



# City of Westbrook

## DEPARTMENT OF PLANNING

2 York St. Westbrook, Maine 04092 (207) 854-9105 Fax: (866) 559-0642

**WESTBROOK PLANNING BOARD  
TUESDAY, MARCH 2, 2010, 7:00 P.M.  
WESTBROOK HIGH SCHOOL, ROOM 114  
Minutes**

Present: Ed Reidman, (Chair) (Ward 5), Rene Daniel (Vice-Chair) (Ward 1), Dennis Isherwood (Ward 2), Anna Wrobel (Ward 4), Cory Fleming (At Large), Greg Blake (At Large), Michael Taylor (Alternate), Robert Morrill (Alternate)

Absent: Scott Herrick (Ward 3)

Staff: Molly Just, Richard Gouzie

Chairman Reidman called the Westbrook Planning Board meeting to order at 7:00 p.m. in Room 114 of the Westbrook High School. Chairman Reidman explained the purpose of a Public Hearing is to hear Public input.

### **1. Call to Order**

#### New Business

### **2. Special Exception – 55 Colonial Road – Bethany Tardiff for approval of a 6-child Home Day Care Provider operation on an approximately 0.22-acre parcel located at 55 Colonial Road. Tax Map: 35, Lot 89A, Zone: RGA-1.**

**Project Description** – A Day Care Center has been operating at 55 Colonial Road and is now seeking local approval of the facility. The facility has in order for State approval. The facility is staffed by one adult and provides daycare to six children.

**Ed Reidman** do we have to find the application complete as we do on Site Plans and Subdivisions?

**Molly Just** the application is complete.

**Ed Reidman** may I have a motion?

**Rene Daniel** moved to find the application complete

2<sup>nd</sup> by Cory Fleming

The vote is unanimous in favor 7-0

Westbrook Planning Board Minutes  
March 2, 2010

**Bethany Tardiff** 55 Colonial Road, I have been operating a State of Maine licensed day care in my home since 2006. I am licensed for 6 children however I have two full time and one part time. I watch infants and toddlers, so the ration is one adult to four children. My hours are Monday through Friday from 7:30 to 5:30. If you have any questions...

**Ed Reidman** you all have a complete packet. Is anyone interested in taking a site walk? Is anyone interested in a public hearing?

\* Editors note no site walk or public hearing

**Michael Taylor** has the day care been operating at this facility all the time before? Or is this a brand new facility?

**Bethany Tardiff** I have been operating since 2006.

**Michael Taylor** so the neighbors have no problems or anything like that.

**Bethany Tardiff** not that I know of

**Rene Daniel** if she has been operating since 2006 why is she here now asking for our approval?

**Molly Just** we have been receiving some telephone calls from the State. The staffing of the childcare division of Human Services at the State level has changed in the past couple of years and apparently some local and in home daycare providers slipped through cracks at the State level and certainly at the local level. They did not get their State or local approvals. This is an example of a home daycare provider that did get their State approval but with that change in staffing at the State level, they have really tried to crack down on their requirements. They do require local approval. So with that new staff person they noticed maybe ten to fifteen home daycare providers in Westbrook which they did not notice local approvals. We went and looked through our files to see if there were any records of approval for those named for home businesses. We located about half with local acknowledgment or approval. The others will have to come before you. We have met with the vast majority of them already; we have gone and looked at their operation. This is an operation that is unusual for a home business, this is a no brainer, it meets our standards, the only thing we need to have is to beef up the screening but otherwise every standard is met and she was not even aware that she needed to meet any standards.

You will be seeing more of the home daycare providers come before you, this is just the beginning.

**Rene Daniel** where on the street are you?

**Bethany Tardiff** I am a little more then half way down on the right hand side. The house sits back a little more then the rest of them. The road is a dead end road.

**Richard Gouzie** Lee Dodge right there, here is her property.

**Rene Daniel** we need to move forward and get you licensed.

**Ed Reidman** other questions or comments? Seeing none there is a motion prepared on Molly's memo that starts on page one and ends on page four.

**Cory Fleming** moved the Special Exception application for Bethany Tardiff on Tax Map: 35, Lot 89A is to be **approved with conditions** based upon the following conclusions:

