

PROJECT NAME: Proposed Residential Subdivision

PROPOSED DEVELOPMENT ADDRESS:

1062 Ocean Avenue and Ledgewood Drive

PROJECT DESCRIPTION:

13 lot residential subdivision - see cover letter for more complete description.

CHART/BLOCK/LOT: Tax Map 415 / 414 Lots 1 / 4 **PRELIMINARY PLAN** 8/23/12 (date)
Tax Map 415 / 414 Lots 2 / 3 **FINAL PLAN** _____ (date)

CONTACT INFORMATION:

Applicant's Contact for electronic plans
Name: Peter Biegel, Land Design Solutions
e-mail: pbiegel@landdesignsolutions.com
work # (207) 939 1717

Applicant – must be owner, Lessee or Buyer Name: TPO Properties LLC, Tim O'Donovan Business Name, if applicable: Address: 30 Ledgewood Drive City/State : Falmouth, ME Zip Code: 04104	Applicant Contact Information Work # Home# Cell # (207) 450-7890 Fax# e-mail: ocpminc@maine.rr.com
Owner – (if different from Applicant) Name: Same as above Address: City/State : Zip Code:	Owner Contact Information Work # Same as above Home# Cell # Fax# e-mail:
Agent/ Representative Name: Land Design Solutions (Peter Biegel) Address: 160 Longwoods Road City/State : Cumberland, ME Zip Code: 04021	Agent/Representative Contact information Work # (207) 939-1717 Cell # e-mail: pbiegel@landdesignsolutions.com
Billing Information Name: TPO Properties, LLC (Tim O'Donovan) Address: 30 Ledgewood Drive City/State : Falmouth, ME Zip Code: 04104	Billing Information Work # Cell # (207) 450-7890 Fax# e-mail: ocpminc@maine.rr.com

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	Fees Paid (office use)	Other Reviews (check applicable reviews)	Fees Paid (office use)
<input type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over \$300,00 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input checked="" type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots <u>13</u> x \$25/lot = <u>325</u> <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p>			
<p>Plan Amendments (check applicable reviews)</p> <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)	<p>Fees Paid (office use)</p> <input type="checkbox"/> <input type="checkbox"/>		

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:



1. **One (1) full size set of plans** that must be **folded**.
2. One (1) copy of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 
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General Submittal Requirements – Preliminary Plan (Optional)

Level III Site Plan

Preliminary Plan Phase Check list (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input type="checkbox"/>	<input type="checkbox"/>	1	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of significant natural features located on the site.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of project's consistency with related city master plans.
<input type="checkbox"/>	<input type="checkbox"/>	1	Neighborhood Meeting Material (refer to page 13 of this application.)
Applicant Checklist	Planner Checklist	Number of Copies	Site Plan Submittal Requirements
<input type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Preliminary Site Plan Including the following: (*information provided may be preliminary in nature during preliminary plan phase):
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities (preliminary layout).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary stormwater management and erosion control plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).

- Existing and proposed easements or public or private rights of way.

General Submittal Requirements – Final Plan (Required)

Level III Site Plan

Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Final Plan Phase

<input type="checkbox"/>	<input type="checkbox"/>	1	Final Site Plan Including the following
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed loading and servicing areas, including applicable turning templates for delivery vehicles
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed snow storage areas or snow removal plan.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed trash and recycling facilities.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed finish floor elevation (FFE).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Exterior building elevation(s) (showing all 4 sides).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed stormwater management and erosion controls.

Land Design Solutions

Land Planning, Site Planning and Landscape Architecture

August 22, 2012

Mrs. Barbara Barhydt
Development Review Services Coordinator
Planning Division
389 Congress Street
Portland, ME 04101

**RE: Proposed Residential Subdivision
(O'Donovan, Ocean Avenue and Ledgewood Drive)
Sketch Plan Review**

Dear Barbara,

On behalf of our Client/Developer, TPO Properties, LLC, Land Design Solutions has prepared the enclosed documentation for sketch plan review for a proposed residential subdivision.

The 12.78 acre project site is made up of three parcels assembled by TPO Properties with the smallest parcel (parcel 1) fronting on Ledgewood Drive, and being the only part of the site within the Town of Falmouth boundary. The remaining two parcels equaling 11.87 acres are located within the City of Portland.

Parcel 1 – Richmond Properties LLC (Tim O'Donovan) Falmouth Tax Map R04 Lot 068 E
.91 acres.

Parcel 2 – TPO Properties LLC (Tim O'Donovan) Portland Tax Map 415/414 Lot 1/4 5.76
acres.

Parcel 3 – TPO Properties LLC (Tim O'Donovan) Portland Tax Map 415/414 Lot 2/3 6.11
acres.

The small isolated portion of the parcel located at the intersection of Ledgewood Drive and Ocean Avenue, which contains an existing non-conforming residential structure and a detached garage fronting on Ocean Avenue has been split off from the larger parcel. The Applicant plans to demolish the non-conforming structure and construct a conforming structure in the future. This work is not part of the proposed subdivision project.

Over time the original properties have had numerous parcels cut out and sold leaving a linear parcel with a large area of wetland to the east and a large upland (developable) portion on the west. This project proposes to:

- Construct the entrance to the proposed subdivision development opposite Slocum Drive on Ledgewood Drive in Falmouth. The sight distance is adequate and the position of the entrance directly across from Slocum Drive is preferable from an access management

standpoint. The owner has spoken with the Jay Reynolds, Director of Parks and Public Works in Falmouth who has confirmed that he has no issues with the entrance location. The existing lot at this location (lot 13 on the sketch plan) will be reconfigured with the existing driveway and curb cut on Ledgewood Drive being eliminated, and a new driveway with a curb cut on the proposed subdivision drive being constructed. The existing reconfigured lot and the first 100 ft. of entrance drive are the only portions of the proposed development located within the Town of Falmouth.

- Develop the remaining 12 lots along a dead end street within the Portland City limits per the City of Portland R3 zoning criteria.

