



**TOWN OF YARMOUTH**  
200 Main Street, Yarmouth, Maine 04096  
[www.yarmouth.me.us](http://www.yarmouth.me.us)

---

Rowe School Pre-Kindergarten Playground  
Minor Site Plan Review & Special Exception  
Yarmouth School Department, Applicant  
Map 38 Lot 5  
Prepared by Julie Dubovsky, Assistant Planner  
June 13, 2022

## **I. Project Description**

The Yarmouth School Department is applying for a Minor Site Plan Review to convert an existing 168 feet x 52 feet enclosed grass play area into a pre-Kindergarten playground on the northeastern side of the Rowe School, totaling 8,736 square feet. They are proposing to install playground equipment over a wood chip play surface. The application of the wood chip playground surface requires the excavation of 18 inches of topsoil to within 12 inches of the new fencing, walkway and foundation of the school building, a total of approximately 485 cubic yards.

Benches and tables will also be installed, as well as a storage shed for storing instructional and recreational items. The proposed storage shed is 10 feet x 14 feet, 140 square feet, and 8 feet tall. It would be located between the eastern side of the playground fence and the emergency services access road.

## **II. REQUIRED REVIEWS**

Chapter 702 - Site Plan Review Ordinance Article 1. Section B. No. 2 Minor development (at the discretion of the Planning Director multiple items in combination may be referred to the Planning Board):

- g. Filling, grading or excavation projects which move in excess of 100 cubic yards, but less than 1,000 cubic yards of materials;

Although this is a change of use of an existing vacant, undeveloped space, it does not create the need for additional parking (pursuant to Article II.H (Off Street Parking) of the Zoning Ordinance).

While a portion of school property is located within the Shoreland Overlay District, the playground is not located within the overlay district and does not require any permitting per Chapter 701, Article IV.R.

## **III. Public Comment**

Notices of this minor site plan application were sent to 47 property owners in the vicinity (within 500 feet) of the proposed development. As of the writing of this report, no public comments have been received.

#### **IV. SITE PLAN STANDARDS (Chapter 702)**

- 1. Conformance with Comprehensive Plan: The proposed development is located and designed in such a way as to be in conformance with the Town's Comprehensive Plan.**

Staff Comments: We find that the project is in conformance with the 2010 Comprehensive Plan to "continue to provide adequate recreational facilities to meet the needs of the residents of Yarmouth."

- 2. Traffic: The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public road or pedestrian walkways existing or proposed. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below level of service "c", of nearby roadways or intersections. Levels of service are defined by the 1985 Highway Capacity manual published by the Highway Research Board. [Note applicable provisions of 702.J 3.a,b,c,d,e,f,i,j,k]**

Staff Comments: We find that the project will not cause unreasonable highway or public road congestion.

- 3. Parking and Vehicle Circulation: The proposed plan provides for adequate parking and vehicle circulation. The amount of dedicated parking provided on-site or within a reasonable walking distance from the site meets the requirements of ARTICLE II.H of the Zoning Ordinance (Off Street Parking and Loading), the size of the parking spaces, vehicle aisle dimensions and access points are in conformance with the Technical Standards of Section J [1,2,3.f,g,h,i,11a.12 (sidewalks) & 13 (Bike Racks)] of this document.**

Staff Comments: We find that the project will not affect parking or vehicle circulation.

- 4. Sanitary Sewerage: The proposed development will not cause an unreasonable adverse effect to the Municipal sewerage treatment facilities and will not aggravate and existing unhealthy situation such as the bypassing of untreated sewerage into Casco Bay, the Royal River, or its tributaries. If a subsurface wastewater disposal system is to be used, the system conforms to the requirements of the State Plumbing Code. [See also Section 702.J.6]**

Staff Comments: We find that the project will not adversely affect sanitary sewage systems.

- 5. Water: The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Yarmouth Water District. [See also 702.J.7]**

Staff Comments: We find that the proposal will not impact local water resources.

- 6. Fire Safety: The proposed development is located and designed in such a way as to provide adequate access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate fire safety features such as**

**but not limited to fire lanes, smoke and fire alarms and sprinkler systems, as part of the proposed development. [See also 702.J.8]**

Staff Comments: We find that as the proposed shed will not impede the emergency services access road, that there are no concerns.

