

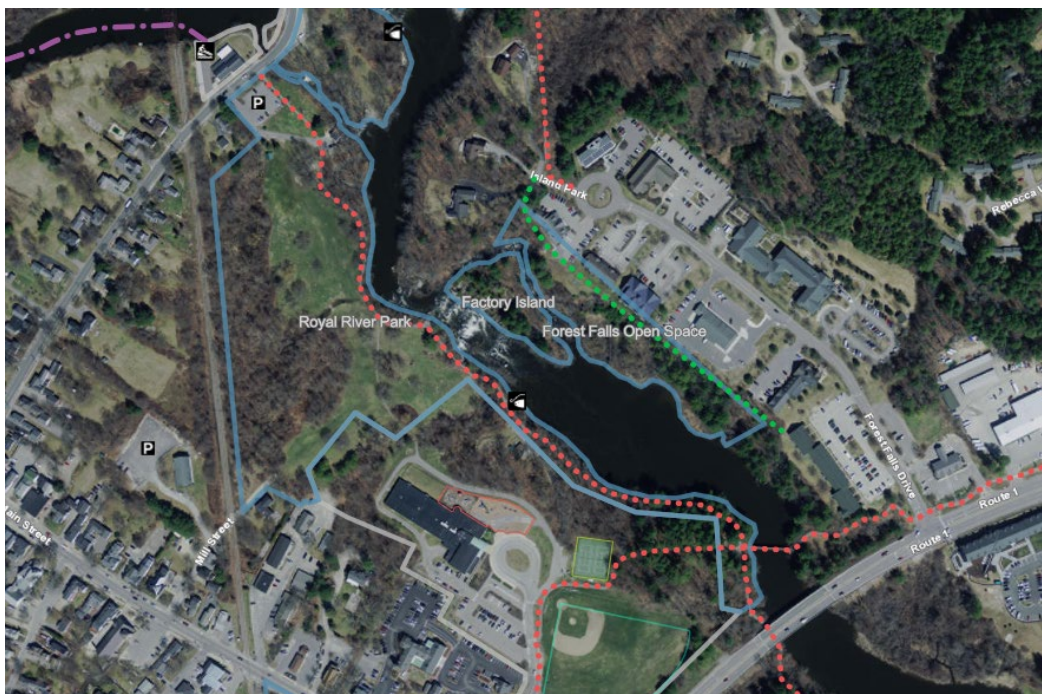


Planning Board Report
Major Site Plan and Shoreland Zoning Permit for Royal River Park Improvements
Yarmouth Community Services, Applicant
Map 42 Lot 51; Medium Density Residential (MDR), Shoreland Overlay District (SOD), and Resource Protection (RP) Zoning District
Prepared by Erin Zwirko, Director of Planning and Development
Report Date: February 20, 2025; Planning Board Date: February 26, 2025