The lots will be served by public water with a water main coming off the recently extended main in Ledgewood Drive. Each lot will have its own private septic system. A soils investigation has been performed by Sweet Associates of Falmouth, Maine and test pits indicating suitable soils are shown on the sketch plan.

Bill Eaton, PE of Eaton Traffic Engineering has been retained to investigate the proposed subdivision entrance and potential traffic impacts. Mr. Eaton has prepared a letter report which is included as part of the sketch plan submission.

A wetland delineation and vernal pool investigation was done by Sweet Associates of Falmouth, Maine and a letter report prepared June 4, 2012. The letter report is included as part of the sketch plan submission. Additionally A staff member from the Maine DEP has visited the site and determined that there is a section of stream connecting two wetland areas. His field determination report is included as part of the sketch plan submission.

Given that the proposed subdivision street dead ends at the Falmouth Town line, and this adjacent land is comprised of Open Space owned by the Falmouth Land Trust with no chance of future extension of the proposed subdivision street, and the subdivision is made up of only 13 lots an esplanade and sidewalk is proposed on only one side of the street. We request a waiver from constructing the esplanade and sidewalk on both sides of the street.

We have met with Town of Falmouth Staff, Town of Falmouth Planning Board (sketch plan review) and the City of Portland Staff previously to review the project concept and process. It is our understanding that this project will need subdivision approval from both the Town of Falmouth and the City of Portland. Per our discussions with the Falmouth Planning Board while they must approve the whole subdivision their primary interest is in the direct impacts (stormwater and traffic) to the land and infrastructure within the Town of Falmouth.

Discussion at the Falmouth Planning Board Sketch Plan Review meeting included the following:

- The Town of Falmouth street width requirement is two, twelve foot wide travel lanes. However, the Falmouth Public Works Department and the Falmouth Planning Board feel the proposed subdivision street should maintain the same width through both municipalities and will defer to the City of Portland standards since the majority of the street is in Portland. The Applicant discussed this issue with Portland City Staff and has

been told that the issue was brought up with the Fire Department and their initial response is that the subdivision street should comply with the City's technical standards for a local street which is two, fourteen foot wide travel lanes.

- The Falmouth Planning Board is interested in the projects stormwater management and traffic impacts to the Ledgewood / Allen Avenue and Ledgewood / Ocean Avenue intersections.

It is our understanding that state law (30-A, 4403 Municipal review and regulation, 1-A Joint Meetings) requires that all review meetings for the project be held jointly unless the reviewing authorities in each municipality agree to waive this requirement. The Town of Falmouth has agreed to grant a waiver allowing the project to proceed through the review process in each municipality independently. However, they have requested that a member of the Falmouth Planning Staff attend the Portland Planning Board meetings and that Falmouth Planning Staff be copied on project correspondence between the Applicant and the City of Portland. We are requesting that the City of Portland waive the joint meeting requirement as well.

Five (5) copies of the following items are enclosed with this cover letter as part of the sketch plan review submission:

- Letter of Agent Authorization
- Traffic Report Letter (Eaton Traffic Engineering)
- Wetland Delineation Letter Report
- Stream Field Determination (MDEP)
- Parcel Deeds
- Tax Maps
- Sketch Plan (24x36) and one copy (11x17)
- Context Plan (24x36) and one copy (11x17)

We request that we be placed on the next available workshop agenda to review the project with the City of Portland Planning Board. Please let me know if additional information is needed.

Land Design Solutions



Peter B. Biegel, RLA
Principal

30 Ledgewood Drive
Falmouth, ME 04104
June 26, 2012

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

To whom it may concern:

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

Sincerely,
Tim O'Donovan

A handwritten signature in black ink that reads "Tim O'Donovan". The signature is written in a cursive style with a long, sweeping underline.

Owner
TPO Properties, LLC



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

To: Peter Biegel, Land Design Solutions
From: William C. Eaton, P.E., Eaton Traffic Engineering
Re: Proposed Residential Subdivision, Ledgewood Drive, Falmouth
Dt: June 29, 2012

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

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

Intersection sight distance was measured in the field at the proposed site access drive and Ledgewood Drive. To the southwest sight distance was measured at 500 feet. To the northeast, the distance is 1000+ feet. For the posted speed of 30 MPH, these distances are more than adequate.

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

June 4, 2012

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

INTRODUCTION:

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

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

LITERATURE REVIEW & SITE DESCRIPTION:

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

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

METHODOLOGY AND CLASSIFICATION:

The delineation of wetlands was conducted according to the *Corps of Engineers Wetlands Delineation Manual* dated January 1987, and according to performance standards and the supplemental definitions issued 1 August 1995 by the New England Division, U.S. Army Corps of Engineers. The term "wetlands" is defined by federal regulation to mean "...those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to

support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions...” (33 C.F.R. Part 323.2). In order to properly define these areas, three mandatory criteria must be met. These criteria define hydrophytic vegetation, hydric soils, and wetland hydrology. Hydrophytic vegetation fits into the wetland category when more than 50 percent of the dominant vegetation is within the range of obligate through facultative on the *National List of Plant Species That Occur in Wetlands: Northeast (Region 1)*. Hydric soil is any soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Wetland hydrology is the permanent or periodic inundation, or saturation of soil by groundwater for a significant period (usually two weeks or more) during the growing season. All three of the mandatory criteria, i.e., hydrophytic vegetation, hydric soil conditions, and wetland hydrology, were present within the mapped wetland areas.

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

- contains critically imperiled (S1) or imperiled community (S2) as defined by the Natural Areas Program (not examined in this study);
- contains significant wildlife habitat (not examined in this study);
- contain peatlands;
- located within 250 feet of a coastal wetland or GPA great pond (pond less than 10 acres in size);
- located within 25 feet of a river, stream or brook;
- contain at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water (artificial ponds or impoundments are not included);
- located within a 100-year flood plain based on Federal Emergency Management Agency flood insurance maps or other site-specific information.

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

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

species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition.

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

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

CONCLUSIONS:

The conclusions of this wetland delineation are as follows:

- All wetlands within the survey area are shown on the attached site plan. Wetland was mapped according to the Corps of Engineers Wetlands Delineation Manual (1987) and classified according to the State of Maine Department of Environmental Protection Natural Resources Protection Act. Wetland was flagged with numbered striped pink/black ribbon.
- Potential Significant Vernal Pools were investigated in April 2012 and none were found to be significant.



