



City of Portland  
Office of the Mayor and Council  
Portland, Maine

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Ronald J. Dorker  
Mayor

2/9/88

Joe:

I would appreciate a gathering together for me of the requirements now in place to operate Day Care Home / Day Care Home - Home Occupation facilities. I am being questioned

Thank you

Esther

Kathleen

Please

Give Esther what we have done

Joe





**Morse, Payson & Noyes**  
**Insurance**

March 9, 1988

Kathleen Connors, Planner  
Department of Planning and Urban Development  
City Hall  
389 Congress Street  
Portland, ME 04101

Dear Kathleen:

This letter is to express our concern regarding the proposed daycare zoning amendments as they pertain to the B-1 and B-2 zones. In the proposed amendments it states:

4. There shall be on-site outdoor play area with 75 square feet per child with the following exceptions:
  - a. An on-site play area is not required in the B-3 zone if there is a play area within walking distance of the day care facility without crossing arterial or collector street;
  - b. The Board of Appeals may grant an exception if a reasonable alternate source of outdoor recreation can be provided within safe walking distance.

As you know, we are proposing to create a non-profit daycare center at 192 Brackett Street in the B-1 zone. The concept of that center really evolved out of the logistical proximity of the building which immediately abuts the Reiche School outdoor recreation areas.

Due to the high cost of land on the peninsula - and increasingly throughout the City - it is financially impossible to create a daycare center and provide the required 75 square feet per child for outdoor recreation area while keeping the fees affordable to the families. This effectively prohibits the creating of much needed daycare slots in the proximity of the downtown area - a service necessary to retain workers in an increasing competitive workplace.



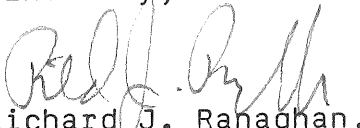
Page Two  
Kathleen Connors  
March 9, 1988

By allowing the exception as specified in 4.a for the B-3 zone, the planning staff has clearly demonstrated an understanding for the concern. However, the issue applies not only to the B-3, but also to the B-1 and B-2 zones. If it is acceptable to allow the children to walk to a close by play area without crossing arterials or crossing streets in the B-3 zone, it surely should be acceptable to allow the same practice under careful guidance in the B-1 and B-2 zones. The issue remains the same.

While this was called to my attention in particular due to the circumstances of our center, I do believe that as a matter of policy the exception should be applicable to all the business zones.

Thank you very much for your consideration of our concerns and I look forward to working with the planning staff as these proposed amendments get finalized.

Sincerely,



Richard J. Rahaghan, Jr.  
Vice President

RJR/atp

cc: Joseph Gray, Director  
Alexander Jargerman, Chief Planner

**CITY OF PORTLAND, MAINE**  
**M E M O R A N D U M**

**TO:** Mayor Dorler and City Councilors  
**FROM:** Kathleen A. Conner, Senior Planner  
**DATE:** February 8, 1988  
**SUBJECT:** Responses to Councilor MacWilliams' Day Care Questions

**1. Where is it that Mr. Cote plans to locate his office development?**

In April, 1987, Mr. Brent Cote submitted plans for an office building and day care facility to be located on Lot 40 in the Stroudwater Estates Subdivision on Outer Congress Street.

**2. Is the day care facility for the employees of the offices?**

**3. Will children of other parents be eligible?**

The day care facility will serve both the on-site office building and surrounding office buildings. Others will be eligible if there are available spaces.

**4. Will both sets of parents be charged the same amount?**

The day care charges were not specified in the proposal.

**5. Please supply the limits of smoke emission (and kinds of smoke) allowed, as well as the limits of the others, like glare, noise, etc...**

Copies of the I-1, I-2 and I-P "External Effects" sections are attached.

**6. Where are the other day care centers serving more than a hundred children located? Who runs them?**

As of June, 1987 the only day care facility licensed for 100 children is the Pleasant Day Nursery School at 970 Forest Avenue. The facility is run by Connie Lerman. There are no licensed facilities that accommodate more than 100 children. A list of the licensed day care facilities in the City is attached.

**7. Were they set up for their employees only?**

Pleasant Day Nursery is not a company-based center. The USM Day Care and UNUM's facility are primarily (but not exclusively) for its students and employees.

**8. Are the employees charged lower than usual prices?**

The day care fees are not known.

**9. Are there limits on what any day care facility may charge?**

Generally, no. The City does fund a few day care facilities with HCD funds and these providers charge less for their services to make them affordable for low income parents.

**10. Does the City place any conditions concerning the age mix, programs for children, etc?**

No, but the State Department of Human Services does regulate the facilities. There are, for example, staff-child ratios, program requirements, space/facility requirements and health and safety requirements among other regulations. The rules are contained in the enclosed booklets.

**11. What kind of training is mandated those who supervise the children?  
What kind of education?**

The State requires the program director to be 21, and have a combination of college education and child care experience or hold a Child Development Associate credential. Other certification is required for staff persons with a minimum threshold of a high school diploma.

**12. What other conditions does the City place on this and all other day care centers of any size?**

For a home occupation:

1. Six children plus two after school and having no non-residential employees.
2. Other standards as listed in section 14-410, such as limits on exterior alterations, parking, traffic, signs, vehicle storage and outside storage of materials.

For other day care facilities (not home occupations: the facility must meet the standards listed in section 14-474 conditional uses. A conditional use permit shall be granted unless the Board determines that:

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
3. Such impacts differ substantially from the impact which would normally occur from such a use in that zone.



Responses to Councilor MacWilliams Questions  
February 8, 1988  
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13. **May I have a copy of State regulations and rules and licensing requirements for day care centers of any size?**

Copies of the rules have been given to Councilor MacWilliams.

KC/ksc

Attachments

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LAND USE

§ 14-232

- a. A circus provided that its duration is not in excess of three (3) consecutive days in any calendar year, and that no part of the operation is conducted within one hundred twenty-five (125) feet of any property line other than a street line;
- b. Commercial entertainment for benefit of religious, charitable, philanthropic, or fraternal organizations provided that its duration is not in excess of six (6) consecutive days in any calendar year, and that no part of the operation is within one hundred twenty-five (125) feet of any property line other than a street line;
- c. Nonprofit athletic fields. (Code 1968, § 602.11.A; Ord. No. 570-71, 11-16-71; Ord. No. 327-71, 7-7-71; Ord. No. 430-85, 3-4-85; Ord. No. 633-86, § 1, 6-2-86)



**Sec. 14-232. External effects.**

Any use established in an I-1 zone after June 5, 1957 shall be so operated as to conform with the performance standards set forth herein. No use already established on that date shall be so altered or modified as to conflict with, or if already in conflict with, to further conflict with the performance standards established herein.

- (1) *Enclosed structure:* Every use shall be operated within a completely enclosed structure, except for those customarily operated in open air.
- (2) *Noise:* Every use, except air-raid sirens or similar warning devices, shall be so operated that the volume of sound inherently and recurrently generated, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American Standard Association), at any boundary of the lot upon which the use is located does not exceed sixty (60) decibels.
- (3) *Vibration:* Vibration inherently and recurrently generated shall be imperceptible without instruments at lot boundaries.
- (4) *Glare, heat:* Any operation producing intense glare or heat shall be performed within an enclosed building in such manner as to be imperceptible from any point along the lot lines.
- (5) *Toxic and noxious discharges:* No use shall for any period of time discharge across the boundaries of the lot wherein it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1, Industrial Hygiene Standards, Maximum Allowable Concentration, Chapter 5 of the "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., as subsequently amended or revised, which is hereby incorporated in and made a part of this section by reference.
- (6) *Emission of noxious, odorous matter:* The emission of noxious, odorous matter in such quantities as to be offensive at lot boundaries is prohibited. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) of Chapter 5 of the "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., as subsequently amended or revised, which is hereby incorporated in and made a part of this section

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by reference. For the purposes of this section, the smallest value shall apply in cases where multiple values are cited.

- (7) *Smoke*: Smoke shall not be emitted by any use at a density in excess of that classified as Ringelmann Number 2.
- (8) *Air pollution*: No emission of dust or other form of air pollution is permitted which can cause any damage to health, to animals or vegetation, or other forms of property or which can cause any excessive soiling at any point, and in any event no emission, from any activity, is permitted which is composed of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point.
- (9) *Discharge into sewerage system*: No discharge at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.
- (10) *Storage of vehicles*: Storage of more than ten (10) unregistered derelict automotive vehicles on the premises for more than sixty (60) days, and outdoor storage of more than fifty (50) used automotive tires on the premises for more than thirty (30) days shall not be permitted. (Code 1968, § 602.11.B; Ord. No. 334-76, § 6, 7-7-76)

**Sec. 14-233. Space and bulk.**

No building or structure shall be erected, altered, enlarged, rebuilt or used in an I-1 zone which does not comply with the following requirements:

- (1) *Minimum side yards*:
  - a. Principal buildings or structures: Twenty-five (25) feet.
  - b. Accessory buildings or structures: Twenty-five (25) feet.
- (2) *Minimum front yards*:
  - a. Principal buildings or structures: Twenty-five (25) feet.
  - b. Accessory buildings or structures: Twenty-five (25) feet.
- (3) *Minimum rear yards*:
  - a. Principal buildings or structures: Twenty-five (25) feet.
  - b. Accessory buildings or structures: Twenty-five (25) feet, except that a rear yard of forty (40) feet is required where the rear property line abuts a residence zone. (Code 1968, § 602.11.C)
- (4) *Maximum height*:
  - a. Principal buildings or structures: Four (4) stories, not to exceed forty-five (45) feet.

- e. Felt and all products composed of fibers, furs or hides, except those from materials previously processed elsewhere;
  - f. Vegetable and animal products, except those from materials previously processed elsewhere which shall not include fats and oils by boiling or distillation or rendering, glue, size, gelatine, grease or tallow, fertilizer, feed, rubber or rubber products, bone black;
  - g. Plastic or chemical products, except those from basic components previously manufactured or processed elsewhere which shall not include acetylene gas or storage of it, acid, alcohol and alcoholic beverages, ammonia, bleaching powders, bluing, chlorine, cleaning compounds or soaps, cellophane and celluloid, aniline/dye and dyestuff, oilcloth and linoleum, paint, varnish, shellac, japans, lacquers, putty, whiting, carbide, carbonic acid, carbonic ice, carbon black, caustic soda, creosote, hydrogen, oxygen, nitrogen, insecticides and fungicides, lampblack, nitrating of cotton or other products, peroxylin, potash, polishing compounds, serums, toxins, viruses or their culture, disinfectant, insecticide or poison, gasoline, petroleum or kerosene distillation, refining or derivation of by-products;
  - h. Testing of internal combustion engines on open test stands.
- (3) Junkyards, scrap metal yards, automobile graveyards or metal reclamation as a principal use;
  - (4) Commercial scrap processing and recycling of paper, glass and cloth waste materials, and municipal and regional solid waste disposal facilities unless all processing activities, except loading operations, are carried out within an enclosed structure. (Code 1968, § 602.12.A; Ord. No. 334-76, §§ 2, 3, 7-7-76)

 **Sec. 14-247. External effects.**

Any use established in an I-2 or I-2b zone after June 5, 1957, shall be so operated as to conform with the performance standards set forth herein. No use already established on that date shall be so altered or modified as to conflict with or, if already in conflict with, to further conflict with the performance standards established herein:

- (1) *Enclosed structure*: The use shall be operated within a completely enclosed structure, except for those customarily operated in open air.
- (2) *Noise*: Every use, except air-raid sirens or similar warning devices shall be so operated that the volume of sound inherently and recurrently generated, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American Standards Association) at any boundary of lot upon which the use is located does not exceed seventy (70) decibels.
- (3) *Vibrations*: Any use or portions thereof creating intense earthshaking vibrations such as are created by heavy drop forges, or heavy hydraulic surges shall be controlled in such a manner as to prevent transmission beyond lot lines of vibrations, causing a displacement of .003 of one (1) inch measured at the property line by a vibrograph or comparable instrument.



- (4) *Glare, heat:* Any operation producing intense glare or heat shall be performed within an enclosed building in such manner as to be imperceptible from any point along the lot lines.
- (5) *Discharge of toxic or noxious matter:* No use shall for any period of time discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1, Industrial Hygiene Standards, Maximum Allowable Concentration, Chapter 5 of the "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., as subsequently amended or revised, which is hereby incorporated in and made a part of this section by reference.
- (6) *Emission of noxious, odorous matter:* The emission of noxious, odorous matter in such quantities as to be offensive at lot boundaries is prohibited. There is hereby established as a guide in determining such quantities of offensive odors Table III (Odor Thresholds) of Chapter 5 of the "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., as subsequently amended or revised which is hereby incorporated herein and made a part of this section by reference. For the purpose of this section, the smallest value shall apply in cases where multiple values are cited.
- (7) *Smoke:* The emission of any smoke from any source whatever shall not be permitted at a density greater than that density described as Number 3 of the Ringelmann Chart.
- (8) *Air pollution:* No emission of fly ash, dust, or other form of air pollution is permitted which can cause any damage to health, to animals or vegetation, or other forms of property or which can cause any excessive soiling at any point, and in no event any emission, from any chimney or otherwise, is permitted which is composed of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at any point.
- (9) *Discharge into sewerage system:* No discharge at any point into any private sewage disposal system or stream or into the ground of any materials in such a way or of such nature or temperature as to contaminate any water supply, or otherwise cause the emission of dangerous or objectionable elements, except in accordance with standards approved by the health authority. No accumulation of solid wastes conducive to the breeding of rodents or insects shall be permitted.
- (10) *Storage of vehicles:* Storage of more than ten (10) unregistered derelict automotive vehicles on the premises for more than sixty (60) days, and outdoor storage of more than fifty (50) used automotive tires on the premises for more than thirty (30) days shall not be permitted. (Code 1968, § 602.12.B)

**Sec. 14-248. Space and bulk.**

No building or structure shall be erected, altered, enlarged, rebuilt or used in an I-2 or I-2b zone which does not comply with the following requirements:

for entrance areas, completely screen in all directions. Fencing or plantings shall be made of aesthetically desirable materials which shall act as an effective visual screen;

- (11) The following conditional uses may be authorized by the board of appeals:
  - a. General offices as a principal use;
  - b. Arenas and indoor recreational facilities;
  - c. Radio and television towers;
  - d. Public utility substations;
  - e. Parking as a principal use;
  - f. Trucking terminals;
  - g. Building contractors;
  - h. Manufacture of the following products:
    - 1. Apparel;
    - 2. Furniture and similar wood products;
    - 3. Paper products, but not the manufacture of paper;
    - 4. Leather products, except tanning;
    - 5. Fabricated metal products.
  - i. Storage of commodities and equipment related to uses permitted in this subsection (11) shall be completely enclosed within buildings or enclosed by fences or coniferous planting materials of eight (8) feet in height and of sufficient density to, except for entrance areas, completely screen in all directions. Fencing or plantings shall be made of aesthetically desirable materials which shall act as an effective visual screen. (Code 1968, § 602.10A.B; Ord. No. 536-74, § 2, 8-19-74)



**Sec. 14-293. External effects.**

Every use established in an I-P zone after August 19, 1974, shall comply with the following regulations:

- (1) *Smoke*: Unless specified otherwise herein, all regulations contained in section 14-232 shall be complied with. In addition, the emission of smoke from any chimney, vent, stack, opening or combustion process shall not exceed a density of Ringelmann No. 1.
- (2) *Landscaping*: All required setbacks and all exterior areas shall be landscaped and maintained in good condition.
- (3) *Screening of parking areas*: In addition to the regulations set forth in divisions 20 and 21 of this article (cited in sections 14-295 and 14-296), parking and loading areas shall be permitted in any required setback and shall be screened from view from all residential zones, institutional uses and public streets by walls, berms or planting except where these areas are effectively screened by a natural terrain feature or natural vegetation. Parking lots in excess of fifty (50) cars shall be landscaped with trees along the perimeter of the walkways. Such walls, berms or plantings shall be made of aesthetically desirable materials which shall act as an effective visual screen.

I-P

- (4) *Enclosure of operations:* All manufacturing and processing operations shall be completely enclosed within buildings.
- (5) *Underground utilities:* Public utility lines shall be placed underground.
- (6) *Natural features:* Natural features, such as mature trees, and natural surface drainage ways shall be preserved to the greatest possible extent.
- (7) *Lighting:* Lighting shall be of sufficient intensity to serve uses for which it is provided. All lighting fixtures shall be directional and shall be installed in a manner so as not to be a nuisance to adjacent properties or to vehicles utilizing nearby public streets. Direct or indirect lighting shall not cause illumination in excess of 0.5 footcandles upon an adjacent residential zone.
- (8) *Noise:* Every use, except air-raid sirens or similar warning devices, shall be so operated that the volume of sound inherently and recurrently generated, measured by a sound level meter and frequency weighting network (manufactured according to standards prescribed by the American Standard Association), at any boundary of the lot upon which the use is located does not exceed fifty-five (55) decibels between 7:00 a.m. and 9:00 p.m. and forty-five (45) decibels between 9:00 p.m. and 7:00 a.m.
- (9) *Storage of vehicles:* Storage of more than ten (10) unregistered derelict automotive vehicles on the premises for more than sixty (60) days, and outdoor storage of more than fifty (50) used automotive tires on the premises for more than thirty (30) days shall not be permitted. (Code 1968, § 602.10A.C; Ord. No. 536-74, § 2, 8-19-74; Ord. No. 334-76, § 6, 7-7-76)

**Sec. 14-294. Space and bulk.**

No building or structure shall be erected, altered, enlarged, rebuilt or used in an I-P zone which does not comply with the following requirements:

- (1) *Minimum lot size:* Two (2) acres.
- (2) *Minimum side yard:* Twenty-five (25) feet.
- (3) *Minimum front yard:* Fifty (50) feet.
- (4) *Minimum rear yard:* Twenty-five (25) feet.
- (5) *Minimum separation from residential zone boundary:* One hundred (100) feet. No principal, accessory or incidental use shall be developed in the residential zone separation. All existing vegetation shall be preserved and maintained and, in cases where no natural screening exists, natural or man-made screening devices made of aesthetically desirable materials shall be installed in order that a year-round visual buffer will separate the I-P and residence zones.
- (6) *Maximum ground coverage of buildings:* Thirty-five (35) per cent of lot.
- (7) *Maximum floor area ratio:* Nine-tenths (0.9).

**PORTLAND DAY CARE LIST**  
(as of 6-18-87)

**Day Care Homes - Registered**

| <u>Name</u>           | <u>Location</u>          | <u>Licensed Slots</u> |
|-----------------------|--------------------------|-----------------------|
| Sharon Chretien       | 429 Deering Ave., Apt. 2 | 12                    |
| Gail M. Conrad        | 42 Hillside Road         | 12                    |
| Norma Scribner        | 172 Bradley St.          | 12                    |
| Sheryl Kay Treadwell  | 296 Deering Ave.         | 12                    |
| Diane M. Vaillancourt | 31 Sunset Lane           | <u>12</u>             |
|                       | Subtotal                 | 60                    |

**Day Care Homes - Licensed**

| <u>Name</u>             | <u>Location</u>        | <u>Licensed Slots</u> |
|-------------------------|------------------------|-----------------------|
| Lori J. Baker           | 52 Rockland Avenue     | 6                     |
| Ilene R. Berman         | 55 Birchwood Drive     | 6                     |
| Donna Brown             | 6 Monroe St.           | 5                     |
| Diana J. Burton         | 21 Greenleag St.       | 3                     |
| Patricia F. Chandler    | 102 Allen Avenue       | 12                    |
| Cheryl H. Brett         | 42 Lafayette St.       | 8                     |
| Barbara Connelly        | 99E Commonwealth Drive | 8                     |
| Kathleen Dall           | 37 Lane Avenue         | 8                     |
| Jerry A. Deroche        | 36 Roberts St.         | 12                    |
| Marilyn DiBiase         | 27 Carlyle Road        | 8                     |
| Julie Erb               | 11 Exchange St.        | 10                    |
| Theresa A. Faherty      | 68 Pennell Avenue      | 8                     |
| Delia Foley             | 214 Taft Avenue        | 6                     |
| Regina B. Fontaine      | 58 Spruce Street       | 10                    |
| Joyce Foss              | 240 Danforth, Apt 107  | 6                     |
| Gayle Gauvreau          | 14 Locust St.          | 12                    |
| Gently Now Day Care     | 837 Brighton Avenue    | 12                    |
| Cynthia L. Goodhue      | 286 State St.          | 8                     |
| Cara Guerrieri          | 32 Thomas St.          | 12                    |
| Dena Hall               | 313 Ray St.            | 6                     |
| Deborah J. Hamilton     | 246 Pleasant Avenue    | 6                     |
| Linda Heal              | 23 Nottingham Avenue   | 7                     |
| Holy Innocents          | PO Box 797 Sherman St. | 12                    |
| Jeannette Egeland Horne | 105 North St.          | 12                    |
| Melanie B. Hunter       | 126 Concord St.        | <u>7</u>              |
|                         | Subtotal               | 210                   |



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November 18, 1987  
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Day Care Homes - Licensed (cont.)

| <u>Name</u>             | <u>Location</u>       | <u>Licensed Slots</u> |
|-------------------------|-----------------------|-----------------------|
| Susan Johnston          | 66 Jackson St.        | 8                     |
| Suzanne Kaklegian       | 88 Presumpscot St.    | 8                     |
| Dona Ruth Kinney        | 68 Caribou St.        | 8                     |
| Dorothea Lappin         | 43 Elmwood St.        | 6                     |
| Pamela J. Lavalliere    | 17 Glenhaven East     | 7                     |
| Mary LeMay              | 287 Holm Avenue       | 4                     |
| Lorna Leo               | 223 Brackett St.      | 12                    |
| Connie Lerman           | 16 Williams St.       | 12                    |
| Sue K. Macy             | 19 Lincoln St.        | 6                     |
| Barbara McClellan       | 129 Mass Avenue       | 3                     |
| Nancy Mellow            | 9 Cushman St.         | 6                     |
| Donna Mitchell          | 146 Sherman St.       | 8                     |
| Hale Moreau             | 74 Devon St.          | 6                     |
| Anne Napoleone          | 1224 Washington Av.   | 5                     |
| Pamala R. Newsham       | 539 Brighton Av.      | 12                    |
| Rhonda Norton           | 24 Cobbett Rd.        | 6                     |
| Marguerite Paradis      | 125 Wellington Rd.    | 7                     |
| Cindy Parker            | 73 Spruce St.         | 6                     |
| Sherry M. Pierson       | 44 Whittier St.       | 6                     |
| Gail Plattts            | 89 Mabel St.          | 6                     |
| Joan Prouty             | 385 Woodford St.      | 10                    |
| Beth Hariman Rapp       | 51 Devon St.          | 9                     |
| Mary Reilly             | 129 Brentwood St.     | 8                     |
| Deborah L. Reinold      | 28 Smith St.          | 6                     |
| Kristen Reuben          | 34 Hamblet Avenue     | 6                     |
| Virginia Reynolds       | 13 Fleetwood St.      | 10                    |
| Mildred Richardson      | 11 Woodfield Rd.      | 8                     |
| Peggy G. Rivera         | 202 Congress St.      | 6                     |
| Juli Schoppee           | 232 Maine Avenue      | 5                     |
| Claire Smith            | 85 Dole Drive         | 10                    |
| Joann Smith             | 39 Illsley St.        | 5                     |
| St. Patricks Church     | 1251 Congress St.     | 12                    |
| Margaret Stoddard       | 67 Quebec St.         | 6                     |
| Rachel J. Sylvester     | 10 Candlewyck Terrace | 8                     |
| Anne Taliento           | 48 Sturdivant Drive   | 5                     |
| Therapeutic Nursery MMC | 87 High St.           | 12                    |
| Wilda Theriault         | 112 Front St.         | 6                     |
| Pamela Thurston         | 57 Deering Run        | 8                     |
| Sharon L. Tilton        | Address Unknown       | 6                     |
|                         | PO Box 10488          |                       |
|                         | Subtotal              | 288                   |

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Day Care Homes - Licensed (cont.)

| <u>Name</u>                                | <u>Location</u>         | <u>Licensed Slots</u> |
|--|-------------------------|-----------------------|
| Marie L. Trott                             | 27 Merrill St. Box 3371 | 12                    |
| Bonny Trumble                              | 75 Front St.            | 6                     |
| Joanne Wiley                               | 31 Harris Avenue        | 6                     |
| Ann L. Wilson                              | 43 Huntington Avenue    | 12                    |
| Susanne Wilson                             | 88 Madeline Avenue      | 10                    |
| Celia Worrey                               | 162 Woodlawn Avenue     | 6                     |
| Donna Brown                                | 65 Lambert St. Apt. 5   | 6                     |
| Janice Gaudet                              | 126 Sherwood St.        | 6                     |
| Lisa E. Huff                               | 58 Congress St.         | 6                     |
| Angela Kelso                               | Willow Lane             | 8                     |
| Joan Naigle                                | 38 Ray St.              | 8                     |
| Portland YMCA/Infant Home                  | 70 Forest Avenue        | 12                    |
| Annette L. Rinaldi                         | 17 Aspen Drive          | 10                    |
| Patricia Roe                               | 156 Maine Avenue        | 12                    |
| St. Elizabeths Child<br>Development Center | 87 High St.             | 8                     |
| Nancy Valliere                             | 65 Coyle St.            | 10                    |
| Dora Wilkinson                             | 10 Josslyn St.          | 8                     |
|  | Subtotal                | 146                   |

