



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Morrissette and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: January 18, 2013

Re: Ledgewood Drive 16 Lot Subdivision (Old Barn Estates), 1062 Ocean Avenue
TPO Properties, LLC, Tim Donovan

Project #: 2012-584 **CBL:** 414-A-4 (Part within Town Of Falmouth)

Meeting Date: January 22, 2013

I. INTRODUCTION

This is a second workshop on the subdivision proposed by Tim Donovan of TPO Properties LLC on land between Ocean Avenue in Portland and Ledgewood Drive in Falmouth. The first workshop was an overview, while this Workshop addresses the details of the proposed drive, stormwater management and treesaves/buffers.

The proposed subdivision comprises:

- 2 existing lots already developed with residential structures (some vacant) (Lots 13 and 14); these are included as required by State Subdivision statutes as they are contiguous and in the same ownership;
- 14 new residential (single family) lots on a proposed new street, 760 linear feet in length with a turnaround at the dead end - proposed to be named Ice Pond Drive;
- 2 other lots called "open space" that are wetland/stormwater detention and to be managed in common by the owners of the 14 new lots.



Extract from applicant's submission; see also Plan 2

The Planning Board is being requested to review the application under Portland's Subdivision Ordinance. The required waivers are still under discussion but include sidewalks/curbing, and aspects of street design.

Of the total site of 12.78 acres, just under an acre is located within the Town of Falmouth. Within the Falmouth portion of the subdivision, the proposals show part of the new drive, the intersection with Ledgewood Drive (a Falmouth street), most of the stormwater management area, and one house lot.

Under Maine State Law 30-MRSA Section 4403 there is a requirement for joint meetings between the Planning Boards of Portland and Falmouth where a project crosses municipal boundaries, unless the respective reviewing authorities waive this requirement in writing. Falmouth voted on August 7, 2012 to waive this requirement and the Portland Planning Board voted similarly on October 9th, 2012.

A total of 63 notices were sent out to neighbors and interested parties within Portland, and the public notice appeared in the January 14th and 15th, 2013 editions of the *Portland Press-Herald*.

II. PROJECT DATA

DATA	Existing home at 1062 Ocean Avenue (Lot #14)	Proposed new 12 lot contiguous subdivision (lots #1 to #12)	Lot #13	Lots #15 and #16 (Open Space)
Location	Within Portland and fronts on Ocean Avenue	Within Portland and no existing street access	Within Falmouth and fronting on Ledgewood Drive, Falmouth	Lot #15: Falmouth Lot #16: Portland
Existing Zoning	R-3	R-3	R-3	R-3
Existing Use	Single family (non-conforming)	Vacant/undeveloped	Single family	Vacant/undeveloped
Proposed Use		Single family lots	Reconfigured lot, new drive & stormwater management	Lot #15: Stormwater management/open space Lot #16; Wetlands (retained)
Areas	.58 acre	7.53 acres	.91 acre	3.76 acres
No of Lots	1	12	1	2
Lot sizes	25,265 sq ft	Range from 20,000 sq ft to 54, 800 sq ft	22,480 sq ft	Lot #15: 11,700 sq ft Lot #16; 152,100 sq ft
Proposed new road (dead end)	none	Approx. 760 linear ft	Retains existing drive onto Ledgewood	Lot #15 abuts new road
Area of existing wetland	See Sweet Associates Wetland Delineation note (<u>Attachment B</u>)			
Area of wetlands proposed to be filled	Not indicated; some for access to Lot #2			
Total Disturbed Area	Not confirmed			
Existing impervious	none			
Proposed impervious	5000 sq ft assumed for purpose of stormwater calculations			

III. EXISTING CONDITIONS (see Survey in Attachment Plan 1)

The site includes an existing (vacant) house at 1062 Ocean Avenue (Lot #14) which is not contiguous with the rest of the subdivision but is required to be included under Maine State Subdivision Law (see photo right). The subdivision also includes an existing home on Lot #13, owned by the applicant and leased/occupied.



To the west is open space owned by the Falmouth Land Trust and understood to be dedicated conservation land with public access and trails that link into the Portland owned open space (Quarry Run Dog Park and former landfill areas) to the west and south of the proposed subdivision.

To the east is land in other ownerships except that there is a 50 foot wide easement connecting the bulk of the subdivision site to Ocean Avenue. The contiguous backland parcel is bounded on the north by six existing houses that front onto Ledgewood Drive, of which four are owned by other parties (see photo lower left).



Abutting homes on Ledgewood

The main new subdivision site is largely composed of wetland and trees, and the MDEP have confirmed there is an intermittent stream traversing the central part of the main parcel (Attachment B and Plans 5,6 and 7).

A sidewalk on the north side (opposite the development site), and curbs on both sides, of Ledgewood Drive have recently been constructed by Falmouth, though it is understood there are no immediate plans for similar improvements in Ocean Ave/Middle Road.

IV. PROPOSED DEVELOPMENT

The applicant has submitted comprehensive application with a full plan set and background information such as the Stormwater Report and Sidewalk/Curbing Waiver requests (Attachments G-K & Plans 1 to 16).

The focus of this review has been the new access drive (Ice Pond Drive) lined with 12 single family house lots ranging from .46 to 1.26 acres, and associated detailed proposals for septic systems, drainage, tree/wetland and other protection and buffers. The proposed new subdivision is located at the western end of the parcel to avoid disturbing the wetland areas and has been reduced (from the pre-application proposals) by one lot to minimize impacts on the intermittent stream.

The applicant has confirmed that the existing structure and garage on the isolated Lot #14 at the eastern end in Portland (corner of Ocean and Ledgewood) is intended to be demolished and a new structure built at some time in the future (Attachment B, updated by Attachment G). It would be subject to subdivision requirements (eg sidewalks) even if the detailed site plan is submitted in the future. Lot #13 is reconfigured.

The two other lots (#15 and #16) are wetlands (Lot #16) or primarily stormwater treatment areas (#15) and have been left as undeveloped lots called "open space" and proposed to be managed by a homeowners association.

The proposed access drive has been named Ice Pond Drive and totals 760 linear feet, starting in Falmouth on Ledgewood Drive located opposite Slocum Drive. About 100 feet of the proposed street is in Falmouth, and staff understand that the applicant will convey the fee in this section of the street to Portland and that the entire street (up to the intersection with Ledgewood Drive) will become an accepted street in the City of Portland.

The proposed new lots will be served by a water main in Ledgewood Drive and will each have a private septic system because the nearest sewers are too far away to tie into. The lots must be at least 20,000 sq ft to meet the requirements for a private septic system.

A detailed stormwater management plan has been submitted (Attachment K) which outlines a system with two grassed underdrained soil filters and the use of vegetated "no disturb" buffers for stormwater treatment to address the impacts of the full buildout of the subdivision.

The applicant is proposing a curbed sidewalk and esplanade on one side of the proposed access drive, which stops short of the boundary by 63 feet and does not extend along the frontages of Lots #8 and #9. This section (across the rest of Lot #9) is proposed to be a gravel walkway connecting the sidewalk to the Falmouth Land Trust public open space at the end of the street. The other side of the new street would be a vegetated swale with no curb nor sidewalk. The applicant has submitted waiver requests for this sidewalk and curbing and for sidewalks on Ledgewood and Ocean Avenue (Attachment J).

The applicant has indicated that they would work with the Falmouth Land Trust to ensure the public access connection through the Falmouth land to the Portland open space to the south of the site.

V. STATE LAW REGARDING JOINT MEETINGS WHERE PROJECT CROSSES MUNICIPAL BOUNDARIES

The proposal requires review and approval from both Falmouth and Portland and ideally there would be one Subdivision Plat signed by both Boards. Under 30-MRSA Section 4403, Para 1-A the project requires all meetings of the relevant Boards to be held jointly unless both Boards have agreed, in writing, to waive this requirement.