I. Project Description

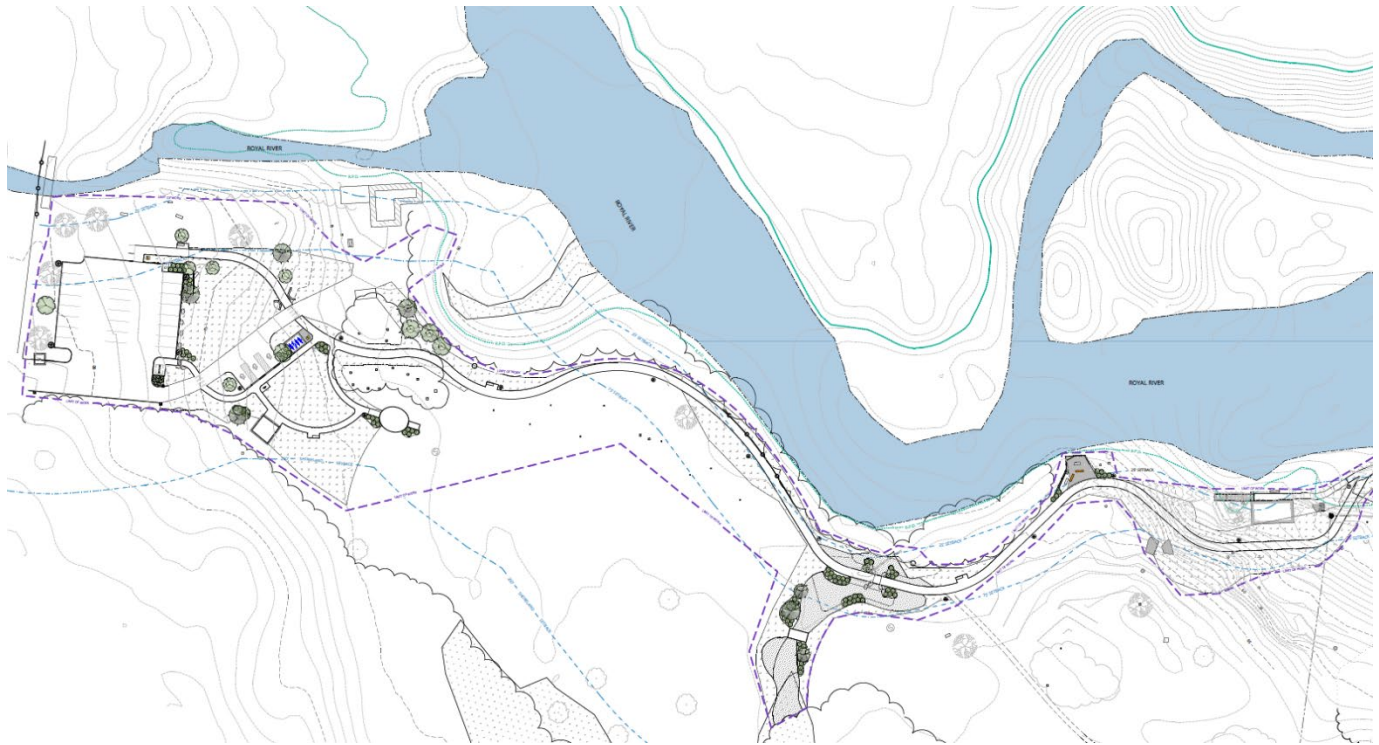
Yarmouth Community Services (YCS) proposes improvements to Royal River Park, a public open space covering approximately 20 acres within walking distance of Main Street and adjacent to Rowe School. The proposed improvements focus on existing recreational features and park infrastructure, and includes the following elements: East Elm Street entrance and parking improvements; picnic and performance area improvements; trail and overlook improvements; invasive species management; and green stormwater features and drainage improvements. The proposed improvements are partially funded by the Land and Water Conservation Fund and will require the park to be federally protected as a public outdoor recreation space.

The property is located in the Medium Density Residential (MDR), the Shoreland Overlay District (SOD), and the Resource Protection (RP) zoning districts. The scope of the project requires review under Chapter 702, Site Plan Review, as a Major Site Plan, and under Chapter 701, Article IV.R for a Shoreland Zoning Permit. YCS notes that the proposed project will also require permitting from the Maine Department of Environmental Protection.



Town Open Space Map Showing Location of Royal River Park

The proposed site plan is provided below:



Proposed Site Plan

YCS has solicited feedback from several committees, including Parks and Lands Committee and the Tree Advisory Committee, which have provided comment to the Planning Board. In addition, the application materials include the results of a public survey regarding improvements at Royal River Park that have helped inform the proposed project.

II. Planning Board Review, Public Notice, and Comment

The Planning Board will complete a final review of the Major Site Plan and Shoreland Zoning Permit at the February 26, 2025, public hearing.

The Planning Board's agenda was posted in Town Hall and on the Town's website on February 12, 2025, and a notice appeared in the *Northern Forecaster* on February 20, 2025.

Notices of this public hearing were sent to 182 property owners in the vicinity (within 500 feet) of the proposed development on February 5, 2025. As of this writing, comments from two individuals were received.

III. Completeness

The Department of Planning & Development found that the application was complete on January 30, 2025. The Department notes that the Planning Board will need to consider waivers of certain application materials.

IV. Uses in Vicinity

Royal River Park is located along the Royal River, extending from East Elm Street to Bridge Street. Surrounding the park is Main Street and the Village consisting of residential, commercial, and mixed-use areas. Across the Royal River are commercial properties on Forest Falls Drive and residential properties on Island Park.

V. Site Plan Review Standards

- 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: The Comprehensive Plan does not directly address this location but addresses many of the actions identified within the plan, including improving public amenities within key facilities, permanently protecting open space properties (as a result of the grant funding), planning for and executing invasive species management, and incorporating ADA and other accessibility improvements at town facilities. The proposed project is consistent with the Comprehensive Plan.

- 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.**

Staff Comments: Given the scope of the project, it appears that the proposed project is in compliance with this standard. The renovations to the park are not anticipated to increase the existing volume of traffic. However, the applicant needs to request a waiver of a traffic analysis on the assumption that the proposed improvements will not increase the volume of traffic. The Town Staff support the waiver request. There are no further comments.