Richard A. Sweet
Wetland Scientist

RAS/smh



DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY

8/14/2012

CONTACT ID 9,753

FIELD DETERMINATION FORM

CONTACT

PETER BIEGEL
P.O. BOX 316

CUMBERLAND, ME 04021
2079391717

PROPERTY OWNER

TIM O'DONOVAN
TPO PROPERTIES, LLC
FALMOUTH, ME 04104

STAFF WOOLSTON, JARED

RESOURCE RSB

DIRECTIONS

Ledgewood Drive

Latitude 43 42'9.66"N
Longitude 70 15'54.94"W

SITE TOWN PORTLAND
MAP LOT

MEMO

Department staff visited the site of a proposed residential subdivision off Ledgewood Drive on August 3, 2012 and August 14, 2012. The area is an undeveloped forest with two separate freshwater wetlands as defined in 38 MRS Section 480-B(4) and a freshwater stream as defined in 38 MRS Section 480-B(9). Department staff observed insect casings attached to a submerged stone and leeches amidst mineral stream bottom. A portion of one on-site freshwater wetland contains over 20,000 square feet of emergent marsh vegetation and therefore has an associated 75-foot setback from the resource edge. Adjacent impacts outside 25 feet from the normal high water line of the stream and from the freshwater wetland containing 20,000 square feet of emergent marsh vegetation may be allowed with an acceptable Section 2 Activities Adjacent to Protected Natural Resources Permit by Rule (PBR). Additionally, the proposed access drive may include a permanent stream crossing with an acceptable Section 10 Stream Crossing PBR.

Erosion control devices must be installed and maintained on the project site during any soil disturbance activity. A Stormwater Management Law PBR or Maine Construction General Permit "NOI" and "NOT" must be filed with the Department if more than 1 acre of area is going to be disturbed on the project site at any given time during construction. Further, an Individual Stormwater Law permit must be filed with the Department if more than 1 acre of area is going to be impervious.

NAME:

RECEIVED

8/3/2012

SITE VISIT

8/3/2012

COMPLETED

8/14/2012

Parcel 1

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that I, **KEVIN T. O'DONOVAN** of Portland, County of Cumberland, State of Maine, for consideration paid, **GRANT** with **WARRANTY COVENANTS** to:

RICHMOND PROPERTIES, LLC a Maine Limited Liability Company

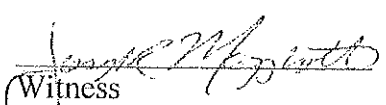
whose mailing address is: 30 Ledgewood Drive
Falmouth, Maine 04105

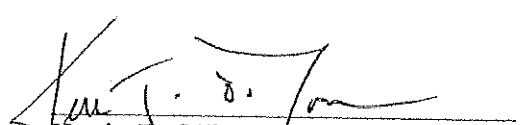
the following described real estate situated in the Town of Falmouth, County of Cumberland, State of Maine:

See Exhibit A attached hereto and made a part hereof.

Being the same premises conveyed to the Grantor herein by deed of Shirley A. Lalumiere dated July 16, 1999 and recorded in the Cumberland County Registry of Deeds in Book 14918, Page 158.

IN WITNESS WHEREOF, Kevin T. O'Donovan has hereunto set his hand and seal this 7th day of March 2003.

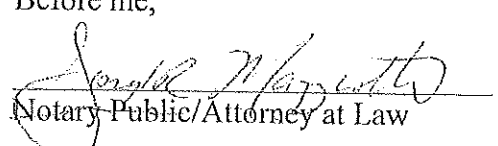

Witness


Kevin T. O'Donovan

STATE OF MAINE
CUMBERLAND, ss.

March 7, 2003

Personally appeared the above named Kevin T. O'Donovan and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public/Attorney at Law

MAINE REAL ESTATE TAX PAD

EXHIBIT A

A certain lot or parcel of land situated on the southwest side of Ledgewood Drive in Falmouth, County of Cumberland and State of Maine and being bounded and described as follows:

Beginning at a monument on the southwest side of Ledgewood Drive, which monument is also on the Falmouth-Portland division line and marks the boundary between the parcel of land herein conveyed and land now or formerly of Kenneth T. Forbes, et al;

Thence north 60° 28' 48" west along the northerly sideline of said Forbes land a distance of one hundred twenty-four and twenty-four hundredths (124.24) feet to a 5/8" iron pin set;

Thence south 86° 11' 12" west along said Forbes land a distance of forty-four and fifty-two hundredths (44.52) feet to a 5/8" iron pin set;

Thence north 60° 22' 56" west along said Forbes land and along the remains of an old stone wall a distance of four hundred eight and seventy-four hundredths (408.74) feet to a 5/8" iron pin set;

Thence north 51° 26' 00" east a distance of one hundred eighty-five and ninety-nine hundredths (185.99) feet to a 5/8" iron pin set at the southwesterly side of said Ledgewood Road;

Thence south 38° 34' 00" east along the southwesterly side of said Ledgewood Road a distance of three hundred twenty-two and seventy hundredths (322.70) feet to a six inch by six inch granite monument;

Thence south 52° 27' 59" east along the southwesterly side of said Ledgewood Road a distance of two hundred three and thirty-six hundredths (203.36) feet to a monument on the Falmouth-Portland division line and the point of beginning.

Excepting herefrom so much of the property as was conveyed by the Grantor herein to Timothy P. O'Donovan by deed dated March 28, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16414, Page 323.