Since the bulk of the project is located within Portland, the applicants requested a waiver from the Falmouth Planning Board first and held a "pre-application sketch plan review" discussion regarding the proposals on August 7, 2012. The Falmouth Planning Board voted to grant the applicant's request to

waive the joint meeting and hearing requirement under 30-MRSA Section 4403, as confirmed by the letter in Attachment 1a. However, the Falmouth Planning Board was concerned about several issues and requested their planners to coordinate with Portland planners to ensure these issues were addressed.

The Portland Planning Board also voted on October 9th, 2012 to waive the joint meeting requirement with the proviso that the option for requesting a joint meeting remains available in the event there are issues that arise in the future that require joint consideration and resolution.

It should be noted that as required by Maine law, Portland and Falmouth Planning Board's both need to approve this proposal. Consequently, both staffs are coordinating on this review. The Falmouth Senior Planner (Ethan Croce) has already outlined the key concerns of the Falmouth Board (see minutes of the Falmouth 8.7.2012 meeting in Attachment 1b, and the e-mail from the Ethan Croce which summarizes the Falmouth Board concerns, Attachment 1c):

- Concern re stormwater/drainage impacts to Falmouth properties and to Ledgewood Drive;
- Need for traffic safety/capacity analysis for the intersections related to Ledgewood Drive (including the Middle Road and Allen Ave intersections);
- Need for pedestrian connectivity to the adjacent Land Trust and/or Dog Park properties.

The City departments have met to consider the issues, including re emergency response, as posed by the new street and the implications of Lot #13 being located within Falmouth; these are summarized in a staff e-mail in Attachment 8.

VI. STAFF REVIEW

A. ZONING ASSESSMENT

The proposed subdivision is within the R-3 Residential Zone.

Marge Schmuckal, Zoning Administrator, provided comments for the first Workshop (Attachment 7) which have been largely addressed in this submission. Her comments on the current submissions are (Attachment 10):

I have not seen a requested delineation of the AE Flood Zone as requested in my 9/21/2012 comments. I still am requesting to see that delineation.

I am also noting that Ice Pond Road is not meeting the requirements of 14-403 which requires streets to be put in from where ever pavement ends to the end of the lot(s) being developed. Ice Pond Road stops short approximately 65" from the end of both properties lot #8 & lot #9. The proposed City Street needs to be extended to the end of the lots being developed.

The applicant has provided Flood Zone information in Attachment I and a Zoning comment update will be provided at the workshop.

B. SUBDIVISION STANDARDS

14-496. Subdivision Plat Requirements

The draft Subdivision Plat is included as Plans 5 and 6. The graphic presentation is generally acceptable, but a number of notes will need to be added to clarify the status of the new street and its ownership, limitations on lots (tree zones; setbacks etc), responsibilities for maintaining common features/systems, etc.

Lot #14 has been shown and described as remaining in its existing condition but would need to meet any subdivision requirements (Attachment G and Plan Set). If those requirements are not shown on the plat at this time, there would need to be a note to this effect and the plat would need to incorporate any future development.

14-497. Subdivision General Requirements (a) Review Criteria

Water, Air Pollution and Soil Erosion

Plans, notes and details have been submitted that adequately address standards for the new road and other infrastructure (Attachment 11). A letter confirming adequate water supply has not been submitted.

Traffic

Traffic impact on surrounding intersections

The applicant submitted a Traffic Assessment (Attachment B, as updated in Attachment H) which projects 140 daily vehicle trips from the proposed subdivision access drive to/from Ledgewood Drive (70 enter, 70 exit) and reviewed safety data for Ledgewood Drive. It was updated to address Falmouth Planning Board concerns about the impacts on the operation of nearby intersections and concludes that the impact on the capacity and level of service on the nearest intersections is minimal. The City's Traffic Engineering reviewer finds this evaluation acceptable (Attachment 12).

Proposed subdivision street

The proposal includes a new street, 760 linear feet, that starts in Falmouth at an intersection with Ledgewood Drive and dead ends with a turnaround near the Falmouth boundary to the west. The intersection is located opposite Slocum Drive and includes a crosswalk to the north side of Ledgewood Drive to Slocum Drive and to an existing sidewalk along Ledgewood Drive.

The access drive has been designed to meet City of Portland standards with a paved travel way of 28 feet in width. The standard in Falmouth is 24 feet and although the Falmouth Board has indicated it would defer to the Portland standard since it is anticipated to be a Portland street (Attachment 1b). The applicant did ask at a pre-application meeting whether a 24 foot wide road could be approved, but the Fire Department has indicated that 28 feet is needed for emergency access.

The Traffic Engineering Reviewer is concerned at the radii size where the new road joins ledgewood Drive and had requested the applicant provide an "auto-turn" analysis at the driveway entrance using both a passenger car and a single-unit truck to support the proposed radii size (Attachment 12).

The proposed new street stops 63 feet short of site boundary and does not run along the full frontage of Lots 8 and 9. Lot #9 has both a turnaround and a maintenance access drive for the stormwater system in the front yard (Plan 7). Staff recommend that the street be extended across the entire frontage (to meet zoning requirements and to allow the sidewalk to be paved - as discussed in other sections of this memo) and to combine the turnaround with the maintenance access near the site boundary (Attachment 13).

The proposed street does not include street lighting in accordance with the City's Technical Standards. The applicant considers (attachment G, item 21) that the existing street light on the other side of ledgewood at the new intersection is adequate at that end of the new drive. One other light is proposed near the turnaround near the dead end of the new drive. DPS are considering this requested waiver from the city standards.

The Concept Plan previously presented to the Board showed Lot #13 having a new driveway onto the proposed subdivision street. After discussions with staff of both municipalities and a review of the sight distances for the existing driveway, the applicant has decided to leave Lot #13 as existing and with its existing address as it is located within Falmouth and the home is occupied. This is acceptable to Portland staff (Attachment 12).

It should be noted that the proposal has been discussed with the Fire Department, DPS trash collection, snowplow and addressing staff, and is acceptable. The 12 lot part of the subdivision will be the only new addresses and they will all be in Portland.

Connectivity

The applicant has confirmed (Attachments G) that they are would create a pedestrian/trail connection linking the subdivision sidewalk to trails within the Falmouth Land Trust public open space; this would achieve a link into the Portland Open Space (Dog Park). Some evidence that this proposal is feasible and supported/financed should be submitted for the hearing review. The applicant should also confirm whether he will be making a financial commitment to ensure this is achieved.

The applicant has proposed a crosswalk across Ledgewood Drive from the proposed sidewalk to the existing sidewalk on Ledgewood. The Traffic Engineering Reviewer has requested crosswalk warning signs be installed (Attachment 12).

Sanitary Sewer/Soils

The proposed new subdivision of 12 lots will have private septic systems, and the lot sizes appear to meet the required minimum lot size (20,000 sq ft). The Plan 7 shows the disposal field locations as located by Sweet Associates of Falmouth as they are limited by shallow ledge and shallow water table. Two locations are shown on Lot #4 and the applicant has noted that the one in wetland and stream setback is preferred (Attachment G).

Staff consider that the septic system leach fields should not encroach within the wetlands/stream setback as shown for Lots #3 and #4 and have requested a determination on this from MDEP (Attachment 11).

Storm water

A detailed *Stormwater Management Report* has been submitted (Attachment K) which outlines a system with two grassed underdrained soil filters and the use of vegetated “no disturb” buffers for stormwater treatment. The supporting calculations assume the full buildout of the subdivision, including homes (5000 sq ft impervious).

There are a number of concerns regarding the *Report* as set out in the comments from the Peer Engineering Reviewer David Senus in Attachment 11, which refer to technical issues regarding the system design as well as the need for protective and maintenance easements. Such easements would also need to be identified more clearly on the Subdivision Plat.

