



PLANNING BOARD REPORT

YARMOUTH, MAINE

Yarmouth Elementary School Fifth Grade Playground and Community Garden

Special Exception and Major Site Plan

Yarmouth School Department, Applicant

121 McCartney Street, Map 36, Lot 38

Prepared by: Erin Zwirko, Director of Planning & Development

Date: February 3, 2022, Planning Board Meeting Date: February 9, 2022

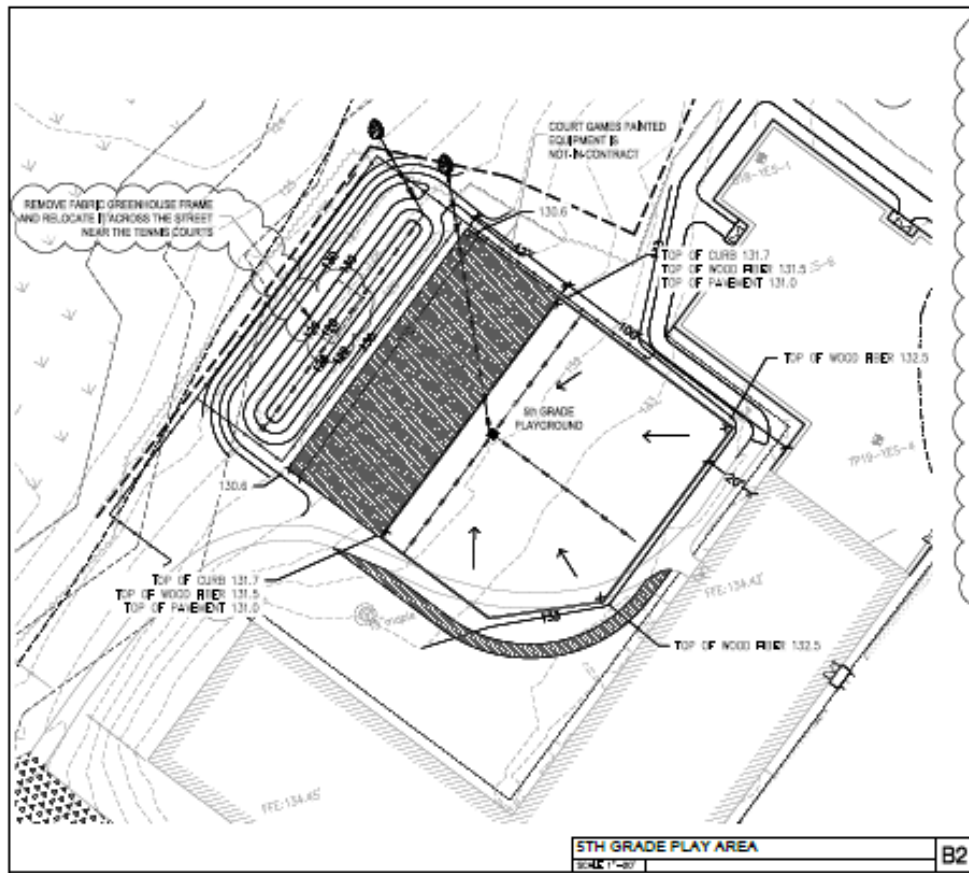
I. INTRODUCTION AND PROJECT DESCRIPTION

In June of 2018, Yarmouth voters approved a \$52 million bond to fund the expansion and improvements to all the public schools in Town. The expansion at the Yarmouth Elementary School (YES) was approved by the Planning Board on August 14, 2019, and it is currently under construction. Construction at YES is anticipated to be completed this spring. At the time of the approvals, a plan for the incoming Fifth Grade students to have their own separate outdoor play area was not included. Now that the school is reopening with the Fifth Grade moved to YES, the Yarmouth School Department revisited the need for a dedicated outdoor area for the Fifth Grade. As such, the Yarmouth School Department submitted this amendment to the 2019 Major Site Plan and Special Exception.

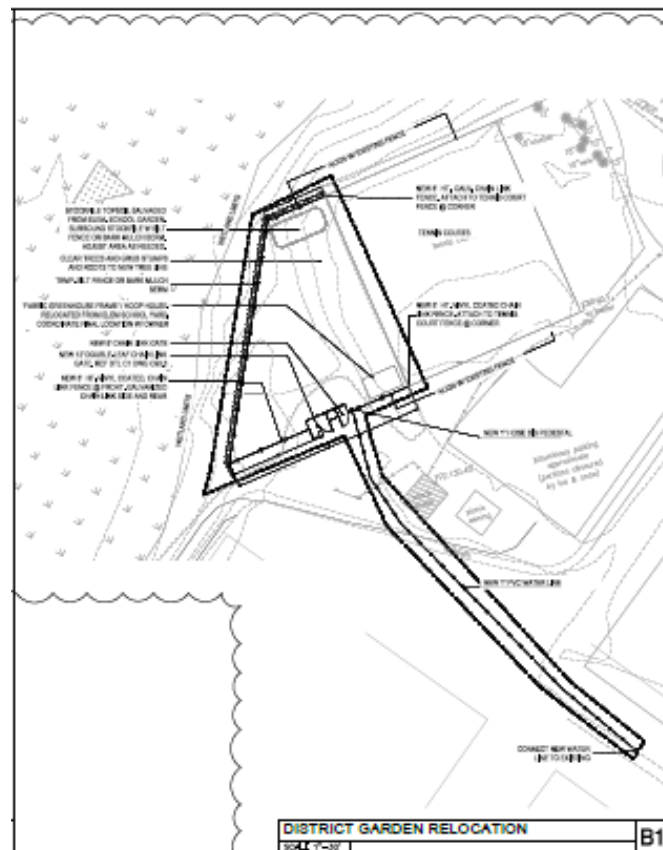
The Fifth Grade playground will be located to the north side of the expanded YES, where the modular classrooms were installed. The reconstructed area for the Fifth Grade playground includes a 4,620 square feet bituminous paved area (sports court) and an 8,280 square feet bark mulch surfaced play area. Stormwater management will occur at the playground due to the increase of impervious surfaces. The playground will be located in the area of the school community garden, which will also need to be relocated. The garden will be located west of the tennis courts at the school campus.



