONSIDER**

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

Attachments:

1. Letter from Town of Falmouth dated September 13, 2012
2. Draft letter prepared by Corporation Counsel to send to Town of Falmouth
3. Sketch Plan of proposed Subdivision