Received
Recorded Register of Deeds
Mar 07 2003 03:27:07P
Cumberland County
John B. O'Brien

MAINE
QUIT-CLAIM DEED WITH COVENANT
(Special Warranty Deed)

MECAP, LLC, a Maine Limited Liability Company with a place of business in Portland, Maine, for consideration paid, GRANTS to **TPO Properties, LLC**, with a mailing address of 30 Ledgewood Drive, Falmouth, ME 04105, WITH QUITCLAIM COVENANT, the following described premises:

A certain lot or parcel of land, together with the buildings and improvements thereon, situated on the westerly side of Ocean Avenue adjoining the division line between said Portland and the Town of Falmouth in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

COMMENCING on said westerly side of Ocean Avenue at the point of intersection of the southerly side of Ledgewood Drive; THENCE North $61^{\circ} 20'$ West by said Drive and the Portland-Falmouth line, one thousand twenty-seven and twenty-five hundredths (1,027.25) feet to a monument; THENCE South $85^{\circ} 38'$ West by said Portland-Falmouth line, forty-four and fifty-two hundredths (44.52) feet to a monument; THENCE North $61^{\circ} 20'$ West by said Portland-Falmouth line marked by a stone wall and fence, seven hundred fifty-one and eight tenths (751.8) feet to a point marked by a monument; THENCE South $29^{\circ} 40'$ West by said Portland-Falmouth line marked by a fence and stone wall, one hundred eighty-three and seven tenths (183.7) feet to a point marked by an iron at land now or formerly of Libby; THENCE South $60^{\circ} 50'$ East by fence and stone wall by said land of Libby, seven hundred seventy-eight and five tenths (778.5) feet to a point and corner of wall; THENCE southwesterly by jog in the stone wall by said land of Libby five (5) feet; THENCE South $61^{\circ} 33'$ East by wall and fence, brook and across ledge and by the brook, all along the line of said land of Libby, one thousand fifty-one and five tenths (1,051.5) feet to a point in said westerly side of Ocean Avenue; THENCE North $25^{\circ} 54'$ East along said Ocean Avenue two hundred sixteen (216) feet to the point of beginning. The above courses being taken from survey of E. C. Jordan Co. made in April 1933.

EXCEPTING AND RESERVING all that certain parcel of land conveyed by Stanley N. Brown, et al. to D. Owen Farwell in deed recorded in the Cumberland County Registry of Deeds in Book 1897, Page 103.

EXCEPTING AND RESERVING those certain parcels of land conveyed by Kenneth T. Forbes, et al. to Susan M. Forbes in deed recorded in said Registry of Deeds in Book 10676, Page 189 and Book 12246, Page 16.

EXCEPTING AND RESERVING those certain parcels of land identified as "Lot A, 24,400 S.F." and "Lot B, 20,168 S.F." on plan entitled "Sketch Plan of Land in City of Portland, Cumberland County, Maine, prepared for Susan Forbes, owner: Madeline A. Forbes, dated August

28, 2001 by Northeast Civil Solutions and recorded in said Registry of Deeds in Plan Book 201, Page 349.

Reference is further made to a Judgment of Foreclosure and Sale brought by EverHome Mortgage Company against Susan M. Forbes, PR of the Estate of Madeline A. Forbes filed in the Maine District Court, Division in Portland, Docket No. RE-08-218 and recorded in the Cumberland County Registry of Deeds in Book 28419, Page 190 for foreclosure of the mortgage recorded in the said Registry of Deeds in Book 22944, Page 180.

Being the same premises conveyed to the Grantor herein by Federal National Mortgage Association by deed dated June 29, 2011 and recorded herewith.

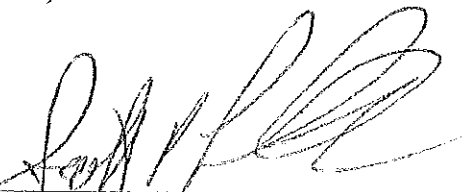
GRANTEE IS PROHIBITED FROM CONVEYING THIS PROPERTY TO A BONAFIDE PURCHASER FOR VALUE FOR A SALES PRICE GREATER THAN **\$145,200.00**, FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. GRANTEE IS ALSO PROHIBITED FROM ENCUMBERING THIS PROPERTY WITH A SECURITY INTEREST IN THE PRINCIPAL AMOUNT GREATER THAN \$145,200.00, FOR A PERIOD OF 3 MONTHS FROM THE DATE OF THIS DEED. THESE RESTRICTIONS SHALL RUN WITH THE LAND AND ARE NOT PERSONAL TO GRANTEE. NOTWITHSTANDING THE FOREGOING, THIS RESTRICTION SHALL TERMINATE IMMEDIATELY UPON CONVEYANCE AT ANY FORECLOSURE SALE RELATED TO A MORTGAGE OR DEED OF TRUST.

IN WITNESS WHEREOF, MECAP, LLC has caused this instrument to be executed by Scott Lalumiere, its Manager, this 3rd day of June, 2011.

ATTEST:

MECAP, LLC



BY: 

Its Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

June 30, 2011

Personally appeared the above named Scott Lalumiere, its Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.

Before me,



Notary Public/Attorney at Law

Printed Name: Alan E. W. 16

Received
Recorded Register of Deeds
Jul 01, 2011 02:17:06P
Cumberland County
Pamela E. Lovley

DEED OF SALE OF PERSONAL REPRESENTATIVE
(Testate)

Maine Statutory Short Form

Know All by these Presents,

That I, **Bonnie Doughty**, of Gorham, County of Cumberland, State of Maine, duly appointed and acting Personal Representative of the **Estate of Dale A. Williams**, deceased (testate), as shown by the probate records of the Cumberland County, Maine, Docket No. 2004-144, and each person succeeding to an interest in the real property described below having waived in writing his right to receive notice of the Personal Representative's intent to sell said real property at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, and **Ricky D. Williams**, joining in this deed for the limited purpose recited herein, for consideration paid, grant to:

TPO Properties, LLC

a Maine limited liability company organized and existing under the laws of the State of Maine and having a mailing address of 30 Ledgewood Drive, Falmouth, Maine 04105, the real property in the City of Portland, County of Cumberland, and State of Maine, being more particularly described in the attached Exhibit A and incorporated herein by reference.