Yarmouth Elementary School; expansion illustrated in red and orange; blue indicates location of playground and community garden



Yarmouth Elementary School Fifth Grade Playground



Community Garden at School Campus

II. REQUIRED REVIEWS

This is a final level review by the Planning Board for consideration of review and approval following public comment.

The project is a Special Exception use in the MDR zone and will be reviewed under Chapter 702, Site Plan as a Major Site Plan, as an amendment to the 2019 approval. The project also requires amending the DEP Site Location of Development permit. The additional 4,620 square feet of impervious surface will be added to the existing Site Location of Development permit. An Educational Exemption notification will be submitted to DEP by the end of 2022.

Seventy-nine notices were sent to area residents. A notice also appeared in the February 3, 2022 edition of *The Northern Forecaster*. As of the writing of this report, we have received no public comments.

III. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	MDR
Existing Use	Yarmouth Elementary School
Proposed Use	Yarmouth Elementary School
Parcel Size	21.5 acres
Impervious Surface Area Following School Expansion as approved in 2019	211,367 sf
Impervious Surface Area of Playground	4,620 sf

Uses in Vicinity: The surrounding neighborhood consists of Harrison Middle School and playing fields to the west; Tenney residences to the north; Glen Road and McCartney Street residences to the south and east; Tenney Street residences to the north; Yarmouth High School and residences along West Elm Street to the east, and the water tower/Verizon antenna on McCartney Street.

IV. DEVELOPMENT REVIEW

A. SPECIAL EXCEPTION REVIEW (Chapter 701, Zoning, Article VII.2.b(2)(d) Standards for Special Exceptions)

- 1. The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.**

Applicant Response:

This elementary school playground and relocated community garden will not create unhealthy conditions or increase air emissions.

Staff Response:

The Town staff agree with the applicant's assessment.

- 2. The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.**

Applicant Response:

Not applicable.

Staff Response:

Although a traffic impact analysis is not necessary for the proposed project, there are a number of recommendations from town staff to improve circulation and access around the playground and community garden.

Town staff recommend ensuring that direct vehicular access is available to the playground for playground and landscape maintenance, playground inspections, stormwater management inspections, and emergency access. The width of the pathway from the west or from the east should be widened to provide vehicular access to the playground. The Yarmouth School Department should consult with the Fire Department and Yarmouth Community Services to ensure that the appropriate access is being provided for these departments.

The Yarmouth School Department must provide an accessibility plan that ensures access to the playground and the community garden. In particular, all pathways leading to the playground and community garden should meet Universal Access design standards, including installing truncated domes at the crosswalk from YES to Winslow Field. Additionally, pathways and other elements within the playground and community garden should accommodate mobility devices. A HC parking space should be provided at the garden. Finally, a plan for snow removal must be developed to ensure access is provided.

Although it is not entirely clear in the plan set provided, Yarmouth Community Services recommend a 10-foot wide gate to the playground for access. It appears that the community garden will receive a 12-foot wide gate.

Bike racks should be provided at the playground and the garden.

These recommendations are included as conditions of approval.

- 3. 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 fire or police protection than existing uses in the neighborhood.**

Applicant Response:

The new playground will not negatively affect public safety.

Staff Response:

The ability for emergency services to access the playground via a pathway that can support emergency vehicles is warranted. This is recommended as a condition of approval.

- 4. The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.**

Applicant Response:

Prior to excavation or filling in a particular area, erosion control measures will be installed in that watershed, as shown on the plans. The contractor will limit stripped and un-stabilized ground areas as much as possible, at any one time. Silt fencing or bark mix filter berms will be erected where shown, when construction in each area threatens silt migration off the property. Generally, a minimum of 4 inch layer of loam will be used to aid stability and to hold moisture for vegetation on all re-vegetated surfaces.

Staff Response:

The applicant shall meet all requirements of Chapter 500 Stormwater requirements and MDEP 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. This is recommended as a condition of approval.