- 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 of this document.**

Staff Comments: It appears that the proposed project is in compliance with this standard. The improvements include widening the entrance to the East Elm Street parking lot to decrease congestion of vehicles maneuvering to enter or exit the parking lot at the same time.

The existing parking lot has 25 parking spaces, of which 3 spaces are ADA parking spaces. The proposed improvements will decrease the number of parking spaces in the lot to 21 spaces with 1 ADA parking space. The decrease in parking within the lot is to ensure that there is adequate aisle space to safely maneuver vehicles within the lot. Three additional ADA parking spaces will be located closer to the performance and picnic space within the park. Parks maintenance vehicles will continue to have parking at the maintenance building.

In addition, close to the performance and picnic area, four bike racks will be installed. The type of bike rack is a hoop-style bike rack, which is not the lollipop style rack used along Main Street. The final detail for bike racks shall be specified by the Yarmouth Community Services Director.

YCS shall be required to prepare a bicyclist and pedestrian traffic plan to ensure that those users are able to navigate around the renovations while under construction.

- 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.**

Staff Comments: There are no existing or proposed sewer connections within Royal River Park. There are no further comments.

- 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.**

Staff Comments: YCS proposes to install a drinking water fountain to support the needs of visitors to the park. The park is served by public water, and YCS has requested confirmation that the Yarmouth Water District has capacity to serve the fountain. There are no further comments.

- 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.**

Staff Comments: The park is an outdoors facility with multiple access points for emergency personnel from the East Elm Street parking lot, the Rowe School, and from Bridge Street. There are no further comments.

- 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, beaming, 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.**

Staff Comments: Royal River Park is an existing park property within Yarmouth and does not require on-site buffering per this standard. However, a new street tree is proposed along East Elm Street to help screen the existing parking lot, the maintenance facility on the property is tucked away from the picnic and performance areas within the park, and lighting fixtures were selected that direct the light downward. There are no further comments.

- 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: Royal River Park is an existing park property within Yarmouth. A significant element of the proposed project and future efforts is to plan for and manage invasive species within the park, especially along the Royal River's bank. Native plantings are an important element of the proposed improvements within the park to support green infrastructure.

The Maine Beginning with Habitat Maps do not call out any other significant geographic features, significant wildlife, and marine habitats or natural fisheries at the property. However, the presence of the park is identified as a conservation and connectivity planning resource that should be taken into account when planning to protect significant natural areas. There are no further comments.

- 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 proposed improvements will include pedestrian-scale lighting along the pathway to support walking and biking activities from late fall to early spring. New lighting is also proposed around the parking lot.

YCS acknowledges that previous comments were provided regarding light pollution, and as a result the light fixtures chosen will direct light downward and are spaced to support the safety of users while minimizing any light pollution. Public comment regarding lighting has also been received and is attached. While a photometric plan has not been provided, Town staff support the Planning Board waiving this application item. However, as a condition of approval, an electrical layout plan shall be submitted showing how the fixtures will be served including conduit location and sizing.

- 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.**

Staff Comments: The application materials indicate that the proposed improvements, in part, will mitigate existing drainage and topography concerns around erosion of driveway shoulders due to stormwater runoff and an area of saturated lawn. Regarding the eroded driveway shoulders, which can be a hazard for park users, a shallow vegetated swale on the uphill side of the driveway will direct water away from the driveway and help prevent future erosion. Stormwater collected within this vegetated swale will be directed toward storm drains designed to safely convey the 25-year storm as required by the Town of Yarmouth ordinances. The saturated lawn area, which is difficult to maintain, will be converted to a green infrastructure element (i.e., a rain garden) that will be planted with native vegetation that offer visual interest and increased natural stormwater infiltration.

The Town Engineer reviewed the stormwater management analysis and found it acceptable. As a condition of approval, YCS shall develop a simple post-construction stormwater best management practice (BMP) operations and maintenance plan.

The applicant has requested a waiver of submitting a high intensity soils report. The Town Staff support the waiver request.

- 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.**

Staff Comments: Prior to soil disturbance, the applicant shall install the appropriate erosion and sedimentation control (ESC) BMPs. It is also important that the BMPs be inspected before and after each rainstorm per MDEP standards. A log of the inspection activities shall be kept by the contractor per standards. A recommended condition of approval is that all BMPs be installed prior to the disturbance of site soils and vegetation and no track out will be allowed.

- 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: No buildings are proposed. There are no further comments.