Scenic Beauty

Street trees

The applicant has provided a narrative explaining the approach to street trees in Attachment G item 20. Staff suggest that the 2 trees/lot standard should apply only to the 14 residential lots (ie excluding the two open space lots) which would mean a requirement of 28 trees. The proposals show 30 trees but these are evenly spaced and don't strictly result in 2 trees on each lot. Lots #13 and #14 have no proposed street trees.

The City Arborist is concerned about the plant list shown on Plan 7 and includes recommendations in his comments (Attachment 9.)

Treesaves

The narrative in Attachment G item 6 describes the basis for proposing treesaves and notes that all of Lot #16 is a treesave area and that the stormwater buffer areas will also preserve trees.

The plans (Plans 6 and 7) show a 25 feet wide treesave zone along the south side of the seven lots # 2 through #8 which abut the City's open space. This area is largely red oaks and maple trees. These treesave areas would provide screening between the home lots and the public park and will need a specific note on the Subdivision Plat and in the deeds which clarifies that these a essentially “no disturb” areas.

The City Arborist has identified steps that need to be taken to ensure adequate protection of the treesave areas (Attachment 9). He has also recommended additional buffer planting (trees) for Lots #10, #11, #12 and #13 along the rear property line, as they do not have any treesave areas identified (Attachment 9). The stormwater buffer may be adequate as suggested by the applicant (Attachment G) and this requires further discussion.

Vegetated buffers and wetland buffers

“Stormwater No Disturb buffers” are shown on Plan 7 and reviewers have noted that these should be delineated on the ground in some way and that leach fields should not be located with these buffers (Attachment 11).

Open Space

The proposed subdivision includes a total of 163,800 sq ft of open space. The largest area is 152,100 sq ft and made up primarily of wetlands, adjacent to properties with existing homes and to the City’s open space to the south. A separate small area (11,700 sq ft) of identified open space is located within Falmouth along Ledgewood Drive and is co-located with the larger of the two proposed “stormwater management areas”. These have been identified as Lots #16 and #15 respectively and the applicant has indicated a homeowners association will be formed to own and maintain these lots.

The maintenance and management of these open space areas will be the responsibility of a homeowners association, as confirmed in Attachment G item 12. The applicant is preparing the homeowners’ association documents but these have not been submitted at this time.

Financial Capability

This has not yet been submitted.

Wetlands

The Subdivision ordinance standard reads:

14-497 a 11. Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;

The parcel contains extensive wetlands and an intermittent stream, as confirmed in an MDEP field report and Wetland Delineation Note (no plan) in Attachment B. Most of the wetland is within Lot #16 which is not proposed to be developed.

A 75 foot setback from the wetlands is required and has largely been met with the exception of the leach field locations on Lots #3 and #4 which was discussed above. A NRPA permit is required for the access drive to the home on Lot #2 and the extent of wetland filling has not yet been identified.

The Subdivision Plat will need to include notes to address the Peer Engineer and DPS comments, including the placement of markers to identify the location of wetland setbacks (Attachments 11 and 13).

14-498. Technical and Design Standards

This section of the Subdivision Ordinance includes a number of provisions that the applicant will need to consider carefully as the final plans are being developed. The open space and connectivity requirements have been mentioned previously; three others of particular relevance are:

Sidewalk Requirements

14-498 8a. Sidewalks and curbs: Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

The applicant has submitted a waiver request (Attachment J, as amplified in Attachment G item 15) for:

- Sidewalks and curbing on the south side of the proposed new subdivision street
- Sidewalks and curbing on the south side of Ledgewood Drive where the site abuts
- Sidewalks and curbing on the west side of Ocean Avenue along the frontage of Lot #14.

DPs have commented that they may be willing to waive the sidewalk only on south side of the proposed new subdivision street in view of the stormwater swale proposed long that side. The interaction of sidewalks, curbing and stormwater management needs further discussion. The gravel section shown near the site boundary is not acceptable, and as suggested under *Traffic* staff suggest the street and sidewalk be extended to join the proposed trail connection at the property boundary.

The Traffic Engineering Review has commented (Attachment 12) that a sidewalk along Ledgewood Drive should not be required. It is noted that this road is within and maintained by Falmouth and there is a new sidewalk on the other side. Staff are still reviewing the other waiver request.

Street names

In accordance with *14-498 (d) Street and subdivision names* the applicant has chosen names for the new street and for the 12 lot subdivision that are acceptable to the City of Portland; they need to be approved by the Planning Board as part of the Subdivision Plat approval.

Underground Utilities

The Subdivision ordinance *14-498* also requires that all utility lines shall be placed underground unless otherwise approved by the Planning Board. The submitted Plan 9 suggests this is part of the proposal but clarification is requested.

VII NEIGHBORHOOD MEETING AND PUBLIC COMMENTS

A neighborhood meeting has been held and the Certification is included in Attachment L.

VIII NEXT STEPS

1. Revise the Stormwater system to address the Engineering review comments
2. Revise new street to extend and modify turnaround location, extend paved sidewalk and address other detailed comments, and resolve street lighting
3. Revise the Subdivision Plans to include easements and other notes
4. Address Zoning Administrator comments
5. Address City Arborist comments and resolve re buffer planting on northern lots
6. Determine Lot #14 requirements and notes
7. Confirm wetland filling and NRPA permit
8. Resolve sidewalk and curbing waivers
9. Clarify re underground utilities
10. Provide auto-turn" information on radii
11. Clarify with MDEP whether septic system leach fields can be located in stream/wetland setback areas
12. Submit draft homeowners association documents
13. Submit evidence that the connection to trails in Falmouth is supported, feasible and committed
14. Submit letter of financial capability and from PWD and utilities

(Attachments next page)

ATTACHMENTS:

Attachments to First Memorandum

1. Documents re Falmouth Planning Board and State law requirements
 - a. Letter from Ethan Croce, Senior planner, Town of Falmouth 9.13.2012
 - b. Minutes of Falmouth Planning Board of August 7, 2012
 - c. E-mail from Ethan Croce confirming Falmouth Planning Board concerns 9.18.2012
2. City Arborist (Jeff Tarling) comments 9.13.2012
3. Transportation Engineering (Tom Errico) comments 9.14.2012
4. Peer Engineering Review comments (David Senus) 9.20.2012
5. DPS (David Margolis-Pineo) comments 9.21.2012
6. Fire Department (Chris Pirone) comments 9.21.2012
7. Zoning Administrator (Marge Schmuckal) comments 9.21.2012

Attachments to Second Memorandum re detailed submissions

8. Staff e-mail re issues of joint concern to Portland and Falmouth
9. City Arborist comments 1.9.2013
10. Zoning Administrator comments 1.16.2013
11. Peer Engineering Review comments 1.16.2013
12. Traffic Engineering Review comments 1.17.2013
13. DPS comments 1.17.2013

Applicant's Submittal

- A. Application dated 8.28.2012 (does not include data sheet)
- B. Letter from *Land Design Solutions* (Peter Biegel) incl Wetland Delineation & MDEP Field Report 8.22.2012
- C. Right, Title and Interest information
- D. Letter from *Land Design Solutions* (Peter Biegel) w/ Info on Landscaping & Trail Connection, dated 9.13.2012
- E. Neighborhood Meeting Invitation dated 9.14.2012
- F. Stormwater Management Information Letter from *Land Design Solutions* (Tom Saucier, PE) dated 9.18.2012

For second PB Workshop

- G. Letter from *Land Design Solutions* (Peter Biegel) responding to Workshop comments 1.1.2013 (atts below)
- H. Traffic Assessment, Eaton Traffic Engineering 1.1.2013
- I. Flood Maps
- J. Sidewalk and Curb Waiver Request with map 1.2.2013
- K. Stormwater Management Report January 2013
- L. Neighborhood Meeting Certification