- 7. Buffering: The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required by this subsection. On-site buffering is required wherever commercial, industrial or mixed use developments are proposed adjacent to or across a street from residential districts or agricultural uses, where multi-family buildings are to be located adjacent to single family uses or districts, and when required by ARTICLE IV.S.3 of the Yarmouth Zoning Ordinance (Mobile Home Park Performance Standards). Buffer areas shall consist of an area ranging from a minimum of five feet to a maximum of twenty-five feet in width, adjacent to the property boundary, in which no paving, parking or structures may be located. The Planning Board may allow a buffer area of less width when site conditions, such a natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing or low walls, make a lesser area adequate to achieve the purposes of this Section. Landscaping and screening, such as plantings, fences or hedges, are to be located in buffer areas to minimize the adverse impacts on neighboring properties from parking and vehicle circulation areas, outdoor storage areas, exterior lighting and buildings. [See also 702.J.5]**

Staff Comments: The project will not impact the existing vegetative buffer to the adjacent Royal River Park.

- 8. Natural Areas: The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats and natural fisheries. The proposal is consistent with the recommendations of the Maine Department of Inland Fisheries and Wildlife as found in the document titled “The Identification and Management of Significant Fish and Wildlife Resources in Southern Coastal Maine,” February 1988.**

Staff Comments: The project will not impact the adjacent natural areas, such as Royal River Park or the river.

- 9. Lighting: The proposal shall provide exterior lighting sufficient for the safety and welfare of the general public while not creating an unsafe situation or nuisance to neighboring properties or motorists traveling nearby roadways.**

Staff Comments: The project does not include additional exterior lighting to the school façade or within the proposed play space.

- 10. Storm Water Management: The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate or that there is no adverse downstream impact. Proposed storm water detention facilities shall provide for the control of two year and twenty-five year storm frequency rates. The design, construction and maintenance of private facilities are maintenance of private storm water management facilities. [See also 702.J.9]**

Staff Comments: The Town Engineer has no concerns.

- 11. Erosion and Sedimentation Control:** The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, watercourses or coastal lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current edition of the “Environmental Quality handbook, Erosion and Sedimentation Control”, prepared by the Maine Soil and Water Conservation Commission. [See also 702.J.10.a]

Staff Comments: The Town Engineer has no concerns with the condition that all erosion and sedimentation controls (ESC) best management practices (BMP) shall be installed prior to the disturbance of site soils and vegetation.

- 12. Buildings:** The bulk, location and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction to light and air or any significant wind impact. To preserve the scale, character, and economy of the Town in accordance with the Comprehensive Plan no Individual Retail use with a Footprint greater than 55,000 square feet shall be permitted. Structures defined as Shopping Centers shall be limited to a Footprint of 75,000 square feet. When necessary to accommodate larger projects, several Individual Retail Structures with Footprints of not more than 55,000 square feet each may be placed on the same lot, provided that all other standards are met. No less than 40 feet shall be allowed as separation distance between buildings. Efforts to save and plant native trees between and among structures shall be encouraged.

Staff Comments: The Code Enforcement Officer notes that a Building Permit is required and an Uninhabited Shed Permit will also be required. As the shed exceeds 120 square feet, a permanent footing/foundation is required and must comply with the 2015 International Building Code, Chapter 18, as it is a free-standing structure less than 600 square feet but greater than 120 square feet. A storage Building, as defined in CH. 701, Zoning Ordinance, is as follows: *Storage Building: A Building, not exceeding one thousand square feet, used only for the non-commercial storage of materials or private property. A Storage Building may contain no more than one 5 commercially registered motor vehicle.*

As a condition of approval, the applicant shall submit the appropriate permits.

- 13. Existing Landscape:** The site plan minimizes to the extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter and significant vegetation buffers.

Staff Comments: The site plan shows that the existing landscape does not have vegetation other than grass. It is adjacent to an existing playground.

- 14. Infrastructure:** The proposed development is designed so as to be consistent with off premises infrastructure, such as but not limited to sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems and street lights, existing or planned by the Town.

Staff Comments: The proposal takes existing underground utilities into consideration with excavation. An existing sewer manhole is located in the area of the playground. The School Department will note that if access to the manhole is required, the wood chips will require removal. Additionally, the School Department shall regularly ensure that the wood chips sufficiently cover the manhole cover as to not

present a hazard to children playing.