Witness our hands and seals this 30th day of September, 2011

Signed, Sealed and Delivered

In the presence of

The Estate of Dale A. Williams

By: Bonnie Doughty
Bonnie Doughty

Personal Representative

Ricky D. Williams

Ricky D. Williams

 COPY

MAINE REAL ESTATE TAX PAID

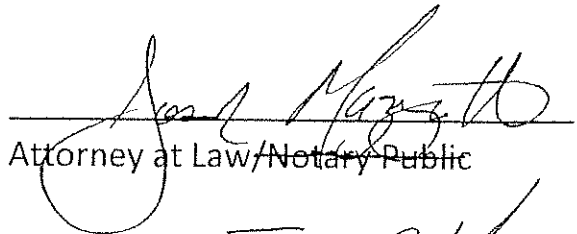
State of Maine

County of Cumberland, ss.

September 30 2011

Then personally appeared before me the above named Bonnie Doughty and acknowledged the foregoing instrument to be her free and act deed in her said capacity as Personal Representative of the Estate of Dale A. Williams.

Before me,



Attorney at Law/Notary Public

Printed Name: Joseph J. Mazzotta

EXHIBIT A
Ocean Avenue, Portland, Maine

A portion of a certain lot or parcel of land together with any improvements thereon situated on the westerly sideline of Ocean Avenue in the City of Portland, County of Cumberland and State of Maine more particularly described as follows:

Commencing at the base of a 5/8 inch capped rebar or steel rod found on the aforementioned sideline of Ocean Avenue, said rebar being found 421.08 feet southwesterly from the intersection of Ocean Avenue and the sideline of Ledgewood Drive formerly known as Cobb Road in the Town of Falmouth, said rebar also marking the property of land now or formerly of the City of Portland;

Thence, along the land of the City of Portland, North 58° 09' 35" West, a distance of 385.42 feet to the **POINT OF BEGINNING OF THE PARCEL CONVEYED HEREIN;**

Thence, continuing along the aforementioned land of the City of Portland, North 58° 09' 35" West, a distance of 614.34 feet;

Thence, continuing along the aforementioned land of the City of Portland, North 58° 10' 20" West, a distance of 842.73 feet to the Town Line of Falmouth;

Thence, following the Town of Falmouth line, North 32° 27' 18" East, a distance of 207.09 feet to the land now or formerly of Madeline A. Forbes as described in a deed recorded in Book 12593, Page 042 in the Cumberland County Registry of Deeds;

Thence, along the land of the aforementioned Forbes, South 57° 50' 20" East, a distance of 778.50 feet;

Thence, continuing along the land of the aforementioned Forbes, South 31° 10' 15" West, a distance of 4.99 feet;

Thence, continuing along the land of the aforementioned Forbes, South 58° 33' 20" West, a distance of 498.08 feet to the northwesterly corner of land conveyed to Ricky D. Williams by Deed of Sale by Personal Representative from Bonnie Doughty, as Personal Representative of the Estate of Dale A. Williams dated July 2, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21520, Page 218;

Thence, South 31° 26' 40" West, by said land conveyed to Ricky D. Williams a distance of 150.96 feet;

Thence, South 58° 09' 35" East, by said land conveyed to Ricky D. Williams a distance of 181.18 feet;

Thence, South 31° 50' 25" West, by said land conveyed to Ricky D. Williams a distance of 50.00 feet to the Point of Beginning.

Containing 260,202.5 square feet or 5.97 acres.

Meaning to and hereby conveying a portion of the premises conveyed to Dale A. and Eleanor F. Williams by a deed dated 6/21/1966 and recorded in the Cumberland County Registry of Deeds in Book 2692, Page 753.

Also conveying a non-exclusive easement appurtenant to the above-described premises for the purposes of pedestrian and vehicular travel and the installation of utilities on, in, above or over the area of the parcel denoted on the below referenced plan as the access to the rear of the subject parcel, and being more particularly described as follows:

Beginning at the base of a 5/8 inch capped rebar or steel rod found on the aforementioned sideline of Ocean Avenue, said rebar being found 421.08 feet southwesterly from the intersection of Ocean Avenue and the sideline of Ledgewood Drive, formerly known as Cobb Road in the Town of Falmouth, said rebar also marking the property of land now or formerly of the City of Portland;

Thence, along the land of the City of Portland and said land conveyed to Ricky D. Williams by deed recorded in the Cumberland County Registry of Deeds in Book 21520, Page 218, North 58° 09' 35" West a distance of 385.42 feet to the southeasterly corner of the above-described premises;

Thence, North 31° 50' 25" East by the southeasterly line of the above-described premises a distance of 50.00 feet to a corner in the southwesterly line of the premises conveyed to Ricky D. Williams by Personal Representative's Deed of Sale from the Estate of Dale A. Williams dated July 21, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21520, Page 218;

Thence, South 58° 09' 35" East through said property conveyed to Ricky D. Williams 205 feet more or less to the southwesterly corner of land now or formerly of Patricia A. Tebbets as described in deed recorded in the Cumberland County Registry of Deeds in Book 4439, Page 112;

Thence, along the land of the aforementioned Patricia A. Tebbets by the following courses and distances:

South 70° 26' 51", a distance of 37.28 feet;

South 65° 15' 44" East, a distance of 80.89 Feet;