Plans

1. Survey
2. Aerial photo with parcels annotated
3. Sketch Plan

Plans for second PB Workshop

4. Cover sheet (Old Barn Estates)
5. Subdivision Plan #1
6. Subdivision Plan #2
7. Lot Development and Landscape Plan
8. Grading, Drainage and Erosion Control Plan
9. Profiles (new street)
10. Erosion and Sedimentation Notes and Details
11. Site Details
12. Site Details
13. Site Details
14. Pre-Development Drainage Plan
15. Off-Site Subcatchment Plan
16. Post Development Drainage Plan

Town of Falmouth, Maine

September 13, 2012

Portland Planning Board
c/o Jean Fraser, Planner
City of Portland
389 Congress St.
Portland, ME 04101

Dear Ms. Fraser,

At its August 7, 2012 meeting, the Falmouth Planning Board held a pre-application sketch plan review hearing relative to a proposed subdivision for applicant TPO Properties, LLC. Since portions of the proposed subdivision will be located in both the City of Portland and the Town of Falmouth, this project requires subdivision review and approval from both the Falmouth Planning Board and the Portland Planning Board.

Maine statute (30-MRSA §4403, Paragraph 1-A) states that when a subdivision crosses municipal boundaries, all planning board meetings and hearings to review an application must be held jointly with each municipality's planning board unless, upon written agreement, the respective reviewing authorities waive the requirement for the joint meetings and hearings. TPO Properties, LLC had requested that the Falmouth Planning Board waive this requirement for joint meetings and hearings.

This letter serves to verify that the Falmouth Planning Board, at its August 7, 2012 meeting, voted unanimously in the affirmative to grant the applicant's request to waive the joint meeting and hearing requirement under 30-MRSA §4403, Paragraph 1-A.

Please contact me with any questions you may have regarding this matter.

Sincerely,



Ethan J. Croce
Senior Planner
Town of Falmouth

**FALMOUTH PLANNING BOARD MEETING MINUTES
TUESDAY, AUGUST 7, 2012, 6:30 P.M.
FALMOUTH TOWN HALL, COUNCIL CHAMBERS**

MEMBERS PRESENT: Bill Lunt (Chair), Becca Casey, Bernard Pender, Walter Arsenault, Kermit Stanley, Jay Chace (Alternate), William Benzing (Alternate)

MEMBERS ABSENT: none

STAFF PRESENT: Amanda Stearns (Community Development Director)

The meeting started at 6:32 pm.

1. Approval of minutes from the July 3, 2012 Planning Board meetings.

Jay Chace moved to approve the minutes, Walter Arsenault seconded. Motion carried 5-0 (Pender, Casey abstained).

Administrative Action Items

2. David Hembre – 44 Allen Ave. Ext. – Request for an amendment to the Lower Falls Subdivision for a lot line adjustment. Tax Sheet 471; Map-Lot U69-004. Zoned RA and RCZO.

3. Carol Morrissette – 50 Seaside Way – Request for an amendment to the Seaside Subdivision to alter grading on Lot 5. Tax Sheet 082; Map-lot U18-048-004. Zoned RA and RCZO.

Becca Casey moved to approve the administrative items; Bernie Pender seconded. Motion carried 5-0.

Agenda Items

4. TPO Properties, LLC – 26 Ledgewood Dr. – Request for sketch plan review of a proposed subdivision and request for waiver of requirement for joint meetings under 30-MRSA §4403. Tax Sheet 512; Map-lot R04-068-E. Zoned RA and RCZO.

Amanda Stearns explained that the applicant is looking for a waiver on the requirement for joint meetings with the city of Portland as the vast majority of the property, including all the new lots being developed, are in Portland. The Planning Board here will be primarily reviewing street design and traffic, as well as the one existing house lot that is in Falmouth.

Bill Lunt wondered if they have the right to discuss any drainage issues from the Portland property to the Falmouth property if they waive the requirement for joint meetings.

Amanda Stearns said they would have the right to discuss any issue that might impact property in Falmouth, even if they waive the joint meetings. Both boards will receive full sets of plans and can discuss any aspect of them. Another question is whether a traffic impact study will be required.

Bill Lunt said he is familiar with historical drainage issues in that area.

Becca Casey asked if they could make sure there was communication with the Portland Board, if they waive the requirement. She suggested a representative of the other town's board be present at each meeting on the project.

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Amanda Stearns thought they could request correspondence, or even having a Portland member attend the Falmouth meetings while sending a Falmouth Board member to the Portland meetings. The applicant has chosen to approach the Falmouth Board first in regard to requesting the waiver, in recognition of the difficulty of getting two boards together at the same time. She thought this was a practical request as much as anything.

Bernie Pender asked how they could be sure that Falmouth's best interest would be looked at if they waive the requirement.

Bill Lunt felt they have some leverage, as the Falmouth Board will control approval of the subdivision road. He would feel differently if half of the lots were in Falmouth, for example, but in this case he thought they were okay.

The Board discussed whether to vote on the waiver tonight, versus at the preliminary approval stage. Bill Lunt asked about the proposed approval process: the applicant indicated they would come to Falmouth for preliminary approval first, and then go to the Portland Board. Bill Lunt was concerned that Falmouth would approve the plan, and then Portland would require changes that the Falmouth Board would not see. Amanda Stearns said that if there were changes to the plan approved by the Falmouth Board, the applicant would have to come back to the Board anyway. If there is a point where there is some conflict between the two boards, the applicant will have to come back to this Board for an amendment.

Jay Chace asked if both boards would sign the same plan. Amanda Stearns said in her experience both municipalities signed the same plan.

Tim O'Donovan, the property owner, spoke about the project. They hadn't thought that far ahead, but he thought it made sense to have one plan for both Portland and Falmouth to sign. He understood that he is taking on the risk of meeting the requirements of both towns. He discussed the location of the proposed subdivision. The parcel goes along the Falmouth/Portland town line at Ledgewood Drive. It is surrounded on three sides by open space. The location of the entrance they will be using is directly across from Slocum drive in Falmouth. The drive will bisect the existing house lot in Falmouth; the existing house will stay, but the driveway will be moved to come off the subdivision road, thereby improving its sight distance. The road is approximately 350 feet from the nearest curb cut. They have more land on Ledgewood, but couldn't bring the road across that piece, as it is primarily wetland. They are showing 13 new lots that are all in Portland. They have not yet applied for a hearing in Portland, as they wanted to present the proposed street to Falmouth first.

Peter Biegel of Land Design Solutions discussed the lot on the corner of Ledgewood owned by Mr. O'Donovan. It is vacant and has been for several years; they plan to demolish it and replace it. It isn't part of the development, but they are showing it because it is in the same ownership and adjacent to the proposed development. They plan to include a crosswalk across Ledgewood, as suggested by Public Works. They originally proposed a 24-foot wide road, but Portland wants to see a 28-foot wide road. The current plan shows a 28 foot wide road: two 14-foot paved travel lanes, a 6 foot wide grass esplanade and a 5 foot walk on one side. Portland may require a side walk on both sides. Each site will be served by private septic system and public water that will come off the Ledgewood Drive water main. They plan to enter discussion with the Land Trust and Portland Trails to connect to trails that come from the Ledges subdivision, along the stream and into the dog park.

Jay Chace asked about aligning the access drive with Slocum. Mr. Biegel said they have done that; they were initially trying to avoid buying a pole.

Jay Chace asked if the sidewalk has been aligned with the sidewalk on Slocum. Mr. Biegel said that yes, it has.

Jay Chace asked about the waiver on a traffic analysis study; he would like to understand what type of impact this would have at the intersections with Middle and Allen Ave. He asked how public services, i.e. trash, etc. would be taken care of, with the lots in Portland and the traffic entrance in Falmouth.