Day Care Center

| <u>Name</u>                              | <u>Location</u>                                  | <u>Licensed Slots</u> |
|--|--|-----------------------|
| Advent Christian Church<br>of Portland   | 1520 Westbrook St.                               | 60                    |
| Catherine Morrill Day<br>Nursery         | 96 Danforth St.                                  | 84                    |
| Childrens Center of<br>Westbrook College | 716 Stevens Avenue                               | 50                    |
| East End Childrens<br>Workshop           | 10 Mayo St.                                      | 40                    |
| East End Childrens<br>Workshop           | 48 Moody St. Adams School                        | 95                    |
| Jacqueline J. Graffam                    | 77 Front St.                                     | 6                     |
| Kinder-Care Learning<br>Center           | 2211 Congress St.<br>Union Mutual                | 84                    |
| Pleasant Day Nursery<br>School           | 970 Forest Avenue                                | 100                   |
| Portland YWCA/Hall<br>Elementary School  | 23 Orono Rd.                                     | 50                    |
| Portside Learning Center                 | Riverton Elementary School<br>1600 Forest Avenue | 50                    |
|  | Subtotal   | 619                   |

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Day Care Center (cont.)

| <u>Name</u>                                  | <u>Location</u>                    | <u>Licensed Slots</u> |
|--|------------------------------------|-----------------------|
| PROP Cumberland County/<br>Riverton HS       | 102-104 Riverton Park              | 20                    |
| PROP Cumberland County/<br>Sagamore HS       | 22 Popham St.                      | 23                    |
| PROP Cumberland City/<br>Harry Cummings Ctr. | 134 Congress St.                   | 20                    |
| Saint Patricks School                        | 1251 Congress St.                  | 30                    |
| Small World                                  | 314 Warren Avenue                  | 40                    |
| St. Elizabeths Child<br>Child Dev Center     | 87 High St.                        | 92                    |
| The Childrens Co-Op                          | 302 Stevens Avenue                 | 17                    |
| The Childrens Express                        | 1334 Washington Avenue             | 24                    |
| Trinity Church Day Care<br>Center            | 113 Coyle St.                      | 20                    |
| Genevieve Trueworthy                         | 70 Whitney Avenue                  | 8                     |
| USM/Bookstore                                | 96 Falmouth St.                    | 55                    |
| USM/Gym, Portland Campus                     | 96 Falmouth St.                    | 64                    |
| USM Child Care                               | 68 High St.                        | 27                    |
| West Side Day Care                           | 132 Danforth St.                   | 18                    |
| Westwood Childrens Center                    | West Sch. 57 Douglas St.           | 60                    |
| YWCA Teen Parent Services<br>Nursery         | 87 Spring St.                      | 24                    |
| Peaks Island Child Dev<br>Center             | Public School Gym, PI              | 25                    |
| Peaks Island Child Dev<br>Center             | St. Christopher's Parish           | 25                    |
| Portland YMCA/Toddler Home                   | 70 Forest Avenue                   | 63                    |
| PROP Cumberland County/<br>Kennedy Park HS   | 58 Boyd St. Kennedy Park           | 20                    |
| PROP Cumberland County/<br>Rosa True School  | 140 Park St.                       | 80                    |
| YWCA of Portland, Inc.                       | Baxter Elem School<br>Ocean Avenue | 40                    |
|  | Subtotal                           | 795                   |

TOTALS - Licensed Slots

|                             |              |
|-----------------------------|--------------|
| Day Care Homes - Registered | 60           |
| Day Care Homes - Licensed   | 644          |
| Day Care Centers -          | <u>1,414</u> |
| Total                       | 2,118        |

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Councilor Esther Glenott  
FROM: Kathleen A. Conner, Senior Planner *KC*  
DATE: February 10, 1988  
SUBJECT: Current City Day Care Regulations

Below is the information you requested about the City's current day care regulations.

1. Definitions

**Day Care Facility:** A facility which provides a regular program of care and protection, for children under the age of sixteen (16) for consideration, for any part of the day.

**Home Occupation:** Licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no non-residential employees.

2. Permitted or Conditional Uses by Zoning Category

|                 | <u>R-1 to R-6</u>  | <u>RP</u>       | <u>B-1 to B-3</u> | <u>IP, I-1, I-2</u> |
|-----------------|--------------------|-----------------|-------------------|---------------------|
|                 | <u>Residential</u> | <u>Res/Prof</u> | <u>Business</u>   | <u>Industrial</u>   |
| Home Occupation | X                  | X               | X                 | ---                 |
| Permitted Use   | ---                | ---             | X                 | X <sup>1</sup>      |
| Conditional Use | X                  | X               | ---               | ---                 |

<sup>1</sup>Permitted uses with standards (ordinances attached)

3. Permitting Process for Home Occupations

The applicant must apply for a **change of use permit** which costs \$25. The application for the permit consists of a form that asks about the existing and proposed use of the house. Floor plans must accompany the application. They may be drawn by the applicant, but must be to scale.

The application is reviewed administratively by the Inspections Division and the Fire Department using the requirements listed in section 14-410 (attached). Review of the application is usually completed with one to two weeks.



4. Permitting Process for Day Care Facilities

The applicant applies for a **conditional use permit**, which costs \$50. The submission requirements include an application, a site plan, and floor plans. The plans may be drawn by the applicant but they must be to scale.

The application is reviewed by the Board of Appeals which addresses the conditions listed in section 14-474 (conditional uses) (attached). The Board of Appeals meets once or twice a month and the submission materials must be delivered to the Inspections Division well in advance of the meeting. A schedule of specific meeting and materials submission dates is available in the Inspection Division.

Please contact me at extension 266 if you have any additional questions.

/ksc  
Attachments

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alex Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief of Inspection Services  
Warren Turner, Zoning Administrator

INDUSTRIAL  
AMENDMENT

City of Portland, Maine  
IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
Section 14-491 (I-P Industrial Park Zone)

BE IT ORDAINED, by the City Council of the City of Portland, Maine in City Council assembled that Portland City Code 14-291 (Uses in the I-P zone) be amended as follows:

No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises should be used, in an I-P zone, for any except the following uses and only in the manner prescribed in this division: ...

(11) Day care facilities provided that:

- a. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
- b. ~~Off street parking shall be provided with one space per classroom or room used for purposes of instruction;~~
- c. Off street loading shall be located in a safe location,
- d. There shall be an on-site outdoor play area with 75 square feet per child; and
- e. The outdoor play area shall be fenced and screened with a landscaped buffer.

\* See amendment below

-(11) (12) The following conditional uses may be authorized by the board of appeals: ...

PARKING AMENDMENT:

- b. Off street parking shall be provided with one space per employee plus one based on the number of employees required through State licensing for potential maximum capacity of such facility.

City of Portland, Maine  
IN THE CITY COUNCIL

INDUSTRIAL  
AMENDMENT

AMENDMENT TO PORTLAND CITY CODE  
Section 14-246 (I-2 Industrial Zone)

BE IT ORDAINED, by the City Council of the City of Portland, Maine in City Council assembled that Portland City Code 14-246 (uses in the I-2 zone) be amended as follows:

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in an I-2 or I-26 zone for any use prohibited in an I-3 zone or for any of the following uses: ...
- b. In an I-2 zone, day care facilities shall be permitted provided that:
  1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  - \* See amendment below 2. ~~Off street parking shall be provided with one space per classroom or room used for purposes of instruction;~~
  3. Off street loading shall be located in a safe location;
  4. There shall be an on-site outdoor play area with 75 square feet per child; and
  5. The outdoor play area shall be fenced and screened with a landscaped buffer.

\* PARKING AMENDMENT:

2. Off street parking shall be provided with one space per employee plus one based on the number of employees required through State licensing for potential maximum capacity of such facility.

**Sec. 14-409. Heliports.**

Heliports shall meet the following minimum specifications, subject to regulations of the Civil Aeronautics Administration when such regulations are greater:

- (1) *Roof heliport:*
  - a. Take-off area: Two hundred (200) feet by two hundred fifty (250) feet minimum.
  - b. Parking area: Thirty (30) feet by ninety (90) feet minimum.
- (2) *Ground heliport:*
  - a. Take-off area: Three hundred (300) feet by seven hundred (700) feet minimum.
  - b. Parking area and station building shall be located out of flight area.
- (3) Maximum elevation of operational area above street: One hundred (100) feet.
- (4) Minimum clearance from lateral obstruction: One hundred (100) feet.
- (5) Minimum width of approach and departure path: Five hundred (500) feet at landing area, tapering outward fifteen (15) degrees on each side to a width of one thousand (1,000) feet.
- (6) Slope: With emergency landing areas: One to eight (8); Without emergency landing areas: One to twenty (20).
- (7) Curved approach: Minimum radius to turn, six hundred fifty (650) feet.
- (8) Approach zone transition area: Slope, one in two (2). (Code 1968, § 602.18.H)

 **Sec. 14-410. Home occupation.**

*Purpose.* The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (1) In connection with the operation of a home occupation, within a dwelling unit, the following requirements shall be met:
  - a. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) per cent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;
  - b. There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods visible from the outside;
  - c. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (1)a. above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;

## PORTLAND CODE

- d. Exterior signs shall be limited to one nonilluminated sign not exceeding a total area of two (2) square feet, affixed to the building, and not projecting more than one foot beyond the building;
  - e. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;
  - f. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
  - g. The home occupation shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects;
  - h. There shall be no more than one nonresident employed in the home occupation provided however family day care or home babysitting services shall have no nonresident employees;
  - i. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.
  - j. No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.
- (2) No residence shall be occupied, altered or used for any home occupation except the following:
- a. Accountants and auditors;
  - b. Answering services (telephone);
  - c. Architects;
  - d. Artists and sculptors;
  - e. Authors and composers;
  - f. Computer programming;
  - g. Custodial services;
  - h. Custom furniture repair and upholstery;
  - i. Dentists, doctors, therapists, and health care practitioners;
  - j. Direct mail services;
  - k. Dressmakers, seamstresses and tailors;
  - l. Engineers;
  - m. Family planning services;
  - n. Hairdressers (limited to no more than two (2) hair dryers);
  - o. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, weaving, ceramics;
  - p. Interior decorators;
  - q. Lawyers, justices of the peace and notary publics;
  - r. Licensed family day care home or babysitting services;
  - s. Musicians, but not including performances or band rehearsals;
  - t. Office facility of a minister, rabbi, or priest;
  - u. Photographic studios;

LAND USE

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- 7. A minimum of four (4) on-site parking spaces shall be required;
- 8. A minimum of seventy-five (75) feet of street frontage shall be required; provided, further, before a building permit may be issued, site plan approval under article V of this chapter shall be required with the following addition review standards:

- (i) Any addition or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the structure;
- (ii) The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets;

provided, further, that no variance shall be granted with respect to any of the preceding additional requirements.

(d) *Conditions on variances; variances less than requested.* Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

(e) *Limitations on variances.* No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. One or more extensions of said expiration dates may be granted if the facts constituting the basis of the decision have not materially changed and the two-year period is not exceeded thereby. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless an occupancy permit is issued and a use commenced within such period; provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85)

 Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

Supp. No. 10

(b) *Procedure:*

- (1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:
  - a. The applicant's name and address and his or her interest in the subject property;
  - b. The owner's name and address if different than the applicant;
  - c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
  - d. The zoning classification and present use of the subject property;
  - e. The particular provision of this article authorizing the proposed conditional use;
  - f. A general description of the proposed conditional use;
  - g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.
- (2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.
- (3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

- (1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.
- (2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
  - a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

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*(d) Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

*(e) Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

*(f) Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

*(g) Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the planning board respecting a conditional use permit shall be to superior court. (Code 1968, § 602.24.D; Ord. No. 437-74, § 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83)

**Sec. 14-475. Reserved.**

*Editor's note*—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.

**Sec. 14-476. Successive applications.**

Whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one year of such denial unless in the opinion of the officer or board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial. (Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

**Sec. 14-477. Violations.**

In addition to any other remedies available, the board of appeals, after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this



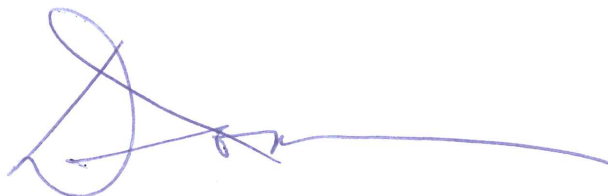
February 3, 1988.

To: Joe Gray.  
From: Don MacWilliams.  
Re: Day Care.

Joe, these are the questions I promised to provide you at the meeting Monday.

1. Where is the office development Mr. Cody plans to locate his office development?
2. Is the day care for the employees of the offices?
3. Will children of other parents be eligible?
4. Will both sets of parents be charged the same amount?
5. Please supply the limits of smoke emission (and kinds of smoke) allowed, as well as the limits of the others like glare, noise, etc.
6. Where are the other day centers serving more than a hundred children located? Who runs them?
7. Were they set up for their employees only?
8. Are the employees charged lower than usual prices?
9. Are there limits on what any day care facility may charge?
10. Does the City place any conditions concerning the age mix, programs for the children, etc.?
11. What kind of training is mandated those who supervise the children? What kind of education?
12. What other conditions does the City place on this and all other Day Care Centers of any size?
13. May I have a copy of state regulations and rules and licensing requirements for Day Care centers of any size.

Thank you!

A handwritten signature in blue ink, consisting of a large, stylized initial 'D' followed by a long horizontal line extending to the right.

**CITY OF PORTLAND, MAINE  
M E M O R A N D U M**

**TO:** Chairman and Members of the Portland Planning Board  
**FROM:** Kathleen A. Conner, Senior Planner *KAC*  
**DATE:** June 30, 1987  
**SUBJECT:** Day Care Standards

The Planning Board asked Staff to draft standards for day care facilities. The Board's request was in response to a proposal for a day care center in an industrial zone. The Board also expressed its interest in reviewing the standards' application to other zones in the city. This memorandum will include a discussion of current City and State day care standards and policy alternatives for the Board to consider if the Board wishes to change the current regulations.

**CURRENT CITY REGULATIONS**

1. Definitions

Day Care Facility: A facility which provides a regular program of care and protection, for children under the age of sixteen (16), for consideration, for any part of the day.

Home Occupation: Licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no non-residential employees.

2. Permitted or Conditional Uses by Zoning Category

|                 | R-1 to R-6<br>Residential | RP<br>Res/Prof | B-1 to B-3<br>Business | IP to I-4<br>Industrial | W-1 / W-2<br>Waterfront |
|-----------------|---------------------------|----------------|------------------------|-------------------------|-------------------------|
| Home Occupation | X                         | X              | X                      | ---                     | X* ---                  |
| Permitted Use   | ---                       | ---            | X                      | ---                     | X* ---                  |
| Conditional Use | X                         | X              | ---                    | ---                     | ---                     |

\*North side of Commercial Street until 1992.

June 30, 1987

In the past few years, the Board of Appeals turned down more requests for day care centers than it has approved. There were four proposals in the residence zones that were turned down for reasons including location on a heavily traveled arterial, the desire to preserve the residential character of the neighborhood, traffic, proximity to another family day care, noise, lack of a drop-off area, and inadequate off-street parking. The conditions on the two day care centers approved by the Board of Appeals include State licensing, site plan review, off-street parking, and a fenced-in play area.

These conditions and denials stem from the provision in the ordinance which authorizes the Board of Appeals to impose conditions as necessary to minimize adverse effects of the conditional use on the neighborhood.

#### **CURRENT STATE REGULATIONS**

##### 1. Definitions

Day Care Home: 3-12 House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three to twelve unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.

Day Care Center: House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for 13 or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians, or for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

## 2. Standards

State licensing requirements for a day care center include compliance in areas of administration, staff (including staff-child ratios), program, building and equipment, health program, discipline, and night care program. While all the requirements are important elements for a successful day care center, the most relevant to the Planning Board are the building and equipment requirements. Specifically addressed are:

1. Safety and sanitation;
2. Size of playroom;
3. Napping or resting facilities;
4. Light and ventilation;
5. Heating;
6. Water supply and toilet facilities;
7. Kitchen facilities;
8. Rooms for isolation;
9. Furnishing;
10. Outdoor play areas; and
11. Playground equipment.

The State licensing rules for day care homes are less stringent than those for day care centers presumably due to the limited size of a typical day care home operation. The regulations include provisions for:

1. Staff-child ratio;
2. Day care staff;
3. Physical plant; and
4. Child care.

The physical plant section addresses more general safety-related regulations. Play areas must be provided, but their sizes are not mandated by the State.

## **ANALYSIS AND POLICY ALTERNATIVES**

### 1. Analysis

In comparing the City and State day care regulations, three major differences are evident. First, the definitions of the centers with respect to the size limitations are not consistent. Portland has a home occupation for six (6) or less children and day care facilities that is not specific in number of children. The State has two categories: day care homes are for three (3) to twelve (12) children, and day care centers are for thirteen (13) or more children. Second, the City requires the State license for a home occupation but not for a day care facility (unless the Board of Appeals requires licensing), while State licensing is required for all day care facilities serving

three (3) or more children. Third, other than minimal standards for home occupation and general conditional use standards, there are no specific standards for day care in the City's ordinance. The State requirements are spelled out in detail.

The significance of the gap between local and State regulations is that the demand for day care operations is increasing. This gap can be addressed by taking one of two alternatives. The first alternative is to keep the standards as they are with the exception of revising the City's day care terms and requiring licensing for both home occupations and day care centers. The second alternative is to change the City's regulations to be more consistent with the State's licensing requirements and also add appropriate standards. Another change under the second alternative is to permit either by right or conditionally day care centers in all the zones. The standards would be shaped for compatibility in each of the zones.

Both of the alternatives would be based on the premise that day care facilities are in the public interest and they should be encouraged and promoted with reasonable guidelines or standards. This premise is consistent with two guiding principals of the American Planning Association for rational zoning of day care:

1. That the establishment of day care facilities be recognized as an essential public objective; and
2. That day care facilities be treated as community facilities rather than as proprietary uses restricted to commercial zones.

2. Alternative One

Alternative one is to revise the day care terms and to require State licensing for all day care. Rather than having two categories of day care facilities there would be three. New day care definitions would be drafted based on the integration of these categories into the State definitions for day care.

1. Home Occupation - Up to six children plus two after school in a residential unit occupied by the operator.
2. Day Care Home - up to 12 children in either a house or other place.
3. Day Care Center - 13 or more children in a house or other place.

3. Alternative Two

Alternative two could also use the new terms. In addition to this change, there are standards that the City could impose due to the unique circumstances of day care centers. These standards for construction are in addition to the State licensing requirement.

*before cgo*

Proof of Licensing Application - Submission of the State licensing application pertaining to physical facilities (attached).

Off-Street Parking - This is necessary to allow the employees to park off street and to minimize the impact of the day care facility on the surrounding area. Currently the parking requirement is calculated based on the number of classrooms. An alternate approach is to simply base it on the number of staff members. A third approach is to base it on a combination of design capacity and the estimated staff to serve the day care center (e.g., 2,000 square feet of indoor play area divided by 35 square feet per child divided by 7--the average staff-to-child ratio--equals 8 spaces). A fourth approach is to base it on an estimated floor area of the play area.

Off-Street Loading/Unloading - For safety reasons, an off-street loading/unloading zone that is separated from the parking area would promote a safe means access for the children.

Buffer - A landscaped buffer strip around the fenced play area to minimize potential conflict (such as noise) between land uses. It will also provide a pleasant environment for the children. The size of the buffer, which would be written into the standards, is dependent on factors such as the zone in which the center is located, the adjacent land uses, and location of the play areas.

Location of Play Areas - Some ordinances limit the play areas to the side and rear yards. This may be more important in different zones or depending on the individual circumstances of the proposed location of the facility.

Location - Some ordinances have dispersal standards. Scarborough's standard, for example, is that "such facilities shall be situated no closer to another child care facility than five times the minimum frontage requirement for the zoning district within which it is situated."

Street Classification - The location of day care centers can be linked to the street classification. One ordinance in the Greater Portland region does not permit centers on "local residential streets" which effectively rules out most subdivision streets. This standard is presumably to protect the character of residential neighborhoods from increased traffic and noise generated by a day care center.

Any of these standards could be drafted in ordinance terms and be applied to either permitted or conditional uses. It seems likely that the conditional use standards would be more stringent than the permitted use standards. The important point, however, is that standards provide the City more control over a land use with unique characteristics, more predictability for the applicant as to the day care requirements, and more consistency in the application of the standards to a day care proposal.

The final policy question is in what zones the day care uses should be allowed in the City. A guiding principle to consider when reviewing the following alternatives by zoning category is the need to balance the compatibility issues with the increasing need for day care facilities.

1. Residential

*maybe  
generally  
no.*

- a. Home Occupation: permitted
- b. Day Care Home: conditional
- c. Day Care Center: conditional or not permitted

Policy Issue: Are free standing buildings (other than residential structures) for larger day care facilities appropriate in a residential zone.

2. Business

- a. Home Occupation: permitted
- b. Day Care Home: permitted
- c. Day Care Center: permitted

Policy Issue: None.

*principal or accessory*



3. Industrial (Principal or Accessory)

- a. Home Occupation: not permitted
- b. Day Care Home: permitted or conditional
- c. Day Care Center: permitted or conditional in I-P, I-1 or I-2, and not permitted in other industrial zones.

*OK  
Principal  
or  
accessory*

Policy Issues: Are day care facilities appropriate in an industrial zone. If so, (1) should day care facilities be principal or accessory uses; (2) should day care facilities be permitted or conditional uses; (3) should day care facilities be limited to light industrial zones.

4. Waterfront

- a. Home Occupation: permitted
- b. Day Care Home: permitted or not permitted
- c. Day Care Center: permitted or not permitted

*no*

Policy Issue: Other than as a home occupation, are day care facilities appropriate in a waterfront zone.

Attachments

- 1. State Licensing Applications



# Day Care Center

## DEPARTMENT OF HUMAN SERVICES

### APPLICATION FOR A LICENSE TO OPERATE A DAY CARE CENTER

Complete and Return to:

Licensing Unit  
Department of Human Services  
State House, Station 11  
Augusta, Maine 04333

I/we have received and read the Rules for the Licensing of Day Care Centers for Children. I/we understand that this application authorizes representatives of the Department and the State Fire Marshal's Office to make such visits and inspections as may be necessary to ascertain that the facility is in compliance with the LAW pertaining to the operation of such facilities.

I/we also understand that the signing of this application effectively serves as a release of information and gives permission to the Department to obtain any criminal records which may be on file in any county or state office.

I/we further certify that all information contained in this application is true. Application fee of \$10.00 is enclosed. Checks or money orders should be made payable to: TREASURER, STATE OF MAINE. The application fee is non-refundable.

Authorized Signature: \_\_\_\_\_ Birthdate: \_\_\_\_\_

Date: \_\_\_\_\_

Name of Agency: \_\_\_\_\_

Address of Agency: \_\_\_\_\_  
Street Address City or Town State Zip

Location of Facility: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ IRS No. (Employer's Ident. No.). \_\_\_\_\_

Type of Agency: (Underline appropriate description)

Non-Profit Profit Corporation Individual  
Social Agency Partnership (List Officers) Proprietorship

Name of Operator: \_\_\_\_\_

Address of Operator: \_\_\_\_\_

Relationship of this latter person to the agency: \_\_\_\_\_

\*(If there is a Board of Directors, a list of the members of the Board with the Officers designated, must be submitted with the application).

STAFF: Director:  
Name: \_\_\_\_\_ Birthdate: \_\_\_\_\_

Address: \_\_\_\_\_

Secondary School, College, Professional Schools, Training Courses Attended:

| Name  | Address: | Dates Attended | Certificate or Degree |
|-------|----------|----------------|-----------------------|
| _____ | _____    | _____          | _____                 |
| _____ | _____    | _____          | _____                 |
| _____ | _____    | _____          | _____                 |

Previous Training and/or Experience with Children under 7 years of age:

Name of Organization or Employee: Address: Position Held:

|       |       |       |
|-------|-------|-------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

References for Director (three required, not relatives):

| Name  | Address |
|-------|---------|
| _____ | _____   |
| _____ | _____   |
| _____ | _____   |

Have you or any employee working with children even been convicted of a child related crime? If so, explain. \_\_\_\_\_

Other Employees:

| Name  | Position | Birthdate | Highest Level Education Completed | Beyond High School Type of Educational Institution |
|-------|----------|-----------|-----------------------------------|--|
| _____ | _____    | _____     | _____                             | _____  |
| _____ | _____    | _____     | _____                             | _____  |
| _____ | _____    | _____     | _____                             | _____  |
| _____ | _____    | _____     | _____                             | _____  |

Agency Physician Consultant:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

STAFF PHYSICAL: I understand that before a license is granted, there must be on file in the day care center, a medical statement for each member of the staff certifying that he/she is free from communicable and contagious diseases. This must include a T.B. test or an x-ray of the chest.