- 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: Royal River Park is an existing park property within Yarmouth. Some mature vegetation will be required to be removed to support the proposed project, but additional new, native plants will be added to augment the proposed infrastructure improvements. There are no further comments.

- 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: See the comments under Water and Sewer related to infrastructure and under Stormwater Management regarding drainage. In addition, as a condition of approval, an electrical layout plan shall be submitted showing how the fixtures will be served including conduit location and sizing.

- 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: No additional signage is proposed. There are no further comments.

- 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.

Staff Comments: See the comments under Buffering regarding buffers. There are no further comments.

- 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 views of and from Royal River Park are identified as a scenic vista by the Yarmouth Comprehensive Plan. The proposed improvements will not substantially affect the views of the park, and the proposed improvements will improve and make the viewing locations of the Royal River safer. There are no further comments.

- 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: See the comments under Water and Sewer related to infrastructure and under Stormwater Management regarding drainage. There are no further comments.

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 applicant will need waivers from the submittal of a traffic analysis, photometric plan, and high intensity soils report. Town staff support the waivers, and a motion is prepared.

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: This standard is 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 Comments: YCS has submitted adequate evidence of right, title, and interest in the parcel. There are no further comments.

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 Comments: YCS has submitted adequate evidence of technical and financial capacity. There are no further comments.

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 Comments: This standard is not applicable.

VI. Shoreland Permit Review

If the Planning Board is the Permitting Authority, it shall hold a public hearing in accordance with Chapter 702 Article I.E. Notification, prior to the Planning Board rendering a decision the Permitting Authority shall consider the following criteria:

1. Will maintain safe and healthful conditions;

Staff Comment: The proposed improvements will support the long-term and continued use of Royal River Park for all users, including those who may have mobility challenges. Managing invasive species and using native plants will continue to improve the natural vitality of the park and the river.

2. Will not result in water pollution, erosion, or sedimentation to surface waters;

Staff Comment: The application materials provide a detailed stormwater management and erosion and sedimentation control plan. It is recommended that Erosion & Sediment Control BMPs be installed prior to the disturbance of vegetation. It is also recommended as a condition of approval that a simple operations and maintenance plan for the stormwater BMPs be submitted and developed.

3. Will adequately provide for the disposal of all sewage and wastewater;

Staff Comment: The proposed project does not require disposal of sewage or wastewater.

4. Will not have an unreasonable adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

Staff Comment: Royal River Park is an existing park property within Yarmouth. A significant element of the proposed project and future efforts is to plan for and manage invasive species within the park, especially along the Royal River's bank. Native plantings are an important element of the proposed improvements within the park to support green infrastructure.

5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters and other identified scenic resources;

Staff Comment: The views of and from Royal River Park are identified as a scenic vista by the Yarmouth Comprehensive Plan. The proposed improvements will not substantially affect the views of the park, and the proposed improvements will improve and make the viewing locations of the Royal River safer.

6. Will protect archaeological and historic resources as designated in the comprehensive plan;

Staff Comment: YCS requested that Northeast Archaeology Research Center complete a Phase 1 Archaeological Survey in 2022 to help inform the improvement project as required by the Land and Water Conservation Fund grant. The Project Area has never received archaeological survey in the past but was determined by the Maine Historic Preservation Commission (MHPC) in February 2021 to be sensitive for the presence of significant archaeological deposits associated with the Forest Paper Company, which operated from 1874-1923, but not sensitive for the presence of significant pre-contact archaeological deposits.

Based on the results of the Phase I survey, there are three recommendations:

- If excavation is deeper than 0.5 meters on the main trail reroute (behind the cisterns), then archaeological monitoring may be appropriate. For the proposed project, it is likely that grading will exceed this depth (1.6 feet) to achieve the required accessible slopes.
- The shorter trail extension to the cisterns requires consultation with MHPC to create a low disturbance construction plan or reroute. The project eliminated the shorter trail extension and reworked the path layout to avoid any impact.
- Finally, the report recommended that the project does not impact the Forest Paper Company mill race (a stone retaining wall that braces the bank of the Royal River). The proposed project will not impact the spillway (mill race) as the project will only replace the path further away from the river.

YCS plans to include in the bid package the requirement to include an archaeologist on site for grading behind the cisterns that will exceed 0.5 meters in depth. There are no further comments.

7. Will not adversely affect existing commercial, fishing, or maritime activities in the Commercial, WOC I, WOC III, GD, or Industrial Districts,

Staff Comment: The project is not located in any of the districts listed above and will have no impact on existing commercial, fishing, or maritime activities located in such districts.