Planning Board Minutes

August 7, 2012

Page 3 of 7

Mr. Biegel said that this will be a City of Portland public road, as Portland doesn't allow private roads. The City also requires a traffic study. Bill Eaton, the Traffic Engineer gave them the peak hour trips and identified 3 crashes in the last 4 years. They based their request for a waiver on that information.

Mr. O'Donovan said currently the four existing homes between Middle and Ledgewood are in Portland and their trash is picked up by Portland. Falmouth plows the road. He believed that Portland would plow the subdivision road.

Amanda Stearns said all streets in Falmouth start out as private, unless the Town Council accepts them, so this would require the applicant to grant Portland an easement over the Falmouth portion to access the Portland side. It would simplify things if they had a private agreement with Portland. That speaks to the importance of making sure that the road meets the same standard its entire length.

Bill Lunt said this Board will treat this as a private road.

Becca Casey thought it made sense to give Portland an easement over that section of road; she thought this Board would rather see a narrower road, if Portland was agreeable, but she thought if Portland was going to maintain it they might insist on a wider road. She wondered if they had looked at lighting the roadway, and the different requirements between Portland and Falmouth in that regard. She spoke about Falmouth's buffer requirements on conservation subdivisions; typically they would see a streetscape buffer.

Mr. Biegel spoke about using the lot in Falmouth for stormwater treatment and buffering. They haven't looked into it too much at this stage. He indicated the high point on the map. They haven't looked at lighting at all at this point.

Bill Lunt asked if there was a street light there on Ledgewood. Mr. O'Donovan said yes, there is a light there.

Bill Lunt was concerned about the storm water that will flow toward the Ledges; there is a brook there. Mr. Biegel thought there would be stormwater quality and detention there, as well as an easement.

Bill Lunt thought everything runs from this property to Ledgewood Drive.

Mr. Biegel said everything flows in to the wetland and then to Ledgewood. They will address this issue when they come back. He said lot 14, the lot in Falmouth, will still be a conforming lot after it is bisected by the road. The septic system will be relocated to the back, and the driveway will be relocated to the subdivision road.

Bill Lunt asked about the remaining land of lot 14, and who would own it. Mr. O'Donovan wasn't sure; he didn't see it staying it as part of lot 14 and it wouldn't be big enough to build on.

Bill Lunt asked if they are going to have a homeowners association since the road will be public. Mr. O'Donovan said he didn't want to, but would if he had too. He didn't see how else to do it; he didn't think the city would take over that property and it would be too small to build on.

Amanda Stearns thought they could deed the right of way of the street, as well as that remaining land from lot 14, to Portland; Portland is allowed to own property in Falmouth. This way Portland would take over maintenance of the storm water improvements as well. She asked about the process of naming the street, as they will have to make sure there was no conflict in either municipality with the name.

Becca Casey moved to authorize Planning Staff to sign an agreement to waive the joint meeting requirement under 30-MRSA §4403; Kermit Stanley seconded. Motion carried 5-0.

Public comment period opened; no public comment.

Bill Lunt requested a copy of the minutes from the Portland sketch plan to be provided to the Falmouth Board. He also requested that a meeting with the Planning staff from both Portland and Falmouth take place. He asked staff to evaluate the traffic impact study.

Jean Fraser - RE: Falmouth Planning Board waiver of joint planning board meetings

From: Ethan Croce <ecroce@town.falmouth.me.us>
To: 'Jean Fraser' <JF@portlandmaine.gov>
Date: 9/18/2012 10:57 AM
Subject: RE: Falmouth Planning Board waiver of joint planning board meetings

Jean,

I think you've accurately captured the issues we discussed.

The Falmouth Board's main concerns raised at the sketch plan meeting dealt with stormwater/drainage impacts to Falmouth properties and to Ledgewood Drive, traffic safety/capacity analysis for the intersections related to Ledgewood Drive (including the Middle Road and Allen Ave intersections), and pedestrian connectivity to the adjacent Land Trust and/or Dog Park properties. Other issues may get raised at the hearing for preliminary approval but I wanted to at least convey to you the concerns raised by the Board to-date.

Thanks,
Ethan

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, September 13, 2012 4:56 PM
To: Ethan Croce
Subject: Re: Falmouth Planning Board waiver of joint planning board meetings

Ethan,

Thank you for attending to this so quickly; I am circulating the letter to colleagues and will get back to you if any issues.

Also, thank you for your time today filling me in on some of the background and issues so far identified regarding the Ledgewood Drive project. I have been able to confirm that Mr O'Donovan is 'correct' regarding the question of whether this could be a private street- while the City of Portland does allow private streets within residential and commercial condominium developments, the ordinance was recently revised to disallow a private street in the case of single family home developments (ie the buildings/dwellings need to be attached etc to have a private street).

So, as we discussed, it would be helpful to have attorneys from both authorities weigh in on:

- the question of whether the road length in Falmouth should be sold in fee to Portland or be subject to an easement (to allow all of it to be accepted as a Portland public street);
- the question of which authority would provide services (eg trash collection; emergency response) to the lot which is totally located in Falmouth but will have its driveway relocated to be off a Portland street and be part of a subdivision with 12 other similar lots all within and presumably served by Portland;
- what authority should have the rights to take action if the homeowners association does not undertake required maintenance etc of the common stormwater management system which is likely to be largely

within Falmouth but serving homes in Portland.
Please let me know if there are other similar issues which I may have missed, and we can follow up early next week.

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> Ethan Croce <ecroce@town.falmouth.me.us> 9/13/2012 4:00 PM >>>
Jean,

Please find the attached letter articulating the Falmouth Planning Board's August 7, 2012 action to waive the joint planning board meeting requirement for the TPO Properties, LLC subdivision application. Don't hesitate to contact me with any questions regarding this or other matters related to the application.

Regards,
Ethan

Ethan J. Croce
Senior Planner
Town of Falmouth
271 Falmouth Road
Falmouth, ME 04105
(207) 781-5253 x-5328
(207) 781-8677 (fax)
ecroce@town.falmouth.me.us

Jean Fraser - Ledgewood Subdivision

From: Jeff Tarling
To: Jean Fraser
Date: 9/13/2012 3:40 PM
Subject: Ledgewood Subdivision
CC: David Margolis-Pineo

Hi Jean -

The proposed Ledgewood Subdivision located on the Falmouth town line and adjacent to the City owned Ocean Avenue Recreational Area (former landfill) contains a number of mature trees. The project should prepare a 'tree save' plan showing the trees particularly in the rear setback area along the city property line. The City of Portland has existing chain link fence in places along the PL to control access from ATV's / motorized vehicles. There maybe locations along the proposed subdivision where the city would like to see additional fencing. This can be determined by field inspection as the project continues.

Jeff

Staff review comments

Attachment 3

Jean Fraser - Ledgewood Residential Subdivision

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 9/14/2012 2:26 PM
Subject: Ledgewood Residential Subdivision
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>

Jean – I have reviewed the preliminary plans and offer the following comments.

- Based upon the scope of the project a traffic study or Traffic Movement Permit is not required.
- The applicant shall conduct a sidewalk waiver analysis for their proposed subdivision road (a sidewalk is proposed on one side only) and for the corner property at the Ocean Avenue/Middle Road/Ledgewood Drive intersection (only the frontage that is located in Portland).
- Acceptable sight distance will be provided at the proposed driveway location on Ledgewood Drive.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

Staff review comment

Attachment 4.i

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: September 19, 2012
RE: 1062 Ocean Avenue, Preliminary Level III Site Plan Application

Woodard & Curran has reviewed the Preliminary Level III Site Plan Application for Ledgewood Drive Subdivision at 1062 Ocean Avenue in Portland, Maine. The project will include a 13-lot residential subdivision spanning between Falmouth and Portland, a 28-foot wide roadway, private septic systems, and public water.