- 15. Advertising Features: The size, location, design, color, texture, material and lighting of all permanent signs and outdoor lighting fixtures are provided with a common design theme and will not detract from the design of proposed buildings or neighboring properties.**

Staff Comments: Not Applicable

- 16. Design Relationship to Site and Surrounding Properties: The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas and advertising features. [See also 702.11a.f. 1 – 11]**

Staff Comments: The Code Enforcement Officer stated that the playground should be designed to the current standards, per the 2015 International Building Code (IBC) Chapter 11, Section 11108 Recreational Facilities, and in accordance with International Code Council Performance Code for Buildings and Facilities (ICC) A117.1-2009 Accessible and Usable Buildings and Facilities, Chapter 11.Recreational Facilities. The Director of Yarmouth Community Services also noted that the playground will be designed around the requirements and best practices in the National Program for Playground safety standards as seen in the American Society for Testing and Materials and the Consumer Product Safety Commission’s Public Playground Safety Handbook.

- 17. Scenic Vistas and Areas: The proposed development will not result in the loss of scenic vistas or visual connection to scenic areas as identified in the Town’s Comprehensive Plan.**

Staff Comments: The project will not impact the adjacent scenic areas, such as Royal River Park or the river.

- 18. Utilities: Utilities such as electric, telephone and cable TV services to proposed buildings are located underground except when extraordinary circumstances warrant overhead service. Propane or natural gas tanks are located in safe and accessible areas, which are properly screened.**

Staff Comments: The proposed project does not conflict with any existing underground utilities.

- 19. Technical Standards: The proposed development meets the requirements of ARTICLE I.J (Technical Standards) of this Ordinance, except as waived by the Planning Board.**

Staff Comments: The Town Engineer has no comments.

- 20. Route One Corridor Design Guidelines: Notwithstanding the technical standards of this ordinance and the requirements of Article II, General provisions of the Zoning Ordinance, development and redevelopment within the “C”, Commercial and “C-III”, Commercial II districts shall be consistent with the Route One Corridor Design Guidelines, as approved August 19, 1999.**

Staff Comments: Not applicable

- 21. Right, Title and Interest: The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.**

Staff Comment: The applicant is the Yarmouth School Department and they have sufficient right, title and interest the use of the property.

- 22. Technical and Financial Capacity: The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the Board pursuant to ARTICLE I.I**

Staff Comment: Not applicable.

- 23. Special Exception Standards:**

- a. **The proposed use will not create unsanitary or unhealthful conditions by reason of emissions to the air, or other aspects of its design or operation.**
- b. **The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of municipal police protection than existing uses in the neighborhood.**
- c. **The proposed use will be compatible with existing uses in the neighborhood, with respect to visual impact, intensity of use, proximity to other structures and density of development.**
- d. **If located in a Resource Protection District or Shoreland Overlay Zone, the proposed use (1) will conserve visual points or access to water as viewed from public facilities; (2) will conserve natural beauty; and (3) will comply with performance standards of Article II of Chapter 701, Zoning Ordinance.**

Staff Comment: A portion of the school property is located in the Shoreland Overlay Zone, but the playground location is sufficiently outside of the shoreland district. The playground will not impact visual points or access to the water, and it does not impact the natural beauty of the river. It complies with the performance stands of Article II, Chapter 701, Zoning Ordinance.

## **V. RECOMMENDATION**

On the basis of the application, plans, reports and other information submitted by the applicant, for **the Rowe School Pre-K Playground** the plan is in conformance with Chapter 702, Site Plan Review Ordinance, subject to the following conditions of approval:

1. All erosion and sedimentation controls (ESC) best management practices (BMP) shall be installed prior to the disturbance of site soils and vegetation. Once ESC BMPs are installed, please contact the Yarmouth Town Engineer to coordinate a site inspection(s) in accordance with the Town's NPRDES MS4 General Permit. The applicant and contractor are required to maintain the ESC BMPs for the duration of construction.
2. The applicant shall submit a Building Permit for the playground and an Uninhabited Shed Permit for the shed.
3. The School Department shall regularly ensure that the sewer manhole is sufficiently covered with wood chips to avoid a hazard to children playing.

The following standard conditions of approval are requirements for all approved site plans:

1. **Develop Site According to Plan:** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority.
2. **Separate Building Permits Are Required:** This approval does not constitute approval of building plans, which must be reviewed and approved by the Yarmouth Code Enforcement Officer.
3. **Landscaping:** All required landscaping shall be guaranteed for a 2-year period.