Program:

No. of children in attendance:

No. of months per year \_\_\_\_\_ 6 weeks to 1 year \_\_\_\_\_  
 No. of hours per day \_\_\_\_\_ 1 year to 2 1/2 years \_\_\_\_\_  
 No. of days per week \_\_\_\_\_ 2 1/2 to 3 years of age \_\_\_\_\_  
 Night care \_\_\_\_\_ 3 to 6 years of age \_\_\_\_\_  
 School age children \_\_\_\_\_

Meals or Food Served: Breakfast \_\_\_\_\_ Snack a.m. \_\_\_\_\_ Lunch \_\_\_\_\_ Supper \_\_\_\_\_  
 p.m. \_\_\_\_\_

\*Note: Daily program and weekly menu will be made available at the request of the State Licensing person.



Physical Facilities:

Type of Structure: Family Residence \_\_\_\_\_ Other House \_\_\_\_\_  
 Garage or Barn \_\_\_\_\_ Bldg. built for this purpose \_\_\_\_\_  
 Other \_\_\_\_\_ Describe: \_\_\_\_\_

Number of floors to be used for the care of children \_\_\_\_\_

Location of floors: \_\_\_\_\_

\*Attach for each floor to be used a floor plan including dimensions and showing the play room(s), isolation area, lavatory(ies), kitchen(s), and other rooms.

Number of square feet of usable floor space in play room(s) \_\_\_\_\_

Type of Heating System: \_\_\_\_\_

Source of Drinking and Cooking Water: Municipal \_\_\_\_\_ Private \_\_\_\_\_

Number of toilets for the use of children \_\_\_\_\_

Number of wash basins for the use of children \_\_\_\_\_

Dimensions of usable outdoor play space \_\_\_\_\_

Type(s) of surfacing of play area \_\_\_\_\_

Is play area adjacent to the facility? \_\_\_\_\_ If not, describe location in relation to the building.

How is play area physically safeguarded?  
 (Describe)

Equipment: \_\_\_\_\_

Location of telephone: \_\_\_\_\_

Number of cots \_\_\_\_\_, Sleeping pads \_\_\_\_\_, Cribs and/or blankets, \_\_\_\_\_,  
 Chairs \_\_\_\_\_, Tables \_\_\_\_\_, available for children's use.

Describe outdoor play equipment (list type and amount of). \_\_\_\_\_

Describe provisions for storing children's outdoor clothing and change of clothing: \_\_\_\_\_

Transportation: Is transportation to be provided by the agency? \_\_\_\_\_

Has there been a fire safety inspection: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_ By Whom \_\_\_\_\_

Day Care Home

DEPARTMENT OF HUMAN SERVICES  
APPLICATION FOR A LICENSE TO OPERATE A DAY CARE HOME

Complete and Return to:

Licensing Unit  
Department of Human Services  
State House, Station 11  
Augusta, Maine 04333

I/we have received and read the Rules for the Licensing of Day Care Homes. I/we understand that this application authorizes representatives of the Department and the State Fire Marshal's Office to make such visits and inspections as may be necessary to ascertain that the facility is in compliance with the LAW pertaining to the operation of such facilities.

I/we also understand that the signing of this application effectively serves as a release of information and gives permission to the Department to obtain any criminal records which may be on file in any county or state office.

I/we further certify that all information contained in this application is true. Application fee of \$10.00 is enclosed. Checks or money orders should be made payable to: TREASURER, STATE OF MAINE. The application fee is non-refundable.

Authorized Signature: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Date: \_\_\_\_\_

Provider: \_\_\_\_\_ Tel. #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Source of Water:       Municipal [ ]       Private [ ]

Largest Number of Children Present at One Time: \_\_\_\_\_

(Please include school age day care children in total number)

No more than 6 [ ]       7 to 12 [ ]

Names of All Persons Working with Children: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REPORT  
EVENING CITY COUNCIL MEETING  
FEBRUARY 1, 1988

7:30 PM City Council Meeting - The Honorable Ronald J. Dorler, Mayor, Presided.

Mayor Dorler called the meeting to order at 7:50 p.m.

**ROLL CALL:** Councilors Clenott, Abromson, Bernstein, Casale, MacWilliams, Dorler present. Councilors Plumb, Leeman in at 7:52. Councilor Lee in at 8:p.m.

**MINUTES OF THE PREVIOUS MEETING:**

**CONSENT ITEMS:**

- 241 - **PROCLAMATION HONORING THE POLICE OFFICER OF THE YEAR FOR 1988 - SPONSORED BY MAYOR RONALD J. DORLER.** Officer Gary Agger was named Officer of the Year. Proclamation read and presented to Officer Agger by Mayor Dorler. Adopted, 6 Yeas.
- 242 - **PROCLAMATION FOR CHILDREN'S DENTAL HEALTH MONTH - SPONSORED BY MAYOR RONALD J. DORLER.** Proclamation adopted, 6 Yeas.
- 243 - **PROCLAMATION FOR AMERICAN HISTORY MONTH - SPONSORED BY MAYOR RONALD J. DORLER.** Proclamation adopted, 6 Yeas.
- 244 - **ORDER APPOINTING CONSTABLES - SPONSORED BY JANE DURGIN, CITY CLERK.** Read twice and passed, 6 Yeas. Emergency Preamble not effective because of required 7 votes.
- 245 - **ORDER AMENDING TRAFFIC SCHEDULE RE: LANCASTER STREET - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER.** Read twice and passed, 6 Yeas.

**UNFINISHED BUSINESS:**

- 234 - **AMENDMENT TO PORTLAND CITY CODE SECTION 14-246 (I-2 INDUSTRIAL ZONE) - SPONSORED BY THE PLANNING BOARD.** Removed from the table. Councilor Plumb's amendment "1 parking space per employee plus one based on the number of employees required through State licensing for potential maximum capacity of such facility", passed, 9 Yeas. Councilor Lee's amendment to limit full time positions in day care facilities to 50, failed, 7 Nays, 2 Yeas (Lee, MacWilliams), and passed, as amended, 8 Yeas, 1 Nay (MacWilliams)..
- 235 - **AMENDMENT TO PORTLAND CITY CODE SECTION 14-291 (I-P INDUSTRIAL PARK ZONE) - SPONSORED BY THE PLANNING BOARD.** Removed from the table. Councilor Plumb's amendment "1 parking space per employee plus one based on the number of employees required through State licensing for potential maximum capacity of such facility", passed, 9 Yeas. Councilor Lee's amendment to limit full time positions in day care facilities to 50, failed, 7 Nays, 2 Yeas (Lee, MacWilliams), and passed, as amended, 8 Yeas, 1 Nay (MacWilliams).

**PUBLIC HEARINGS:** None

**RESOLUTIONS:** None

**COMMUNICATIONS:** None

REPORT  
AFTERNOON CITY COUNCIL MEETING  
FEBRUARY 1, 1988

4:00 PM City Council Meeting - The Honorable Ronald J. Dorler, Mayor, Presided.

Mayor Dorler called the meeting to order at 4:20 p.m.

ROLL CALL: All Councilors present.

MINUTES OF THE PREVIOUS MEETING: Motion to suspend the reading of the minutes, and accept the minutes, passed, 9 Yeas.

CONSENT ITEMS: None

LICENSES:

- 237 - ORDER GRANTING MUNICIPAL OFFICERS' APPROVAL FOR NEW AND RENEWAL STATE LIQUOR LICENSES - SPONSORED BY JANE DURGIN, CITY CLERK. Read twice and passed, 9 Yeas.

UNFINISHED BUSINESS:

- 228 - AMENDMENT TO PORTLAND CITY CODE CHAPTER 24 (SEWERS), ARTICLE III (SEWER USE REGULATIONS) SECTION 24-57 RE: DEMOLITION OF BUILDINGS - SPONSORED BY ROBERT B. GANLEY, CITY MANAGER. Removed from the table. Given second reading and passed, 9 Yeas.

PUBLIC HEARINGS: None

RESOLUTIONS: None

COMMUNICATIONS: None

ORDERS:

- 238 - ORDER AUTHORIZING REQUEST FOR PROPOSALS FOR THE PURCHASE AND REUSE OF THE FORMER DUCK HOUSE USED IN DEERING OAKS - SPONSORED BY THE COMMUNITY DEVELOPMENT COMMITTEE, COUNCILOR JOSEPH D. CASALE, CHAIRMAN...Given first reading. Councilor Abromson's amendment was to substitute the RFP with a simple cover letter requesting, "why people want it? What do they plan to do with it? and "How much do they want to pay for it? and return original copy within 30 days, passed, 9 Yeas, and passed, as amended, 9 Yeas.
- 239 - ORDER ESTABLISHING THE CONGRESS STREET COMMERCIAL LOAN PROGRAM - SPONSORED BY THE COMMUNITY DEVELOPMENT COMMITTEE, JOSEPH D. CASALE, CHAIRMAN. Given first reading.
- 240 - ORDER APPROPRIATING FUNDS FOR THE CONGRESS STREET COMMERCIAL LOAN PROGRAM - SPONSORED BY THE COMMUNITY DEVELOPMENT COMMITTEE, COUNCILOR JOSEPH D. CASALE, CHAIRMAN. Given first reading.

AMENDMENTS: None

**CITY OF PORTLAND, MAINE**  
**M E M O R A N D U M**

**TO:** Robert B. Ganley, City Manager  
**FROM:** Joseph E. Gray, Jr., Director  
**DATE:** January 6, 1988  
**SUBJECT:** City Council Agenda - January 20, 1988

Please place the following items on the January 4, 1988 City Council agenda:

- (1) Amendment to Portland City Code Section 14-246 (I-2 Industrial Zone); and
- (2) Amendment to Portland City Code Section 14-291 (I-P Industrial Park Zone).

The purpose of these amendments is to permit day care facilities in the I-1, I-2, and I-P zones. By allowing day care facilities in these zones, more areas will be available for the development of such facilities.

The amendments are in response to a request from Mr. Brent Cote to amend the industrial text to permit day care facilities in an industrial zone. Mr. Cote, who proposed to construct a day care facility with an office building in an industrial zone, was denied a variance by the Board of Appeals because the day care facility was deemed not to be an accessory use, and therefore, not permitted in the zone. When the text amendment to permit day care facilities in an industrial zone was brought forward to the Planning Board, the Board decided to examine the issue of day care facilities in all the zones in the City. The only amendments being forwarded at this time are for the industrial ones. Possible day care amendments for the other zones are still being examined and will be brought forward at a later date.

The industrial day care amendments are permitted uses with specific day-care related standards that must be met. The standards include state licensing, off-street parking and loading, and on-site outdoor play areas. They are consistent with the State Health and Human Services Departments requirements.

The Planning Board recommends adoption of the day care facility amendments to the I-2 and I-P zones (Attachments 1 & 2). Since the I-2 zone "pyramids" the I-1 zone in permitted uses, day care facilities will be permitted in the I-1 zone if permitted in the I-2 zone. Therefore, no special amendment to the I-1 zone would be needed to permit day care facilities in the zone. A detailed Planning Board Report is attached (Attachment 3).

Attachments

1. I-2 Amendment
2. I-P Amendment
3. Planning Board Report #94-87

cc: David Lourie, Corporation Counsel  
Jane Durgin, City Clerk



**City of Portland, Maine**  
IN THE CITY COUNCIL

**AMENDMENT TO PORTLAND CITY CODE**  
**Section 14-246 (I-2 Industrial Zone)**

**BE IT ORDAINED**, by the City Council of the City of Portland, Maine in City Council assembled that Portland City Code 14-246 (uses in the I-2 zone) be amended as follows:

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in an I-2 or I-26 zone for any use prohibited in an I-3 zone or for any of the following uses: ...
- b. In an I-2 zone, day care facilities shall be permitted provided that:
  1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  2. Off street parking shall be provided with one space per classroom or room used for purposes of instruction;
  3. Off street loading shall be located in a safe location;
  4. There shall be an on-site outdoor play area with 75 square feet per child; and
  5. The outdoor play area shall be fenced and screened with a landscaped buffer.

# City of Portland, Maine

## IN THE CITY COUNCIL

### AMENDMENT TO PORTLAND CITY CODE Section 14-491 (I-P Industrial Park Zone)

BE IT ORDAINED, by the City Council of the City of Portland, Maine in City Council assembled that Portland City Code 14-291 (Uses in the I-P zone) be amended as follows:

No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises should be used, in an I-P zone, for any except the following uses and only in the manner prescribed in this division: ...

(11) Day care facilities provided that:

- a. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
- b. Off street parking shall be provided with one space per classroom or room used for purposes of instruction;
- c. Off street loading shall be located in a safe location,
- d. There shall be an on-site outdoor play area with 75 square feet per child; and
- e. The outdoor play area shall be fenced and screened with a landscaped buffer.

~~-(11)-~~ (12) The following conditional uses may be authorized by the board of appeals: ...

PLANNING REPORT #94-87

PORTLAND PLANNING BOARD

PROPOSED DAY CARE REGULATIONS AMENDMENTS

Submitted to:

Portland City Council  
Portland, Maine

January 20, 1988

## I. INTRODUCTION

The Planning Board held a public hearing on December 8, 1987 on the proposed day care regulations amendments. The proposal before the Board included amendments to the definitions, residential zones, business zones, industrial zone, and others. The Board voted 6-0 to recommend to the City Council adoption of day care amendments to the I-P and I-2 zones. The other amendments in the proposal will continue to be developed by staff.

## II. PUBLIC NOTICE

A total of one hundred twenty three (123) notices were sent to day care center providers in the City and to other known interested parties. A legal notice also appeared in both editions of the Guy Gannett newspapers on Monday, November 17, 1987.

## III. POLICY DISCUSSION

Nationally, over 60% of kids under 14 have working parents and the statistics indicate that the numbers of single parents and two working parents are increasing. A result of the changing society is a growing need for day care facilities.

In Portland there are a total of 119 licensed day care facilities. The majority (82) are licensed day care homes with twelve or fewer children. The 32 day care centers in the City range in numbers of children from six (6) to one hundred (100), with the average number of kids being forty-four (44). The total number of licensed slots in the City is 2,118. In discussions with day care providers and regulators, it appears - although it is not documented - that the demand for day care outstrips its availability in Portland.

Not only is the need for day care facilities growing, but the types of facilities are changing. What was once primarily a home occupation has evolved into larger independent or employment-based day care centers. The City now has a wide range of day care facilities from small day care in homes to large centers connected with a large employer in the City. The home based day care facilities typically have twelve (12) or fewer children while large day care facilities have thirteen (13) or more children and are located in institutions or in commercial buildings. The revisions expand the number of zones in which day care facilities are allowed while establishing standards to ensure the safety and well-being of the children in the facilities.

#### IV. PLANNING BOARD REVIEW AND RECOMMENDATION

The examination of the City's day care facilities began in February, 1987 when an applicant sought a text amendment to the I-1 zone to permit day care facilities. The Planning Board concluded that the issues of day care facilities in the residential, commercial, and industrial zones warranted examination.

The Planning Board held two workshops to discuss possible day care amendments which focused on day care definitions and standards for the facilities in the residential, commercial, and industrial zones. The focus of the discussion of the standards was to make a distinction between home-based day care and larger, more business-oriented day care facilities. A variety of standards were discussed including in the residential zones a dispersal provision, use of institutional buildings, and a limit on non-resident staff. Off street parking and loading, an on-site fenced and screened play area, and State licensing in all zones were among the other standards discussed at the workshops.

A public hearing was held on December 8, 1987. Ten persons spoke at the hearing and raised issues primarily regarding the standards for home-based day care. The majority of the speakers are day care providers or work for day care resource centers. They stressed the need for more day care facilities and requested that the requirements not be so excessive so as to deter persons from starting new day care services.

There appeared to be a consensus among the speakers that allowing day care in industrial zones would expand the areas for day care facilities and potentially increase the number of facilities. Day care facilities are allowed while establishing standards for each zone to ensure the safety and well-being of the children in the centers.

The standards recommended by the Planning Board are summarized below and are followed by a brief explanation for the standard.

**1. Proof of Licensing with the Maine Department of Human Services prior to issuance of a certificate of occupancy.**

This proof, which is required for all zones and for all types of day care facilities, is an indicator of compliance with the Maine law on day care operations. Most of the State standards would not be duplicated by the City and would be enforced by the State.

2. **Off-street parking shall be provided with one space per classroom or room used for purposes of instruction.**

As with any business, parking for employees and building users should be provided on-site. The parking requirement is based on classrooms with the idea that there may only be one teacher per room.

3. **Off street loading in a safe location.**

An off-street drop off area for children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop children off.

4. **An on-site outdoor play area with 75 sq. ft. per child is required.**

The intent of this requirement is safety-related. It is not certain that there will be a park or suitable open space nearby and reaching the site is likely to be tricky. Many of the industrial areas of the City are not pedestrian-oriented and lack facilities such as crosswalks. Furthermore, the significant presence of trucks may also impose hazardous safety conditions on the children. The size of the play area is consistent with DHS standards.

5. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

If the play area is provided on site, a fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

The Planning Board recommended to the City Council by a 6-0 vote adoption of the amendments to the I-2 and I-P zones that would allow day care facilities in them. The recommended amendments are as follows:

**Amendment to Sec. 14-246 (I-2 Industrial Zone)**

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises shall be used, in an I-2 or I-26 zone for any use prohibited in an I-3 zone or for any of the following uses: ...

- b. In an I-2 zone, day care facilities shall be permitted provided that:
1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  2. Off street parking shall be provided with one space per classroom or room used for purposes of instruction;
  3. Off street loading shall be located in a safe location;
  4. There shall be an on-site outdoor play area with 75 square feet per child; and
  5. The outdoor play area shall be fenced and screened with a landscaped buffer.

**Amendment to Sec. 14-491 (I-P Industrial Park Zone)**

No building or structure shall be erected, altered, enlarged, rebuilt or used, and no premises should be used, in an I-P zone, for any except the following uses and only in the manner prescribed in this division: ...

(11) Day care facilities provided that:

- a. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
- b. Off street parking shall be provided with one space per classroom or room used for purposes of instruction;
- c. Off street loading shall be located in a safe location,
- d. There shall be an on-site outdoor play area with 75 square feet per child; and
- e. The outdoor play area shall be fenced and screened with a landscaped buffer.

~~(11)~~ (12) The following conditional uses may be authorized by the board of appeals: ...

The Board voted 6-0 to table to a workshop the day care amendments to the other zones and, prior to the workshop, staff should coordinate with the City Department of Health and Human Services to seek additional input on the amendment from day care providers and other interested parties.

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Chairman and Member of the Planning Board  
FROM: Kathleen A. Conner, Senior Planner KC  
DATE: December 3, 1987  
SUBJECT: Day Care Amendments, Report #94-87

The day care amendments have been slightly revised since the Board received them for the November 24, 1987 meeting. The revisions are described below.

1. R-1 to R-6 and IR-1 to IR-3 (p.8)
- (3)c. Family day care homes which have not received a permit as a home occupation under Section 14-410...

The language has been revised to make certain that those day care homes that are not registered with the city as home occupations because they don't meet the criteria are subject to the seven (7) conditions listed in the proposed amendment.

- (3)c.4. There shall be no more than two non-resident staff in a day care home, except there shall not be a limit on the number of staff members in day care facilities in an institutional building.

The intent of the proposed amendment is to clarify a clause that was vague. In the proposed ordinance, day care homes and centers accessory to an institution are conditional uses. A day care center will require a larger staff to accommodate 13 or more children and the center should not be subject to the day care home requirements.

- (3)c.5. One(1) off-street parking space shall be provided for a day care home for each non-resident employee, up to a maximum of two (2) off-street spaces, in addition to off street resident parking, and not located in a required front yard.

The proposed amendment relaxes the parking standard by requiring one space per non-resident employee rather than two spaces, even if there is only one non-resident employee.



PB MEMO  
December 8, 1987  
Page 2.

There has been a concern raised by the day care providers about the fencing and screening requirement in the residence zones if the play area is on-site. The day care providers feel that it may be excessive and deter people from starting day care homes because the start-up costs would be prohibitive for some. The board may want to consider relaxing this requirement by stating that the Board of Appeals may require a fence and screening as needed, if there is a safety or intrusion issue that would result in detrimental impact on the neighborhood.

*State  
handbook*

The other primary concern of the providers is the dispersal requirement as it applies to the densely developed R-6 zone. The dispersal requirement may limit the number of large day care homes on the peninsula. The Board may want to consider having an R-6 exception to the dispersal requirement. Other than the scattered R-6 zones off-peninsula that are being reviewed, the effect of the exception will be primarily on the peninsula.

*PKG.  
also possible  
exception*

A copy of the report and the revised proposed amendments are attached.

A total of 123 notices were mailed to the licensed and registered day care homes and licensed day care centers in the City as of June, 1987, and to other known day care providers. This item was also included as part of the published agenda on Monday, November 30, 1987 as an unfinished business item.

/jff

**PLANNING REPORT #94-87**  
**(Revised 12-08-87)**

**PORTLAND PLANNING BOARD**

**PROPOSED DAY CARE REGULATIONS AMENDMENTS**

Submitted to:

Portland Planning Board  
Portland, Maine

December 8, 1987

## I. INTRODUCTION

The Planning Board held a workshop on June 30, 1987 and one on <sup>October</sup> ~~September~~ 14, 1987 on the proposed day care regulations amendments. The proposed amendments expand the zones in which day care facilities are permitted. They also set forth specific standards for conditional use review of day care facilities. The standards work in conjunction with the State's day care facility standards and they do not attempt to duplicate them. It is hoped that these standards will make the review process more predictable while maintaining the quality of day care facilities in Portland.

## II. PUBLIC NOTICE

A total of thirty-seven (37) notices were sent to day care center providers in the City and to other known interested parties. A legal notice also appeared in both editions of the Guy Gannett newspapers on Monday, November 17, 1987.

A memo from Doris Hohman, Health & Human Services Director, is attached (Attachment one). No other written comments have been received to date.

## III. POLICY DISCUSSION

Nationally, over 60% of kids under 14 have working parents and the statistics indicate that the numbers of single parents and two working parents are increasing. A result of the changing society is a growing need for day care facilities. (A list of day care facilities is attached).

In Portland there are a total of 119 licensed day care facilities. The majority (82) are licensed day care homes with twelve or fewer children. The 32 day care centers in the City range in numbers of children from six (6) to one hundred (100), with the average number of kids being forty-four (44). The total number of licensed slots in the City is 2,118. Although it is not documented, in discussions with day care providers and regulators, it appears that the demand for day care outstrips its availability in Portland.

Not only is the need for day care facilities growing, but the types of facilities are changing. What was once primarily a home occupation has evolved into larger independent or employment-based day care centers. The City now has a wide range of day care facilities from small day care in homes to large centers connected with a large employer in the City. The home based day care facilities typically have twelve (12) or fewer children while large day care facilities have thirteen (13) or more children and are located in institutions or in commercial buildings. The City's current regulations lack standards by which to judge the suitability of the day care facility in a certain zone and location.

In order to meet the day care facility demand, the City's regulations need to be revised. The revisions expand the number of zones in which

day care facilities are allowed while establishing standards for each zone to ensure the safety and well-being of the children in the centers. The revised regulations will also differentiate between a residential scale day care facility and a commercial scale facility in order to protect the character of the residential zones and prevent commercial encroachment in them.

#### IV. SUMMARY OF AMENDMENTS

In this section, each amendment will be discussed. A summary chart, by zone, follows the amendment discussion. The proposed amendments for the zones will also be summarized.

#### DEFINITIONS

The proposed definitions are the same as the State's day care homes and day care centers definitions. Under day care homes, the addition of the distinction of small and large day care homes based on the number of children is proposed. A small day care home will accommodate not more than six (6) children plus two (2) children after school while a large day care home will accommodate seven (7) to twelve (12) children. The definitions follow:

##### **Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

##### **Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

STANDARDS

1. **Proof of Licensing with the Maine Department of Human Services prior to issuance of a certificate of occupancy.**

This proof, which is required for all zones and for all types of day care facilities, is an indicator of compliance with the Maine law on day care operations. Most of the State standards would not be duplicated by the City and would be enforced by the State. In addition, since the license is granted for a specific number of children, administration of the ordinance will be easier. For example, a license for 7 children would place the application in the category of large day care home while one for 6 children would be in the small day care home category which has different standards than a large day care home.

*Consider an  
exception  
in an  
R-6?*

2. **A large day care home shall not be located within 500 feet of another large day care home, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement will help to minimize the impact of a day care home on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the neighborhood from a residential to a business character. A dispersal requirement will allow day care homes in neighborhoods, but would spread them out.