8. Will avoid problems associated with floodplain development and use, and

Staff Comment: A portion of the parcel is located within the 100-Year floodplain, but the park improvements are not anticipated to affect the floodplain.

9. Has been designed in conformance with the land use standards of the SOD.

Staff Comment: The staff have no other comments and find that the proposal is in conformance with the SOD standards.

VII. Motions for the Board to Consider – Waivers and Site Plan

The following motions can be considered by the Planning Board if the Board is satisfied with the application.

A. SITE PLAN REVIEW WAIVER OF CERTAIN APPLICATION REQUIREMENTS

Based on 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 20, 2025, and by adopting the Findings of Fact and Notice of Decision dated February 26, 2025, regarding an application for Major Site Plan, Yarmouth Community Services, Applicant; Royal River Park Improvements, Map 42 Lot 51, regarding compliance with the applicable regulations and standards of Chapter 702, Site Plan Review, the Planning Board hereby finds and concludes that not requiring a traffic analysis, photometric plan, and high intensity soils report **[is/is not]** consistent with intent of the Site Plan Review Ordinance and is therefore **[approved/not approved]**.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

B. MAJOR SITE PLAN

Based on 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 20, 2025, and by adopting the Findings of Fact and Notice of Decision dated February 26, 2025, regarding an application for Major Site Plan, Yarmouth Community Services, Applicant; Royal River Park Improvements, Map 42 Lot 51, regarding the compliance with the applicable regulations and standards of Chapter 702, Site Plan, the Planning Board hereby finds and concludes that the Major Site Plan **[meets/does not meet]** the required standards and is therefore **[approved/not approved]** subject to the following conditions of approval.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

C. SHORELAND ZONING PERMIT

On the basis of the plans presented by the applicant, the testimony and public hearing, and the findings and recommendations contained in Planning Board Report dated February 20, 2025, and by adopting the Findings of Fact and Notice of Decision dated February 26, 2025, regarding an application for Major Site Plan, Yarmouth Community Services, Applicant; Royal River Park Improvements, Map 42 Lot 51, regarding Shoreland Permit Review Chapter 701 Article IV.R.11 a & b, the Planning Board finds that the plan **[is / is**

not] in conformance with the standards for review of this section, and **[is / is not]** approved subject to the following condition of approval.

Such motion moved by _____, seconded by _____, and voted ____ in favor, ____ opposed, _____.

Conditions of Approval

1. The plan review comments identified in the Town Engineer's memorandum dated February 12, 2025, shall be addressed and incorporated into the final plan set released to solicit bids for the proposed project.
2. An electrical layout plan for the light fixtures shall be prepared showing how the fixtures will be served including conduit location and sizing and incorporated into the final plan set released to solicit bids for the proposed project.
3. The applicant shall prepare a post-construction stormwater best management practice (BMP) operations and maintenance plan for review and approval by the Town Engineer.
4. The applicant shall prepare a pedestrian and bicyclist traffic plan to ensure that these users can safely navigate around the proposed construction for review and approval by the Town Engineer and the Department of Public Works.
5. All erosion and sedimentation controls (ESC) best management practices (BMPs) shall be installed prior to the disturbance of site soils and vegetation including BMPs. During construction, the applicant and their construction manager/contractor shall perform the required inspections and enforcement of the ESC plan per MDEP requirements, including weekly inspections and documentation of all inspection work. It is also important that the BMPs be inspected before and after each rainstorm per MDEP standards. In addition, the Town will be performing site inspections and will be reviewing the inspection records per the Town's NPDES MS4 General Permit.

Standard Conditions of Approval

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 Yarmouth Code Enforcement Officer.
3. Site Plan Expiration: The site plan approval will be deemed to have expired unless work has commenced within one year of the approval or within a time period up to two years from the approval date if approved by the Planning Board or Planning Director as applicable. Requests to extend approvals must be received before the one-year expiration date.
4. Preconstruction Meeting: Prior to the release of a building permit or site construction, a preconstruction meeting shall be held at the project site, Town Hall or other mutually agreeable location. This meeting will be held with the contractor, Town Engineer, Code Enforcement Officer and Director of Public Works representative and owner to review the construction schedule and critical aspects of the site work. The site/building contractor shall provide three copies of a detailed construction schedule to the attending Town's representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
5. Town Record Copies: One mylar copy and three paper copies of the plat showing book and page and date of recording must be submitted to the Town Engineer as well as a plat submitted digitally to the Town Engineer, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. Landscaping: All required landscaping shall be guaranteed for a 2-year period.
7. Appeals: The Director of Planning and Development's decisions regarding minor site plans are appealable by an aggrieved party to the Planning Board within 30 days of the date of the issuance of the decision. Decisions of the Planning Board are appealed to the Cumberland County Superior Court.

