

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

February 8, 2013

Ms. Jean Fraser
Portland Planning Department
Planning Division
389 Congress Street
Portland, ME 04101

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

Dear Jean,

We have prepared the following narrative in response to questions raised at the January workshop, by City Planning Staff, and per the requirements of the City of Portland's Subdivision Final Review. The narrative includes comments and responses previously submitted to the City to provide a history to the various design/project concepts and decisions.

A. Zoning Assessment:

- *Requested delineation of the AE Flood Zone: **The delineation has been submitted as part of a previous submission. Only a small corner, located within the stormwater easement, of lot 9 is within the 100 year flood zone (see plan S-101.***
- *Ice Pond Drive is not meeting the requirements of 14-403 which requires streets to be put in from wherever pavement ends to the end of the lots being developed. **We have worked with City Staff to reconfigured lots 8 and 9 so that they no longer have frontage along a R.O.W that does not include a paved street. The R.O.W. has been pulled back to 3' off the edge of where the street pavement ended and the land divided equally between lots 8 and 9.***

B. Subdivision Standards

1. *Notes 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. **Notes have been added to the Subdivision Plat Plan (recording plan 1 of 2), Subdivision Plan (recording plan 2 of 2) and C-101 Lot Development and Landscape Plan to address street ownership, tree save areas, stormwater buffers, wetland setbacks and maintenance responsibilities of stormwater management facilities.***

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2. *Lot #14 has been shown and described as remaining in its existing condition but would need to meet any subdivision requirements. 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. **Lot #14 proposed development is now shown on S-101 Subdivision Plan (recording plan 2 of 2). The development consists of the demolition of the non-conforming house structure and closing of 3 curb cuts (2 on Ocean Avenue and one on Ledgeswood) and the retention of the existing garage. And the proposed construction of a conforming structure and the construction of one curb cut along the properties frontage on Ocean Avenue. Curb cut access from Ledgeswood Drive was discussed however, due to the following issues the owner does not feel this would serve the property well.***

- **The owner has worked and lived on Ledgeswood Drive for many years and witnessed the issues with traffic backing up past the lot during commuter times when a vehicle desires a left turn from Ledgeswood onto Ocean Avenue.**
- **The garage structure is in decent shape and proposed to remain. The location of the garage & proposed house which conforms to the City setbacks does not work well from a lot layout perspective with a driveway from Ledgeswood Drive.**
- **The property is located in the City of Portland and the property's address is Ocean Avenue which is a Portland address. Ledgeswood Drive is located in the Town of Falmouth so access on Ledgeswood Drive would give the Portland Property a Falmouth Address.**

3. *Water Supply – A letter confirming adequate water supply has not been submitted. **A letter from the Portland Water District confirming adequate water supply is attached.***

4. *Traffic – The City traffic Engineer peer reviewer has found the Applicants Traffic Engineer's evaluation of the nearby intersections acceptable.*

5. *The Traffic Engineering Reviewer is concerned about the radii size where the new road joins Ledgeswood Drive and has requested the applicant provide an 'auto-turn analysis at the drive entrance. **An auto-turn analysis has been provided to City Staff. The proposed radius conforms to the Town of Falmouth's 30 ft. radius standard for a local road intersection of 60-90 degrees. Falmouth Staff has confirmed this with Portland Staff.***

6. *The proposed street does not include street lighting in accordance with the City of Portland Technical Standards. **An existing street light illuminates the Slocum Drive entrance which is directly across the street from our proposed entrance which we believe will provide adequate illumination for the proposed street entrance. In keeping with the rural character of the area,***

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Ledgewood Drive and the following adjacent residential developments, all off Ledgewood Drive:

- 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 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 we believe is attractive to the residents living here and prospective home buyers. We have included a waiver request to the Planning Board with our submission. We have reviewed the proposed lighting scheme with the Falmouth Planning Board and have received their support. At the preliminary subdivision review meeting the Falmouth Board indicated that while they realize the City of Portland has the final decision on this matter the Board did not have an issue with the Applicant passing on their endorsement of the proposed concept.

6. Connectivity – The Applicant has confirmed that they would create a pedestrian trail connection linking the subdivision sidewalk to the trails within the Falmouth Land Trust Open Space; this would achieve a link into the Portland Open Space (Dog Park). We have been working with the Falmouth Land Trust and Portland Trails and have shown the approximate trail location on Plan S-101. We have verbally agreed to a stewardship donation for future trail maintenance of \$1,000 and a financial commitment for the construction of the trail. A draft proposal is included as part of this submission. We anticipate a signed proposal prior to the Planning Board meeting on February 26th. The walk section from the hammerhead at the end of the proposed subdivision street to the property boundary, and connection with the Falmouth Land Trust open space trail is proposed to be 5' wide and constructed of bituminous concrete until a point approximately 15' from the property line where timber stairs are proposed to be incorporated into the embankment which is the transition from the proposed street grading down to the existing grade. At the foot of the timber stairs the last couple of feet of the walk is proposed to be superhumus which is the same surface material as is proposed for the open space trail.