*\**

3. **A day care home in a residential zone shall be located in a building of residential occupancy except for institutional buildings which may have day care facilities as accessory uses.**

In order to retain the residential character, day care homes will be allowed only in residences. Institutional buildings are excepted from the standard if the day care facility is an accessory use. The intent of this is to prevent construction or the use of other types of structures for day care facilities in order to maintain a residential character. It is also intended to prevent the conversion of the housing stock from residential use to a day care use which might also jeopardize the residential character as well as reduce the number of housing units.

4. **There shall be no more than two (2) non-resident staff in a day care home in a residential zone, except for day care facilities in an institutional building.**

*That there shall not be a  
limit on the number of staff  
(members)*

The non resident staff requirement will limit the size of the day care home to minimize traffic and parking congestion. There is no cap on the number of residents working at the day care home in addition to the two non-resident staff. In institutional buildings, there is no limit on the number of employees since on it is presumed that the day care facility will be an independent operation.

It should be noted that the major distinction between a small day care home as a home occupation and a small day care home is that the home occupation cannot have any non-resident employees while the small day care home would allow two non-resident employees. Thus, in a small day care home, the resident could leave for the day and have two non-resident day care providers in the house.

\* Possible exception,  
1 sp per emp, up  
to two  
and no report  
in the K-6

5. **Off-street parking in residential zones for two (2) employees, in addition to off-street resident parking, and located other than in a required front yard.**

Off-street parking will relieve any potential congestion to the neighborhood. Parking in a location other than in the front yard will also lend to the preservation of the residential character in residence and prevent the construction of a parking lot in the front yard setback.

6. **Off-street parking in business and industrial zones of one space per 400 square feet of floor area in the day care facility structure.**

As with any business, parking for employees and building users should be provided on-site or leased in an area in close proximity to the building.

- \* 7. **Off street loading in a safe location (in business and industrial zones only).**

An off-street drop off area for children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop children off. An exception for the B-3 zone is proposed to eliminate this requirement in the downtown. It would be almost impossible for any facility to meet this standard and its elimination will promote day care facilities in the downtown.

- \* 8. **An outdoor play area within walking distance of the facility (Residential Zones).**

*bold* { An outdoor play area on-site is required in business zones, except the B-3 zone. In the B-3 zone, an on-site plan area is not required if there is a play area within walking distance of the day care facility with crossing arterial or collector streets. The Board of Appeals may grant an exception to the business zones play area requirement if a reasonable alternate source of outdoor recreation can be provided.

**An outdoor play area on-site is required in industrial zones.**

In residential zones, there may not be a yard to accommodate the children on site. The use of a nearby park or open space would meet the intent of the play area requirement, if it is within walking distance. In business and industrial zones it is preferable to have the play area on-site. An exception to this requirement is proposed in the business zones. The on site play area would not be required in the B-3 zone if there is a park or play area within walking distance of the facility and if no arterials or major streets must be crossed to reach the play area. An exception for the business zones is also proposed if a reasonable alternate source of outdoor recreation can be provided within safe walking distance. These exceptions will offer flexibility for a day care facility in a business zone even if there isn't an on-site play area.

9. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

If the play area is provided on site, a fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                              | RESIDENTIAL                    |                                | BUSINESS & INDUSTRIAL |                            |
|------------------------------|--------------------------------|--------------------------------|-----------------------|----------------------------|
|                              | <u>Small Day<br/>Care Home</u> | <u>Large<br/>Day Care Home</u> | <u>Day Care Home</u>  | <u>Day Care<br/>Center</u> |
| State License                | x                              | x                              | x                     | x                          |
| Dispersal                    |                                | x                              |                       |                            |
| Residential building         | x <sup>1</sup>                 | x                              |                       |                            |
| Institutional bldg.          | x                              | x                              | x                     | x                          |
| Non-resident staff<br>limit  | x <sup>1</sup>                 | x                              |                       |                            |
| Off street parking           | x <sup>1</sup>                 | x                              | x <sup>3</sup>        | x <sup>3</sup>             |
| Off street loading           |                                |                                | x <sup>3</sup>        | x <sup>3</sup>             |
| On site play area            |                                |                                | x                     | x                          |
| Fenced/Screened<br>Play Area | x <sup>2</sup>                 | x <sup>2</sup>                 | x                     | x                          |

x = requirement

<sup>1</sup> Required Under Section 14-410 (Home Occupations)

<sup>2</sup> Required if the play area is on site

<sup>3</sup> Except in a B-3 zone



**DEFINITIONS  
SUMMARY OF AMENDMENTS**

Section 14-17. Definitions.

**Day care facility.** A facility which provides a regular program of care and protection, for children under the age of sixteen (16), for consideration, for any part of the day.

**Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
  
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

**Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

R-1 TO R-6 AND IR-1 TO IR-3  
SUMMARY OF AMENDMENTS

(3) Other...

b. ~~Nursery schools and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

c. Day care homes which have not received a permit as a home occupation under section 14-410, and provided that, notwithstanding Section 14-474 ("Conditional Uses"):

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a Certificate of Occupancy;
2. A large day care home shall not be located within 500 feet of another large day care home as measured along the street line to the respective property lines, and in no case shall such use be located on abutting lots;
3. A large day care home shall be located in a building of residential occupancy except that day care homes or centers may be located in institutional buildings as an accessory use;
4. There shall be no more than two non-resident staff in a day care home, except there shall not be a limit on the number of staff members in day care facilities in an institutional building;
5. One off street parking space shall be provided for a day care home for each non-resident employee, up to a maximum of two (2) off-street spaces, in addition to off-street resident parking, and not located in a required front yard;
6. There shall be an outdoor play area within walking distance of the day care home; and
7. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

RP TO B-3  
SUMMARY OF AMENDMENTS

RP 14-147 Permitted Uses.

(22) Day Care Centers or day care homes provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location, except an off street loading area is not required *in a B-3 zone*.
4. There shall be an on-site outdoor play area with 75 square feet per child with the following exceptions:
  - a. An on-site play area is not required in the B-3 zone if there is a play area within walking distance of the day care facility without crossing arterial or collector street;
  - b. The Board of Appeals may grant an exception if a reasonable alternate source of outdoor recreation can be provided within safe walking distance.
5. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

I-P AND I-1  
SUMMARY OF AMENDMENTS

Section 14-231. Use.

I-1 Industrial Zone

(1) Uses prohibited in the I-2 zone except:

i. Day care homes and day care <sup>centers</sup> ~~facilities~~ that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location,
4. There shall be an on-site outdoor play area with 75 square feet per child; and
5. The outdoor play area shall be fenced and screened with a landscaped buffer.

*based on the max. number of children  
in one classroom*

I-2  
SUMMARY OF AMENDMENTS

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarge, rebuilt or used, and no premises shall be used, in an I-2 or I-2b zone for any use prohibited in an I-3 zone or for any of the following uses:...
- b. In an I-2 zone, day care centers and day care homes shall be permitted provided that:

  - 1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  - 2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
  - 3. Off street loading shall be located in a safe location,
  - 4. There shall be an on-site outdoor play area with 75 square feet per child; and
  - 5. The outdoor play area shall be fenced and screened with a landscaped buffer.

PARKING AND HOME OCCUPATION  
SUMMARY OF AMENDMENTS

Section 14-332 (Parking).

- (15) Day Care homes or centers in a business or industrial zone: One parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

Section 14-410. Home occupation.

**Purpose.** The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (1) In connection with the cooperation of a home occupation, within a dwelling unit, the following requirements shall be met:
- a. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) per cent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family small day care homes, <sup>-or home babysitting services-</sup> to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;...
  - b. - g...
  - h. There shall be no more than one non-resident employed in the home occupation provided however family day care homes ~~-or home babysitting services-~~ shall have no non-resident employees.
  - i. - j.

**V. MOTION**

The Board may wish to make the following motion:

Recommendation to the City Council to adopt the day care regulations amendments as described in the Report #94-87.

Attachments:

1. Memo from Doris Hohman, Health and Human Services Director
2. Portland Day Care List

/jf

AH.1

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**DATE:** November 20, 1987  
**TO:** Kathleen A. Conner, Senior Planner  
**FROM:** Doris Hohman, <sup>DH</sup> Health & Human Services Director  
**SUBJECT:** Day Care Amendments

I have received the proposed revisions for day care facility standards which are being reviewed by the Planning Board. The lack of child care has been identified as a major social service concern in the City of Portland. The need for the creation of additional child care slots is urgent and should be encouraged and promoted.

However, proposed day care amendments appear to restrict the reaction of day care homes and centers. I am specifically referring to the requirements for outside play areas, the maximum for two non-resident staff, the dispersal requirements, off-street parking and coding requirements. All of these provisions will minimize available options for the development of essential day care slots and discourage individuals residing in high density areas on the peninsula, where day care is most needed, from going into the day care business.

It must be kept in mind that many day care facilities are non-profit organizations and in any case day care is not a high-profit business.

The process of amending day care facility standards should include an opportunity for interested social service and day care providers to provide input. In fact, in 1975 when zoning changes impacting day care homes came before the Council they requested an assessment of the impact of the proposed changes and appropriate recommendations.

I am interested in helping you plan a process to involve interested parties.

DH/sn

cc: Alex Jaegerman  
Joe Gray

**PORTLAND DAY CARE LIST**  
(as of 6-18-87)

**Day Care Homes - Registered**

| <u>Name</u>           | <u>Location</u>          | <u>Licensed Slots</u> |
|-----------------------|--------------------------|-----------------------|
| Sharon Chretien       | 429 Deering Ave., Apt. 2 | 12                    |
| Gail M. Conrad        | 42 Hillside Road         | 12                    |
| Norma Scribner        | 172 Bradley St.          | 12                    |
| Sheryl Kay Treadwell  | 296 Deering Ave.         | 12                    |
| Diane M. Vaillancourt | 31 Sunset Lane           | 12                    |
|                       | Subtotal                 | 60                    |

**Day Care Homes - Licensed**

| <u>Name</u>             | <u>Location</u>        | <u>Licensed Slots</u> |
|-------------------------|------------------------|-----------------------|
| Lori J. Baker           | 52 Rockland Avenue     | 6                     |
| Ilene R. Berman         | 55 Birchwood Drive     | 6                     |
| Donna Brown             | 6 Monroe St.           | 5                     |
| Diana J. Burton         | 21 Greenleag St.       | 3                     |
| Patricia F. Chandler    | 102 Allen Avenue       | 12                    |
| Cheryl H. Brett         | 42 Lafayette St.       | 8                     |
| Barbara Connelly        | 99E Commonwealth Drive | 8                     |
| Kathleen Dall           | 37 Lane Avenue         | 8                     |
| Jerry A. Deroche        | 36 Roberts St.         | 12                    |
| Marilyn DiBiase         | 27 Carlyle Road        | 8                     |
| Julie Erb               | 11 Exchange St.        | 10                    |
| Theresa A. Faherty      | 68 Pennell Avenue      | 8                     |
| Delia Foley             | 214 Taft Avenue        | 6                     |
| Regina B. Fontaine      | 58 Spruce Street       | 10                    |
| Joyce Foss              | 240 Danforth, Apt 107  | 6                     |
| Gayle Gauvreau          | 14 Locust St.          | 12                    |
| Gently Now Day Care     | 837 Brighton Avenue    | 12                    |
| Cynthia L. Goodhue      | 286 State St.          | 8                     |
| Cara Guerrieri          | 32 Thomas St.          | 12                    |
| Dena Hall               | 313 Ray St.            | 6                     |
| Deborah J. Hamilton     | 246 Pleasant Avenue    | 6                     |
| Linda Heal              | 23 Nottingham Avenue   | 7                     |
| Holy Innocents          | PO Box 797 Sherman St. | 12                    |
| Jeannette Egeland Horne | 105 North St.          | 12                    |
| Melanie B. Hunter       | 126 Concord St.        | 7                     |
|                         | Subtotal               | 210                   |



Day Care List  
 November 18, 1987  
 Page 2.

**Day Care Homes - Licensed (cont.)**

| <u>Name</u>             | <u>Location</u>       | <u>Licensed Slots</u> |
|-------------------------|-----------------------|-----------------------|
| Susan Johnston          | 66 Jackson St.        | 8                     |
| Suzanne Kaklegian       | 88 Presumpscot St.    | 8                     |
| Dona Ruth Kinney        | 68 Caribou St.        | 8                     |
| Dorothea Lappin         | 43 Elmwood St.        | 6                     |
| Pamela J. Lavalliere    | 17 Glenhaven East     | 7                     |
| Mary LeMay              | 287 Holm Avenue       | 4                     |
| Lorna Leo               | 223 Brackett St.      | 12                    |
| Connie Lerman           | 16 Williams St.       | 12                    |
| Sue K. Macy             | 19 Lincoln St.        | 6                     |
| Barbara McClellan       | 129 Mass Avenue       | 3                     |
| Nancy Merrow            | 9 Cushman St.         | 6                     |
| Donna Mitchell          | 146 Sherman St.       | 8                     |
| Hale Moreau             | 74 Devon St.          | 6                     |
| Anne Napoleone          | 1224 Washington Av.   | 5                     |
| Pamala R. Newsham       | 539 Brighton Av.      | 12                    |
| Rhonda Norton           | 24 Cobbert Rd.        | 6                     |
| Marguerite Paradis      | 125 Wellington Rd.    | 7                     |
| Cindy Parker            | 73 Spruce St.         | 6                     |
| Sherry M. Pierson       | 44 Whittier St.       | 6                     |
| Gail Platts             | 89 Mabel St.          | 6                     |
| Joan Prouty             | 385 Woodford St.      | 10                    |
| Beth Hariman Rapp       | 51 Devon St.          | 9                     |
| Mary Reilly             | 129 Brentwood St.     | 8                     |
| Deborah L. Reinold      | 28 Smith St.          | 6                     |
| Kristen Reuben          | 34 Hamblet Avenue     | 6                     |
| Virginia Reynolds       | 13 Fleetwood St.      | 10                    |
| Mildred Richardson      | 11 Woodfield Rd.      | 8                     |
| Peggy G. Rivera         | 202 Congress St.      | 6                     |
| Juli Schoppee           | 232 Maine Avenue      | 5                     |
| Claire Smith            | 85 Dole Drive         | 10                    |
| Joann Smith             | 39 Illsley St.        | 5                     |
| St. Patricks Church     | 1251 Congress St.     | 12                    |
| Margaret Stoddard       | 67 Quebec St.         | 6                     |
| Rachel J. Sylvester     | 10 Candlewyck Terrace | 8                     |
| Anne Taliento           | 48 Sturdivant Drive   | 5                     |
| Therapeutic Nursery MMC | 87 High St.           | 12                    |
| Wilda Theriault         | 112 Front St.         | 6                     |
| Pamela Thurston         | 57 Deering Run        | 8                     |
| Sharon L. Tilton        | Address Unknown       | 6                     |
|                         | PO Box 10488          |                       |

Subtotal 288

Day Care List  
 November 18, 1987  
 Page 3.

**Day Care Homes - Licensed (cont.)**

| <u>Name</u>                                | <u>Location</u>         | <u>Licensed Slots</u> |
|--|-------------------------|-----------------------|
| Marie L. Trott                             | 27 Merrill St. Box 3371 | 12                    |
| Bonny Trumble                              | 75 Front St.            | 6                     |
| Joanne Wiley                               | 31 Harris Avenue        | 6                     |
| Ann L. Wilson                              | 43 Huntington Avenue    | 12                    |
| Susanne Wilson                             | 88 Madeline Avenue      | 10                    |
| Celia Worrey                               | 162 Woodlawn Avenue     | 6                     |
| Donna Brown                                | 65 Lambert St. Apt. 5   | 6                     |
| Janice Gaudet                              | 126 Sherwood St.        | 6                     |
| Lisa E. Huff                               | 58 Congress St.         | 6                     |
| Angela Kelso                               | Willow Lane             | 8                     |
| Joan Naigle                                | 38 Ray St.              | 8                     |
| Portland YMCA/Infant Home                  | 70 Forest Avenue        | 12                    |
| Annette L. Rinaldi                         | 17 Aspen Drive          | 10                    |
| Patricia Roe                               | 156 Maine Avenue        | 12                    |
| St. Elizabeths Child<br>Development Center | 87 High St.             | 8                     |
| Nancy Valliere                             | 65 Coyle St.            | 10                    |
| Dora Wilkinson                             | 10 Josslyn St.          | 8                     |
|  | Subtotal                | 146                   |

**Day Care Center**

| <u>Name</u>                              | <u>Location</u>                                  | <u>Licensed Slots</u> |
|--|--|-----------------------|
| Advent Christian Church<br>of Portland   | 1520 Westbrook St.                               | 60                    |
| Catherine Morrill Day<br>Nursery         | 96 Danforth St.                                  | 84                    |
| Childrens Center of<br>Westbrook College | 716 Stevens Avenue                               | 50                    |
| East End Childrens<br>Workshop           | 10 Mayo St.                                      | 40                    |
| East End Childrens<br>Workshop           | 48 Moody St. Adams School                        | 95                    |
| Jacqueline J. Graffam                    | 77 Front St.                                     | 6                     |
| Kinder-Care Learning<br>Center           | 2211 Congress St.<br>Union Mutual                | 84                    |
| Pleasant Day Nursery<br>School           | 970 Forest Avenue                                | 100                   |
| Portland YWCA/Hall<br>Elementary School  | 23 Orono Rd.                                     | 50                    |
| Portside Learning Center                 | Riverton Elementary School<br>1600 Forest Avenue | 50                    |
|  | Subtotal   | 619                   |

Day Care List  
November 18, 1987  
Page 4.

**Day Care Center (cont.)**

| <u>Name</u>                                  | <u>Location</u>                    | <u>Licensed Slots</u> |
|--|------------------------------------|-----------------------|
| PROP Cumberland County/<br>Riverton HS       | 102-104 Riverton Park              | 20                    |
| PROP Cumberland County/<br>Sagamore HS       | 22 Popham St.                      | 23                    |
| PROP Cumberland City/<br>Harry Cummings Ctr. | 134 Congress St.                   | 20                    |
| Saint Patricks School                        | 1251 Congress St.                  | 30                    |
| Small World                                  | 314 Warren Avenue                  | 40                    |
| St. Elizabeths Child<br>Child Dev Center     | 87 High St.                        | 92                    |
| The Childrens Co-Op                          | 302 Stevens Avenue                 | 17                    |
| The Childrens Express                        | 1334 Washington Avenue             | 24                    |
| Trinity Church Day Care<br>Center            | 113 Coyle St.                      | 20                    |
| Genevieve Trueworthy                         | 70 Whitney Avenue                  | 8                     |
| USM/Bookstore                                | 96 Falmouth St.                    | 55                    |
| USM/Gym, Portland Campus                     | 96 Falmouth St.                    | 64                    |
| USM Child Care                               | 68 High St.                        | 27                    |
| West Side Day Care                           | 132 Danforth St.                   | 18                    |
| Westwood Childrens Center                    | West Sch. 57 Douglas St.           | 60                    |
| YWCA Teen Parent Services<br>Nursery         | 87 Spring St.                      | 24                    |
| Peaks Island Child Dev<br>Center             | Public School Gym, PI              | 25                    |
| Peaks Island Child Dev<br>Center             | St. Christopher's Parish           | 25                    |
| Portland YMCA/Toddler Home                   | 70 Forest Avenue                   | 63                    |
| PROP Cumberland County/<br>Kennedy Park HS   | 58 Boyd St. Kennedy Park           | 20                    |
| PROP Cumberland County/<br>Rosa True School  | 140 Park St.                       | 80                    |
| YWCA of Portland, Inc.                       | Baxter Elem School<br>Ocean Avenue | 40                    |
|  | Subtotal                           | 795                   |

**TOTALS - Licensed Slots**

|                             |              |
|-----------------------------|--------------|
| Day Care Homes - Registered | 60           |
| Day Care Homes - Licensed   | 644          |
| Day Care Centers -          | <u>1,414</u> |

|       |       |
|-------|-------|
| Total | 2,118 |
|-------|-------|



A Project of  
Diocesan Human Relations  
Services, Inc.

November 24, 1987

Portland Planning Board  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Members of the Planning Board:

This letter is in response to the proposed day care regulations amendments submitted to the Portland Planning Board.

I am pleased to see the city taking an active role in developing clear day care guidelines. However, we are concerned about one standard as it pertains to small family day care homes; i.e. standard # 9 - The on - site outdoor play area shall be fenced and screened with a landscaped buffer. Ideally, this regulation is appropriate. In fact, about half of family day care providers in the city currently have some type of fencing. Safety of children is of paramount concern for everyone in this profession. Yet there is a wide variation in the location and ages of children in family day care homes in this city. In many instances, fencing should be required. For example, a home on Brighton Avenue with infants, toddlers and preschoolers should have a fence. But should fencing be required in a home on a quiet neighborhood street that enrolls only school age children, or in the home on a dead-end street providing care for only infants?

We would like to ask for discretion in this rule. Our concern is that if a potential provider who lives in a little - traveled residential area, is required to make an investment of a fence and landscaped buffer, this rule will actually discourage people from going into this business. Indeed, this has occurred in other towns. Because of the expense in starting a family day care home, people have opted not to provide the service, or at least to go through the legal licensing route. This is critical consideration, since there is such a demand for quality child care. In the Child Care Connections, Resource and Referral service, at least 85% of our requests are currently for family day care.

In closing, we urge you to consider discretion in this requirement by considering the safety of children, with the location and ages of children in care; and, how this regulation will impact new providers who choose family day care as a form of self - employment. If regulations are cumbersome, restrictive, and costly, there will continue to be the lack of child care in this community.

Sincerely,

*Kathryn Stead*

Kathryn J. Stead  
Coordinator

*Gretchen Andres Greenberg*

Gretchen Andres Greenberg  
Resource and Referral  
Assistant

GAG:ct

## City of Portland

As a daycare provider for ten years without a fence, I feel that the City of Portland should really take time before making this proposal.

There is many issues that should be looked into. expenses to provide, height of fence, type of fence, how much area should be fenced in, area were daycare is run, busy street, dead end. etc, age group of children, some daycares have only infants, some toddlers, some mixed age groups, The state Department of Human Services, should have some say in this matter since they are the ones who check our homes to be licensed,

I feel if the City pushes to hard on this issue, a lot of daycare providers will give up daycare, or not be licensed and care for children without any rules and regulations. quality daycare is what is needed in Portland all providers are trying to do this. Common sense in caring for children, will tell you if you need or want a fence on

I'm afraid that regulations such as this one will cause more & more people to do day care without being licensed. I'm sure that a fence in yard is a good idea, but if it causes many people to not get re-licensed again, I feel it is a move in the wrong direction.

Helia J. Rey  
Licensed Family Day  
Care Home



**PLANNING REPORT #94-87**

**PROPOSED DAY CARE REGULATIONS AMENDMENTS**

Submitted to:

Portland Planning Board  
Portland, Maine

November 24, 1987



## **I. INTRODUCTION**

The Planning Board held a workshop on June 30, 1987 and one on September 14, 1987 on the proposed day care regulations amendments. The proposed amendments expand the zones in which day care facilities are permitted. They also set forth specific standards for conditional use review of day care facilities. The standards work in conjunction with the State's day care facility standards and they do not attempt to duplicate them. It is hoped that these standards will make the review process more predictable while maintaining the quality of day care facilities in Portland.

## **II. PUBLIC NOTICE**

A total of thirty-seven (37) notices were sent to day care center providers in the City and to other known interested parties. A legal notice also appeared in both editions of the Guy Gannett newspapers on Monday, November 17, 1987.

A memo from Doris Hohman, Health & Human Services Director, is attached (Attachment one). No other written comments have been received to date.

## **III. POLICY DISCUSSION**

Nationally, over 60% of kids under 14 have working parents and the statistics indicate that the numbers of single parents and two working parents are increasing. A result of the changing society is a growing need for day care facilities. (A list of day care facilities is attached).

In Portland there are a total of 119 licensed day care facilities. The majority (82) are licensed day care homes with twelve or fewer children. The 32 day care centers in the City range in numbers of children from six (6) to one hundred (100), with the average number of kids being forty-four (44). The total number of licensed slots in the City is 2,118. Although it is not documented, in discussions with day care providers and regulators, it appears that the demand for day care outstrips its availability in Portland.

Not only is the need for day care facilities growing, but the types of facilities are changing. What was once primarily a home occupation has evolved into larger independent or employment-based day care centers. The City now has a wide range of day care facilities from small day care in homes to large centers connected with a large employer in the City. The home based day care facilities typically have twelve (12) or fewer children while large day care facilities have thirteen (13) or more children and are located in institutions or in commercial buildings. The City's current regulations lack standards by which to judge the suitability of the day care facility in a certain zone and location.

In order to meet the day care facility demand, the City's regulations need to be revised. The revisions expand the number of zones in which

day care facilities are allowed while establishing standards for each zone to ensure the safety and well-being of the children in the centers. The revised regulations will also differentiate between a residential scale day care facility and a commercial scale facility in order to protect the character of the residential zones and prevent commercial encroachment in them.

#### IV. SUMMARY OF AMENDMENTS

In this section, each amendment will be discussed. A summary chart, by zone, follows the amendment discussion. The proposed amendments for the zones will also be summarized.