VII. Attachments:

1. Steven Johnson, Town Engineer – Memo dated 2/12/2025
2. Erik Street, DPW Director – Memo dated 2/18/2025
3. Parks and Lands Committee – Email dated 2/14/2025
4. Yarmouth Tree Advisory Committee – Memo dated 2/14/2025
5. Public Comment – Carlene Knowlton, dated 2/15/2025
6. Public Comment – Ed & Celena Gervais, dated 2/17/2025



TOWN OF YARMOUTH
MEMORANDUM

TO: Erin Zwirko, AICP, Director of Planning
FROM: Steven Johnson, P.E., Town Engineer
DATE: February 12, 2025
RE: Major Site Plan Application Review: Royal River Park

Erin:

I have reviewed the subject application from Karyn MacNeill, Director of YCS for renewal of the Royal River Park dated January 29, 2025. I have the following technical comments:

1. General Description: The project goal is to renew the existing park infrastructure from the entrance on East Elm Street to the Cistern area of the park, including rehabilitation of the parking lot, new drainage and stormwater treatment, areas of path reconstruction and realignment, new drinking fountain and bike rack amenities as well as extensive tree replacement and landscaping. The project will also include areas of node lighting.
 - a. Location of Flood Plain: Some small areas of the park are located within the 100-year flood plain, however most of the areas scheduled for improvement are not.
 - b. Location of zoning district boundaries: The project is located in the Medium Density Residential (MDR) and Resource Protection (RP) Districts. The project is also located within the shoreland zone.
2. Right, Title and Interest: The applicant has submitted adequate evidence of right, title and interest to do the project.
3. Solid Waste: Currently solid waste is managed by the Yarmouth Parks Department, who removes solid waste as required. It is anticipated that this management plan will continue.
4. Water: The applicant is proposing to install a new drinking fountain and has requested evidence of capacity to serve from the Yarmouth Water District.
5. Traffic and Parking: The applicant anticipates that the park renewal will not substantially increase the number of vehicle trips to the site and has requested a

waiver to a traffic and parking analysis. I concur with this estimation and would recommend that the Planning Board grant this waiver. Additionally, the applicant has indicated that the project will maintain the number of parking spaces at 22 regular spaces and three (3) ADA spaces.

6. Sewer: Not applicable.
7. Storm Drains: All storm drainage shall meet Town standards. A note to this effect shall be placed on the drawings.
8. Drainage and Stormwater Management
 - a. Pre and post stormwater analysis: The applicant has submitted an acceptable pre and post stormwater management plan and is proposing to provide treatment to the parking area via a Filterra Bioretention Unit. Additionally, all stormwater conveyances have been sized for a 25 year storm recurrence event per Town standards.
 - b. The applicant shall develop a simple post construction Stormwater BMP Operation and Maintenance Plan for the proposed new Filterra. While this project will not fall under Chapter 330 Post Construction Stormwater Management Ordinance, the applicant will be required to perform annual 3rd party inspection and maintenance of the new stormwater system including the new Filterra unit. I will be happy to help guide the Department regarding this requirement.
9. Erosion and Sediment Control Management: The applicant has provided acceptable Erosion and Sediment Control BMPs on the plans. Additionally, all ESC BMPs shall be installed prior to any soil disturbance.
10. Soils: The applicant has submitted a medium intensity soils report for the project. I believe this to be adequate for the scale of this project and would recommend that the Planning Board support a waiver to the high intensity soils report requirement. The majority of the site soils consist of cut and fill land (Cu), Podunk fine sandy loam (Py) and Scantic silt loam (Sn). I anticipate that the existing site soil will be conducive to the project as proposed.
11. Site Plan Ordinance Requirements: The applicant is proposing four (4) bike racks on site. I will note that the detail is not the typical Town standard, although the one proposed appears to be acceptable. I would suggest that the YCS Director confirm that the bike rack detail is acceptable.
12. Lighting: The applicant is proposing to include new lighting in the parking area as well as new cutoff fixtures at specific nodes along the trail. This is acceptable. I also would recommend that the Planning Board support a waiver for a photometric plan for the parking lot area.
13. Waivers: The applicant has requested a waiver to a traffic and parking analysis. I support this waiver request. Additionally, I recommend that the Planning Board support a waiver for a high intensity soils report and a photometric plan.
14. Off-site improvements None proposed.
15. Drawing Comments:
 - a. Sheet C101 Existing Conditions
 - i. The applicant should include a legend to identify the different hatching and stippling icons, otherwise the plan is difficult to read.
 - ii. The title block revisions should be updated.
 - b. Sheet C103 Site Improvements Plan, Sheet 1
 - i. The applicant should confirm the proposed furniture noted in site furnishings are acceptable.