Documents Provided By Applicant

- Preliminary Level III Site Plan Application and attachments dated August 23, 2012, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Sketch Plan, Sheet S-101, revised August 23, 2012, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Additional Information Letter, dated September 13, 2012, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Falmouth Planning Board Meeting Minutes, dated August 7, 2012.
- Context Map, dated May, 2012, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Boundary Survey, dated August 27, 2011, prepared by Cullenberg Land Surveying, on behalf of Tim O'Donovan.

Comments

- 1) The application is preliminary. As such, additional documents will need to be submitted for the final application as outlined in the City's Land Use Ordinance and Site Plan Checklist. Woodard & Curran will perform a detailed review of the final application upon receipt of those documents.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. A stormwater management plan has not been submitted as part of this preliminary application. Woodard & Curran will perform a detailed review of the stormwater management plan when it is submitted as part of the final application. The following comments should be addressed as part of the final application:
 - a) Basic Standards: A plan, notes and details should be provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - b) General Standards: The Applicant will need to provide stormwater quality treatment in accordance with the General Standards for the applicable percentages of new developed and impervious areas of the site (percentages as described in Chapter 500).
 - c) Flooding Standard: The Applicant will need to demonstrate that flows from the post-development site for the 2-, 10-, and 25-year storm events will not exceed those in the pre-development condition at all discharge points in accordance with the Flooding Standard. We understand that there is concern about drainage impacts from the project onto adjacent properties. We request that the Applicant evaluate and provide comment on any anticipated impacts to abutting properties associated with stormwater runoff from the project (change in rate or volume of stormwater runoff).



- 3) The Stormwater Management Plan should include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances.
- 4) It appears the proposed project is adjacent to several natural resources (i.e., wetlands, stream). As noted, one on-site freshwater wetland will require a 75-foot setback; however, at this time, the plans do not appear to note this wetland setback.

Staff review comment

September 21, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: 1062 Ocean Ave – Ledgewood Drive Subdivision

The Department of Public Services has the following comments:

1. As stated by David Senus, "it appears the proposed project is adjacent to several natural resources (i.e., wetlands, stream). As noted, one on-site freshwater wetland will require a 75-foot setback; however, at this time, the plans do not appear to note this wetland setback." The applicant will need to clearly demarcate the wetland/stream setback (FENO Markers?) and ensure that it is recorded on the deed (per usual process). The goal is to discourage the owner from clearing vegetation within the setback area.
2. A Stormwater Management Plan is required for this project.
3. A sidewalk and curbing waiver is required to eliminate the sidewalk and curbing from one side of the proposed street. Also a sidewalk with curbing is required on Ocean Ave at the corner of Ocean and Ledgewood Drive.
4. The proposed street will require a street name agreeable to the Town of Falmouth and City of Portland.
5. It is assumed that a stream crossing is planned to access lot #2 in this subdivision. DEP review of this crossing may be required.
6. The applicant will need to clearly demarcate the wetland/stream setback (FENO Markers?) and ensure that it is recorded on the deed (per usual process). The goal is to discourage the owner from clearing vegetation within the setback area.
7. Note that Lot 13 will require an address off the Proposed Subdivision Drive with a Falmouth zip code.
8. The final Plat Plan will need to be on a Maine State Plane with NGVD 29 vertical datum. Property pins will need to be set and Street Monuments shall be placed on the sidewalk side.
9. The Proposed Subdivision Drive currently shows pavement outside the drive right of way. The pavement should be brought back inside the drive right of way or an access easement will be required from the abutting lots.

A note to Falmouth/Portland Planning Staff that the two communities will need to coordinate on snow removal, street maintenance and emergency responses.

We have no further comments at this time.

Jean Fraser - Re: urgent- need comments on Ledgewood Drive Subdiv (1062 Ocean)

From: Chris Pirone
To: David Margolis-Pineo; Jean Fraser; Marge Schmuckal
Date: 9/20/2012 6:04 PM
Subject: Re: urgent- need comments on Ledgewood Drive Subdiv (1062 Ocean)

Fire Comments:

All construction shall comply with City Code Chapter 10.
<http://www.portlandmaine.gov/citycode/chapter010.pdf>

→ Fire hydrants may be required based on 2009 NFPA 1.

Private fire mains and fire hydrants shall be maintained, tested and painted in accordance with Fire Department Regulations.

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

→ Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.

Sprinkler systems shall be installed in accordance with NFPA 13D.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

>>> Jean Fraser 9/20/2012 1:59 PM >>>

Hi

Please send me comments (by e-mail) to go into the PB Memo going out tomorrow lunchtime.

Thanks
Jean

Jean Fraser - Ledgewood Drive Subdivision

From: Marge Schmuckal
To: Jean Fraser
Date: 9/21/2012 10:55 AM
Subject: Ledgewood Drive Subdivision
CC: Barbara Barhydt

One Solution is not accepting any comments in that system yet - so by e-mail...

Ledgewood Drive Subdivision - 414-A-4, 415-A-1 & 17
#2012-584 - R-3 Zone
9/21/2012

This is considered a 14 lot subdivision with 2 lots of "open space" that is not intended for development of residential structures. Should those two open space lots be counted in the number of subdivisions for 16 lots? One of the lots proposed for development is entirely in Falmouth. And the open space lot of 11,700 square feet is also located entirely in Falmouth. All the other lots to be developed, the existing developed lot at 1062 Ocean Avenue, and the large open space lot are located in a R-3

Zone. All such lots are meeting the minimum lot size, minimum street frontage, and lot width. Each lot has the potential to meet all of the other setback requirements, parking requirements, lot coverage requirements, and building height. Those requirements will be reviewed in full at the time of a separate building permit application. The Inspection Services will need to see the State Plumbing form #HHE 200 soil analysis reports to insure that the sizes of lot being proposed will be appropriate for the designed disposal systems.

The property is not located in Shoreland or Stream Protection areas. However, the subdivision is located in a Flood Plain area AE Zone as denoted on Panel # 2 of the FEMA FIRM maps. The developer shall indicate on the development plan where the Floodplain area is located within the development. There will need to be certificates of elevation for each of the buildings located within the designated flood zones.

As a minor housekeeping item, there should be a name given to what will be an accepted City of Portland street after being built. It will help get the lots in our tracking system and able the staff to enter permits in the system.

Another minor detail concerns the envelopes shown on the subdivision plan. Particularly lot #2. Because of the angle of the lot to the street, the front setback is awkward. I suggest that the front setback is opposite the rear currently shown on their plans (adjacent to where the word "wetland" is spelled out on the abutting open space area. As always, when a building permit comes in, it must meet all the R-3 Zone requirements.

Marge Schmuckal
Zoning Administrator
Zoning Administrator

From: Jean Fraser
To: Peter Biegel
CC: 'Tim O'Donovan'; Ethan Croce
Date: 10/4/2012 3:40 PM
Subject: Ledgewood Drive Subdivision , 1062 Ocean

Attachment 8.1

for 2nd Workshop

Peter

Further to the e-mail of 9.28.2012 I am writing to clarify the City of Portland Staff thinking on several of the issues that have been raised and are fundamental to the design/layout of the final plans. I am copying this e-mail to Ethan Croce at Falmouth and will be following up with a conversation with him to see whether any of the comments below raise concerns from the Falmouth staff viewpoint.

1. I confirm that the Planning Board will be voting on the joint meeting waiver on Tuesday Oct 9th and a short report on this will be on the City's website tomorrow afternoon.

2. Lot #13 : We understand this lot already has a Falmouth address on Ledgewood Drive and is located within the Town of Falmouth. Therefore the emergency response for this lot should remain with Falmouth with no change to the address. However, the drive does not need to be on the same street as the address and we support the proposal you already indicated to the Falmouth and Portland Planning Boards ie that the drive be relocated to connect into the proposed new subdivision street (with the drive on Ledgewood closed). This means there will be no increase to the number of access points along this section of Ledgewood and is safer in view of the minimal distance between the existing drive and proposed new street.