- 5. The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other Structures and density of development.**

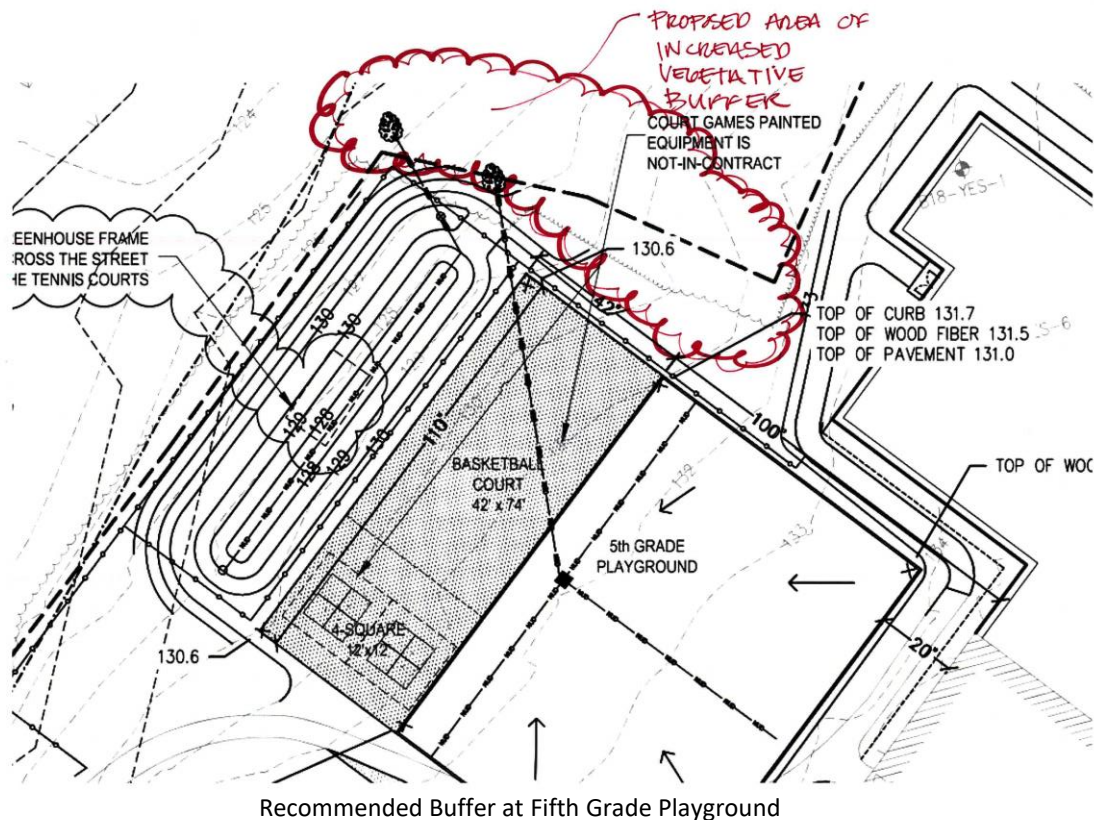
Applicant Response:

The elementary school has been a compatible educational and recreational use within the neighborhood for many decades. The additional playground will not be a negative visual impact.

Staff Response:

Buffering between the expanded elementary school and the neighbors on Tenney Street is an important site plan element. As part of the 2019 approval, a landscaped buffer was proposed around the northeast corner of the expanded building. Although the playground was not contemplated at the time of the 2019 approval, it may be prudent to expand the proposed buffer around the edge of the playground.

Trees need to be removed to accommodate the relocated community garden, and it is recommended that new trees be planted around the playground to account for the removal in the garden as shown below.



6. If located in a Resource Protection District or Shoreland Zone, the proposed use (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve Shoreland Vegetation; (3) will conserve visual points or access to water as viewed actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance.

Applicant Response:

The school is not in a Resource Protection Zone or Shoreland Zone.

Staff Response:

Not applicable.

7. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Applicant Response:

The application includes documentation of right, title, and interest.

Staff Response:

The applicant has provided evidence of right, title, and interest in the property.

- 8. The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the General Board of Appeals pursuant to Article VII.B.2.b.(1)(e) of this Section.**

Applicant Response:

The application includes documentation of technical and financial ability.

Staff Response:

The applicant has provided evidence of technical and financial ability.

B. 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.**

Applicant Response:

It is appropriate to develop a playground at the existing elementary school in its historic location that meets the criteria for a walkable school that is favored in the Comprehensive Plan.

Staff Response:

The 2010 Comprehensive Plan was prepared following a \$20.5 million renovation and expansion program for Yarmouth's schools, and the plan did not foresee additional investment needed just a few years ago.

D. Municipal and School Facilities

Growth in the community during the 1980s created a backlog of facility needs for both municipal operations and the School Department. A major focus of the 1993 Comprehensive Plan was on increasing the capacity of these facilities to accommodate the expanded population as well as future growth. Over the past fifteen years the Town and School Department have addressed most of the facility needs.

In terms of educational facilities, the Town completed a \$20.5 million school modernization and expansion program. Total enrollment in the system has been relatively stable over the past decade with some shifting between grade levels as larger classes moved into the high school and were replaced by smaller elementary classes. Given the projections for stable or declining numbers of children, the current school facilities are adequate for the foreseeable future.

Yarmouth Comprehensive Plan, 2010, Page 63

- 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 of 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]**

Applicant Response:

Not applicable.

Staff Response:

A traffic impact analysis is not necessary for the proposed project.

- 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.**

Applicant Response:

Not applicable.

Staff Response:

Although a traffic impact analysis is not necessary for the proposed project, there are a number of recommendations from town staff to improve circulation and access around the playground and community garden.