- c. Sheet C105 Grading and Drainage Plan, Sheet 1
 - i. A thorough Quality Assurance/Quality Control check should be performed on all inverts, pipe lengths and pipe slope due to several inconsistencies and mathematical errors.
 - ii. Invert in vs invert out should be verified. Several culverts note the invert out as an invert in.
 - d. Sheet C106 Grading and Drainage Plan, Sheet 2
 - i. See cii above.
 - e. Sheet C501 Stormwater Design Details
 - i. Pre-cast Catch Basin Detail: All pipe connections shall be via a Kor-N-Seal or approved equal elastomeric boot with double stainless-steel bands per Town Standards. This detail should be updated.
 - f. An electrical plan was not submitted. As a condition of approval, the applicant should submit an electrical plan noting the proposed new light fixtures and how they will be served including conduit location and sizing.
16. Surely, inspection fee and preconstruction meeting: A surety and inspection fee for this project will not be required. However, the applicant and the earthwork contractor shall attend a pre-construction meeting at a mutually agreed time. I would be happy to review any other aspects of the project you or the Planning Board may wish.



MEMORANDUM

To: Erin Zwirko -AICP, LEED AP - Director of Planning & Development

From: Erik S. Street, Director of Public Works



CC: Steve Johnson, PE, Town Engineer, Wendy Simmons, Karen Stover

Date: 2/18/25

Re: Royal River Park – Major Site Plan / Shoreland Review

Erin,

After reviewing the project, I only have a few minor comments.

1. If the entrance to the park is altered, it will require an entrance permit and right of way permit, for the portion within the East Elm Street right of way.
2. The plans show the construction entrance going all the way to East Elm Street, across the E. Elm Street sidewalk. The construction entrance will need to stop at the back of the E. Elm sidewalk and not go across the sidewalk.
3. I did not see any mention as to how pedestrian / bicycle traffic will be handled through this this area during construction. A pedestrian /bicycle traffic plan should be required by the contractor and be approved by Town Engineering / Public Works prior to start of construction.

If you have any questions, please let me know.

Wendy Simmons

From: brian caprari
Sent: Friday, February 14, 2025 5:08 PM
To: Wendy Simmons
Subject: Re: Request for Comment - RR Park & 0 Lafayette St - DUE 2/14

Hi Wendy,

PLC comments for Royal River Park Improvements are below.

Royal River Park Improvements:

-

The Parks and Lands Committee (PLC) is in support of the proposed Royal River Park Improvements project in full as has been presented to the Planning Board.

Yarmouth Community Services (YCS) has worked closely with the PLC in all phases of the Royal River Park Improvement plans. YCS has always been eager to share park improvement plans, solicit feedback, and to meet with PLC members on-site to help visualize the plans and to make improvements upon the plans. PLC feels that YSC has taken all of our suggestions and has implemented those suggestions within the plans in a measured and mindful way.

The PLC is excited about many of proposed improvements including:

- Better pedestrian access to the parks and the implementation of the pathways to Universal Accessibility Standards that will give more Royal River Park visitors access to the walking paths
- Incorporation of native plants into the park, as well as management of invasive plants within the park and wetlands.
- A concentrated effort to minimize additional impervious surfaces within the park while still maintaining accessibility for park guests.
- Improved stormwater drainage and management near the picnic and performance areas .

Overall PLC believed that the proposed Royal River Park Improvements will be a great improvement to the park and how it is used and would recommend that the Planning Board approve this project as presented.

On Thu, Jan 30, 2025 at 3:26 PM Wendy Simmons <WSimmons@yarmouth.me.us> wrote:

For your review:

[Yarmouth Planning Board](#)

Thanks. Wendy

Yarmouth Tree Advisory Committee

TO: Planning Board Members
Erin Zwirko, Planning Director

COPY: Karyn MacNeill, Scott Couture, David Craig

DATE: February 14, 2025

FROM: Michael Brandimarte (Chair), Susan Prescott, Lisa Small,
Steve Ryan, Lisa Wilson, Gro Flatebo

RE: Application for review, Royal River Park and 0 Lafayette Street

The Yarmouth Tree Advisory Committee has reviewed the applications for Royal River Park and 0 Lafayette Street and has the following comments.