3. Lot #13: Trash and plowing: The occupier of Lot #13 will have a choice re trash- they can put a Falmouth bag on Ledgewood or a Portland bag on the new street. Plowing of Ledgewood is Falmouth and plowing of the new street will be Portland.

4. Other 12 lots on new street: I confirm that the City of Portland would expect to accept the street as a Portland public street once built to City standards and accepted by the City Council; so plowing and trash collection and emergency response would be by Portland.

5. Addressing: Please propose a name for the new street that is not similar to any other street in either of the municipalities.

6. Lot #14:

There is no legal reason why a site plan for a new structure on this lot can not be submitted now. However, it is likely that the City of Portland would want the drive for that structure to be relocated onto Ledgewood Drive (as Ocean Ave is a more heavily trafficked road so it would be safer assuming distance of the drive from the corner is OK). This raises more strategic issues (including whether a sidewalk is required) which might best be resolved within the subdivision review process so that liaison with Falmouth is facilitated;

I suggest you show the proposed house footprint and proposed drive location for Lot #14 on the final subdivision plans and if (early in the review of those) it appears there are no major issues then it may be possible for you to start the site plan review process and technically a site plan approval could be issued subject to conditions that tie it into the Subdivision requirements;

Please note that any additional impervious area over existing needs to be treated, but you could take a "credit" from another part of the subdivision site;

Please also note that we would need an HHE200 to show that any septic system on this small site is acceptable.

8.2

7. Links to trails in Falmouth: I think the Portland Planning Board will want to know how these will be secured as they are off site - and what the fall back proposal would be if they are not able to be secured - ie a link into the Portland open space directly on the south boundary, maybe from the open space areas proposed within the Subdivision.

8. Fencing: Just to highlight the City Arborist comments in the PB Memo (Att 2) re fencing; I understand that there may be a local issue re ATV "trespass" in this area and I suggest you talk to Jeff Tarling (874 8820) about the options for ensuring this is addressed by the design of this subdivision and fencing within or around parts of this subdivision.

I think this (taken together with the 9.28.2012 e-mail) covers the key issues so far identified.

Please do not hesitate to call me if there is anything else that needs to be clarified at this point in order for you to finalize the subdivision details.

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - Re: Ledgewood SubDiv Site plan 2nd wkshop

From: Jeff Tarling <JST@portlandmaine.gov> (Jeff Tarling)
To: Jean Fraser
Date: 1/9/2013 1:43 PM
Subject: Re: Ledgewood SubDiv Site plan
CC: David Margolis-Pineo

Hi Jean -

I have reviewed the recent Ledgewood Subdivision Plan and offer the following Conditions:

- a) Street trees - the street trees MUST use tree varieties from our City of Portland Recommended list only, my recommendations for this more natural site would be to use Red Maple cultivars such as 'Karpick', 'Red Point', 'Red Sunset' Red Maples, Swamp White Oak, American Hornbeam, River Birch, Tupelo, Yellowwood. No planting of Pears or Ash species.
- b) Buffer trees - trees planted in these areas must meet the standard size, 1.75" caliper for ornamental trees, 2" for shade trees and 5-6' height for conifers. Additional buffer trees are needed on lots 10, 11, 12 & 13. These lots should have three additional 'buffer' trees per lot spaced along the back property line. The buffer tree list should include those already on the list: Red Oak, White Oak, River Birch, Red Maple, Sugar Maple along with Red Pine, White Pine, White Spruce, White Cedar, Red Cedar, Hop-Hornbeam, White Birch, Yellow Birch.
- c) Tree Saves / Stormwater No Disturb Buffers - These areas need to be identified prior to construction and placed on the individual deeds so that future land owners will be able to follow the intent of the subdivision 'tree save' / 'stormwater no disturb buffers'. The standard limit of work areas posted prior to site work. Native plant vegetation, such as understory plants, shrubs, ferns etc should be included in these areas vs established lawns. Invasive and non native plants could be removed.

The Ledgewood Subdivision Landscape Plan with these conditions / recommendations would be acceptable.

Thanks,

Jeff Tarling
City Arborist

Jean Fraser - Old Barn Estates - Ice Pond Road 2nd Workshop

From: Marge Schmuckal
To: Jean Fraser
Date: 1/16/2013 2:43 PM
Subject: Old Barn Estates - Ice Pond Road

Hi Jean,
Here are my comments on the revised plans.

I have not seen a requested delineation of the AE Flood Zone as requested in my 9/21/2012 comments. I still am requesting to see that delineation.

I am also noting that Ice Pond Road is not meeting the requirements of 14-403 which requires streets to be put in from where ever pavement ends to the end of the lot(s) being developed. Ice Pond Road stops short approximately 65" from the end of both properties lot #8 & lot #9. The proposed City Street needs to be extended to the end of the lots being developed.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

old wkshop



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: January 16, 2013
RE: Final Level III Site Plan Application – Old Barn Estates, Ledgewood Drive off Ocean Ave

Woodard & Curran has reviewed the Final Level III Site Plan Application for Old Barn Estates Subdivision off of Ledgewood Drive on the Falmouth/Portland line. The project will include 12 new residential house lots spanning between Falmouth and Portland, a 28-foot wide roadway named Ice Pond Drive, stormwater management systems, private septic systems, and public water.

Documents Provided By Applicant

- Cover Letter, dated January 1, 2013, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Stormwater Management Report dated January 2013, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Engineering Plans, Sheet S-101, C-101, C-201, C-202, C-300 to C-303, & D-100 to D-102, revised January 1, 2012, prepared by Land Design Solutions, on behalf of TPO Properties, LLC.
- Subdivision Plat Plan, dated December 27, 2012, prepared by Cullenberg Land Surveying, on behalf of Tim O'Donovan.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. In addition, Chapter 32 of the City of Portland Code of Ordinances outlines specific requirements related to inspection, maintenance, and reporting for stormwater management systems.
 - a) Basic Standards:
 - i) Plans, notes, and details have been provided that adequately address erosion and sediment control requirements during construction of the roadway and the stormwater management features.
 - ii) The Stormwater Management Report includes an Inspection and Maintenance Plan for the project. The Inspection and Maintenance Plan should include a section specific to inspection and maintenance of the proposed forested buffers and dripline filters, and these features should be included in the "Sample Inspection Report" worksheet that is appended to the Plan. Also, the plan should identify the inspection and reporting requirements outlined in Chapter 32 of the City of Portland Code of Ordinances.
 - b) General Standards: The Applicant has proposed vegetated buffers, grassed underdrained soil filters, and underdrained dripline filters to provide stormwater quality treatment in accordance with the General Standards.
 - i) Underdrained Soil Filters: Per Section 7.1 of Volume III of the MaineDEP Stormwater BMP Manual:
 - (1) No test pit or soil exploration information has been provided with the submittal. One test pit should be excavated in the area of each filter bed to identify the depth to groundwater and bedrock.
 - (2) The area of the filter must be no less than the sum of 5% of the impervious area and 2% of the landscaped area draining to the filter. Filter T1 appears to have an insufficient filter area to meet this requirement.
 - (3) The Grassed Underdrained Soil Filter detail on C-302 should include a geotextile fabric between natural soils and constructed media.