#### DEFINITIONS

The proposed definitions are the same as the State's day care homes and day care centers definitions. Under day care homes, Staff proposes the addition of the distinction of small and large day care homes based on the number of children. A small day care home will accommodate not more than six (6) children plus two (2) children after school while a large day care home will accommodate seven (7) to twelve (12) children. The definitions follow:

##### **Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

##### **Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

STANDARDS

1. **Proof of Licensing with the Maine Department of Human Services prior to issuance of a certificate of occupancy.**

This proof, which is required for all zones and for all types of day care facilities, is an indicator of compliance with the Maine law on day care operations. Most of the State standards would not be duplicated by the City and would be enforced by the State. In addition, since the license is granted for a specific number of children, administration of the ordinance will be easier. For example, a license for 7 children would place the application in the category of large day care home while one for 6 children would be in the small day care home category which has different standards than a large day care home.

2. **A large day care home shall not be located within 500 feet of another large day care home, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement will help to minimize the impact of a day care home on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the neighborhood from a residential to a business character. A dispersal requirement will allow day care homes in neighborhoods, but would spread them out.

3. **A day care home in a residential zone shall be located in a building of residential occupancy except for institutional buildings which may have day care facilities as accessory uses.**

In order to retain the residential character, day care homes will be allowed only in residences. Institutional buildings are excepted from the standard if the day care facility is an accessory use. The intent of this is to prevent construction or the use of other types of structures for day care facilities in order to maintain a residential character. It is also intended to prevent the conversion of the housing stock from residential use to a day care use which might also jeopardize the residential character as well as reduce the number of housing units.

4. **There shall be no more than two (2) non-resident staff in a day care home in a residential zone, except for day care facilities in an institutional building.**

The non resident staff requirement will limit the size of the day care home to minimize traffic and parking congestion. There is no cap on the number of residents ~~working~~ <sup>at the home</sup> at the day care home in addition to the two non-resident staff. In institutional buildings, there is no limit on the number of employees since on it is presumed that the day care facility will be an independent operation.

*1. dispersal*

It should be noted that the major distinction between a small day care home as a home occupation and a small day care home is that the home occupation cannot have any non-resident employees while the small day care home would allow two non-resident employees. Thus, in a small day care home, the resident could leave for the day and have two non-resident day care providers in the house.

5. **Off-street parking in residential zones for two (2) employees, in addition to off-street resident parking, and located other than in a required front yard.**

Off-street parking will relieve any potential congestion to the neighborhood. Parking in a location other than in the front yard will also lend to the preservation of the residential character in residence and prevent the construction of a parking lot in the front yard setback.

6. **Off-street parking in business and industrial zones of one space per 400 square feet of floor area in the day care facility structure.**

As with any business, parking for employees and building users should be provided on-site or leased in an area in close proximity to the building.

7. **Off street loading in a safe location (in business and industrial zones only).**

An off-street drop off area for children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop children off. An exception for the B-3 zone is proposed to eliminate this requirement in the downtown. It would be almost impossible for any facility to meet this standard and its elimination will promote day care facilities in the downtown.

8. **An outdoor play area within walking distance of the facility (Residential Zones).**

An outdoor play area on-site is required in business zones, except the B-3 zone. In the B-3 zone, an on-site play area is not required if there is a play area within walking distance of the day care facility with crossing arterial or collector streets. The Board of Appeals may grant an exception to the business zones play area requirement if a reasonable alternate source of outdoor recreation can be provided.

*for elementary  
(1/2 mile  
5 blocks)*

**An outdoor play area on-site is required in industrial zones.**

In residential zones, there may not be a yard to accommodate the children on site. The use of a nearby park or open space would meet the intent of the play area requirement, if it is within walking distance. In business and industrial zones it is preferable to have the play area on-site. An exception to this requirement is proposed in the business zones. The on-site play area would not be required in the B-3 zone if there is a park or play area within walking distance of the facility and if no arterials or major streets must be crossed to reach the play area. An exception for the business zones is also proposed if a reasonable alternate source of outdoor recreation can be provided within safe walking distance. These exceptions will offer flexibility for a day care facility in a business zone even if there isn't an on-site play area.

9. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

If the play area is provided on site, a fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                              | RESIDENTIAL                     |                                | BUSINESS & INDUSTRIAL |                            |
|------------------------------|---------------------------------|--------------------------------|-----------------------|----------------------------|
|                              | <u>Small Day<br/>-Care Home</u> | <u>Large<br/>Day Care Home</u> | <u>Day Care Home</u>  | <u>Day Care<br/>Center</u> |
| State License                | x                               | x                              | x                     | x                          |
| Dispersal                    |                                 | x                              |                       |                            |
| Residential building         | x <sup>1</sup>                  | x                              |                       |                            |
| Institutional bldg.          | x                               | x                              | <del>x</del>          | x                          |
| Non-resident staff<br>limit  | x <sup>1</sup>                  | x                              |                       |                            |
| Off street parking           | x <sup>1</sup>                  | x                              | x                     | x                          |
| Off street loading           |                                 |                                | x                     | x                          |
| On site play area            |                                 |                                | x                     | x                          |
| Fenced/Screened<br>Play Area | x <sup>2</sup>                  | x <sup>2</sup>                 | x                     | x                          |

x = requirement

<sup>1</sup> Required Under Section 14-410 (Home Occupations)

<sup>2</sup> Required if the play area is on site

**DEFINITIONS  
SUMMARY OF AMENDMENTS**

Section 14-17, Definitions.

**Day care facility.** A facility which provides a regular program of care and protection, for children under the age of sixteen (16), for consideration, for any part of the day.

**Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
  
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

**Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.



R-1 TO R-6 AND IR-1 TO IR-3  
SUMMARY OF AMENDMENTS

(3) Other...

neighborhood

- b. ~~Nursery schools and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~
- c. Family day care homes not permitted as a home occupation under section 14-410, and provided that, notwithstanding Section 14-474 ("Conditional Uses"):
1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a Certificate of Occupancy;
  2. A large day care home shall not be located within 500 feet of another large day care home as measured along the street line to the respective property lines, and in no case shall such use be located on abutting lots;
  3. A large day care home shall be located in a building of residential occupancy except that day care homes or centers may be located in institutional buildings as an accessory use;
  4. There shall be no more than two non-resident staff in a day care home, except in day care facilities in an institutional building;
  5. Off street parking shall be provided for two non-resident employees, in addition to off-street resident parking, and not located in a required front yard;
  6. There shall be an outdoor play area within walking distance of the day care home; and
  7. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.



RP TO B-3  
SUMMARY OF AMENDMENTS

RP 14-147 Permitted Uses.

(22) Day Care Centers or day care homes provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location, except an off street loading area is not required in the B-3 zone;
4. There shall be an on site outdoor play area with 75 square feet per child with the following exceptions:
  - a. An on-site play area is not required in the B-3 zone if there is a play area within walking distance of the day care facility without crossing arterial or collector street;
  - b. The Board of Appeals may grant an exception if a reasonable alternate source of outdoor recreation can be provided within safe walking distance.
5. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

I-P AND I-1  
SUMMARY OF AMENDMENTS

Section 14-231. Use.

I-1 Industrial Zone

(1) Uses prohibited in the I-2 zone except:

i. Day care homes and day care facilities that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location,
4. There shall be an on-site outdoor play area with 75 square feet per child; and
5. The outdoor play area shall be fenced and screened with a landscaped buffer.

I-2  
SUMMARY OF AMENDMENTS

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarge, rebuilt or used, and no premises shall be used, in an I-2 or I-2b zone for any use prohibited in an I-3 zone or for any of the following uses:...
- b. In an I-2 zone, day care centers and day care homes shall be permitted provided that:
  - 1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  - 2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
  - 3. Off street loading shall be located in a safe location,
  - 4. There shall be an on-site outdoor play area with 75 square feet per child; and
  - 5. The outdoor play area shall be fenced and screened with a landscaped buffer.

PARKING AND HOME OCCUPATION  
SUMMARY OF AMENDMENTS

Section 14-332 (Parking).

- (15) Day Care homes or centers in a business or industrial zone: One parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

Section 14-410. Home-occupation.

**Purpose.** The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (1) In connection with the cooperation of a home occupation, within a dwelling unit, the following requirements shall be met:
- a. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) per cent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family small day care homes, ~~or home babysitting services~~, to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;...
  - b. There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods and materials nor shall there be exterior displays, or display of goods visible from the outside;
  - c. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (1)a. above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;

**V. MOTION**

The Board may wish to make the following motion:

Recommendation to the City Council to adopt the day care regulations amendments as described in the Report #94-87.

Attachments:

1. Memo from Doris Hohman, Health and Human Services Director
2. Portland Day Care List

/jff

AH.1

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

DATE: November 20, 1987  
TO: Kathleen A. Conner, Senior Planner  
FROM: Doris Hohman, <sup>DH</sup> Health & Human Services Director  
SUBJECT: Day Care Amendments

I have received the proposed revisions for day care facility standards which are being reviewed by the Planning Board. The lack of child care has been identified as a major social service concern in the City of Portland. The need for the creation of additional child care slots is urgent and should be encouraged and promoted.

However, proposed day care amendments appear to restrict the reaction of day care homes and centers. I am specifically referring to the requirements for outside play areas, the maximum for two non-resident staff, the dispersal requirements, off-street parking and coding requirements. All of these provisions will minimize available options for the development of essential day care slots and discourage individuals residing in high density areas on the peninsula, where day care is most needed, from going into the day care business.

It must be kept in mind that many day care facilities are non-profit organizations and in any case day care is not a high-profit business.

The process of amending day care facility standards should include an opportunity for interested social service and day care providers to provide input. In fact, in 1975 when zoning changes impacting day care homes came before the Council they requested an assessment of the impact of the proposed changes and appropriate recommendations.

I am interested in helping you plan a process to involve interested parties.

DH/sn

cc: Alex Jaegerman  
Joe Gray

**PORTLAND DAY CARE LIST**  
(as of 6-18-87)

**Day Care Homes - Registered**

| <u>Name</u>           | <u>Location</u>          | <u>Licensed Slots</u> |
|-----------------------|--------------------------|-----------------------|
| Sharon Chretien       | 429 Deering Ave., Apt. 2 | 12                    |
| Gail M. Conrad        | 42 Hillside Road         | 12                    |
| Norma Scribner        | 172 Bradley St.          | 12                    |
| Sheryl Kay Treadwell  | 296 Deering Ave.         | 12                    |
| Diane M. Vaillancourt | 31 Sunset Lane           | <u>12</u>             |
|                       | Subtotal                 | 60                    |

**Day Care Homes - Licensed**

| <u>Name</u>             | <u>Location</u>        | <u>Licensed Slots</u> |
|-------------------------|------------------------|-----------------------|
| Lori J. Baker           | 52 Rockland Avenue     | 6                     |
| Ilene R. Berman         | 55 Birchwood Drive     | 6                     |
| Donna Brown             | 6 Monroe St.           | 5                     |
| Diana J. Burton         | 21 Greenleag St.       | 3                     |
| Patricia F. Chandler    | 102 Allen Avenue       | 12                    |
| Cheryl H. Brett         | 42 Lafayette St.       | 8                     |
| Barbara Connelly        | 99E Commonwealth Drive | 8                     |
| Kathleen Dall           | 37 Lane Avenue         | 8                     |
| Jerry A. Deroche        | 36 Roberts St.         | 12                    |
| Marilyn DiBiase         | 27 Carlyle Road        | 8                     |
| Julie Erb               | 11 Exchange St.        | 10                    |
| Theresa A. Faherty      | 68 Pennell Avenue      | 8                     |
| Delia Foley             | 214 Taft Avenue        | 6                     |
| Regina B. Fontaine      | 58 Spruce Street       | 10                    |
| Joyce Foss              | 240 Danforth, Apt 107  | 6                     |
| Gayle Gauvreau          | 14 Locust St.          | 12                    |
| Gently Now Day Care     | 837 Brighton Avenue    | 12                    |
| Cynthia L. Goodhue      | 286 State St.          | 8                     |
| Cara Guerrieri          | 32 Thomas St.          | 12                    |
| Dena Hall               | 313 Ray St.            | 6                     |
| Deborah J. Hamilton     | 246 Pleasant Avenue    | 6                     |
| Linda Heal              | 23 Nottingham Avenue   | 7                     |
| Holy Innocents          | PO Box 797 Sherman St. | 12                    |
| Jeannette Egeland Horne | 105 North St.          | 12                    |
| Melanie B. Hunter       | 126 Concord St.        | <u>7</u>              |
|                         | Subtotal               | 210                   |

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Day Care Homes - Licensed (cont.)

| <u>Name</u>             | <u>Location</u>       | <u>Licensed Slots</u> |
|-------------------------|-----------------------|-----------------------|
| Susan Johnston          | 66 Jackson St.        | 8                     |
| Suzanne Kaklegian       | 88 Presumpscot St.    | 8                     |
| Dona Ruth Kinney        | 68 Caribou St.        | 8                     |
| Dorothea Lappin         | 43 Elmwood St.        | 6                     |
| Pamela J. Lavalliere    | 17 Glenhaven East     | 7                     |
| Mary LeMay              | 287 Holm Avenue       | 4                     |
| Lorna Leo               | 223 Brackett St.      | 12                    |
| Connie Lerman           | 16 Williams St.       | 12                    |
| Sue K. Macy             | 19 Lincoln St.        | 6                     |
| Barbara McClellan       | 129 Mass Avenue       | 3                     |
| Nancy Merrow            | 9 Cushman St.         | 6                     |
| Donna Mitchell          | 146 Sherman St.       | 8                     |
| Hale Moreau             | 74 Devon St.          | 6                     |
| Anne Napoleone          | 1224 Washington Av.   | 5                     |
| Pamala R. Newsham       | 539 Brighton Av.      | 12                    |
| Rhonda Norton           | 24 Cobbert Rd.        | 6                     |
| Marguerite Paradis      | 125 Wellington Rd.    | 7                     |
| Cindy Parker            | 73 Spruce St.         | 6                     |
| Sherry M. Pierson       | 44 Whittier St.       | 6                     |
| Gail Platts             | 89 Mabel St.          | 6                     |
| Joan Prouty             | 385 Woodford St.      | 10                    |
| Beth Hariman Rapp       | 51 Devon St.          | 9                     |
| Mary Reilly             | 129 Brentwood St.     | 8                     |
| Deborah L. Reinold      | 28 Smith St.          | 6                     |
| Kristen Reuben          | 34 Hamblet Avenue     | 6                     |
| Virginia Reynolds       | 13 Fleetwood St.      | 10                    |
| Mildred Richardson      | 11 Woodfield Rd.      | 8                     |
| Peggy G. Rivera         | 202 Congress St.      | 6                     |
| Juli Schoppee           | 232 Maine Avenue      | 5                     |
| Claire Smith            | 85 Dole Drive         | 10                    |
| Joann Smith             | 39 Illsley St.        | 5                     |
| St. Patricks Church     | 1251 Congress St.     | 12                    |
| Margaret Stoddard       | 67 Quebec St.         | 6                     |
| Rachel J. Sylvester     | 10 Candlewyck Terrace | 8                     |
| Anne Taliento           | 48 Sturdivant Drive   | 5                     |
| Therapeutic Nursery MMC | 87 High St.           | 12                    |
| Wilda Theriault         | 112 Front St.         | 6                     |
| Pamela Thurston         | 57 Deering Run        | 8                     |
| Sharon L. Tilton        | Address Unknown       | 6                     |
|                         | PO Box 10488          |                       |
|                         | Subtotal              | 288                   |



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**Day Care Homes - Licensed (cont.)**

| <u>Name</u>                                | <u>Location</u>         | <u>Licensed Slots</u> |
|--|-------------------------|-----------------------|
| Marie L. Trott                             | 27 Merrill St. Box 3371 | 12                    |
| Bonny Trumble                              | 75 Front St.            | 6                     |
| Joanne Wiley                               | 31 Harris Avenue        | 6                     |
| Ann L. Wilson                              | 43 Huntington Avenue    | 12                    |
| Susanne Wilson                             | 88 Madeline Avenue      | 10                    |
| Celia Worrey                               | 162 Woodlawn Avenue     | 6                     |
| Donna Brown                                | 65 Lambert St. Apt. 5   | 6                     |
| Janice Gaudet                              | 126 Sherwood St.        | 6                     |
| Lisa E. Huff                               | 58 Congress St.         | 6                     |
| Angela Kelso                               | Willow Lane             | 8                     |
| Joan Naigle                                | 38 Ray St.              | 8                     |
| Portland YMCA/Infant Home                  | 70 Forest Avenue        | 12                    |
| Annette L. Rinaldi                         | 17 Aspen Drive          | 10                    |
| Patricia Roe                               | 156 Maine Avenue        | 12                    |
| St. Elizabeths Child<br>Development Center | 87 High St.             | 8                     |
| Nancy Valliere                             | 65 Coyle St.            | 10                    |
| Dora Wilkinson                             | 10 Josslyn St.          | 8                     |
|  | Subtotal                | 146                   |

**Day Care Center**

| <u>Name</u>                              | <u>Location</u>                                  | <u>Licensed Slots</u> |
|--|--|-----------------------|
| Advent Christian Church<br>of Portland   | 1520 Westbrook St.                               | 60                    |
| Catherine Morrill Day<br>Nursery         | 96 Danforth St.                                  | 84                    |
| Childrens Center of<br>Westbrook College | 716 Stevens Avenue                               | 50                    |
| East End Childrens<br>Workshop           | 10 Mayo St.                                      | 40                    |
| East End Childrens<br>Workshop           | 48 Moody St. Adams School                        | 95                    |
| Jacqueline J. Graffam                    | 77 Front St.                                     | 6                     |
| Kinder-Care Learning<br>Center           | 2211 Congress St.<br>Union Mutual                | 84                    |
| Pleasant Day Nursery<br>School           | 970 Forest Avenue                                | 100                   |
| Portland YWCA/Hall<br>Elementary School  | 23 Orono Rd.                                     | 50                    |
| Portside Learning Center                 | Riverton Elementary School<br>1600 Forest Avenue | 50                    |
|  | Subtotal   | 619                   |

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**Day Care Center (cont.)**

| <u>Name</u>                                  | <u>Location</u>                    | <u>Licensed Slots</u> |
|--|------------------------------------|-----------------------|
| PROP Cumberland County/<br>Riverton HS       | 102-104 Riverton Park              | 20                    |
| PROP Cumberland County/<br>Sagamore HS       | 22 Popham St.                      | 23                    |
| PROP Cumberland City/<br>Harry Cummings Ctr. | 134 Congress St.                   | 20                    |
| Saint Patricks School                        | 1251 Congress St.                  | 30                    |
| Small World                                  | 314 Warren Avenue                  | 40                    |
| St. Elizabeths Child<br>Child Dev Center     | 87 High St.                        | 92                    |
| The Childrens Co-Op                          | 302 Stevens Avenue                 | 17                    |
| The Childrens Express                        | 1334 Washington Avenue             | 24                    |
| Trinity Church Day Care<br>Center            | 113 Coyle St.                      | 20                    |
| Genevieve Trueworthy                         | 70 Whitney Avenue                  | 8                     |
| USM/Bookstore                                | 96 Falmouth St.                    | 55                    |
| USM/Gym, Portland Campus                     | 96 Falmouth St.                    | 64                    |
| USM Child Care                               | 68 High St.                        | 27                    |
| West Side Day Care                           | 132 Danforth St.                   | 18                    |
| Westwood Childrens Center                    | West Sch. 57 Douglas St.           | 60                    |
| YWCA Teen Parent Services<br>Nursery         | 87 Spring St.                      | 24                    |
| Peaks Island Child Dev<br>Center             | Public School Gym, PI              | 25                    |
| Peaks Island Child Dev<br>Center             | St. Christopher's Parish           | 25                    |
| Portland YMCA/Toddler Home                   | 70 Forest Avenue                   | 63                    |
| PROP Cumberland County/<br>Kennedy Park HS   | 58 Boyd St. Kennedy Park           | 20                    |
| PROP Cumberland County/<br>Rosa True School  | 140 Park St.                       | 80                    |
| YWCA of Portland, Inc.                       | Baxter Elem School<br>Ocean Avenue | 40                    |
|  | Subtotal                           | 795                   |

**TOTALS - Licensed Slots**

|                             |              |
|-----------------------------|--------------|
| Day Care Homes - Registered | 60           |
| Day Care Homes - Licensed   | 644          |
| Day Care Centers -          | <u>1,414</u> |

**Total** 2,118

Day Care

12/8/87

## Public hearing

### ① Brent Cote

Wants to build day care in an Indian Zone, opened Pandora's Box. Concerned about other centers. State has ongoing review. Redundant of City, to repeat States req.s. State flexibility. Play area - large not all kids @ one time. Land costs. Economics not realistic. Extra expense + difficulty cost providers

② Sue Wilson - Before + after day care. Fenced + screened area. age of kids, area, schools, thrilled to see interest in day care. Scare potential day care providers Insurance + reg.s

③ Georgina Radtke - DTKRS Day Care. Fund 7 through HCD. 60-90/week they pay \$2.50 all have fences, except one. Kenter would not be able to provide fence. Crisis. Unrealistic. harder to do child care. Fencing (Case by case basis)

500' sqft. Esp. around City. Case by case



1. expected to accomplish?

2. walking distance?

3. landscaped buffer?

4. p. 12 no outside storage of outside materials (have sec.)

②

off-st. pkg. excessive - problem if have to find a new space to service children: 75% a problem.

Form a Comm. day care provides a <sup>children are</sup> administration more well-thought out. "Not barking dogs"

④ Jerry Marks - 74 Beckett. Ptd Ministry @ large. Child care (possibly), Retain landscaped buffer in B-3. minimize noise + unsightly. 4-5 kids as have day care → least of our worries

⑤ Bill Riley - 129 Brentwood. Not sure what means.

JH - 4 or 5 on 1 block. Impacts. Opened up to address need and impacts.

⑥ Mary Ellen DeSchenes - Rep, H + HS. potentially serious problems in R-6. may be renters themselves. pkg., rent pkg, space increase costs of day care - get passed along. R-6 dispersal. multi-unit not resident children are not regulated. Noise factor of city life. Fencing + screening, cost, permission, "fully overkill"

off street loading. Brackett St west end. Use sign?

③

Provide more not less day care. Don't duplicate State requirements. Can't zone for quality - biggest landscaped yard + poor day care. Zoning ~~was~~ req's won't improve quality.

④

④ David Koplow - Widgen's Wharf. Hardship on institutional bldg. good for day care. Day care providers should get preferred status, not less. More restrictive than businesses.

⑤ ⑤ Gretchen Anders Greenberg - Child Care Connection employer-sponsored day care referral.  
- fencing, dispersal. (Res. on peninsula). Safety + nbhd. impacts, but thwart potential dev. of daycare. fence is a big expense. Day care a service.  
- Dispersal. two apts in a bldg., esp. R-1e zone! already congested.  
- wage a committee to look @ this - parent/consumer, providers, etc...

⑥ ⑥ Kathy Stewart - 50. Me Day care providers. 12 kids. Day care home reqs are hard. Child care should not be restricted from nbhds.

Suggest - Register to City, license state, this is what we have a grievance Board. mediator group made up of day care people



⑩④ Kay Michigan - would have been better to be asked for input. Child wise should it be concerned, Staffing - if problem is pkg, address it. Staffing [res. res. character], No one buys names for day care only - not residents.

Closed

JH - res. aspect of day care. separate industrial amendments def. p. 10, 11, 12

JD - Care about child care. Want to curtail abuse. Committee + feedback. doesn't do harm to become involved.

JB - no obj. to tabling any or all. Attract conversation as need for d.c. grows, more impacts that will be felt. A little unclear to make a res. on Indus zones. Doesn't seem to be a need, but why a partial packet? Unless overriding need...

JH - asked for it last winter. Caught in larger issue

JB - Sent to CC expand areas to provide day care.

MF - encourage more corporate responsibility - first pin in policy.

BV - no problem w/ Indus. amendment. Question

① - off street parking. Same as offices.

② where standard.

→ \* other ordinances 1 per 400' - key it to # employees plus drop off + pick up.

② 75¢ per child. State right.

Joe DeCourcy → address industrial.

Parking 15 + 10. (IP + I-1)

JOB - uncomfortable in breaking it out. Table + bring back in two pieces.

BV - problem w/ parking. Can part of Am. Co. get in zone.

6,400 @ 10 spaces. Pleasant Day.

Brent <sup>cote</sup> outdoor play area - 75% is too much. Not all kids are out at once.

BV - proposed amendment (max number of children) in res other others, except industrial 75% OK  
Others no look closely.  
perhaps base it on the max. number of children in one classroom.

BV - reamend to CC DP + F-1 p.10 of report 94-07 revised, but delete #2, base play 1 sp per classroom or instruction  
JH 2<sup>nd</sup> 6-0

BV - reamend I-C p.11 94-07 revised change #2 delete + sub. 1 sp. per class room  
JOK 6-0



B-V - table to be ~~de~~ workshop. Set  
by staff ad to coordinate things  
City H+HS for additional inputs

JH 2nd.