Royal River Park

In general, we support this project, although we wish larger caliber trees could be purchased and that walkways would be of permeable material. YTAC was consulted on the choice of replacement tree species.

0 Lafayette Street

This application proposes leasing a 20-acre parcel of mature woodland to a solar company for the purpose of erecting a large solar farm on the property . We understand that the solar energy benefit will be used in Massachusetts. In addition, we are concerned that solar farms are not a permitted use in the MDR district.

The application contains inconsistencies and contradictions, but states that 8 acres will be cleared of all mature trees. Tree species currently on the site include pine, fir, oak, poplar, maple and locust, including potential maternity roost trees for bats and other endangered species. Losing 8 acres of forest canopy can significantly impact the environment by causing habitat loss for wildlife, disrupting local water cycles, increasing soil erosion,

contributing to climate change through reduced carbon sequestration, and potentially altering local microclimates, potentially affecting nearby ecosystems and biodiversity. Additional features of the site are Whitcomb's creek and two wetlands. These wetlands provide foraging habitat for a large number of wading birds and shorebirds. The parcel drains to a wetland of special significance and is immediately adjacent to waterfowl habitat. The applicant should restrict the use of pesticides and herbicides.

In summary, we believe this application is likely to cause significant adverse impacts to natural resources and is not in conformance with the Comprehensive Plan. Therefore the site is not suitable for the proposed use, and we do not support approval of the application.

Wendy Simmons

From: Carlene Knowlton
Sent: Saturday, February 15, 2025 3:04 PM
To: Wendy Simmons
Subject: Royal River Park

Atten: Wendy Simmons and Erin Zwirko

Thank you for setting an agenda for addressing climate actions that can be taken at the Royal River Park. My address is 170 East Elm St. and my parter and I have been working on our property to remove invasive species from our less than acre land we caretake. We have already seen results in increasing wildlife including ecological rebalancing (and even a moose!). In the process even discovered an endangered plant!

This e-mail is to advocate for any changes in the Royal River Park to do our part in the reality of climate change. Removing invasive species, removing dams, and other well researched actions can and do make a difference.

Thank you for including this in the Town Council deliberations and actions.

Sincerely,

Carlene Allie Knowlton

Wendy Simmons

From: Ed Gervais III
Sent: Monday, February 17, 2025 6:29 PM
To: Wendy Simmons
Cc: Celena Gervais
Subject: RE: Royal River Park Project

Hi again Wendy,

It was not clear where to send comments as instructed in the notice we received so hopefully you can forward them to whomever the right person or persons may be.

We are generally supportive of the proposed plan with one exception: lighting.

We believe additional lighting for the park is completely inconsistent with the town's substantial plans in response to the Section 206 study regarding the restoration of the Royal River to something closer to its original, natural state. Artificial lighting is not natural. Its not pleasant to look at. It encourages loitering and will make us feel less safe in our neighborhood. The Royal River is a gem, as is the park. The river's restoration is a laudable goal. Please do not degrade this unique in-town natural experience (and its planned improvements) with artificial lighting. Its hard enough to see the night stars in Yarmouth as it is. We don't need to aspire to be Boston's Charles River experience here in Maine.

Sincerely,

Ed & Celena Gervais

From: Wendy Simmons <WSimmons@yarmouth.me.us>
Sent: Friday, February 14, 2025 10:57 AM
To: Ed Gervais III
Subject: RE: Royal River Park Project

Caution: This email originated from outside the organization. Be careful clicking links and attachments.

Ed,

Below is the link to the Planning Board page which is accessed from the home page of the Town's website. If you scroll down the page, you'll find the information under the 2/26 meeting.

[Yarmouth Planning Board](#)

If you have any other questions let me know. Wendy

Wendy Simmons, SHRM-CP

Administrative Assistant
Planning, Code Enforcement & Economic Development

200 Main Street, Yarmouth ME 04096

207-846-2401
207-846-2438 - Fax

www.yarmouth.me.us



From: Ed Gervais III
Sent: Friday, February 14, 2025 10:25 AM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Subject: Royal River Park Project

Hi Wendy,

We got the Planning Board notice regarding the improvement project for the Royal River Park. I went to the Yarmouth website but could not find the application materials mentioned in the notice. Could you direct me please?

Thanks!

Ed & Celena Gervais
24 Island Park Yarmouth
c:207-450-7973