Town staff recommend ensuring that direct vehicular access is available to the playground for playground and landscape maintenance, playground inspections, stormwater management inspections, and emergency access. The width of the pathway from the west or from the east should be widened to provide vehicular access to the playground. The Yarmouth School Department should consult with the Fire Department and Yarmouth Community Services to ensure that the appropriate access is being provided for these departments.

The Yarmouth School Department must provide an accessibility plan that ensures access to the playground and the community garden. In particular, all pathways leading to the playground and community garden should meet Universal Access design standards, including installing truncated domes at the crosswalk from YES to Winslow Field. Additionally, pathways and other elements within the playground and community garden should accommodate mobility devices. A HC parking space should be provided at the garden. Finally, a plan for snow removal must be developed to ensure access is provided.

Although it is not entirely clear in the plan set provided, Yarmouth Community Services recommend a 10-foot wide gate to the playground for access. It appears that the community garden will receive a 12-foot wide gate.

Bike racks should be provided at the playground and the garden.

These recommendations are included as conditions of approval.

- 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]**

Applicant Response:

Not applicable.

Staff Response:

Not applicable.

- 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]**

Applicant Response:

Not applicable.

Staff Response:

The Town Engineer recommends that the School Department consult with the Yarmouth Water District to ensure there is adequate capacity to extend a small water line from an existing service to serve a hose bib adjacent to the tennis courts that will serve the relocated green house. This is recommended as a condition of approval.

In addition, the Yarmouth Community Services Director recommends that the School Department consider water supplies for the Winslow Field complex. Future expansion of irrigation and for water fountains is needed, but not currently planned and should be discussed with the Water District.

- 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]**

Applicant Response:

Not applicable.

Staff Response:

The ability for emergency services to access the playground via a pathway that can support emergency vehicles is warranted.

- 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 as 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]**

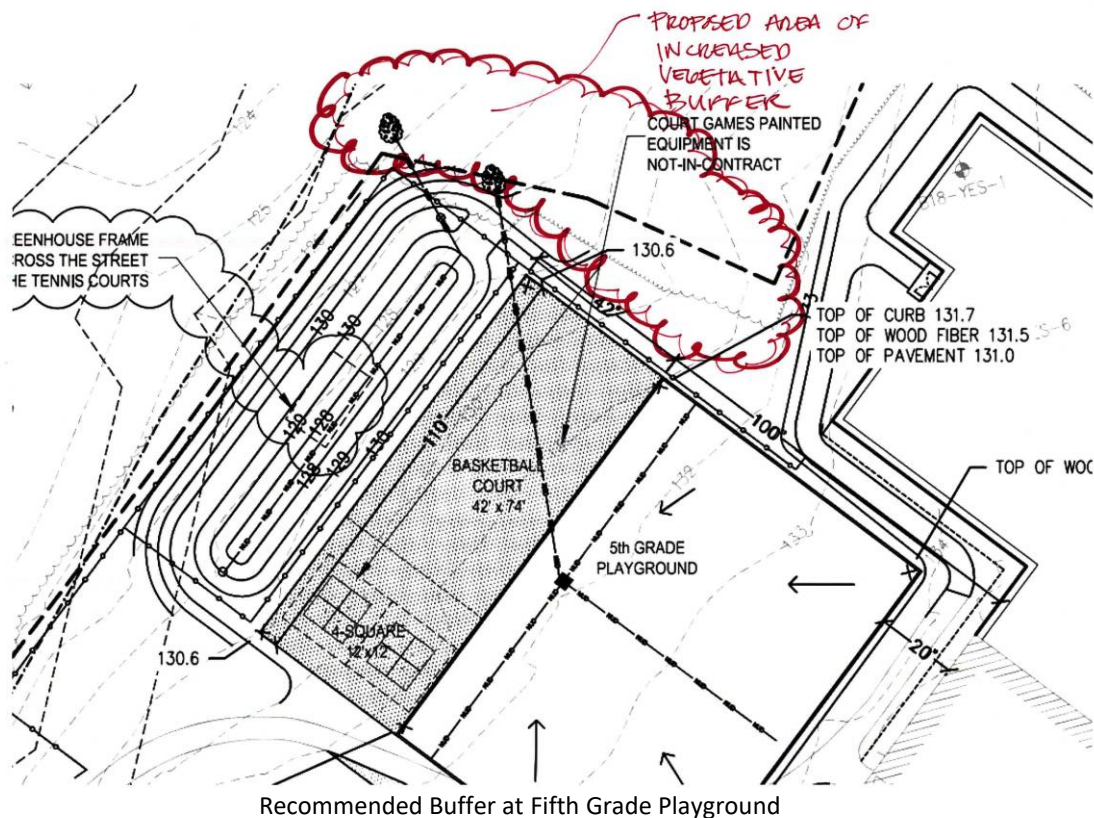
Applicant Response:

Construction of the new playground will not clear any additional vegetation and will maintain a minimum 60' wide mature wooded buffer between the new playground and the northerly property line.

Staff Response:

Buffering between the expanded elementary school and the neighbors on Tenney Street is an important site plan element. As part of the 2019 approval, a landscaped buffer was proposed around the northeast corner of the expanded building. Although the playground was not contemplated at the time of the 2019 approval, it may be prudent to expand the proposed buffer around the edge of the playground.