6-0

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| SECOND PROVIDER<br>MAIL ADDRESS<br>STREET<br>TOWN/CITY<br>*****<br>PROP CUMBERLAND COUNTY/ WEST BALDWIN HS<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND<br>ME 04102 | 32136291A<br>ROUTE 113 COMM BLDG<br>WEST BALDWIN<br>625-4917 625-4917 | 19FEB87<br>FULL LICENSE/APPROVAL<br>22APR87 | 20             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/ BRIDGTON HS<br>CONRAD, MARK<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND<br>ME 04102   | 02136651A<br>8 MEADOW STREET<br>BRIDGTON<br>647-5758 647-5758         | 24APR87<br>FULL LICENSE/APPROVAL<br>21JAN88 | 21             | 0             | 0          | 0          | 0         |
| BATH/BRUNSWICK CHILD CARE/ BRUNSWICK HS<br>PARKER, LALEAH<br>44 WATER ST<br>BRUNSWICK<br>ME 04011   | 02139421A<br>44 WATER STREET<br>BRUNSWICK<br>725-6506 725-6506        | 28OCT86<br>FULL LICENSE/APPROVAL<br>07NOV87 | 30             | 0             | 0          | 0          | 0         |
| THREE LITTLE BEARS<br>BOUDREAU, NANCIE<br>4 RIVERVIEW DRIVE<br>BRUNSWICK<br>ME 04011  | 82137781A<br>4 RIVERVIEW DRIVE<br>BRUNSWICK<br>725-7180 725-7180      | 20MAY86<br>FULL LICENSE/APPROVAL<br>20MAY87 | 48             | 0             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| LIGHTHOUSE DAY CARE-BY-THE-SEA<br>BASHAM, PAUL<br>525 HIGHLAND AVENUE<br>SOUTH PORTLAND ME 04106                    | 82134901A<br>FORT WILLIAMS PARK<br>CAPE ELIZABETH<br>767-2127 767-2127 | 25FEB87<br>FULL LICENSE/APPROVAL<br>15JAN87 | 20             | 0             | 0          | 0          | 0         |
| PEOPLES REGIONAL OPPORTUNITY PROGRAM<br>CONRAD, MARK<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102     | 12363761A<br>CASCO GRANGE HALL<br>CASCO<br>625-4515                    | 06OCT86<br>PROVISIONAL<br>06OCT87           | 17             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/ CUMBERLAND HS<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102 | 82136661A<br>CUMBERLAND CONG CHURCH<br>CUMBERLAND<br>829-5984 829-5984 | 08APR87<br>FULL LICENSE/APPROVAL<br>31JAN88 | 20             | 0             | 0          | 0          | 0         |
| THE PINE GROVE SCHOOL<br>FIFIELD, BARBARA<br>32 FORESIDE ROAD<br>FALMOUTH ME 04105                                  | 12137761A<br>32 FORESIDE ROAD<br>FALMOUTH<br>781-3441 781-3441         | 28MAR87<br>FULL LICENSE/APPROVAL<br>28MAR88 | 66             | 0             | 0          | 0          | 0         |



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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| WALNUT HILL CHILD CARE CENTER<br>HODGKIN, MARGERY<br>PO BOX 172<br>CUMBERLAND CTR ME 04021             | 42138021A<br>CORNER OF RT 9 & RT 115<br>NORTH YARMOUTH<br>829-3333 829-3333 | 08APR87<br>FULL LICENSE/APPROVAL<br>06NOV87 | 40             | 0             | 0          | 0          | 0         |
| ADVENT CHRISTIAN CHURCH OF PORTLAND<br>HUORT, DAWN MARIE<br>1520 WESTBROOK STREET<br>PORTLAND ME 04101 | 12132271A<br>1520 WESTBROOK STREET<br>PORTLAND<br>772-9691 772-9691         | 27MAR87<br>FULL LICENSE/APPROVAL<br>10APR88 | 60             | 0             | 0          | 0          | 0         |
| CATHERINE MORRILL DAY NURSERY<br>YOUNG, PATRICIA<br>96 DANFORTH STREET<br>PORTLAND ME 04101            | 72133361A<br>96 DANFORTH STREET<br>PORTLAND<br>772-8327 772-8327            | 08FEB87<br>FULL LICENSE/APPROVAL<br>08FEB88 | 84             | 0             | 0          | 0          | 0         |
| CHILDRENS CENTER OF WESTBROOK COLLEGE<br>LOGUE, MARY<br>716 STEVENS AVENUE<br>PORTLAND ME 04103        | 42133771A<br>716 STEVENS AVENUE<br>PORTLAND<br>797-9366 797-9366            | 30OCT86<br>FULL LICENSE/APPROVAL<br>30OCT87 | 50             | 0             | 0          | 0          | 0         |



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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME                      | SECOND PROVIDER | MAIL ADDRESS                       | TOWN/CITY | WELFARE ID | LOCATION ADDRESS             | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------------------------|-----------------|------------------------------------|-----------|------------|------------------------------|-----------|-----------|--------------------|---|----------------|---------------|------------|------------|-----------|
| <u>EAST END CHILDRENS WORKSHOP</u> |                 | <u>STUCKEY, PETER</u>              | PORTLAND  | 02139111A  | <u>10 MAYO STREET</u>        | PORTLAND  | 772-5467  | 772-5467           | 26NOV86<br>FULL LICENSE/APPROVAL<br>26NOV87 | 40             | 0             | 0          | 0          | 0         |
| <u>EAST END CHILDRENS WORKSHOP</u> |                 | <u>STUCKEY, PETER</u>              | PORTLAND  | 72133981A  | <u>48 MOODY ST ADAMS SCH</u> | PORTLAND  | 772-9524  | 772-9524           | 07NOV86<br>FULL LICENSE/APPROVAL<br>07NOV87 | 95             | 0             | 0          | 0          | 0         |
| <u>GRAFFAM, JACQUELINE J</u>       |                 | <u>SECOND PROVIDER NOT ENTERED</u> | PORTLAND  | 84284170A  | <u>77 FRONT STREET</u>       | PORTLAND  | 773-4054  |                    | 23JUL85<br>PROVISIONAL<br>23JUL86           | 6              | 2             | 0          | 0          | 0         |
| <u>KINDER-CARE LEARNING CENTER</u> |                 | <u>HAYWARD, LISA</u>               | PORTLAND  | 02134861A  | <u>2211 CONGRESS STREET</u>  | PORTLAND  | 774-7195  | 774-7195           | 04OCT86<br>FULL LICENSE/APPROVAL<br>04OCT87 | 84             | 0             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KCS2 APPROVED PROVIDER

| PROVIDER NAME                         | WELFARE ID             | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG RSP SLOTS |
|---------------------------------------|------------------------|-----------------------|----------------|---------------|------------|----------------|
| PLEASANT DAY NURSERY SCHOOL           | 12412991A              | 27MAR87               | 100            | 0             | 0          | 0              |
| LERMAN, CONNIE                        | 970 FOREST AVENUE      | PROVISIONAL           |                |               |            |                |
| 970 FOREST AVENUE                     | PORTLAND               | 27MAR88               |                |               |            |                |
| PORTLAND                              | 878-2089               |                       |                |               |            |                |
| PORTLAND YWCA/ HALL ELEMENTARY SCHOOL | 22139631A              | 29JAN87               | 50             | 0             | 0          | 0              |
| REQUIA, PHIL                          | 23 ORONO ROAD          | FULL LICENSE/APPROVAL |                |               |            |                |
| 87 SPRING ST                          | PORTLAND               | 23OCT87               |                |               |            |                |
| PORTLAND                              | 772-2912 773-4336      |                       |                |               |            |                |
| PORTSIDE LEARNING CENTER              | 02138831A              | 24SEP86               | 50             | 0             | 0          | 0              |
| MARTIN, MARLENE                       | RIVETON ELEMENTARY SCH | FULL LICENSE/APPROVAL |                |               |            |                |
| 1600 FOREST AVENUE                    | PORTLAND               | 30AUG87               |                |               |            |                |
| PORTLAND                              | 797-7821               |                       |                |               |            |                |
| PROP CUMBERLAND COUNTY/ RIVERTON HS   | 22137221A              | 20NOV86               | 20             | 0             | 0          | 0              |
| KNUDSEN, SIGURD                       | 102-104 RIVERTON PARK  | FULL LICENSE/APPROVAL |                |               |            |                |
| RONALD MAVIS                          | PORTLAND               | 20NOV87               |                |               |            |                |
| 222 ST JOHN STREET                    | 797-4331 797-4231      |                       |                |               |            |                |
| PORTLAND                              |                        |                       |                |               |            |                |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME                  | WELFARE ID                      | ACTION-DATE                      | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--------------------------------|---------------------------------|----------------------------------|----------------|---------------|------------|------------|-----------|
| KNUDSEN, SIGURD                | 22136721A                       | 06NOV86                          | 23             |               |            |            |           |
| RONALD MAVIS                   | 21 POPHAM STREET<br>PORTLAND    | FULL LICENSE/APPROVAL<br>06NOV87 |                |               |            |            |           |
| 222 ST JOHN STREET<br>PORTLAND | ME 04102                        | 774-6837 774-6837                |                |               |            |            |           |
| KNUDSEN, SIGURD                | 42137181A                       | 04OCT86                          | 20             |               |            |            |           |
| RONALD MAVIS                   | 134 CONGRESS STREET<br>PORTLAND | FULL LICENSE/APPROVAL<br>04OCT87 |                |               |            |            |           |
| 222 ST JOHN STREET<br>PORTLAND | ME 04102                        | 773-0016 773-5779                |                |               |            |            |           |
| SAINT PATRICKS SCHOOL          | 72249181A                       | 30NOV86                          | 30             |               |            |            |           |
| FEENEY, JOHN J                 | 1251 CONGRESS ST<br>PORTLAND    | PROVISIONAL<br>30NOV87           |                |               |            |            |           |
| 1251 CONGRESS ST<br>PORTLAND   | ME 04102                        | 772-2521                         |                |               |            |            |           |
| SMALL WORLD                    | 62137651A                       | 27NOV86                          | 40             |               |            |            |           |
| DIBIASE, STELLA                | 314 WARREN AVENUE<br>PORTLAND   | FULL LICENSE/APPROVAL<br>27NOV87 |                |               |            |            |           |
| 314 WARREN AVENUE<br>PORTLAND  | ME 04103                        | 797-6130 797-6130                |                |               |            |            |           |



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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| ST ELIZABETHS CHILD DEV CENTER<br>MURPHY, DANIEL<br>87 HIGH ST<br>PORTLAND<br>ME 04101            | 32139231A<br>87 HIGH STREET<br>PORTLAND<br>871-7444 773-5685         | 13FEB87<br>FULL LICENSE/APPROVAL<br>22FEB88 | 92             | 0             | 0          | 0          | 0         |
| THE CHILDRENS CO-OP<br>BOYKIN, CHERYL<br>302 STEVENS AVENUE<br>PORTLAND<br>ME 04103               | 92137721A<br>302 STEVENS AVENUE<br>PORTLAND<br>774-9029 774-9029     | 26FEB87<br>FULL LICENSE/APPROVAL<br>26FEB88 | 17             | 0             | 0          | 0          | 0         |
| THE CHILDRENS EXPRESS-PRESCHOOL<br>BJORN, JULIA<br>1334 WASHINGTON AVENUE<br>PORTLAND<br>ME 04103 | 22137781A<br>1334 WASHINGTON AVENUE<br>PORTLAND<br>797-8837 797-8837 | 05SEP86<br>FULL LICENSE/APPROVAL<br>05SEP87 | 24             | 0             | 0          | 0          | 0         |
| TRINITY CHURCH DAY CARE CENTER<br>CLEMETS, MARGARET<br>113 COYLE STREET<br>PORTLAND<br>ME 04103   | 32138871A<br>113 COYLE STREET<br>PORTLAND<br>761-0655                | 17SEP86<br>FULL LICENSE/APPROVAL<br>17SEP87 | 20             | 0             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME                           | SECOND PROVIDER             | MAIL ADDRESS    | TOWN/CITY | STREET             | STATE | ZIP   | WELFARE ID | LOCATION ADDRESS    | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |   |
|---|-----------------------------|-----------------|-----------|--------------------|-------|-------|------------|---------------------|-----------|-----------|--------------------|-------------|----------------|---------------|------------|------------|-----------|---|
| TRUEWORTHY, GENEVIEVE                   | SECOND PROVIDER NOT ENTERED | 70 WHITNEY AVE  | PORTLAND  |                    | ME    | 04102 | 62128121A  | 70 WHITNEY AVENUE   | PORTLAND  | 772-7226  | 772-7226           | 14SEP86     | 8              | 2             | 0          | 0          | 0         | 0 |
| UNIV OF SOUTHERN ME/ PORTLAND BOOKSTORE |                             | LEHANE, STEPHEN | PORTLAND  | 96 FALMOUTH ST     | ME    | 04103 | 82137811A  | BOOKSTORE           | PORTLAND  | 780-4125  | 780-4125           | 08APR87     | 55             | 0             | 0          | 0          | 0         | 0 |
| UNIVERSITY OF SOUTHERN MAINE CHILD CARE |                             | LEHANE, STEPHEN | PORTLAND  | 96 FALMOUTH STREET | ME    | 04103 | 22588061A  | ADJ GYM PORT CAMPUS | PORTLAND  | 780-4125  | 780-4125           | 16FEB87     | 64             | 0             | 0          | 0          | 0         | 0 |
| UNIVERSITY OF SOUTHERN MAINE/PORTLAND   |                             | MCMULLEN, FAITH | PORTLAND  | 96 FALMOUTH ST     | ME    | 04103 | 62529541A  | 68 HIGH ST          | PORTLAND  | 780-4117  | 780-4117           | 01FEB87     | 27             | 0             | 0          | 0          | 0         | 0 |



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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                      | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|----------------------------------|----------------|---------------|------------|------------|-----------|
| PEAKS ISLAND CHILD DEV CENTER<br>BLATT, JANINE<br>CENTRAL AVENUE<br>PO BOX 7<br>PEAKS ISLAND ME 04108                  | 92139201A<br>ST CHRISTOPHERS PARTISH<br>PEAKS ISLAND<br>766-2854 766-2854 | FULL LICENSE/APPROVAL<br>28JUN87 | 25             | 0             | 0          | 0          | 0         |
| PORTLAND YMCA/TODDLER HOME<br>DORE, JULIE<br>Y M C A<br>70 FOREST AVE<br>PORTLAND ME 04104                             | 84862190A<br>70 FOREST AVENUE<br>PORTLAND<br>874-1111 773-1736            | FULL LICENSE/APPROVAL<br>27AUG86 | 63             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/ KENNEDY PARK, HS<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102 | 62137201A<br>58 BOYD ST KENNEDY PARK<br>PORTLAND<br>761-2721              | FULL LICENSE/APPROVAL<br>21MAR87 | 20             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/ ROSA TRUE SCHOOL<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102 | 92137241A<br>140 PARK STREET<br>PORTLAND<br>874-1140 773-1770             | FULL LICENSE/APPROVAL<br>06NOV86 | 80             | 0             | 0          | 0          | 0         |



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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| YWCA OF PORTLAND, INC.<br>REGUIA, PHIL<br>87 SPRING ST<br>PORTLAND ME 04101                        | 42138331A<br>BAXTER ELEM SCH OCEAN A<br>PORTLAND<br>874-1130 772-1906 | 27MAR87<br>FULL LICENSE/APPROVAL<br>19JUN87 | 40             | 0             | 0          | 0          | 0         |
| LIL FOLK FARM<br>PUTNEY, SHIRLEY<br>192 BLACK POINT ROAD<br>SCARBOROUGH ME 04074                   | 22127641A<br>192 BLACK POINT ROAD<br>SCARBOROUGH<br>883-4001 883-4001 | 05MAR87<br>PROVISIONAL<br>22SEP87           | 66             | 0             | 0          | 0          | 0         |
| CHILDRENS CIRCLE CHILD CARE CENTER<br>EATON, KAREN<br>198 KELSEY STREET<br>SOUTH PORTLAND ME 04106 | 22138791A<br>198 KELSEY STREET<br>SOUTH PORTLAND<br>799-6188 799-6188 | 30APR87<br>FULL LICENSE/APPROVAL<br>16MAY88 | 30             | 0             | 0          | 0          | 0         |
| GREATER PORTLAND CHILD CARE CENTER<br>ALEXANDER, JUDITH<br>92 DARLING AVE<br>SO PORTLAND ME 04106  | 72134031A<br>92 DARLING AVENUE<br>SOUTH PORTLAND<br>775-3337 775-3337 | 31OCT86<br>FULL LICENSE/APPROVAL<br>31OCT87 | 59             | 0             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE   | LICENSED SLOTS          | SCH-AGE SLOTS          | THER SLOTS          | EMRG SLOTS          | RSP SLOTS          |
|---|---|---|-------------------------|------------------------|---------------------|---------------------|--------------------|
| *****<br>SECOND PROVIDER<br>MAIL ADDRESS<br>TOWN/CITY   | *****<br>TOWN/CITY<br>TELEPHONE<br>BUSINESS RESIDENCE                   | *****<br>ACTION-DATE<br>LICENSE-STATUS<br>EXPIRATION-DATE | *****<br>LICENSED SLOTS | *****<br>SCH-AGE SLOTS | *****<br>THER SLOTS | *****<br>EMRG SLOTS | *****<br>RSP SLOTS |
| LIGHTHOUSE DAY CARE CENTER<br>BASHAM, PAUL<br>525 HIGHLAND AVENUE<br>SOUTH PORTLAND ME 04106                      | 62134911A<br>525 HIGHLAND AVENUE<br>SOUTH PORTLAND<br>767-2127 767-2127 | 31OCT86<br>FULL LICENSE/APPROVAL<br>31OCT87               | 162                     | 0                      | 0                   | 0                   | 0                  |
| PROP CUMBERLAND COUNTY/ HUTCHINS HS<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102 | 62136701A<br>24 PLEASANT ST<br>SO PORTLAND<br>799-5221 799-5221         | 25FEB87<br>FULL LICENSE/APPROVAL<br>22JUN87               | 45                      | 0                      | 0                   | 0                   | 0                  |
| REDBANK ENRICHMENT PROGRAM/ CAMP FIRE<br>ANGEL, LINDA<br>MAC ARTHUR CIRCLE<br>SO PORTLAND ME 04106                | 32221981A<br>MAC ARTHUR CIRCLE<br>SO PORTLAND<br>774-9056               | 19MAY87<br>PROVISIONAL<br>30JUL87                         | 32                      | 0                      | 0                   | 0                   | 0                  |
| WEE FRIENDS<br>RUBITO, SANDRA<br>RFD 7 LIBBY PINES<br>WEST BUXTON ME 04093  | 92387671A<br>ROUTE 25<br>STANDISH<br>642-3100                           | 31MAR87<br>PROVISIONAL<br>31MAR88                         | 61                      | 0                      | 0                   | 0                   | 0                  |

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FACILITIES WHICH MAY PROVIDE CARE FOR 13 OR MORE CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE   | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| SECOND PROVIDER<br>MAIL ADDRESS<br>STREET<br>TOWN/CITY  | LOCATION ADDRESS<br>TOWN/CITY<br>TELEPHONE<br>BUSINESS RESIDENCE | LICENSE-STATUS<br>EXPIRATION-DATE<br>CLOSING REASON |                |               |            |            |           |
| *****   | *****  | *****   | *****          | *****         | *****      | *****      | *****     |
| LITTLE VOICES DAY CARE CENTER<br>CROWLEY, CALVIN<br>677 MAIN STREET<br>WESTBROOK ME 04092                             | 42134921A<br>677 MAIN STREET<br>WESTBROOK<br>854-1948            | 27AUG85<br>FULL LICENSE/APPROVAL<br>27AUG86         | 25             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/ WESTBROOK HS<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102    | 52137261A<br>13 RESERVE ST<br>WESTBROOK<br>854-1612              | 19FEB87<br>FULL LICENSE/APPROVAL<br>26APR87         | 15             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND CTY/ PINE KNOLL TERRACE<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND ME 04102 | 12137311A<br>PINE KNOLL TERRACE<br>WESTBROOK<br>854-8725         | 19FEB87<br>FULL LICENSE/APPROVAL<br>01MAR87         | 23             | 0             | 0          | 0          | 0         |

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\* DAY CARE HOMES LICENSED \*  
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82