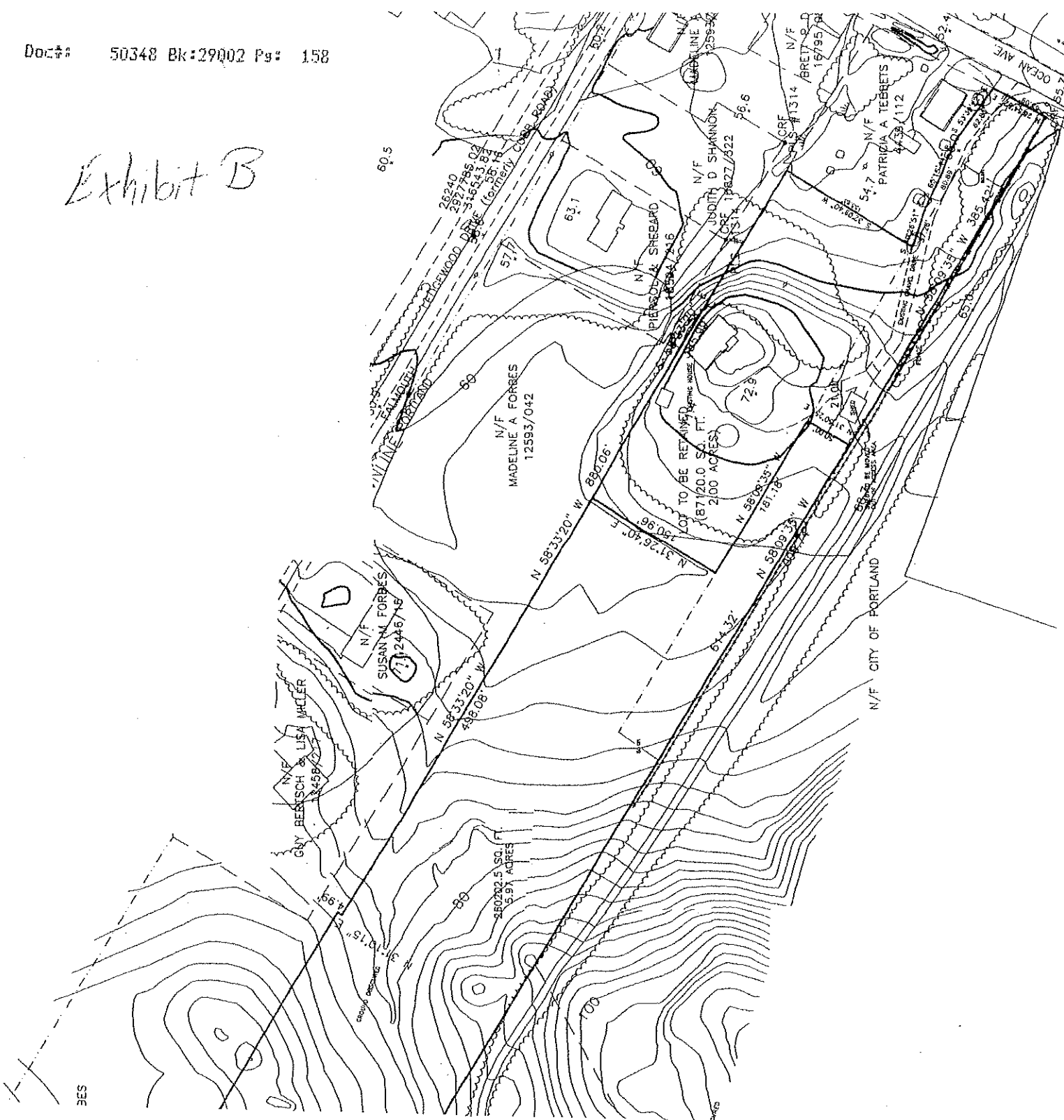
South 53° 39' 22" East, a distance of 62.80 feet to the aforementioned westerly sideline of Ocean Avenue;

Thence, along the westerly sideline of Ocean Avenue, South 28° 54' 52" West, a distance of 63.08 feet to the point of beginning.

The description of the premises and the easement conveyed herein is based upon a Standard Boundary Survey thereof entitled "Boundary Survey Plan at 1040 Ocean Ave. Portland, Maine for Dale A & Eleanor F. Williams" said plan dated November 21, 2003 and produced by Back Bay Boundary, Inc., 65 Newbury Street, Portland, Maine 04101. A copy of a portion of said Plan is attached hereto as Exhibit B.

The said Ricky D. Williams joins in this deed solely for the purpose of clarifying and confirming the description of the non-exclusive easement conveyed herein which easement was reserved in Personal Representative's Deed of Sale from Bonnie Doughty, Personal Representative of the Estate of Dale A. Williams, to Ricky D. Williams dated July 21, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21520, Page 218 for the benefit of the premises conveyed herein.

Exhibit B



3ES

City of Portland Quitclaim Deed

KNOW ALL PERSONS BY THESE PRESENTS, that the **City of Portland**, a body politic and corporate located in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by Williams, Dale A. heirs of Portland, County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim unto the said Williams, Dale A. and his heirs and assigns forever, all of its right, title and interest in and to the following described real estate situated in Portland, in the County of Cumberland, State of Maine, and more particularly described as, viz.

414-A-003 415-A-017
1030-1034 R Ocean Ave.
261008 sf

Meaning and intending to convey the same land and building which the said grantor acquired by Tax Lien Certificates dated June 16, 2009, June 17, 2008, June 20, 2007, June 14, 2006.

The instrument above refers to recording in the Cumberland County Registry of Deeds in Book 26994 Pg 168, Book 26134 Page 044, Book 25209 Page 249, Book 24063 Page 324.

IN WITNESS WHEREOF, the said **City of Portland** has hereunto caused this instrument to be signed by Ellen Sanborn, its duly authorized Director of Finance, this 30th day of September 2011 A.D.

CITY OF PORTLAND

Margaret M. Nelson
Witness

By: Ellen Sanborn
Ellen Sanborn
Director of Finance

STATE OF MAINE
CUMBERLAND ss.