Trees need to be removed to accommodate the relocated community garden, and it is recommended that new trees be planted around the playground to account for the removal in the garden as shown below.



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.

Applicant Response:

The additional playground development on this developed school site will not impact wetlands, geographic features, or wildlife and fisheries habitats.

Staff Response:

The Town staff agree with the applicant's assessment.

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.

Applicant Response:

Wall-mounted building security lighting is provided around the entire school, including this proposed playground area. The playground is not intended for night-time use.

Staff Response:

A lighting and photometric plan is not required as the playground is not anticipated to be used after dark. The pathways will be illuminated from existing building lighting.

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]

Applicant Response:

The reconstructed area for the 5th grade playground includes a 4,620-square foot bituminous paved area and an 8,280-square foot bark mulch surfaced play area. Stormwater runoff from the bark mulch area will be collected in perforated underdrains and will be discharged through a new storm drain pipe into the adjacent woods. Runoff from the new paved play surface will sheet-flow into a 3,400-square foot vegetated underdrained soil filter to the west. The filtered water will be directed by the underdrain pipe into the adjacent woods.

The storm water quality will also be controlled at the 5th grade playground by the proposed vegetated underdrained soil filter. The proposed treatment will reduce the pollutants draining to the abutters' properties to meet the DEP requirements.

The new garden area near the tennis court will not change the drainage flow, but will continue to shed water into the adjacent wetland area to the northeast.

Since this is such a small added impervious area (4,620 square feet.) and since the permitting process through Maine DEP can be very lengthy, this small additional impervious area will be submitted to MDEP through their "Educational Exemption" option. MRSA title 38, section 488, chapter 27 allows educational properties that already have a Site Location of Development permit to construct up to 30,000 square feet of new impervious area in a single calendar year, without obtaining a prior MDEP permit amendment. At the end of the calendar year, an explanation and professionally stamped plans must be submitted to MDEP as a notification that a change occurred.

Staff Response:

The applicant has updated the stormwater analysis performed as part of the school expansion project and has provided stormwater runoff Best Management Practices (BMP) designed per MDEP and Town Standards for both volume control and water quality treatment. The stormwater analysis has shown that the post construction runoff is essentially the same with the new playground BMPs as provided for in the school expansion. The Town Engineer finds the updated stormwater management plan to be accurate.

It should be noted that the expansion project required an amendment to the School Department's Site Location of Development Permit from the Maine Department of Environmental Protection (MDEP). The playground project is eligible for an "Educational Exemption" for the additional disturbed area and will only require reporting and sealed drawings sent to the MDEP, which the Applicant has indicated they will do once the project is complete. This is recommended as a condition of approval.

The applicant has also submitted an updated Operation and Maintenance Plan (O&M Plan) for the stormwater BMPs. The Town Engineer finds the O&M Plan to be acceptable.

The Town Engineer also had a comment on the stormwater detail sheet which must be addressed as a condition of approval.

- 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]**

Applicant Response:

Prior to excavation or filling in a particular area, erosion control measures will be installed in that watershed, as shown on the plans. The contractor will limit stripped and un-stabilized ground areas as much as possible, at any one

time. Silt fencing or bark mix filter berms will be erected where shown, when construction in each area threatens silt migration off the property. Generally, a minimum of 4 inch layer of loam will be used to aid stability and to hold moisture for vegetation on all re-vegetated surfaces.

Staff Response:

The applicant shall meet all requirements of Chapter 500 Stormwater requirements and MDEP 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. This is recommended as a condition of approval.

- 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.

Applicant Response:

Not applicable.

Staff Response:

Not applicable.

- 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.

Applicant Response:

No existing trees will need to be cleared for the proposed playground development. Only approximately 8,800 sq. ft. of trees and brush will need to be cleared for the relocated garden area.

Staff Response:

As described above under Buffering, trees need to be removed to accommodate the relocated community garden, and it is recommended that new trees be planted around the playground to account for the removal in the garden area.

- 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.

Applicant Response:

Not applicable.

Staff Response:

All storm drain infrastructure shall meet Town standards.

- 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.

Applicant Response:

Not applicable.

Staff Response:

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]**

Applicant Response:

The playground addition will fit with the existing site use and is being placed in an area that has previously been an open area used by students and staff. The added stormwater treatment bed will fit into the site topography and is buffered as to not be objectionable to neighboring properties.

Staff Response:

As described above under Buffering, trees need to be removed to accommodate the relocated community garden, and it is recommended that new trees be planted around the playground to account for the removal in the garden area.

- 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.**

Applicant Response:

No views on the Town's list of scenic vistas are affected by this property.

Staff Response:

The Town staff agree with the applicant's assessment.

- 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.**

Applicant Response:

Not applicable.

Staff Response:

Not applicable.

- 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.**

Applicant Response:

The school playground is designed to meet the pertinent Town Technical Standards as much as possible. Stormwater management facilities are designed to meet Maine DEP Chapter 500 standards. Earthmoving operations will be done during allowable work hours and with care to not track soil onto public streets.

Staff Response:

The Town staff agree with the applicant's assessment.

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.

Applicant Response:

This site is not on Route One.

Staff Response:

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.

Applicant Response:

The application includes documentation of right, title, and interest.

Staff Response:

The applicant has provided evidence of right, title, and interest in 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.

Applicant Response:

The application includes documentation of technical and financial capacity.