COUNTY CUMBERLAND  
PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

6 or < 35

FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| HAWKINS, KAREN<br>SECOND PROVIDER NOT ENTERED<br>RR 1<br>BOX 1017<br>BRIDGTON ME 04009     | 25167920A<br>RR 1 BOX 1017<br>BRIDGTON<br>647-3734                  | 22APR87<br>PROVISIONAL<br>22APR88           | 9              | 2             | 0          | 0          | 0         |
| PALMER, ROBERT<br>SECOND PROVIDER NOT ENTERED<br>55 NORTH HIGH STREET<br>BRIDGTON ME 04009 | 12124171A<br>55 NORTH HIGH STREET<br>BRIDGTON<br>647-2100 647-2100  | 03JAN87<br>FULL LICENSE/APPROVAL<br>03JAN88 | 12             | 0             | 0          | 0          | 0         |
| PALMER, ROBERT<br>SECOND PROVIDER NOT ENTERED<br>4 MAIN HILL<br>BRIDGTON ME 04009          | 12547641A<br>4 MAIN HILL<br>BRIDGTON<br>647-2100                    | 02FEB87<br>PROVISIONAL<br>02FEB88           | 12             | 0             | 0          | 0          | 0         |
| PLEASANT MOUNTAIN DAY CARE<br>ROCK, EDWARD<br>MOUNTAIN ROAD BOX 734<br>BRIDGTON ME 04009   | 82118531A<br>MOUNTAIN ROAD BOX 734<br>BRIDGTON<br>647-8444 647-8444 | 11DEC86<br>FULL LICENSE/APPROVAL<br>11DEC87 | 12             | 0             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID           | ACTION-DATE           | LICENSED              | SCH-AGE        | SLOTS | EMRG  | RSP   |
|-----------------------------|----------------------|-----------------------|-----------------------|----------------|-------|-------|-------|
| SECOND PROVIDER             | LOCATION ADDRESS     | LICENSE-STATUS        | EXPIRATION-DATE       | CLOSING REASON | THER  | SLOTS | SLOTS |
| MAIL ADDRESS                | TOWN/CITY            | FULL LICENSE/APPROVAL | FULL LICENSE/APPROVAL |                |       |       |       |
| STREET                      | TELEPHONE            |                       |                       |                |       |       |       |
| TOWN/CITY                   | BUSINESS RESIDENCE   |                       |                       |                |       |       |       |
| BROSNAN, BARBARA            | 12145071A            | 05DEC86               | 6                     | 0              | 0     | 0     | 0     |
| SECOND PROVIDER NOT ENTERED | 35 MACMILLAN DRIVE   | FULL LICENSE/APPROVAL |                       |                |       |       |       |
| 35 MACMILLAN DRIVE          | BRUNSWICK            | 05DEC87               |                       |                |       |       |       |
| BRUNSWICK                   | 729-9116             |                       |                       |                |       |       |       |
|                             | 729-9116             |                       |                       |                |       |       |       |
| CAPARRATTO, JUDY            | 02142481A            | 05DEC86               | 11                    | 0              | 0     | 0     | 0     |
| SECOND PROVIDER NOT ENTERED | 87 HENNESSY AVENUE   | FULL LICENSE/APPROVAL |                       |                |       |       |       |
| 87 HENNESSY AVENUE          | BRUNSWICK            | 05DEC87               |                       |                |       |       |       |
| BRUNSWICK                   | 729-0686             |                       |                       |                |       |       |       |
|                             | 729-0686             |                       |                       |                |       |       |       |
| COBB, LU ANN                | 22556151A            | 01FEB87               | 10                    | 2              | 0     | 0     | 0     |
| SECOND PROVIDER NOT ENTERED | 63 CUMBERLAND STREET | PROVISIONAL           |                       |                |       |       |       |
| 63 CUMBERLAND STREET        | BRUNSWICK            | 01FEB88               |                       |                |       |       |       |
| BRUNSWICK                   | 725-2965             |                       |                       |                |       |       |       |
|                             | 725-2965             |                       |                       |                |       |       |       |
| EMMONS, NANCY               | 22378091A            | 22OCT86               | 6                     | 0              | 0     | 0     | 0     |
| SECOND PROVIDER NOT ENTERED | 11 MIDDLE ST         | PROVISIONAL           |                       |                |       |       |       |
| 11 MIDDLE ST                | BRUNSWICK            | 22OCT87               |                       |                |       |       |       |
| BRUNSWICK                   | 725-2385             |                       |                       |                |       |       |       |
|                             | 725-2385             |                       |                       |                |       |       |       |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| GOSSELIN, DIANA<br>SECOND PROVIDER NOT ENTERED<br>88 SPRING ST<br>BRUNSWICK ME 04011                 | 12291051A<br>88 SPRING ST<br>BRUNSWICK                                | 22SEP86<br>PROVISIONAL<br>22SEP87           | 7              | 2             | 0          | 0          | 0         |
| MC CARTHY, CATHERINE<br>SECOND PROVIDER NOT ENTERED<br>22 POLLARD AVENUE<br>BRUNSWICK ME 04011       | 72119571A<br>22 POLLARD AVENUE<br>BRUNSWICK<br>729-4896 729-4896      | 12DEC86<br>FULL LICENSE/APPROVAL<br>23OCT87 | 10             | 2             | 0          | 0          | 0         |
| TALBOT, EDYTHE<br>SECOND PROVIDER NOT ENTERED<br>2 MELDEN DRIVE<br>BRUNSWICK ME 04011                | 15362880A<br>2 MELDEN DRIVE<br>BRUNSWICK<br>729-6426                  | 22SEP86<br>PROVISIONAL<br>22SEP87           | 7              | 2             | 0          | 0          | 0         |
| BRUNSWICK HOUSING AUTHORITY<br>QUELLETTE, LINDA<br>12 STONE STREET<br>PO BOX A<br>BRUNSWICK ME 04011 | 72145211A<br>12 STONE ST P.O. BOX A<br>BRUNSWICK<br>725-8711 725-8711 | 10APR87<br>FULL LICENSE/APPROVAL<br>11JUL87 | 12             | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME     | SECOND PROVIDER             | MAIL ADDRESS         | TOWN/CITY      | STREET   | WELFARE ID | LOCATION ADDRESS     | TOWN/CITY      | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-------------------|-----------------------------|----------------------|----------------|----------|------------|----------------------|----------------|-----------|--------------------|-------------|----------------|---------------|------------|------------|-----------|
| HARTILL, JEAN     | SECOND PROVIDER NOT ENTERED | CHURCH ROAD BOX 1372 | BRUNSWICK      | ME 04011 | 82114781A  | CHURCH ROAD BOX 1372 | BRUNSWICK      | 725-2018  | 725-2018           | 29APR87     | 12             | 0             | 0          | 0          | 0         |
| CAMPBELL, LINDA M | SECOND PROVIDER NOT ENTERED | 62 COLUMBUS ROAD     | CAPE ELIZABETH | ME 04107 | 92696640A  | 62 COLUMBUS ROAD     | CAPE ELIZABETH | 799-4329  |                    | 18SEP86     | 10             | 2             | 0          | 0          | 0         |
| GELINAS, MARY     | SECOND PROVIDER NOT ENTERED | 212 OCEAN HOUSE ROAD | CAPE ELIZABETH | ME 04107 | 72113581A  | 212 OCEAN HOUSE ROAD | CAPE ELIZABETH | 767-4482  |                    | 06MAR87     | 8              | 2             | 0          | 0          | 0         |
| GRANT, PEARL      | SECOND PROVIDER NOT ENTERED | 4 OCEAN AVE          | CAPE ELIZABETH | ME 04107 | 72114251A  | 4 OCEAN AVENUE       | CAPE ELIZABETH | 799-4236  |                    | 23FEB87     | 12             | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID         | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|--------------------|-----------------------|----------------|---------------|------------|------------|-----------|
| SULLIVAN, LAURA             | 52125891A          | 31MAR87               | 10             | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 12 MEADOW WAY      | FULL LICENSE/APPROVAL |                |               |            |            |           |
| 12 MEADOW WAY               | CAPE ELIZABETH     | 31MAR88               |                |               |            |            |           |
| CAPE ELIZABETH              | 799-5629           | 799-5629              |                |               |            |            |           |
| TONNESON, AUDREY            | 02481161A          | 28JAN87               | 3              | 0             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 26 WATERHOUSE ROAD | PROVISIONAL           |                |               |            |            |           |
| 26 WATERHOUSE ROAD          | CAPE ELIZABETH     | 28JAN88               |                |               |            |            |           |
| CAPE ELIZABETH              | 799-5621           |                       |                |               |            |            |           |
| ORICK, SALLY                | 72357081A          | 14MAY87               | 10             | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 22 CHEVERUS ROAD   | PROVISIONAL           |                |               |            |            |           |
| 22 CHEVERUS ROAD            | CAPE ELIZABETH     | 30JUL87               |                |               |            |            |           |
| CAPE ELIZABETH              | 799-5969           |                       |                |               |            |            |           |
| MAYBERRY HILL PRESCHOOL     | 52127371A          | 08FEB87               | 11             | 0             | 0          | 0          | 0         |
| SIMPSON, BARBARA            | OVERLOOK FARM      | FULL LICENSE/APPROVAL |                |               |            |            |           |
| OVERLOOK FARM               | CASCO              | 08FEB88               |                |               |            |            |           |
| MAYBERRY HILL ROAD          | 627-4544           | 627-4544              |                |               |            |            |           |
| CASCO                       | ME 04015           |                       |                |               |            |            |           |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| DOUGLAS, LYNDA<br>SECOND PROVIDER NOT ENTERED<br>611 PL VAL RD<br>CUMBERLAND ME 04021                                 | 02278421A<br>611 PL VAL RD<br>CUMBERLAND                                 | 05AUG86<br>PROVISIONAL<br>05AUG87           | 8              | 2             | 0          | 0          | 0         |
| GAMAGE, SUSAN<br>SECOND PROVIDER NOT ENTERED<br>PO BOX 39<br>HILLSIDE AVENUE<br>YARMOUTH ME 04096                     | 22112571A<br>PO BOX 39 HILLSIDE AVE<br>CUMBERLAND                        | 17OCT86<br>FULL LICENSE/APPROVAL<br>17OCT87 | 6              | 0             | 0          | 0          | 0         |
| JIPSON, BEVERLY M<br>SECOND PROVIDER NOT ENTERED<br>17 OAKRIDGE ROAD<br>GREELEY WOODS<br>CUMBERLAND ME 04021          | 829-3604 829-3604<br>12662840A<br>17 OAKRIDGE ROAD<br>CUMBERLAND         | 31JAN87<br>FULL LICENSE/APPROVAL<br>31JAN88 | 8              | 2             | 0          | 0          | 0         |
| JOHNSON, MARIE<br>SECOND PROVIDER NOT ENTERED<br>8 CANDLEWICK LANE<br>CUMBERLAND CENTER<br>CUMBERLAND CENTER ME 04021 | 52110231A<br>8 CANDLEWICK LANE<br>CUMBERLAND CENTER<br>829-5939 829-5939 | 25FEB87<br>PROVISIONAL<br>25FEB88           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| *****                       | WELFARE ID             | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|------------------------|-----------------------|----------------|---------------|------------|-----------|
| *****                       | 73543920A              | 16JAN87               | 12             | 0             | 0          | 0         |
| THIMS, SHARON M             | 87 NEW GLOUCESTER ROAD | FULL LICENSE/APPROVAL |                |               |            |           |
| SECOND PROVIDER NOT ENTERED | CUMBERLAND CENTER      | 16JAN88               |                |               |            |           |
| 87 NEW GLOUCESTER ROAD      | 829-3567               |                       |                |               |            |           |
| CUMBERLAND CENTER ME 04021  |                        |                       |                |               |            |           |
| *****                       | 72143871A              | 09JAN87               | 12             | 0             | 0          | 0         |
| HIRVELA, DOROTHY            | 250 MIDDLE ROAD        | FULL LICENSE/APPROVAL |                |               |            |           |
| SECOND PROVIDER NOT ENTERED | FALMOUTH               | 09JAN88               |                |               |            |           |
| 250 MIDDLE ROAD             | 781-3955 781-3955      |                       |                |               |            |           |
| FALMOUTH ME 04105           |                        |                       |                |               |            |           |
| *****                       | 22116801A              | 16FEB87               | 12             | 0             | 0          | 0         |
| KLOTH, PHYLLIS              | 11 HARRIETTE STREET    | FULL LICENSE/APPROVAL |                |               |            |           |
| SECOND PROVIDER NOT ENTERED | FALMOUTH               | 16FEB88               |                |               |            |           |
| 11 HARRIETTE STREET         | 781-5648               |                       |                |               |            |           |
| FALMOUTH ME 04105           |                        |                       |                |               |            |           |
| *****                       | 62124061A              | 20MAR87               | 12             | 0             | 0          | 0         |
| OSGOOD, MARTHA              | 353 MIDDLE ROAD        | FULL LICENSE/APPROVAL |                |               |            |           |
| SECOND PROVIDER NOT ENTERED | FALMOUTH               | 04DEC87               |                |               |            |           |
| 353 MIDDLE ROAD             | 781-3721 781-3721      |                       |                |               |            |           |
| FALMOUTH ME 04105           |                        |                       |                |               |            |           |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|------------|-------------|----------------|---------------|------------|------------|-----------|
| SECOND PROVIDER<br>MAIL ADDRESS<br>STREET<br>TOWN/CITY<br>*****<br>TUKEY, CHARLOTTE<br>SECOND PROVIDER NOT ENTERED<br>9 COLE ST<br>FALMOUTH ME 04105 | 22128141A  | 17FEB87     | 12             | 0             | 0          | 0          | 0         |
| BATCHELOR, ELIZABETH<br>SECOND PROVIDER NOT ENTERED<br>RR 2 BOX 233C<br>WEBSTER ROAD<br>FREEPORT ME 04032  | 62108031A  | 10NOV86     | 7              | 2             | 0          | 0          | 0         |
| COLBY, CHRISTINE<br>SECOND PROVIDER NOT ENTERED<br>RR 1 BOX 398 FREEPORT R<br>FREEPORT ME 04032  | 92150981A  | 13AUG86     | 10             | 2             | 0          | 0          | 0         |
| CURTIS, VAUGHNDELLA<br>SECOND PROVIDER NOT ENTERED<br>169 PINE STREET<br>FREEPORT ME 04032   | 32108581A  | 23OCT86     | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID         | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|--------------------|-----------------------|----------------|---------------|------------|------------|-----------|
| DODGE, MARILYN              | 02541661A          | 26FEB87               | 6              | 0             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | RR 3, BOX 119      | PROVISIONAL           |                |               |            |            |           |
| RR 3, BOX 119               | FREEPORT           | 26FEB88               |                |               |            |            |           |
| FREEPORT                    | ME 04032           |                       |                |               |            |            |           |
| GARALDENE B. HAHN           | 52398561A          | 23JAN87               | 8              | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | PLEASANT HILL ROAD | PROVISIONAL           |                |               |            |            |           |
| PLEASANT HILL ROAD          | FREEPORT           | 28OCT87               |                |               |            |            |           |
| RR1 BOX 234                 | FREEPORT           |                       |                |               |            |            |           |
| FREEPORT                    | ME 04032           |                       |                |               |            |            |           |
| KENNEDY, CYNTHIA            | 32116711A          | 27MAR87               | 11             | 0             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | PLEASANT HILL ROAD | FULL LICENSE/APPROVAL |                |               |            |            |           |
| PLEASANT HILL ROAD          | FREEPORT           | 27MAR88               |                |               |            |            |           |
| FREEPORT                    | ME 04032           |                       |                |               |            |            |           |
| MCINTIRE, RAMONA            | 02119691A          | 01NOV86               | 7              | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | PINE STREET        | FULL LICENSE/APPROVAL |                |               |            |            |           |
| PINE STREET                 | FREEPORT           | 01NOV87               |                |               |            |            |           |
| FREEPORT                    | ME 04032           |                       |                |               |            |            |           |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| MERRILL, LORRAINE<br>SECOND PROVIDER NOT ENTERED<br>OLD COUNTY ROAD<br>BOX 251<br>FREEPORT ME 04032 | 44258610A<br>OLD COUNTY ROAD<br>FREEPORT                                | 20DEC86<br>PROVISIONAL<br>20DEC87           | 6              | 0             | 0          | 0          | 0         |
| MORSORF, SHARON<br>SECOND PROVIDER NOT ENTERED<br>BRUNSWICK ROAD<br>BOX 298<br>FREEPORT ME 04032    | 62120171A<br>BRUNSWICK ROAD, BOX 298<br>FREEPORT                        | 13FEB87<br>FULL LICENSE/APPROVAL<br>13FEB88 | 6              | 2             | 0          | 0          | 0         |
| MORSE, JOHANNA F<br>SECOND PROVIDER NOT ENTERED<br>RR 2 BOX 4269<br>FREEPORT ME 04032               | 865-6149 865-6149<br>01983300A<br>RR 2 BOX 4269<br>FREEPORT<br>865-4681 | 25MAR87<br>FULL LICENSE/APPROVAL<br>25MAR88 | 7              | 2             | 0          | 0          | 0         |
| O CONNOR, JOY<br>SECOND PROVIDER NOT ENTERED<br>60 BOW ST #6<br>FREEPORT ME 04032                   | 52312551A<br>60 BOW ST #6<br>FREEPORT<br>865-6676                       | 18JUL86<br>PROVISIONAL<br>18JUL87           | 6              | 1             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID      | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|-----------------|-----------------------|----------------|---------------|------------|------------|-----------|
| SECOND PROVIDER NOT ENTERED | 92567971A       | 26FEB87               | 8              | 2             | 0          | 0          | 0         |
| MAIL ADDRESS                | WARDTOWN ROAD   | PROVISIONAL           |                |               |            |            |           |
| STREET                      | FREEPORT        | 26FEB88               |                |               |            |            |           |
| TOWN/CITY                   | 865-3484        |                       |                |               |            |            |           |
| *****                       |                 |                       |                |               |            |            |           |
| PATRICIA THEBEAU            | 02493241A       | 19DEC86               | 9              | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | RFD 1, BOX 41A  | PROVISIONAL           |                |               |            |            |           |
| MAIL ADDRESS                | FREEPORT        | 19DEC87               |                |               |            |            |           |
| STREET                      | 865-4366        |                       |                |               |            |            |           |
| TOWN/CITY                   |                 |                       |                |               |            |            |           |
| *****                       |                 |                       |                |               |            |            |           |
| VEASEY, LYNETTE             | 02128291A       | 01MAR87               | 12             | 0             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 2 PERCY STREET  | FULL LICENSE/APPROVAL |                |               |            |            |           |
| MAIL ADDRESS                | FREEPORT        | 01MAR88               |                |               |            |            |           |
| STREET                      | 781-4678        |                       |                |               |            |            |           |
| TOWN/CITY                   | 781-4605        |                       |                |               |            |            |           |
| *****                       |                 |                       |                |               |            |            |           |
| WILLIAMS, BEVERLY           | 12170661A       | 25OCT86               | 8              | 2             | 0          | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 17 MAPLE AVENUE | FULL LICENSE/APPROVAL |                |               |            |            |           |
| MAIL ADDRESS                | FREEPORT        | 25OCT87               |                |               |            |            |           |
| STREET                      | 865-4854        |                       |                |               |            |            |           |
| TOWN/CITY                   | 865-4854        |                       |                |               |            |            |           |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| THOITS, CAROLE<br>SECOND PROVIDER NOT ENTERED<br>RR 2 BOX 457<br>457 SEQUOIA DRIVE<br>YARMOUTH ME 04032  | 02153261A<br>457 SEQUOIA DRIVE<br>FREEPORT                          | 21APR87<br>FULL LICENSE/APPROVAL<br>03JUL87 | 6              | 0             | 0          | 0          | 0         |
| ANDERSON, LAURIE J<br>SECOND PROVIDER NOT ENTERED<br>SEBAGO LAKE ROAD<br>RR 2 BOX 381<br>GORHAM ME 04038 | 84570750A<br>SEBAGO LAKE ROAD<br>GORHAM                             | 01MAY86<br>FULL LICENSE/APPROVAL<br>01MAY87 | 8              | 2             | 0          | 0          | 0         |
| BLUNDA, BARBARA<br>SECOND PROVIDER NOT ENTERED<br>RR 1, BOX 114F<br>GORHAM ME 04038                      | 72363871A<br>RR 1, BOX 114F<br>GORHAM<br>839-4905                   | 17DEC86<br>PROVISIONAL<br>17DEC87           | 8              | 0             | 0          | 0          | 0         |
| CURTIS, CHRISTINE<br>SECOND PROVIDER NOT ENTERED<br>RR 4 BOX 355 BURNHAM RD<br>GORHAM ME 04038           | 62108511A<br>RR 4 BOX 355 BURNHAM RD<br>GORHAM<br>839-2231 839-2231 | 26JUN85<br>PROVISIONAL<br>26JUN86           | 3              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| FARMER, PAMELA<br>SECOND PROVIDER NOT ENTERED<br>ORCHARD ROAD<br>RFD 1 BOX 423A<br>GORHAM       | 72146471A<br>ORCHARD RD RFD 1<br>GORHAM                             | 20JUL86<br>FULL LICENSE/APPROVAL<br>20JUL87 | 12             | 0             | 0          | 0          | 0         |
| GORHAM DAY CARE HOME/GARAGE BUILDING<br>BAUER, JIM<br>RR1 BOX 524B<br>GARAGE BUILDING<br>GORHAM | 839-6478 839-6478<br>62314421A<br>RR1 BOX 524B GARAGE BLD<br>GORHAM | 22MAY87<br>CONDITIONAL<br>22MAY88           | 12             | 0             | 0          | 0          | 0         |
| JOHNSON, JUDITH L<br>SECOND PROVIDER NOT ENTERED<br>WARD HILL ROAD<br>GORHAM                    | 839-6327<br>83510800A<br>WARD HILL ROAD<br>GORHAM                   | 18SEP86<br>FULL LICENSE/APPROVAL<br>05JUN87 | 7              | 2             | 0          | 0          | 0         |
| MARTIN, MARLENE L<br>SECOND PROVIDER NOT ENTERED<br>R.R.#1 BOX 521<br>CLAY ROAD<br>GORHAM       | 52008500A<br>CLAY ROAD<br>GORHAM                                    | 19MAY87<br>PROVISIONAL<br>19MAY88           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|--|------------|---|----------------|---------------|------------|-----------|
| MCDONALD, HEIDI<br>SECOND PROVIDER NOT ENTERED<br>RR 2, BOX 27<br>GORHAM ME 04038                    | 82386641A  | 18SEP86                                     | 6              | 2             | 0          | 0         |
| MORTON, DIANNE<br>SECOND PROVIDER NOT ENTERED<br>RFD 2 BOX 457<br>GORHAM ME 04038                    | 42120181A  | 06NOV86<br>FULL LICENSE/APPROVAL<br>06NOV87 | 9              | 2             | 0          | 0         |
| RASER, BARBARA<br>SECOND PROVIDER NOT ENTERED<br>HARRIET CIRCLE<br>RR 4 BOX 369<br>GORHAM ME 04038   | 82145261A  | 09JAN87<br>FULL LICENSE/APPROVAL<br>09JAN88 | 7              | 2             | 0          | 0         |
| STEWART, KATHARINE<br>SECOND PROVIDER NOT ENTERED<br>BURNHAM ROAD<br>RR 4 BOX 359<br>GORHAM ME 04038 | 62280071A  | 14SEP86<br>FULL LICENSE/APPROVAL<br>14SEP87 | 12             | 0             | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | EMRG RSP SLOTS |
|--|--|---|----------------|---------------|----------------|
| WIGHT, SALLY<br>SECOND PROVIDER NOT ENTERED<br>RT 237 BOX 165<br>GORHAM ME 04038       | 02944Q30A<br>RT 237 BOX 165<br>GORHAM                    | 18FEB87<br>PROVISIONAL<br>28JAN88           | 12             | 0             | 0              |
| BAILY, ANITA<br>SECOND PROVIDER NOT ENTERED<br>RR 4 BOX 459<br>GORHAM ME 04038         | 02208821A<br>RR 4 BOX 459<br>GORHAM<br>839-6001          | 05JAN87<br>PROVISIONAL<br>26FEB87           | 4              | 2             | 0              |
| BAUER, JIM<br>SECOND PROVIDER NOT ENTERED<br>RR1 BOX 524<br>WESCOTT<br>GORHAM ME 04038 | 82314411A<br>RR1 BOX 524<br>GORHAM<br>839-6327           | 14APR87<br>PROVISIONAL<br>21JUL87           | 12             | 0             | 0              |
| HERSEY, THERESE<br>SECOND PROVIDER NOT ENTERED<br>RR2 BOX 252<br>GORHAM ME 04038       | 32116371A<br>RR 2 BOX 252<br>GORHAM<br>892-4520 892-4520 | 01APR87<br>FULL LICENSE/APPROVAL<br>30MAY87 | 10             | 2             | 0              |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID                                   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|---|----------------|---------------|------------|------------|-----------|
| WILSON, KAREN<br>SECOND PROVIDER NOT ENTERED<br>WESTVIEW WOODS<br>TAPLEY DRIVE<br>GORHAM                     | 92209021A<br>WESTVIEW WOODS<br>GORHAM        | 25FEB87<br>PROVISIONAL<br>20MAR87           | 6              | 2             | 0          | 0          | 0         |
| BURNELL, DONNA L<br>SECOND PROVIDER NOT ENTERED<br>PO BOX 359<br>13 WESTWARD TERRACE<br>GRAY                 | 22780680A<br>PO BOX 13 WESTWARD TERR<br>GRAY | 13FEB87<br>FULL LICENSE/APPROVAL<br>26SEP87 | 12             | 0             | 0          | 0          | 0         |
| HOTHAM, ANNETTE M<br>SECOND PROVIDER NOT ENTERED<br>5 COLLEY HILL ROAD<br>GRAY                               | 14951890A<br>5 COLLEY HILL ROAD<br>GRAY      | 05DEC86<br>PROVISIONAL<br>05DEC87           | 11             | 0             | 0          | 0          | 0         |
| PROP CUMBERLAND COUNTY/GRAY CONG CHURCH<br>KNUDSEN, SIGURD<br>RONALD MAVIS<br>222 ST JOHN STREET<br>PORTLAND | 32133071A<br>BROWN STREET<br>GRAY            | 20MAR87<br>FULL LICENSE/APPROVAL<br>20MAR88 | 12             | 0             | 0          | 0          | 0         |
| ME 04038   | 839-3435                                     | 839-3435                                    |                |               |            |            |           |
| ME 04039   | 657-2610                                     | 657-2610                                    |                |               |            |            |           |
| ME 04039   | 657-2291                                     | 657-2291                                    |                |               |            |            |           |
| ME 04102   | 657-2322                                     | 773-1770                                    |                |               |            |            |           |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| WHITE, CAROL LANE<br>SECOND PROVIDER NOT ENTERED<br>PO BOX 422<br>14 GRAY PARK<br>GRAY | 81956410A<br>14 GRAY PARK<br>GRAY                     | 27FEB87<br>FULL LICENSE/APPROVAL<br>18OCT87 | 6              | 1             | 0          | 0          | 0         |
| PARKER, ROSE MARIE<br>SECOND PROVIDER NOT ENTERED<br>33 FAIRVIEW AVENUE<br>GRAY        | 04770820A<br>33 FAIRVIEW AVENUE<br>GRAY<br>657-2241   | 27APR87<br>FULL LICENSE/APPROVAL<br>31JUL87 | 6              | 0             | 0          | 0          | 0         |
| JOHNSON, PHYLLIS M<br>SECOND PROVIDER NOT ENTERED<br>RFD 1<br>BOX 721<br>ORRS ISLAND   | 21905551A<br>RFD 1 BOX 721<br>ORRS ISLAND<br>833-5458 | 27AUG86<br>PROVISIONAL<br>27AUG87           | 10             | 2             | 0          | 0          | 0         |
| WEBBER, SANDRA<br>SECOND PROVIDER NOT ENTERED<br>RFD 1 BOX 564<br>ORRS ISLAND          | 32131281A<br>RFD 1 BOX 564<br>HARPSWELL<br>833-2301   | 13FEB87<br>FULL LICENSE/APPROVAL<br>13FEB88 | 12             | 2             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | SECOND PROVIDER             | TOWN/CITY      | WELFARE ID | LOCATION ADDRESS        | TOWN/CITY      | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON                   | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG RSP SLOTS |
|-----------------|-----------------------------|----------------|------------|-------------------------|----------------|-----------|--------------------|----------------------------------|-------------|----------------|---------------|------------|----------------|
| BAKER, LAURIE   | SECOND PROVIDER NOT ENTERED | HARRISON       | 12108001A  | RR 1 BOX 815 CHAPMAN DR | HARRISON       | 583-6753  | 583-6753           | FULL LICENSE/APPROVAL<br>200CT86 | 200CT85     | 12             | 0             | 0          | 0              |
| DOW, BETTY E    | SECOND PROVIDER NOT ENTERED | NAPLES         | 63505450A  | 23 MARGARET STREET      | NAPLES         | 693-3459  | 583-6753           | FULL LICENSE/APPROVAL<br>310CT86 | 310CT86     | 12             | 0             | 0          | 0              |
| VANLIET, MARIE  | SECOND PROVIDER NOT ENTERED | NAPLES         | 53615060A  | RR 1 BOX 276            | NAPLES         | 693-3550  | 693-3550           | FULL LICENSE/APPROVAL<br>230CT86 | 230CT86     | 10             | 2             | 0          | 0              |
| LEDUC, FLORENCE | SECOND PROVIDER NOT ENTERED | NEW GLOUCESTER | 92117771A  | RR 1 BOX 127A           | NEW GLOUCESTER | 926-3248  | 926-3248           | LIC ST** **UNKNOWN               | 19JUL86     | 0              | 0             | 0          | 0              |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| THORNE, KIMBERLY<br>SECOND PROVIDER NOT ENTERED<br>12 BLUFF CIR RFD2<br>GRAY ME 03014                       | 42257381A<br>12 BLUFF CIR RFD2<br>GRAY<br>657-2472                      | 03JUL86<br>PROVISIONAL<br>03JUL87           | 6              | 0             | 0          | 0          | 0         |
| SUNSHINE CHILD CARE<br>SECOND PROVIDER NOT ENTERED<br>PINELAND CENTER<br>ROUTE 231 BOX C<br>POWNAI ME 04069 | 22132181A<br>ROUTE 231 COTTAGE 5<br>NEW GLOUCESTER<br>688-2260 688-2260 | 15MAY87<br>FULL LICENSE/APPROVAL<br>15AUG87 | 12             | 0             | 0          | 0          | 0         |
| HODGDON, MARGERY<br>SECOND PROVIDER NOT ENTERED<br>PO BOX 172<br>CUMBERLAND CENTER ME 04021                 | 22532511A<br>PO BOX 172<br>NORTH YARMOUTH<br>829-3333                   | 29APR87<br>PROVISIONAL<br>29APR88           | 12             | 0             | 0          | 0          | 0         |
| MCKOWN, BRENDA<br>SECOND PROVIDER NOT ENTERED<br>R R 1 BOX 111<br>ROYAL ROAD<br>POWNAI ME 04069             | 42028790A<br>ROYAL ROAD<br>NO YARMOUTH<br>846-5242                      | 02OCT86<br>FULL LICENSE/APPROVAL<br>08AUG87 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| SEKOR, LORI J<br>SECOND PROVIDER NOT ENTERED<br>52 ROCKLAND AVENUE<br>PORTLAND ME 04102    | 03135250A<br>52 ROCKLAND AVE<br>PORTLAND<br>774-8823          | 05NOV86<br>PROVISIONAL<br>05NOV87           | 6              | 1             | 0          | 0          | 0         |
| BERMAN, ILENE R<br>SECOND PROVIDER NOT ENTERED<br>55 BIRCHWOOD DRIVE<br>PORTLAND ME 04102  | 15027720A<br>55 BIRCHWOOD DRIVE<br>PORTLAND<br>773-7883       | 01MAY87<br>PROVISIONAL<br>01MAY88           | 6              | 0             | 0          | 0          | 0         |
| BROWN, DONNA<br>SECOND PROVIDER NOT ENTERED<br>6 MONROE STREET<br>PORTLAND ME 04101        | 22142241A<br>6 MONROE STREET<br>PORTLAND<br>772-4966 772-4966 | 07NOV86<br>FULL LICENSE/APPROVAL<br>07NOV87 | 5              | 0             | 0          | 0          | 0         |
| BURTON, DIANA J<br>SECOND PROVIDER NOT ENTERED<br>21 GREENLEAF STREET<br>PORTLAND ME 04101 | 32277430A<br>21 GREENLEAF STREET<br>PORTLAND<br>774-5087      | 12SEP85<br>PROVISIONAL<br>12SEP86           | 3              | 2             | 0          | 0          | 0         |