Attachments:

1. Michael Robitaille, Fire Chief – No Comments 5/29/2022
2. Eric Gagnon, Yarmouth Water District – No Comments 5/31/2022
3. Nicholas Ciarimboli, Code Enforcement Officer – Email 6/3/2022
4. Steve Johnson, Town Engineer – No Comments 6/8/2022
5. Karyn McNeil, YCS – Memo 6/9/2022

Attachment 1

**From:** [Mike Robitaille](#)  
**To:** [Wendy Simmons](#); [Andrew Dolloff](#); [Dan Gallant](#); [Eric Gagnon](#); [Erik Donohoe](#); [Karyn MacNeill](#); [Nat Tupper](#); [Scott LaFlamme](#)  
**Subject:** RE: Request for Comment - Rowe School - DUE 6/9  
**Date:** Sunday, May 29, 2022 12:34:02 PM

---

Good Afternoon,

I have no comments or concerns regarding the installation of a playground at the Rowe School.  
Thank you

*Michael S. Robitaille*  
*Chief of Department*  
*Yarmouth Fire Rescue*

---

**From:** Wendy Simmons <WSimmons@yarmouth.me.us>  
**Sent:** Thursday, May 26, 2022 12:48 PM  
**To:** Andrew Dolloff <andrew\_dolloff@yarmouthschools.org>; Dan Gallant <DGallant@Yarmouth.me.us>; Eric Gagnon <egagnon@yarmouthwaterdistrict.org>; Erik Donohoe <edonohoe@yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Mike Robitaille <MRobitaille@Yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>  
**Subject:** Request for Comment - Rowe School - DUE 6/9

For your review.

Thanks. W

Wendy L. Simmons, SHRM-CP (she, her, hers)  
Administrative Assistant  
Planning, Code Enforcement and Economic Development  
Town of Yarmouth  
200 Main St.  
Yarmouth, ME 04096  
Phone: 207.846.2401  
Fax: 207.846.2438  
[www.yarmouth.me.us](http://www.yarmouth.me.us)



## Erin Zwirko

---

**From:** Eric Gagnon <egagnon@yarmouthwaterdistrict.org>  
**Sent:** Tuesday, May 31, 2022 2:59 PM  
**To:** Wendy Simmons; Erin Zwirko  
**Subject:** Re: Request for Comment - Rowe School - DUE 6/9

YWD does not have any concerns with this project.

Eric Gagnon  
Superintendent  
Yarmouth Water District  
207.846.5821 phone  
207.846.1240 fax

<http://YarmouthWaterDistrict.org/>

This message is intended for the use of the addressee only and may contain privileged and confidential information. If you are not the intended recipient of this message, be notified that any dissemination or use of this message is strictly prohibited. If you have received this message in error, please delete all copies of the message and its attachments and notify the sender immediately

On Thu, May 26, 2022 at 12:48 PM Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)> wrote:

For your review.

Thanks. W

Wendy L. Simmons, SHRM-CP (she, her, hers)

Administrative Assistant

Planning, Code Enforcement and Economic Development

Town of Yarmouth

200 Main St.

Yarmouth, ME 04096

Phone: 207.846.2401

Fax: 207.846.2438

[www.yarmouth.me.us](http://www.yarmouth.me.us)

Attachment 3

**From:** [Nicholas Ciarimboli](#)  
**To:** [Juliana Dubovsky](#)  
**Cc:** [Erin Zwirko](#)  
**Subject:** RE: Minor Site Plan - Rowe School  
**Date:** Friday, June 3, 2022 4:22:13 PM

---

Julie,

Thank you for reaching out. They will need a building permit for the work, and the play areas shall be accessible per 2015 IBC/ 1110 and in accordance with ICC A117.1-2009/ 1108. The shed location seems fine with regards to the building. As the shed is greater than 120 S.F., a permanent footing/foundation is required and shall comply with 2015 IBC/ CH. 18. Let me know if you need this in a more formal memo format. Thanks again.

Very Respectfully,

Nicholas J. Ciarimboli  
Code Enforcement Officer  
Town of Yarmouth  
200 Main St.  
Yarmouth, ME 04096  
P: (207) 846-2401 ext.221  
F: (207) 846-2438

---

**From:** Juliana Dubovsky <[jdubovsky@yarmouth.me.us](mailto:jdubovsky@yarmouth.me.us)>  
**Sent:** Friday, June 3, 2022 12:43 PM  
**To:** Nicholas Ciarimboli <[NCiarimboli@yarmouth.me.us](mailto:NCiarimboli@yarmouth.me.us)>  
**Cc:** Erin Zwirko <[EZwirko@yarmouth.me.us](mailto:EZwirko@yarmouth.me.us)>  
**Subject:** FW: Minor Site Plan - Rowe School

Hey Nick,  
Did you have any comments on this minor site plan review? Based on your comments on the last one which had a shed on it too, this one might also need an uninhabited shed permit since it is a storage building?