Staff Response:

The applicant has provided evidence of technical and financial capacity.

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.

See discussion under A above.

VII. RECOMMENDATION

We recommend approval of the application subject to the proposed conditions of approval.

VIII. PROPOSED MOTION

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/is not)** 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 an approval from 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 MDEP Erosion and Sedimentation Control (ESC) measures. During construction erosion and sedimentation control Best Management Practices (BMP's) 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.

Such motion moved by _____, seconded by _____, and voted
_____ in favor, _____ opposed, _____.
(note members voting in opposition, abstained, recused, or absent, if any).

Attachments:

1. Memo from Steve Johnson, Town Engineer, January 18, 2022
2. No Comments from Erik Street, DPW Director, January 18, 2022
3. Memo from Nicholas Ciarimboli, Code Enforcement Officer, January 26, 2022
4. Memo from Karyn MacNeill, Yarmouth Community Services Director, January 27, 2022
5. Email from Mike Tremblay, Bicycle and Pedestrian Committee, January 18, 2022

Memo

To: Erin Zwirko, AICP, Director of Planning and Development

From: Steven S. Johnson, P.E., Town Engineer

CC: Erik Street, Nick Ciarimboli, Chris Cline, Karen Stover, Wendy Simons

Date: January 18, 2022

Re: Site Plan Special Exception Application, Yarmouth Elementary School, 101 McCartney Street

Erin:

I have reviewed the application from Wendi Holden of Harriman Associates on behalf of the Yarmouth School Department for a new playground at the elementary school dated January 10, 2022.

I have the following technical comments on the application:

1. General: The applicant is proposing to construct a new playground including stormwater treatment Best Management Practices (BMP's) on the northerly side of the new building. The work will include a bark mulch play area and a paved play area.
2. Rights, Title: The applicant has provided evidence of right, title, and interest in the property.
3. Solid Waste: Not applicable.
4. Water: The applicant is proposing to extend a small water line from an existing service to serve a hose bib adjacent to the tennis courts that will serve the relocated green house. While I am quite sure there is adequate capacity for the single line, the School Department should confirm this with the Yarmouth Water District (District).
5. Traffic\Parking: No new parking is proposed, and this play area will not cause an increase in traffic.
6. Sewers: Not applicable.
7. Storm Drains: All storm drain infrastructure shall meet Town standards.
8. Drainage, Stormwater Management: The applicant has updated the stormwater analysis performed as part of the school expansion project and has provided stormwater runoff Best Management Practices (BMP) designed per MDEP and Town

Standards for both volume control and water quality treatment. The stormwater analysis has shown that the post construction runoff is essentially the same with the new playground BMPs as provided for in the school expansion. I concur with the analysis.

It should be noted that the expansion project required an amendment to the School Department's Site Location of Development Permit from the Maine Department of Environmental Protection (MDEP). The playground project is eligible for an "Educational Exemption" for the additional disturbed area and will only require reporting and sealed drawings sent to the MDEP, which the Applicant has indicated they will do once the project is complete. This is acceptable and should be a condition of approval.

The applicant has also submitted an updated Operation and Maintenance Plan (O&M Plan) for the stormwater BMP's. The plan is very well done.

9. Erosion and Sediment Control: The applicant shall meet all requirements of Chapter 500 Stormwater requirements and MDEP Erosion and Sedimentation Control (ESC) measures. During construction erosion and sedimentation control Best Management Practices (BMP's) shall be installed prior to construction activities and shall be maintained by the contractor until the permanent vegetation is in place.
10. Soils: The applicant has submitted evidence that the soils on site are suitable for the project. Generally, the soils on site are Scantic silt loam and should not present significant issues for the project as proposed.
11. Site Plan/Ordinance Requirements: I have no concerns regarding these requirements.
12. Lighting: A lighting and photometric plan will not be required since the playground is not anticipated to be used after dark. The adjacent walkways will be lit from existing building lighting as required by the expansion project.
13. Waivers: The applicant has indicated no waivers will be required.
14. Off-site Improvements: No off-site improvements are proposed.
15. Drawing Comments:
 - A. Sheet C60.2 Stormwater Details
 1. Detail B4 Filter Underdrain Control Valve: The proposed control valve is shown to use a valve box to gain access to the valve. Based on the Grading and Erosion Control Plan (C30.1) the distance between the likely elevation of the ball valve handle and the ground surface is about 3.5 feet. That said, few people will be able to reach down and operate the valve handle so some sort of valve and wrench system or handle extension should be provided, or the valve should be located within a manhole to allow access.

I would be pleased to review any other aspect of the application that you or the Planning Board may decide.

Submit Comments to Erin Zawirko by 1/26/22**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.: 1/10/22

Agenda Date: 2/9/22

Project Description: Major Site Plan & Special Exception

Project Location: Yarmouth Elementary School (101 McCartney St.)