- (4) The Applicant has proposed maintenance easements for the proposed soil filter systems. A copy of the easement language associated with the access and maintenance of these systems should be forwarded for review.
- ii) Vegetated Buffers: Per Section 5.0 of Volume III of the MaineDEP Stormwater BMP Manual:
 - (1) Use of buffers may be limited by location of suitable septic areas, building sites, roads, and driveways. Lots 3, 4, 5 and 11 appear to show a proposed location for a septic system leach field within the limits of the proposed buffers. The septic system leach fields must be located outside of the buffer areas.
 - (2) Areas designated as buffers must be protected from disturbance by deed restrictions and covenants. Deed restrictions and conservation easements for the proposed buffers should be forwarded for review. In addition, we recommend requiring that permanent posts or markers be set along the edge of each buffer to ensure that future homeowners are aware of the buffer locations. We also recommend that basic language associated with any restricted activities in these buffer areas be included as a note on the Subdivision Plan.
- iii) Dripline Filters: To meet the requirements of the General Standards, the Applicant has proposed the use of Dripline Filters for the future house structures on Lots 7, 8 & 9. We recommend noting the requirement for Dripline Filters on these lots on the Subdivision Recording Plan and the Grading, Drainage, and Erosion Control Plan, and including a detail on the Site Detail Sheets with a note referencing the applicable house lots.
- c) Flooding Standard: The City of Portland requires conformance with the MaineDEP Chapter 500 Flooding Standard, which requires the applicant to evaluate pre-development and post-development flow from the 2, 10 and 25 year, 24-hour storm events. The Applicant has included this information in the package, in addition to providing data on the 50 year storm event. It should be noted that the Town of Falmouth also requires an evaluation of the 100-year storm event, and therefore the Applicant may be asked by the Town of Falmouth to evaluate this storm event.
 - i) It appears that the post-development HydroCAD model is approximately 20,000 SF smaller than the pre-development model. The area evaluated in the post-development condition should match the area evaluated in the pre-development condition.
 - ii) The Applicant has demonstrated that flows from the post-development site for the 2-, 10-, and 25-year storm events do not exceed those in the pre-development condition at two out of the three study points, and are only fractionally higher at the 60" culvert crossing on Ledgewood Drive (Study Point AP1). The projected increase in flow at AP1 is minor (0.1 CFS), and as such, the project would be considered in general conformance with the Flooding Standard; however, we request further review of the projected flow information once the post development area is adjusted to match the pre development area.
- 2) It appears the proposed project is adjacent to several natural resources (i.e., wetlands, stream). As noted, one on-site freshwater wetland will require a 75-foot setback. It appears that the septic system leach fields for lots 3 & 4 encroach into the 75-foot setback area. The Applicant has noted that MaineDEP NRPA Permit-by-Rule Applications will be filed for a proposed stream crossing, and for activity within 75-feet of wetlands on Lot #9 for the construction of a proposed underdrained soil filter. The Applicant should verify with MaineDEP that the septic system leach field locations are acceptable as proposed. Once filed, the permit notifications should be forwarded to the City for the project record.
- 3) On Sheet C-201, the Applicant proposes a 12" HDPE pipe with shallow cover (approx. 1.5') and two 45 degree bends between CB 1 and an outfall on the south side of the roadway. HDPE is not an acceptable pipe material within the City of Portland Right-of-Way (refer to Technical Manual Section 2.5.2 for a list of acceptable pipe materials; applies to all proposed underdrain/stormdrain pipe greater than 6" within ROW). In addition, a manhole is required at any change in direction, and the amount of cover over the pipe should be increased to ensure the pipe is a least below the roadway subbase elevation.
- 4) Sheet C-201 should depict a more defined swale from the outlet of the storm drain pipe to underdrained soil filter T2.
- 5) Sheet C-201 includes a call-out for an "interception swale" on the north side of Lot 8. It appears that this features is a berm, not a swale; please clarify.

Attachment 12

Jean Fraser - Ledgewood Subdivisionfor 2nd workshop

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 1/17/2013 11:38 AM
Subject: Ledgewood Subdivision
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portland...>

Jean – The following represents a status report on my September 14, 2012 comments.

- Based upon the scope of the project a traffic study or Traffic Movement Permit is not required.
- The applicant shall conduct a sidewalk waiver analysis for their proposed subdivision road (a sidewalk is proposed on one side only) and for the corner property at the Ocean Avenue/Middle Road/Ledgewood Drive intersection (only the frontage that is located in Portland).
Status: The applicant has submitted sidewalk waiver for several sections of roadway including the one side of Ice Pond Drive, the southwest side of Ledgewood Drive and a portion of Ocean Avenue.
My comments are noted below:
 - The concurs that a sidewalk is not required along the southwest side of Ledgewood Drive given that the road is maintained by the Town of Falmouth and that a new sidewalk was recently constructed on the northeast side of Ledgewood Drive last summer.
 - I continue to review information and will coordinate with DPS on the submitted waivers for the other sidewalk sections.
- Acceptable sight distance will be provided at the proposed driveway location on Ledgewood Drive.

New Comments

- I have reviewed Bill Eaton's traffic evaluation and I find it to be acceptable.
- The driveway to Lot 13 will be located on Ledgewood Drive. Given the sight distance evaluation conducted by the applicant I find this condition to be acceptable.
- The applicant shall provide an "auto-turn" analysis at the driveway entrance using both a passenger car and a single-unit truck to support the proposed radii size.
- Crosswalk warning signs complying with the MUTCD shall be install at the new crosswalk on Ledgewood Drive.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director
TYLIN INTERNATIONAL
 12 Northbrook Drive

Attachment 131

2nd wkshop

September 21, 2012

January 17, 2013

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: 1062 Ocean Ave – Old Barn Estates

The Department of Public Services has the following comments:

1. As stated by David Senus, "it appears the proposed project is adjacent to several natural resources (i.e., wetlands, stream). As noted, one on-site freshwater wetland will require a 75-foot setback; however, at this time, the plans do not appear to note this wetland setback." The applicant will need to clearly demarcate the wetland/stream setback (FENO Markers?) and ensure that it is recorded on the deed (per usual process). The goal is to discourage the owner from clearing vegetation within the setback area.
I saw evidence that this issue was addressed. We are not supportive of reducing the 75' no clear, no cut setback.
2. A Stormwater Management Plan is required for this project.
Plan submitted.
3. A sidewalk and curbing waiver is required to eliminate the sidewalk and curbing from one side of the proposed street. Also a sidewalk with curbing is required on Ocean Ave at the corner of Ocean and Ledgewood Drive.
This Department is supportive of a waiver to install one sidewalk do to the stormwater conveyance ditch. However, the applicant has not provided adequate justification to waive the elimination of curbing on one side of the proposed street. The lack of sidewalk in front of lot 14 on Ocean Ave still needs to be addressed.
4. The proposed street will require a street name agreeable to the Town of Falmouth and City of Portland.
Issue addressed.
5. It is assumed that a stream crossing is planned to access lot #2 in this subdivision. DEP review of this crossing may be required.
We are requesting to review DEP's response to this issue.
6. The applicant will need to clearly demarcate the wetland/stream setback (FENO Markers?) and ensure that it is recorded on the deed (per usual process). The goal is to discourage the owner from clearing vegetation within the setback area.
I saw evidence that this issue was addressed. Again, we are not supportive of reducing the 75' no clear, no cut setback.
7. Note that Lot 13 will require an address off the Proposed Subdivision Drive with a Falmouth zip code.
No comment necessary
8. The final Plat Plan will need to be on a Maine State Plane with NGVD 29 vertical datum. Property pins will need to be set and Street Monuments shall be placed on the sidewalk side.
Issue addressed.

9. The Proposed Subdivision Drive currently shows pavement outside the drive right of way. The pavement should be brought back inside the drive right of way or an access easement will be required from the abutting lots.

The plans still the roadway encroaching private property.

10. **It request that the roadway be extended and the turn-around be incorporated with the maintenance access drive.**

A note to Falmouth/Portland Planning Staff that the two communities will need to coordinate on snow removal, street maintenance and emergency responses.

No comment necessary.

We have no further comments at this time.