September 30, 2011

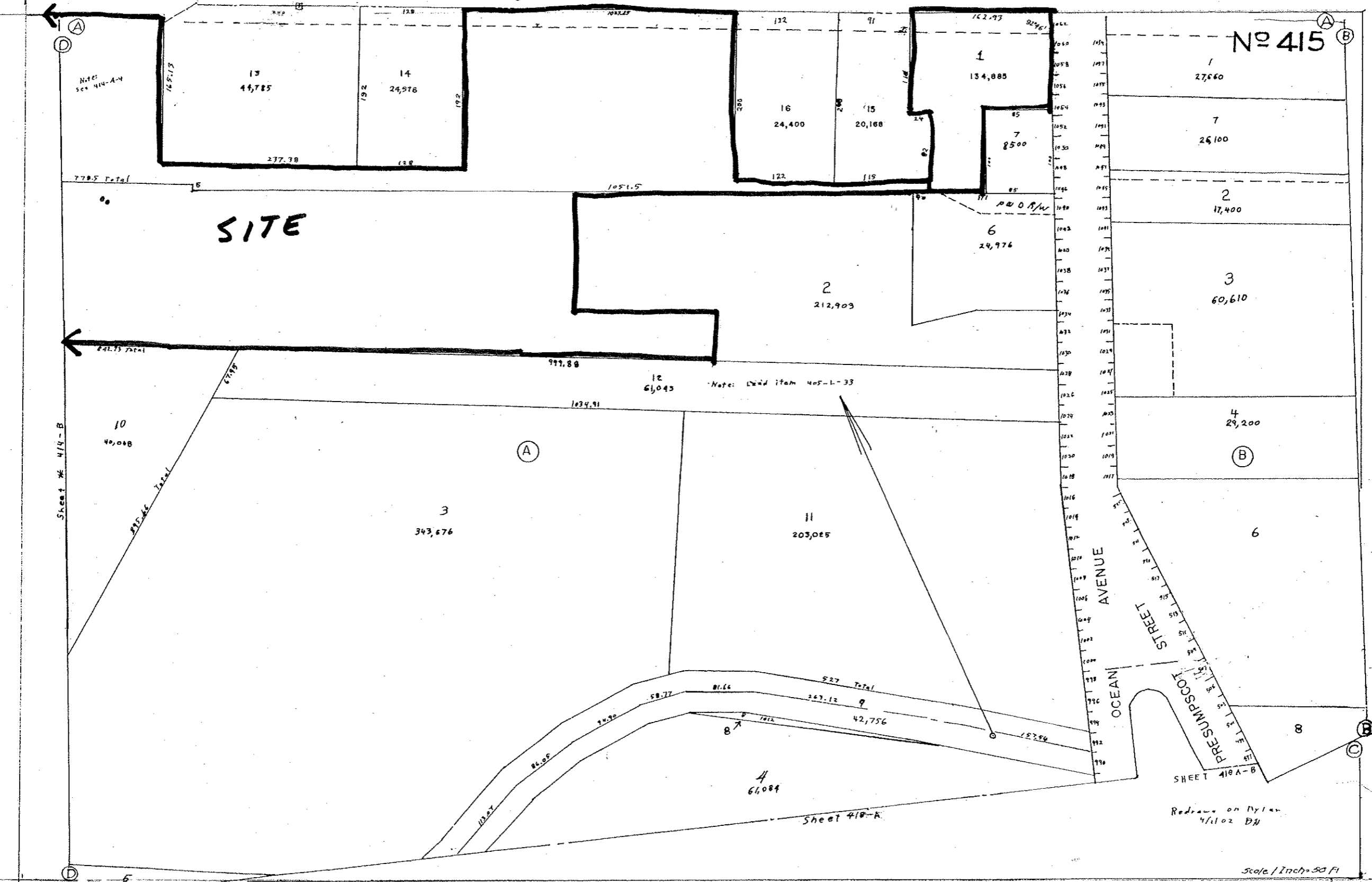
Personally appeared the above-named Ellen Sanborn in her capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of the City of Portland.

Received
Recorded Register of Deeds
Sep 30, 2011 03:27:19P
Cumberland County
Pamela E. Lovley

Before me,
Linda J. McLeod
Linda J. McLeod, Notary Public
Commission expires: 10/26/2015

 COPY

LEDGEWOOD DRIVE



Notes see 414-A-4

778.5 Total

44.75 Total

Sheet # 414-B

4/10

No 415

Note: Dred from No. L-33

SHEET 418A-B

Redrawn on Nylon 4/10/02 DJH

Scale 1 Inch = 50 Ft

Nº 414

LINE
211.8 total

A
115790

118.8 total

SITE

3
128102

FALMOUTH
PORTLAND

(A)