Applicant: Town of Yarmouth

Agent/Contact: Wendi Holden - wholden@harriman.comProject Description:Build a 5th grade playground

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

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 Warden (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Assistant CEO/Fire Inspector (pdf)
17. Traffic Peer Review - TYLin (pdf)

Date Completed:

1/12/221/12/221/12/22XXXXXXXX—X—X————

- ☐
- Notice Letters Created/Sent

- ☐
- Agenda To PB

- ☐
- Agenda Posting:

1. Forecaster

2. Website

3. Bulletin Board

- ☐
- Copy Of Findings And Decision In File

NO COMMENTS
OR
CONCERNS.
Erin 1-18-22



TOWN OF YARMOUTH

INTERNAL MEMORANDUM

TO: Erin Zwirko, AICP, Director of Planning

FROM: Nicholas Ciarimboli, Code Enforcement Officer

DATE: January 26, 2022

RE: Site Plan Special Exception Application, Yarmouth Elementary School (YES) – 5th Grade Playground

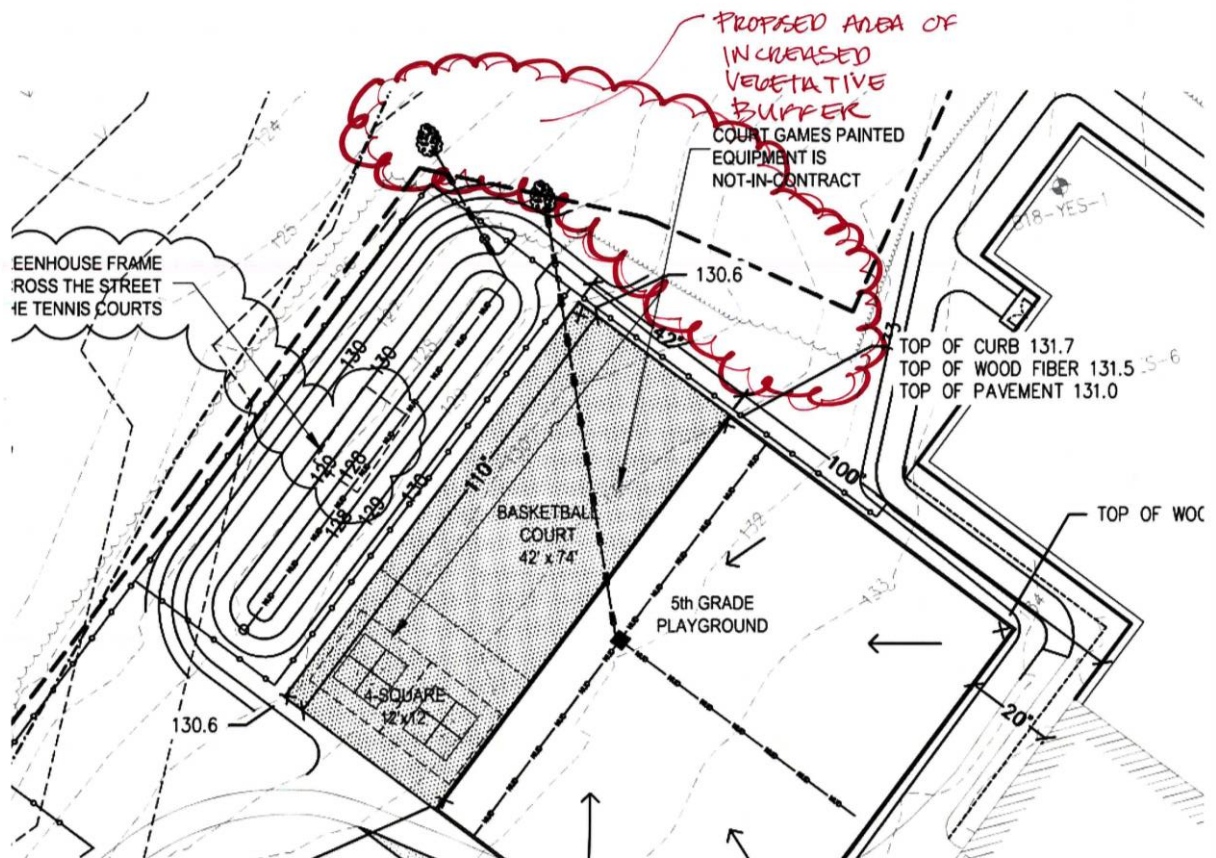
Ms. Zwirko:

I have reviewed the subject application from Wendi Holden on behalf of Town of Yarmouth – School Department for 101 McCartney St., YES 5th Grade Playground dated December 14, 2021. The property is located within the MDR Zoning District and as a ‘School’ requires Special Exception as well as Site Plan review, and thus shall meet the standards of. including #23 Special Exception standards.

With regards to CH. 702.Art.I.H (Site Plan) Review Criteria. 23.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.

Due to the nature of the use as a Special Exception, the closer proximity to abutting properties, and the increase in intensity of use from that of the garden to the playground, I would encourage that the applicant provide additional landscaped, vegetative, or constructed buffers to the north of the proposed playground.



The applicant shall also verify compliance with 2015 International Building Code (IBC)/ Section 1110 Recreational Facilities in accordance with ICC A117.1-2009 Accessible and Usable Buildings and Facilities/ Chapter 11. Recreational Facilities as applicable. A plan shall be provided indicating the accessible route through the playground area as well as to any equipment that may be provided. Equipment specifications shall also be provided as applicable.

The accessibility plan shall also indicate the accessible route to the newly proposed garden area on the west side of McCartney St. The current conditions may require upgrades in order to provide this. Gates at the garden may be required to comply with 2015 IBC/ 1010.2 Gates;

Gates serving the means of egress system shall comply with the requirements of this section. Gates used as a component in a means of egress shall conform to the applicable requirements for doors.