- A. A minimum of 50 S.F. of dedicated outdoor play area shall be required for each child, said play area shall not be placed in required yard setbacks.
  - The applicant has provided approximately 1,444 square feet of dedicated outdoor play area. This exceeds the requirement of 300 square feet for the 6 children.
- B. All play areas shall be enclosed by a minimum of four (4) foot fencing.
  - The subject outdoor play area is protected by a minimum of four (4) feet of fencing.
- C. A combination of fencing with plantings shall be installed such that the area is screened from abutting residential properties in terms of both sight and noise.
  - For the purposes of screening the outdoor play area, the applicant shall plant evergreen trees and/or shrubs such as boxwood shrubs and/or Arborvitae trees to provide a continuous and year round visual screen along the western, southern and northern property lines of the area to the rear of the existing house on the subject property.
- D. One (1) off street parking space shall be provided for each employee or volunteer, and one (1) off street parking space for every 6 children shall be provided.
  - The subject property includes adequate space for the off street parking spaces required by the 6 children and one employee (2 spaces).
- E. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles.
  - Requirement met.
- F. That the proposed facility shall not burden on-site septic or offsite waste disposal.
  - The subject property is served by public water and sewer.
- G. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a Certificate of Occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer.
  - Requirement met.
- H. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation.
  - The hours of operation should be limited to 7: 00 am to 6:00 pm Monday – Friday.
- I. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner’s consent to the facility.
  - The operator is the owner of the subject property.

Other Requirements Met.

- A. Value. That the use requested will not significantly devalue abutting property or property across public or private way. In making its determination, the Board shall take into consideration the type of structure proposed, the topography of the area, the market value of the surrounding real estate, the availability of utilities, traffic conditions, and other relevant factors.
  - The project consists of a daycare facility in an existing residential structure. The structure appears residential in nature and is compatible with the other homes on the street.

Westbrook Planning Board Minutes

March 2, 2010

B. Effects of Land Use. That the use granted will:

- (1) Maintain safe and healthful conditions,
  - No Issues.
- (2) Not cause water pollution, erosion, or sedimentation
  - No Issues.
- (3) Not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat,
  - No Issues.
- (4) Conserve shared tree cover and visual, as well as actual, access to water bodies,
  - No Issues.
- (5) Not burden existing public ways.
  - No Issues.

C. Performance Standards. That the use granted is compatible with adjacent land uses and that it meets the following performance standards:

- (1) Landscape Environment and Enhancement. The landscape must be preserved in its natural state insofar as practicable. It must be designed so as to stabilize the slopes and buffer the site, where necessary,
  - No Issues.
- (2) Surface Water Drainage. Surface water drainage must not have an adverse effect on surrounding properties, downstream water quality, soil stability, or the storm drainage system,
  - No issues.
- (3) Water, Air, Soil Pollution. The development will not cause unreasonable water, air, or soil pollution,
  - No Issues.
- (4) Soil Integrity. The development will not cause unreasonable soil erosion or reduction in the capacity of the soil to hold water,
  - No Issues.
- (5) Natural Environment. The development must not have an unreasonably adverse effect on a historic site or irreplaceable natural areas,
  - No Issues.
- (6) Nuisance Factor. The development must not cause unreasonable noise, odors, dust, gas, fumes, smoke, light or other annoying or dangerous emissions,
  - No Issues.
- (7) Special Features. Exposed storage areas, machinery installation, service and loading areas, and similar facilities must be set back, screened, or buffered so as to minimize any possible adverse effect on the surrounding uses,
  - The playground must be screened from abutters.

## Westbrook Planning Board Minutes

March 2, 2010

- (8) Public Services. The development must not impose an unreasonable burden on the water supply and sewage disposal systems, fire or police services, public ways, schools, recreational facilities, and other public services or facilities.

- No Issues.

### CONDITIONS

1. Approval is dependant upon, and limited to, the proposals and plans contained in the application dated February 9, 2010 and supporting documents and oral representations submitted and affirmed by the applicant, and conditions, if any, imposed by the Planning Board, and any variation from such plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The hours of operation should be limited to 7: 00 am to 6:00 pm Monday – Friday.
3. Based on the proposed program, the applicant shall provide a minimum of 2 legal off street parking spaces.
4. At all times the applicant shall provide at least 50 square feet of fenced in outdoor play area per child. Such fencing shall be of a sturdy material such as metal, vinyl, composite or wood and shall be at least 4-feet tall.
5. For the purposes of screening the outdoor play area, the applicant shall plant evergreen trees and/or shrubs such as boxwood shrubs and/or Arborvitae trees to provide a continuous and year round visual screen along the western, southern and northern property lines of the area to the rear of the existing house on the subject property.
6. Upon Planning Board approval, the Code Enforcement Officer shall issue a Conditional Certificate of Occupancy for the proposed use with the limiting conditions listed. Upon satisfaction that the above requirements have been met, the Code Enforcement Officer shall issue a Final Certificate of Occupancy. If these Conditions have not been met within 6 months of Planning Board approval then the Code Enforcement Officer may issue a notice of violation.

2<sup>nd</sup> by Michael Taylor

The vote was unanimous in favor 7-0

3. Adjourn

*Respectfully submitted by Linda Gain PECE Administrative Assistant*

*MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE PARAPHRASED FOR CLARITY. A COMPLETE RECORDING MAY BE OBTAINED BY CONTACTING ENGINEERING, PLANNING AND CODE ENFORCEMENT at 207-854-9105 ext. 220 and lgain@westbrook.me.us. THANK YOU*