Let me know if you have anything else to note..

Thanks and have a good weekend!

---

**From:** Wendy Simmons <[WSimmons@yarmouth.me.us](mailto:WSimmons@yarmouth.me.us)>  
**Sent:** Thursday, May 26, 2022 12:52 PM  
**To:** Juliana Dubovsky <[jdubovsky@yarmouth.me.us](mailto:jdubovsky@yarmouth.me.us)>  
**Cc:** Erin Zwirko <[EZwirko@yarmouth.me.us](mailto:EZwirko@yarmouth.me.us)>  
**Subject:** Minor Site Plan - Rowe School

*Juhre Subovsky*

**Submit Comments to Erin Zwirko by 6/9/22**

**TOWN OF YARMOUTH**

**200 Main Street**

**Yarmouth, Maine 04096**

**(207)846-2401**

**Fax: (207)846-2438**

**NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT**

Date Rec'd.: 5/19/22

Agenda Date: N/A - Staff Review

Project Description: Minor Site Plan

Project Location: 52 School St.

Applicant: Yarmouth School Department

Agent/Contact: Bruce Rudolph - bruce\_rudolph@yarmouthschools.org

*NO COMMENTS!  
STILL  
6-8-2022*

Project Description:

Install Pre-K Playground at Rowe School

- Review For Completeness/Checklist
- Respond To Applicant Re: Completeness
- Staff Input/Request Sent:

Date Completed:

5/19/22

5/19/22

5/26/22

1. Director of Public Works (full size)
2. **Town Engineer** (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Committee (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Historic Preservation Committee (pdf)
17. Traffic Peer Review - TYLin (pdf)

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 

*STANDARD  
CONDITIONS OF  
APPROVAL*

- Notice Letters Created/Sent
- Agenda To PB
- Agenda Posting:
  1. Forecaster
  2. Website
  3. Bulletin Board
- Copy Of Findings And Decision In File

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



DATE: June 9, 2022  
TO: Erin Zwirko, Director of Planning  
Planning Board Members  
RE: Rowe School, Playground Improvements

Thank you for receiving my submission for comments on this project. I have been part of the planning and design team from the start of the discussions on the Pre-K program implementation. This playground is being designed around the requirements and best practices used in the National Program for Playground Safety standards as seen in American Society for Testing and Materials (ASTM) and Consumer Product Safety Commission's (CPSC) Public Playground Safety Handbook.

Equipment, surfacing, and installation protocols selected for this playground meet all specifications for compliance and I will be part of the installation process through to its end.

**Public safety, health, and environmental factors**

- **Adequacy of site** – YES! This is a great site/location for this age group's playground.
- **Access to and from site** – ADA and UA accessibility will be provided as best possible.
- **Pedestrian and vehicular circulation within the site** – NA
- **Layout of parking** – NA
- **Provisions for emergency access** – Yes, all egress from building doors is still provided and unobstructed.
- **Solid waste/recycling management** – NA
- **Water supply needs** – NA
- **Handicapped (HC) and Universal Accessibility (UA)** – Yes. ADA and UA accessibility will be provided as best possible.
- **Natural resources (conservation lands, easements, habitats, etc.)** – There is no additional impact with this installation.
- **Protection of historic or archaeological resources** – NA
- **Other** –NA
- **Good neighbor factors**
  - **Buffering and screening** – NA
  - **Noise levels** – NA
  - **Odors** – NA
  - **Vibrations** – NA

- **Exterior lighting** – NA
- **Pedestrian, bicycle, and vehicle traffic** –NA
  
- **Visual design**
  - **Landscape design** – NA
  - **Site utilization and design** – NA
  - **Visual and scenic impact** – NA
  - **Compatibility with abutters and neighboring properties** – Yes, this playground is needed for the school's expanding programs and is required to serve the pre-K population.
  - **Architectural features** – NA
  - **Relationship of buildings to the street and/or adjacent structures** - NA

If any questions or concerns remain, please feel free to reach me by email or phone.

Respectfully submitted,



Karyn MacNeill  
Director, Yarmouth Community Services  
kmacneill@yarmouth.me.us  
(207) 846-2406