Exception: Horizontal sliding or swinging gates exceeding the 4-foot (1219 mm) maximum leaf width limitation are permitted in fences and walls surrounding a stadium.



(images of crosswalks through traffic circle at McCartney St. with no truncated domes)



200 Main Street
Yarmouth, ME 04096

Phone: (207) 846-2406
Fax: (207) 846-2421

www.yarmouthcommunityservices.org

DATE: January 20, 2022

TO: Erin Zwirko, Director of Planning, Town of Yarmouth
Planning Board members

RE: Yarmouth Elementary School Playground

The Yarmouth Parks, Recreation & Community Services department (YCS) is excited to hear that a 5th grade play area and relocated school garden are being proposed. These are important amenities for the school community and public.

Regarding the 5th grade play area, YCS staff is working with the school department team to follow national playground safety specifications on equipment, layout, and design.

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

- **Adequacy of site** – The location chosen is adequate for the creation of a 5th grade playground. The site selected for the garden appears to be adequate. Currently, athletic facility equipment is stored near and on the proposed garden location. YCS recommends adding off-season storage of school and Town-owned equipment for youth and school sports leagues.
- **Access to and from site** – It is recommended the school department determines how to provide access for all students throughout the school year, including snow removal.
- **Pedestrian and vehicular circulation within the site** – Complete access to the playground location is important for playground/landscape maintenance and playground inspections. The design seems to allow for pedestrian and bicycle transportation around the building. Please add a bicycle rack for use by families and students throughout the year.
- **Layout of parking** – No comment on the playground location. In regards to the garden location, YCS recommends one marked space for accessible parking for garden visitors and guests.
- **Provisions for emergency access** – YCS recommends an access path wide enough for emergency and maintenance vehicles. YCS recommends 10' gated access to any fenced in areas that may require maintenance.
- **Solid waste/recycling management** – YCS recommends a carry-in, carry-out policy at the playground. At the garden, YCS recommends identifying locations for natural waste (weeds, compost, etc) and school-based trash removal or contract.
- **Water supply needs** – Water supplies are not recommended for the playground. YCS recommends further exploration of current water lines at the Winslow Field complex. Future expansion of irrigation and water fountains are needed, but currently not scheduled.

Creating community through people, parks and programs.

- **Handicapped and Universal Accessibility** – YCS recommends one HC parking spot marked at the garden. YCS recommends UA-designed pathways to accommodate mobility devices within the garden and playground. A plan to accommodate a HC parking spot at or near the school playground is highly recommended, especially during non-school hours.
- **Natural resources (conservation lands, easements, habitats, etc.)** – YCS has no comment.
- **Protection of historic or archaeological resources** – YCS has no comment.
- **Good neighbor factors**
 - **Buffering and screening** – To replace the trees removed to install the garden location, YCS recommends replanting trees or vegetation near the playground.
 - **Noise levels** – YCS has no comment.
 - **Odors** – YCS recommends compost piles at the garden be located as far away from the tennis courts and playing fields as possible.
 - **Vibrations** – YCS has no comment.
 - **Exterior lighting** – YCS has no comment but will recommend these facilities are not used after dusk.
 - **Pedestrian, bicycle, and vehicle traffic** – A bicycle rack is recommended for each location. Repeated comment from earlier: Complete access to the playground location is important for playground/landscape maintenance and playground inspections. The design seems to allow for pedestrian and bicycle transportation around the building. Please add a bicycle rack for use by families and students throughout the year.
- **Visual design**
 - **Landscape design** - To replace the trees removed to install the garden location, YCS recommends replanting trees or vegetation near the playground along the borders with nearest neighbors.
 - **Site utilization and design** – YCS has no comment.
 - **Visual and scenic impact** – YCS has no comment.
 - **Compatibility with abutters and neighboring properties** – YCS has no comment.
 - **Architectural features** – YCS recommends the garden fence not be connected to the Tennis Courts' fencing system. Additionally, YCS recommends any fencing located at the playground or garden have a 10' access gate or a 10' double gate for maintenance.
 - **Relationship of buildings to the street and/or adjacent structures** - YCS has no comment.

Sincerely,



Karyn MacNeill
Yarmouth Parks, Recreation & Community Services
Director

Attachment 5

From: [Mike Tremblay](#)
To: [Wendy Simmons](#)
Cc: [Andrew Dolloff](#); [Dan Gallant](#); [Eric Gagnon](#); [Erik Donohoe](#); [Karyn MacNeill](#); [Mike Robitaille](#); [Nat Tupper](#); [Scott LaFlamme](#); [Colin Durrant](#)
Subject: Re: Request for Comment - Yarmouth Elementary School - DUE 1/26
Date: Tuesday, January 18, 2022 8:59:31 AM

Good morning Wendy,

Thank you for sending this. The Bicycle and Pedestrian Committee has reviewed this application and has no formal comments.

We look forward to being able to weigh in on future projects.

Thanks!

- Mike Tremblay, on behalf of YBPC

On Wed, Jan 12, 2022 at 3:53 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

https://yarmouth.me.us/index.asp?SEC=629E1BD4-C041-417B-BBBD-FE8E3715114C&DE=9A54600F-6D34-4379-820D-F10BB91273FD&Type=B_BASIC

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

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Mike Tremblay