5
101,246

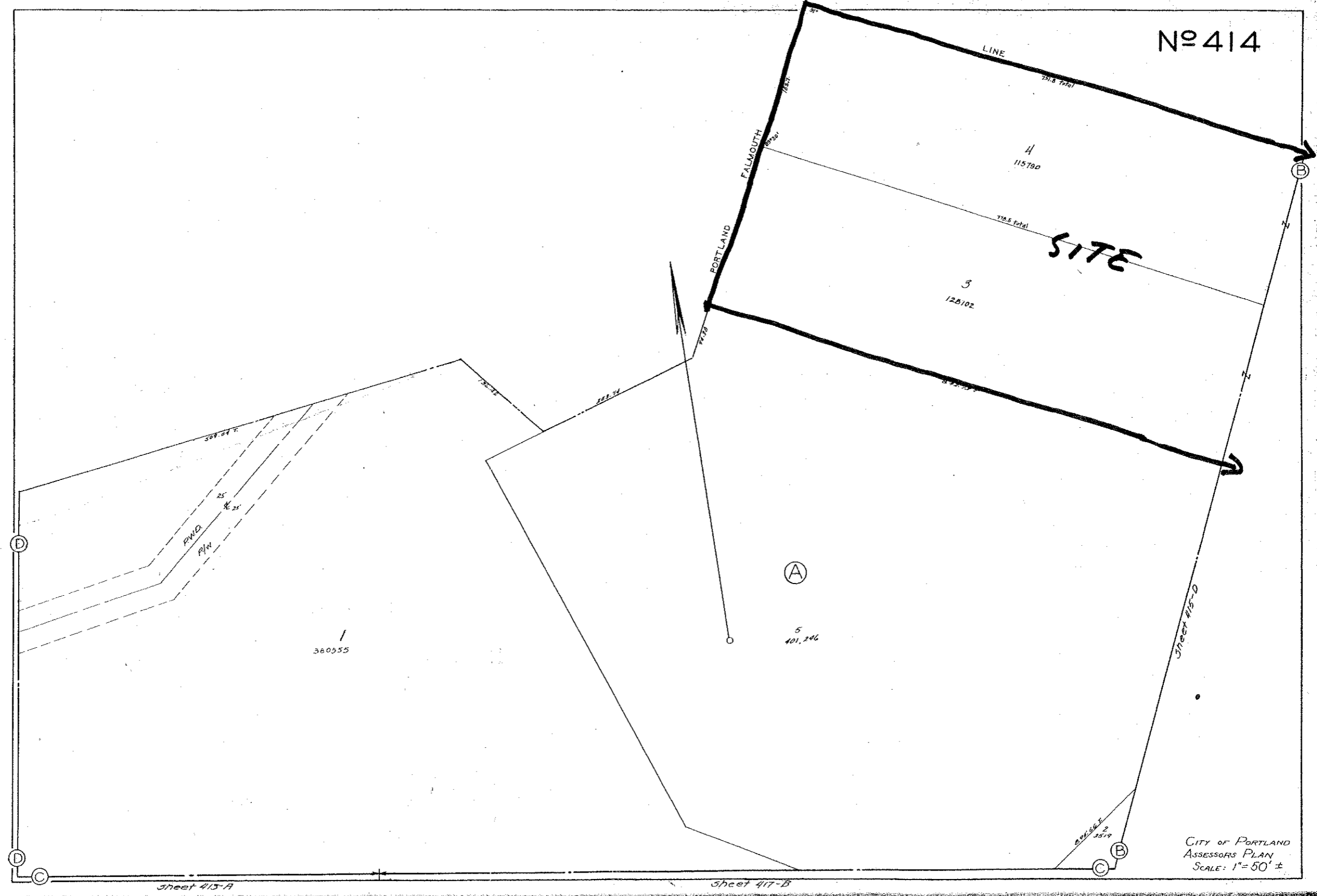
1
360555

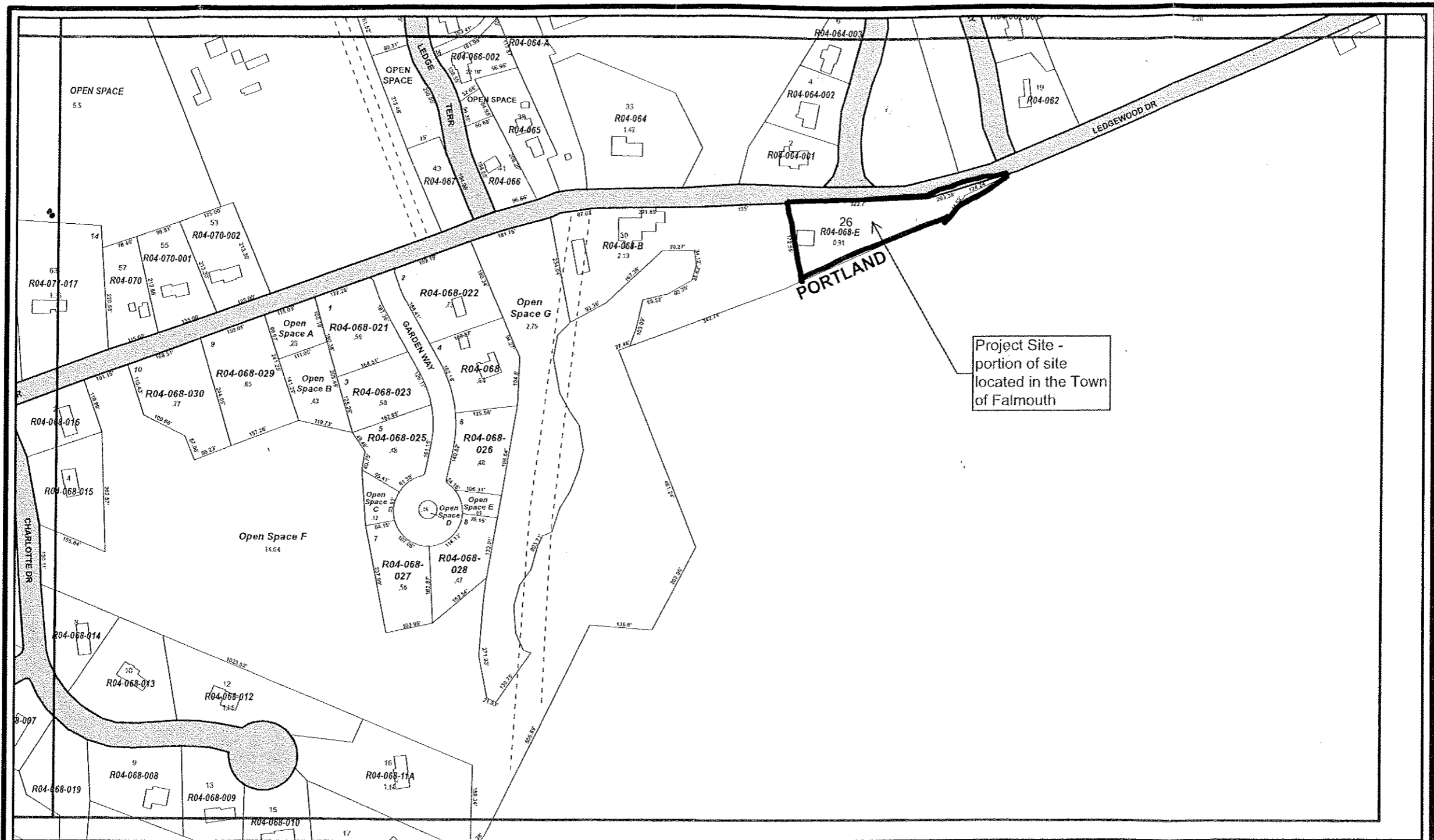
Street 415-D

CITY OF PORTLAND
ASSESSORS PLAN
SCALE: 1" = 50' ±

Sheet 415-A

Sheet 417-B





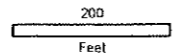
Project Site -
portion of site
located in the Town
of Falmouth

Maps Prepared by: **Spatial Alternatives**
207-546-2355
www.spatialalternatives.com

Tax Sheets are intended for assessing purposes only.
Boundary locations are approximate and
should not be used for conveyance of property.

Legend	
Rights of Way/Easements	Parcels
Buildings:	Roads
Not Sewered	Railroad
Sewered	Water

Town of Falmouth, Maine



464	473	474	480	484
	511	512		



Falmouth Tax Sheet
512
Map updated to: April 1, 2011