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7. *Connectivity* – *The Applicant has proposed a crosswalk across Ledgewood Drive from the proposed sidewalk to the existing sidewalk on Ledgewood. The Traffic Reviewer has requested crosswalk warning signs be installed. **The plans have been revised to show pedestrian crossing signs (to be located in the field per the Town of Falmouth).***

8. *Sanitary Sewer / Soils* - *The proposed new subdivision of 12 lots will have private septic systems. Two septic locations are shown on Lot #4 and the Applicant has noted that the one in the wetland and stream setback is preferred. The plans showed two septic system locations on Lot #4, one was in the stormwater buffer and the other within Maine DEP's 75 ft. stream jurisdiction. Staff considers that the septic system leach fields should not encroach within the wetland stream setbacks as shown for Lots #3 and #4 and have requested a determination on this from MDEP. **The stream in question is classified as a minor water course by the State of Maine. The plans have been revised to show only one septic system location for Lot #4, the septic system which is located within the stormwater buffer has been removed and the preferred location, which is within 75 ft. of the stream remains. Regulations for locating the septic system within 75 ft of the stream fall under the State of Maine Subsurface Wastewater Disposal Rules which incorporates the DEP Natural Resource Protection Act, Permit by Rule requirements so no permit or notification from DEP is required. Evidence of jurisdiction and the rules governing the location of the septic system have been submitted to Staff.***

9. *Stormwater Management* - **We have met with Woodard and Curran to discuss their comments and concerns and have revised the plans and stormwater report accordingly. Revised plans and stormwater management report are included along with their comments and our responses with this submission.**

10. *Scenic Beauty (Street Trees)* - *The City Arborist is concerned about the plant list and has included recommendations in his comments. **The plans have been revised to use only plants listed on the City Recommended List and as mentioned in his memo. The proposed trees have been revised to only use trees recommended by the City Arborist and listed on the City recommended tree list.***

11. *Scenic Beauty (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. **The plans have been revised to use the plant sizes recommended by the City Arborist, with the exception of the trees proposed for re-vegetating the subsurface wastewater disposal fill slopes. We have proposed these trees at a size of 1" caliper because it is our opinion that the smaller size will be more adaptable to the site's existing conditions and with less stress will outperform a tree planted at a larger size.***

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12. *Scenic Beauty (Tree Save / Stormwater No Disturb Buffers)* – the tree save 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 are essentially “no disturb” areas. The City Arborist has identified steps that need to be taken to ensure adequate protection of the tree save areas. He has also recommended additional buffer trees are needed on lots 10, 11, 12 & 13 along the rear property line, as they do not have any tree saves areas identified. The stormwater buffer may be adequate. **The corners of the stormwater no disturb buffer and the tree save area have been called out to be pinned with capped rebar, and a small sign installed in the middle of the lot along the buffer/tree save to alert homeowners to the restriction. Notes have been added to S-101 Subdivision Plan concerning these areas, and language will be part of the deeds for the associated lots. Additional buffer trees have been added to Lots #11, 12 & 13. Lot #10 is existing as a wooded site and will have the area along the rear of the lot line preserved as a no disturb stormwater buffer so additional buffer trees are not proposed here.**

13. *Vegetated Buffers and Wetland Buffers – Stormwater No Disturb Buffers* are shown on the plans and the reviewers have noted that these should be delineated on the ground in some way and that leach fields should not be located within these buffers. **The stormwater buffers shall have the corners pinned with capped rebar and a small sign placed in the middle of the buffer on each lot so lot owners will be aware of the restriction. The leach fields have been reduced in size by switching from a chambered system to a smaller eljin system allowing all leach fields to be located outside the stormwater buffer area. However, there will be some disturbance within the stormwater buffer from the fill slope associated with the leach field. We propose to mulch the fill slope soil and install deciduous canopy trees as shown on plan C-101 Lot Development and Landscape Plan. This concept was discussed and found to be acceptable by the City Stormwater Reviewers.**

14. *Open Space* – The proposed subdivision includes a total of 163,800 s.f. of open space. The largest area is 152,100 s.f. 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 s.f.) of identified open space is located within Falmouth along Ledgewood Drive and contains a proposed stormwater management facility. The two open space lots are labeled as lots 15 & 16. **The maintenance of the stormwater facility located within the open space is to be owned and maintained by the Homeowners Association. The Homeowners Association Documents are included with this submission.**

15. *Financial Capability* – **A letter from Bath Savings Institution is included with this submission.**

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16. *Wetlands - the parcel contains extensive wetlands and an intermittent stream, as confirmed in an MDEP field report and wetland delineation report. Most of the wetlands are located within open space Lot #16. 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. A NRPA permit is required for the access drive to the house location on Lot #2. **The leach field locations on Lot 3 & 4 are acceptable per the Maine State Subsurface Wastewater Disposal Rules with no permit from DEP required. A Permit By Rule Notification has been submitted to the Maine DEP for the stream crossing associated with the driveway construction on Lot #2 and a copy is included with this submission. Markers will be set to mark the wetland setback through lot #2.***

17. Waiver Requests for the following are included as part of this submission; Sidewalks, curbing & Street Lighting.

Attachments:

- Waiver requests.
- Portland Water District capacity to serve letter.
- Stormwater Management report.
- Stormwater Management reviewer comments and responses.
- Maine DEP NRPA Permit by Rule for stream crossing
- Falmouth Land Trust Draft Proposal
- Letter of Financial Capacity from Bath Savings Institution
- Homeowner's Association Documents

Plans (two copies full size 24x36 and one copy 11x17):

- Cover Sheet
- 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
- C-304 Site Details
- D-100 Pre-Development Drainage Plan
- D-101 Off-Site Subcatchment Plan
- D-102 Post Development Drainage Plan

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We request that the project be placed on the February 26, 2013 Planning Board for final subdivision review. 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
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