
YARMOUTH PLANNING BOARD MINUTES

February 9, 2022

I. CALL TO ORDER

Wendi Holden called the meeting to order at 7:00 PM.

II. ROLL CALL OF MEMBERS

PRESENT ABSENT

Wendi Holden, Chair	X	
Janet Hansen, Vice Chair	X	
Andrew Bertocci	X	
Hildy Ginsberg	X	
Mary Lynn Engel	X	
Jerry King	X	
Tony Cowles	X	

OTHERS

Erin Zwirko, Director of Planning & Development
Nicholas Ciarimboli, Code Enforcement Officer
Julie Dubovsky, Assistant Planner
Wendy Simmons, Administrative Assistant, Recording Secretary

III. APPROVAL OF MINUTES

Upon a motion duly made by Mary Lynn Engel, seconded by Janet Hansen and carried by a roll call vote of 7-0 the amended minutes of the January 26, 2022 meeting were approved.

IV. COMMUNICATION

E. Zwirko gave an update:

- Julie Dubovsky, Assistant Planner was introduced and welcomed.
- Chase Bank is working with MEDOT to obtain their Traffic Movement Permit. The building permit cannot be issued until the permit is received from MEDOT.

V. PUBLIC HEARING ITEMS

A. OLD BUSINESS:

None

B. NEW BUSINESS:

1. Action Item: Amendment of Ch. 702 Site Plan Review and Ch. 701 Special Exception, Addition of a Fifth Grade Playground at Yarmouth Elementary School; Medium Density Residential District; Vicinity of 121 McCartney Street; Map 36 Lot 38; Yarmouth School Department, Applicant.

The applicant seeks an amendment of the Major Site Plan and Special Exception approval dated August 14, 2019, for the Yarmouth Elementary

School expansion. The applicant seeks approval to construct a fifth-grade playground on the northern side of the school. The community garden will also be relocated and reestablished. This project is scheduled for final review and a vote will be taken. Public comment will be received.

Wendi Holden recused herself from this agenda item because her employer is a consultant to the School Department. Janet Hansen as Vice Chair took over the meeting.

Dr. Andrew Dolloff, Superintendent of Schools and Frank Crabtree of Harriman made the presentation.

Yarmouth Elementary School (YES) has been undergoing renovations the last 2 years. With the renovations the 5th graders are moving from Harrison Middle School to YES. The playground was proposed in the original renovation plans; but was value engineered out to reduce costs. As construction is coming to completion it is on time and under budget, so there are funds available to add the playground back in. They are also relocating the district garden next to the tennis courts which was displaced with the addition to the building. The school department has met with the Tenney St. residents about their concerns around lighting, trees and runoff. The playground will be wood mulch with playground equipment and a small paved area. They have worked to ensure there will not be any additional runoff to Tenney St. and propose to install a vegetated pond to accommodate the runoff. The runoff will discharge to an underdrain and ultimately to the woods and wetlands. F. Crabtree addressed each condition of approval and how they intend to meet them.

Vice Chair Janet Hansen opened to public comment

No public comment

Public comment closed

The Board questioned if any impervious surface thresholds were exceeded?
Questioned the Conservation Easement on the property and if the playground had any impact?
Concerned about additional runoff onto Tenney St.
Questioned playground noise and if there will be additional lighting?
Requested signage at the water spigot near tennis courts confirming it is drinkable.

F. Crabtree – The school exceeded impervious service limitations in previous years and went through the full DEP approval and permitting required. The playground does not impact the Conservation Easement. The addition to the building impacted the easement and was addressed through a land swap during the previous Planning Board review and approval. Runoff will be accounted for through the detention pond and they will meet the

requirements of not introducing any additional runoff to Tenney St. The only fencing will be around the detention pond; not the playground and there is no additional site lighting proposed. Condition #7 was discussed and amended because the DEP does not provide approval letters for Educational Exemptions. Requested the wording be changed from evidence of approval to evidence of a submittal.

The following motion was made:

On the basis of the application, plans, reports and other information submitted by the applicant, information from the public hearing, information and the findings and recommendations contained in Planning Board Report dated February 3, 2022, for Yarmouth Elementary School Fifth Grade Playground and Community Garden, Final Review for an Amendment to the Special Exception and Major Site Plan, dated August 14, 2019, Yarmouth School Department, Applicant, Map 36, Lot 38, the Planning Board finds that the plan is in conformance with Chapter 702, Site Plan Review Ordinance, and Chapter 701, Article VII.B.(1), Special Exception, subject to the following conditions of approval:

1. Prior to the issuance of a building permit for the installation of the play structures, the applicant shall submit an accessibility plan that demonstrates how students and visitors will access the playground and community garden. The accessibility plan shall require that all pathways leading to the playground and community garden will meet Universal Access design standards, including the installation of truncated domes at the crosswalk from YES to Winslow Field. Additionally, pathways and other elements within the playground and community garden will accommodate mobility devices. A HC parking space will be provided at the garden. Finally, a plan for snow removal will be incorporated to ensure access is provided year-round. The accessibility plan shall be submitted to the Director of Planning & Development and the Code Enforcement Officer for approval.
2. Prior to the start of construction of the playground or the community garden, the applicant shall consult with Yarmouth Community Services and Yarmouth Fire Department to provide appropriate vehicular access to the playground for maintenance and emergency services. An updated plan shall be provided to the Town Engineer and Director of Planning & Development for approval.
3. Prior to the start of construction of the playground or the community garden, the applicant shall consult with the Yarmouth Water District regarding its ability to serve the relocated community garden. An ability to serve letter shall be submitted to the Director of Planning & Development.
4. Bikes racks shall be installed at the Fifth Grade playground and the community garden.
5. A minimum of a 10-foot-wide gate shall be installed at the Fifth Grade playground to ensure access for maintenance and emergencies.
6. The applicant shall develop a landscape plan that provides landscape buffering at the northeast corner of the Fifth Grade playground. The plan shall be submitted to the Director of Planning & Development for approval.
7. The applicant shall submit an amendment to the School Department's Site Location of Development Permit to the Maine Department of Environmental Protection prior December 31, 2022, to account for the increase of impervious surfaces as an "Educational Exemption." Evidence of the submittal to the Maine Department of Environmental Protection shall be submitted to the Director of Planning & Development.

8. The applicant shall meet all requirements of Chapter 500 Stormwater requirements and Maine Department of Environmental Protection Erosion and Sedimentation Control (ESC) measures. During construction erosion and sedimentation control Best Management Practices (BMPs) shall be installed prior to construction activities and shall be maintained by the contractor until the permanent vegetation is in place.
9. The applicant shall comply with the site plan drawing comment from Steve Johnson, Town Engineer, in his review memorandum dated January 18, 2022.

Moved by Andrew Bertocci, seconded by Anthony Cowles, and voted 6 in favor, 0 opposed (Wendi Holden recused).

V. GENERAL BUSINESS

1. Planning Board Refresher Course.

The Planning Director provided a “refresher” on being a member of the Planning Board. The Director and the Board discussed the following topics: the ordinances and what they cover, the zoning map, how agendas are set and meeting protocol, and standard review procedures and motions. The Director and the Board also discussed the Planning Board’s role beyond project reviews, including ordinance development and amendments, comprehensive planning, capital improvement planning, and studies and recommendations. Finally, the Director and the Board discussed legal awareness, including conflict of interest, ex parte communications, and deliberation over email and other communications outside of the a meeting.

ADJOURNMENT

With no objection, the meeting adjourned at 8:45 PM.

Respectfully submitted:

Wendy Simmons, Administrative Assistant, Recording Secretary