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 WELFARE ID  
 LOCATION ADDRESS  
 TOWN/CITY  
 TELEPHONE  
 BUSINESS RESIDENCE  
 LICENSE-STATUS  
 EXPIRATION-DATE  
 CLOSING REASON  
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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME                | SECOND PROVIDER | MAIL ADDRESS           | STREET   | TOWN/CITY | WELFARE ID | LOCATION ADDRESS              | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE        | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------------------|-----------------|------------------------|----------|-----------|------------|-------------------------------|-----------|--------------------|--------------------|----------------|---------------|------------|------------|-----------|
| <u>CHANDLER, F. PATRICIA</u> | NOT ENTERED     | 102 ALLEN AVENUE       | PORTLAND | ME 04103  | 02150211A  | <u>102 ALLEN AVENUE</u>       | 797-3087  | 797-3087           | 20NOV86<br>20NOV87 | 12             | 0             | 0          | 0          | 0         |
| <u>CHERYL H. BRETT</u>       | NOT ENTERED     | 42 LAFAYETTE STREET    | PORTLAND | ME 04101  | 04885430A  | <u>42 LAFAYETTE STREET</u>    | 772-8150  | 772-8150           | 29JAN87<br>05DEC87 | 6              | 0             | 0          | 0          | 0         |
| <u>CONNELLY, BARBARA</u>     | NOT ENTERED     | 99E COMMONWEALTH DRIVE | PORTLAND | ME 04103  | 32834720A  | <u>99E COMMONWEALTH DRIVE</u> | 797-2007  | 797-2007           | 20OCT86<br>20OCT87 | 8              | 2             | 0          | 0          | 0         |
| <u>DALL, KATHLEEN</u>        | NOT ENTERED     | 37 LANE AVENUE         | PORTLAND | ME 04101  | 02108681A  | <u>37 LANE AVENUE</u>         | 797-0882  | 797-0882           | 01OCT86<br>05JUL87 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME             | SECOND PROVIDER                    | MAIL ADDRESS              | TOWN/CITY       | STREET          | WELFARE ID | LOCATION ADDRESS          | TOWN/CITY       | TELEPHONE       | BUSINESS RESIDENCE | CLOSING REASON                | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---------------------------|------------------------------------|---------------------------|-----------------|-----------------|------------|---------------------------|-----------------|-----------------|--------------------|-------------------------------|----------------|---------------|------------|------------|-----------|
| <u>DEROCHE, JERRY A</u>   | <u>SECOND PROVIDER NOT ENTERED</u> | <u>36 ROBERTS STREET</u>  | <u>PORTLAND</u> | <u>ME 04102</u> | 62722490A  | <u>36 ROBERTS STREET</u>  | <u>PORTLAND</u> | <u>772-5632</u> |                    | FULL LICENSE/APPROVAL 25APR88 | 12             | 0             | 0          | 0          | 0         |
| <u>DIBIASE, MARILYN</u>   | <u>SECOND PROVIDER NOT ENTERED</u> | <u>27 CARLYLE RD</u>      | <u>PORTLAND</u> | <u>ME 04103</u> | 52109721A  | <u>27 CARLYLE ROAD</u>    | <u>PORTLAND</u> | <u>774-1998</u> |                    | FULL LICENSE/APPROVAL 09SEP86 | 8              | 2             | 0          | 0          | 0         |
| <u>ERB, JULIE</u>         | <u>SECOND PROVIDER NOT ENTERED</u> | <u>11 EXCHANGE STREET</u> | <u>PORTLAND</u> | <u>ME 04101</u> | 32112031A  | <u>11 EXCHANGE STREET</u> | <u>PORTLAND</u> | <u>761-1887</u> |                    | FULL LICENSE/APPROVAL 22JAN87 | 10             | 2             | 0          | 0          | 0         |
| <u>FAHERTY, THERESA A</u> | <u>SECOND PROVIDER NOT ENTERED</u> | <u>68 PENNELL AVENUE</u>  | <u>PORTLAND</u> | <u>ME 04101</u> | 42398511A  | <u>68 PENNELL AVENUE</u>  | <u>PORTLAND</u> | <u>797-6702</u> |                    | PROVISIONAL 07NOV86           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME      | SECOND PROVIDER | MAIL ADDRESS     | TOWN/CITY | WELFARE ID | LOCATION ADDRESS        | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--------------------|-----------------|------------------|-----------|------------|-------------------------|-----------|-----------|--------------------|----------------|---|----------------|---------------|------------|------------|-----------|
| FOLEY, DELIA       | NOT ENTERED     | 214 TAFT AVENUE  | PORTLAND  | 62528731A  | 214 TAFT AVENUE         | PORTLAND  | 773-9797  |                    |                | 24DEC86<br>PROVISIONAL<br>24DEC87           | 6              | 0             | 0          | 0          | 0         |
| FONTAINE, REGINA B | NOT ENTERED     | 58 SPRUCE ST     | PORTLAND  | 52833250A  | 58 SPRUCE ST            | PORTLAND  |           |                    |                | 20JAN87<br>PROVISIONAL<br>20JAN88           | 10             | 2             | 0          | 0          | 0         |
| FOSS, JOYCE        | NOT ENTERED     | 240 DANFORTH ST  | PORTLAND  | 04250990A  | 240 DANFORTH ST APT 107 | PORTLAND  |           |                    |                | 30APR87<br>FULL LICENSE/APPROVAL<br>30APR88 | 6              | 0             | 0          | 0          | 0         |
| GAUVREAU, GAYLE    | NOT ENTERED     | 14 LOCUST STREET | PORTLAND  | 02112701A  | 14 LOCUST STREET        | PORTLAND  |           |                    |                | 18SEP86<br>FULL LICENSE/APPROVAL<br>16SEP87 | 12             | 0             | 0          | 0          | 0         |



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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|---|----------------|---------------|------------|------------|-----------|
| <del>GENTLY NOW DAY CARE</del><br>MCDADE, LORRAINE<br>837 BRIGHTON AVE<br>PORTLAND<br>ME 04101                               | 52117511A<br><del>837 BRIGHTON AVENUE</del><br>PORTLAND<br>772-5918 772-5918 | 15OCT86<br>PROVISIONAL<br>15OCT87           | 12             | 0             | 0          | 0          | 0         |
| <del>GOODHUE, CYNTHIA L</del><br><del>SECOND PROVIDER NOT ENTERED</del><br>286 STATE STREET<br>APT 7<br>PORTLAND<br>ME 04101 | 32907930A<br><del>286 STATE STREET</del><br>PORTLAND<br>772-2085             | 17MAR87<br>FULL LICENSE/APPROVAL<br>17MAR88 | 8              | 2             | 0          | 0          | 0         |
| <del>GUERRIERI, CARA</del><br><del>SECOND PROVIDER NOT ENTERED</del><br>PLEASANT AVENUE<br>PEAKS ISLAND<br>ME 04108          | 82114501A<br><del>32 THOMAS STREET</del><br>PORTLAND<br>766-2116 774-1774    | 07MAR87<br>FULL LICENSE/APPROVAL<br>07MAR88 | 12             | 0             | 0          | 0          | 0         |
| <del>HALL, DENA</del><br><del>SECOND PROVIDER NOT ENTERED</del><br>313 RAY ST<br>PORTLAND<br>ME 04103                        | 82320101A<br><del>313 RAY ST</del><br>PORTLAND<br>878-2032                   | 29OCT86<br>PROVISIONAL<br>29OCT87           | 6              | 2             | 0          | 0          | 0         |

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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| HAMILTON, DEBORAH J<br>SECOND PROVIDER NOT ENTERED<br>254 PLEASANT AVE<br>1ST FLOOR<br>PORTLAND ME 04103 | 02832860A<br><u>254 PLEASANT AVENUE</u><br>PORTLAND                       | 27FEB87<br>PROVISIONAL<br>27FEB88           | <u>6</u>       | 2             | 0          | 0          | 0         |
| HEAL, LINDA<br>SECOND PROVIDER NOT ENTERED<br>23 NOTTINGHAM AVENUE<br>PORTLAND ME 04103                  | 02159481A<br><u>23 NOTTINGHAM AVENUE</u><br>PORTLAND<br>797-8480 797-8480 | 21JAN87<br>FULL LICENSE/APPROVAL<br>20JAN87 | <u>7</u>       | 2             | 0          | 0          | 0         |
| HOLY INNOCENTS<br>HARDEN, DONALD<br>PO BOX 797<br>SHERMAN STREET<br>PORTLAND ME 04104                    | 72541621A<br><u>PO BOX 797 SHERMAN ST</u><br>PORTLAND                     | 02APR87<br>PROVISIONAL<br>02APR88           | <u>12</u>      | 0             | 0          | 0          | 0         |
| HORNE, JEANETTE EGELAND<br>SECOND PROVIDER NOT ENTERED<br>105 NORTH ST<br>PORTLAND ME 04101              | 91911580A<br><u>105 NORTH ST</u><br>PORTLAND<br>774-0034                  | 06DEC86<br>FULL LICENSE/APPROVAL<br>06DEC87 | <u>12</u>      | 0             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME      | SECOND PROVIDER | TOWN/CITY | STREET | TELEPHONE | BUSINESS RESIDENCE               | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--------------------|-----------------|-----------|--------|-----------|----------------------------------|---|----------------|---------------|------------|------------|-----------|
| HUNTER, MELANIE B  | NOT ENTERED     | ME        | 04103  | 72199770A | 126 CONCORD STREET<br>PORTLAND   | 16DEC86<br>PROVISIONAL<br>16DEC87           | 7              | 2             | 0          | 0          | 0         |
| JOHNSTON, SUSAN    | NOT ENTERED     | ME        | 04101  | 22116631A | 66 JACKSON STREET<br>PORTLAND    | 13NOV86<br>FULL LICENSE/APPROVAL<br>13NOV87 | 11             | 0             | 0          | 0          | 0         |
| KAKLEGIAN, SUZANNE | NOT ENTERED     | ME        | 04103  | 23449430A | 88 PRESUMPCOT STREET<br>PORTLAND | 13NOV86<br>FULL LICENSE/APPROVAL<br>13NOV87 | 8              | 2             | 0          | 0          | 0         |
| KINNEY, DONA RUTH  | NOT ENTERED     | ME        | 04102  | 21899900A | 68 CARIBOU STREET<br>PORTLAND    | 08FEB87<br>FULL LICENSE/APPROVAL<br>08FEB88 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME        | SECOND PROVIDER             | TOWN/CITY | STREET              | TELEPHONE | BUSINESS RESIDENCE | LOCATION ADDRESS                | WELFARE ID | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|----------------------|-----------------------------|-----------|---------------------|-----------|--------------------|---------------------------------|------------|---|----------------|---------------|------------|------------|-----------|
| LAPPIN, DOROTHEA     | SECOND PROVIDER NOT ENTERED | PORTLAND  | 43 ELMWOOD ST       | 797-3030  | 797-3030           | 43 ELMWOOD STREET<br>PORTLAND   | 02117591A  | 020CT86<br>FULL LICENSE/APPROVAL<br>24JUL87 | 6              | 0             | 0          | 0          | 0         |
| LAVALLIERE, PAMELA J | SECOND PROVIDER NOT ENTERED | PORTLAND  | 17 GLENHAVEN EAST   | 772-4316  | 772-4316           | 17 GLENHAVEN EAST<br>PORTLAND   | 63535120A  | 05JUN86<br>FULL LICENSE/APPROVAL<br>05JUN87 | 7              | 2             | 0          | 0          | 0         |
| LEMAY, MARY          | SECOND PROVIDER NOT ENTERED | PORTLAND  | 287 HOLM AVENUE     | 774-5366  | 774-5366           | 287 HOLM AVENUE<br>PORTLAND     | 32117831A  | 02APR87<br>FULL LICENSE/APPROVAL<br>02APR88 | 4              | 0             | 0          | 0          | 0         |
| LEO, LORNA           | SECOND PROVIDER NOT ENTERED | PORTLAND  | 223 BRACKETT STREET | 773-8490  | 773-8490           | 223 BRACKETT STREET<br>PORTLAND | 02116510A  | 07NOV86<br>FULL LICENSE/APPROVAL<br>07NOV87 | 12             | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME      | SECOND PROVIDER             | MAIL ADDRESS         | STREET | TOWN/CITY | WELFARE ID | LOCATION ADDRESS     | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                       | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--------------------|-----------------------------|----------------------|--------|-----------|------------|----------------------|-----------|--------------------|-----------------------------------|----------------|---------------|------------|------------|-----------|
| LERMAN, CONNIE     | SECOND PROVIDER NOT ENTERED | 120 DARTMOUTH ST     |        | PORTLAND  | 52248861A  | 16 WILLIAMS STREET   |           |                    | 30JUL86<br>PROVISIONAL<br>30JUL87 | 10             | 2             | 0          | 0          | 0         |
| LERMAN, CONNIE     | SECOND PROVIDER NOT ENTERED | 120 DARTMOUTH STREET |        | PORTLAND  | 62312631A  | 120 DARTMOUTH STREET |           |                    | 17FEB87<br>PROVISIONAL<br>17FEB88 | 12             | 0             | 0          | 0          | 0         |
| MACY, K SUE        | SECOND PROVIDER NOT ENTERED | 92 LINCOLN ST        |        | PORTLAND  | 72320161A  | 91 LINCOLN ST        |           |                    | 23SEP86<br>PROVISIONAL<br>23SEP87 | 6              | 1             | 0          | 0          | 0         |
| MCCLELLAN, BARBARA | SECOND PROVIDER NOT ENTERED | 129 MASS AVE         |        | PORTLAND  | 42378081A  | 129 MASS AVE         |           |                    | 29OCT86<br>PROVISIONAL<br>29OCT87 | 3              | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| MERROW, NANCY<br>SECOND PROVIDER NOT ENTERED<br>9 CUSHMAN ST<br>PORTLAND ME 04102                   | 32278711A<br>9 CUSHMAN ST<br>PORTLAND<br>774-4110                | 15OCT86<br>PROVISIONAL<br>15OCT87           | 6              | 2             | 0          | 0          | 0         |
| MITCHELL, DONNA<br>SECOND PROVIDER NOT ENTERED<br>146 SHERMAN STREET<br>APT #1<br>PORTLAND ME 04101 | 72845400A<br>146 SHERMAN STREET<br>PORTLAND<br>773-7911 773-7911 | 22SEP86<br>FULL LICENSE/APPROVAL<br>22SEP87 | 8              | 2             | 0          | 0          | 0         |
| MOREAU, HALE<br>SECOND PROVIDER NOT ENTERED<br>74 DEVON STREET<br>PORTLAND ME 04102                 | 72120081A<br>74 DEVON STREET<br>PORTLAND<br>772-5765 772-5765    | 20FEB87<br>FULL LICENSE/APPROVAL<br>20FEB88 | 6              | 0             | 0          | 0          | 0         |
| NAPOLEONE, ANNE<br>SECOND PROVIDER NOT ENTERED<br>1224 WASHINGTON AVE<br>PORTLAND ME 04103          | 72164470A<br>1224 WASHINGTON AVENUE<br>PORTLAND<br>797-5752      | 01DEC86<br>FULL LICENSE/APPROVAL<br>29AUG87 | 5              | 0             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME       | SECOND PROVIDER             | MAIL ADDRESS        | TOWN/CITY | STREET | WELFARE ID | LOCATION ADDRESS    | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---------------------|-----------------------------|---------------------|-----------|--------|------------|---------------------|-----------|-----------|--------------------|---|----------------|---------------|------------|------------|-----------|
| NEWSHAM, PAMALA R   | SECOND PROVIDER NOT ENTERED | 539 BRIGHTON AVENUE | PORTLAND  |        | 94258950A  | 539 BRIGHTON AVENUE | PORTLAND  | 772-9826  |                    | 07MAY87<br>PROVISIONAL<br>07MAY88           | 12             | 0             | 0          | 0          | 0         |
| NORTON, RHONDA      | SECOND PROVIDER NOT ENTERED | 24 COBBERT ROAD     | PORTLAND  |        | 32123971A  | 24 COBBERT ROAD     | PORTLAND  | 773-7344  |                    | 08DEC86<br>FULL LICENSE/APPROVAL<br>08DEC87 | 6              | 0             | 0          | 0          | 0         |
| PARADIS, MARGUERITE | SECOND PROVIDER NOT ENTERED | 125 WELLINGTON ROAD | PORTLAND  |        | 72216321A  | 125 WELLINGTON ROAD | PORTLAND  | 722-3287  |                    | 20MAR87<br>FULL LICENSE/APPROVAL<br>21MAR88 | 7              | 2             | 0          | 0          | 0         |
| PARKER, CINDY       | SECOND PROVIDER NOT ENTERED | 73 SPRUCE ST        | PORTLAND  |        | 02303671A  | 73 SPRUCE ST        | PORTLAND  | 773-6779  |                    | 15SEP86<br>PROVISIONAL<br>15SEP87           | 6              | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME             | SECOND PROVIDER | MAIL ADDRESS       | STREET   | TOWN/CITY | WELFARE ID | LOCATION ADDRESS   | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE               | CLOSING REASON | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|---------------------------|-----------------|--------------------|----------|-----------|------------|--------------------|-----------|-----------|----------------------------------|----------------|-------------|----------------|---------------|------------|-----------|
| <u>PIERSON, SHERRY M</u>  | NOT ENTERED     | 44 WHITTIER STREET | PORTLAND | ME 04103  | 65394850A  | 44 WHITTIER STREET | PORTLAND  | 774-6674  | 17MAR86<br>PROVISIONAL           | 17MAR87        | 6           | 2              | 0             | 0          | 0         |
| <u>PLATTS, GAIL</u>       | NOT ENTERED     | 89 MABEL ST        | PORTLAND | ME 04103  | 02124521A  | 89 MABEL STREET    | PORTLAND  | 774-4016  | 22MAY87<br>FULL LICENSE/APPROVAL | 22MAY88        | 6           | 2              | 0             | 0          | 0         |
| <u>PROUTY, JOAN</u>       | NOT ENTERED     | 385 WOODFORD ST    | PORTLAND | ME 04103  | 22124871A  | 385 WOODFORD ST    | PORTLAND  | 773-8280  | 26AUG86<br>FULL LICENSE/APPROVAL | 26AUG87        | 10          | 2              | 0             | 0          | 0         |
| <u>RAPP, BETH HARTMAN</u> | NOT ENTERED     | 51 DEVON STREET    | PORTLAND | ME 04101  | 35319770A  | 51 DEVON STREET    | PORTLAND  | 774-0026  | 05NOV86<br>PROVISIONAL           | 29JUL87        | 9           | 2              | 0             | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME                 | SECOND PROVIDER             | TOWN/CITY | STREET               | MAIL ADDRESS | TELEPHONE | BUSINESS RESIDENCE | LICENSING REASON      | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-------------------------------|-----------------------------|-----------|----------------------|--------------|-----------|--------------------|-----------------------|-------------|----------------|---------------|------------|------------|-----------|
| <del>REILLY, MARY</del>       | SECOND PROVIDER NOT ENTERED | PORTLAND  | 129 BRENTWOOD STREET | PORTLAND     | 773-6391  | 773-6391           | FULL LICENSE/APPROVAL | 08FEB87     | 8              | 2             | 0          | 0          | 0         |
| <del>REINOLD, DEBORAH L</del> | SECOND PROVIDER NOT ENTERED | PORTLAND  | 38 SMITH STREET      | PORTLAND     |           |                    | PROVISIONAL           | 11FEB87     | 6              | 0             | 0          | 0          | 0         |
| <del>REUBEN, KRISTEN</del>    | SECOND PROVIDER NOT ENTERED | PORTLAND  | 34 HAMBLET AVE       | PORTLAND     |           |                    | FULL LICENSE/APPROVAL | 07NOV86     | 6              | 2             | 0          | 0          | 0         |
| <del>REYNOLDS, VIRGINIA</del> | SECOND PROVIDER NOT ENTERED | PORTLAND  | 13 FLEETWOOD STREET  | PORTLAND     |           |                    | PROVISIONAL           | 13JAN87     | 10             | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME              | SECOND PROVIDER                    | MAIL ADDRESS               | TOWN/CITY       | WELFARE ID | LOCATION ADDRESS         | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                      | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|----------------------------|------------------------------------|----------------------------|-----------------|------------|--------------------------|-----------|--------------------|----------------------------------|----------------|---------------|------------|------------|-----------|
| <u>RICHARDSON, MILDRED</u> | <u>SECOND PROVIDER NOT ENTERED</u> | <u>11 WOODFIELD ROAD</u>   | <u>PORTLAND</u> | 42147861A  | <u>11 WOODFIELD ROAD</u> |           |                    | 30OCT86                          | <u>8</u>       | 2             | 0          | 0          | 0         |
| ME 04102                   |                                    |                            |                 |            | 775-0865                 | 775-0865  |                    | FULL LICENSE/APPROVAL<br>10OCT87 |                |               |            |            |           |
| <u>RIVERA, PEGGY G</u>     | <u>SECOND PROVIDER NOT ENTERED</u> | <u>202 CONGRESS STREET</u> | <u>PORTLAND</u> | 14284320A  | <u>202 CONGRESS ST</u>   |           |                    | 19MAY87                          | <u>6</u>       | 0             | 0          | 0          | 0         |
| ME 04101                   |                                    |                            |                 |            | 774-8532                 |           |                    | FULL LICENSE/APPROVAL<br>19MAY88 |                |               |            |            |           |
| <u>SCHOPPEE, JULI</u>      | <u>SECOND PROVIDER NOT ENTERED</u> | <u>232 MAINE AVENUE</u>    | <u>PORTLAND</u> | 82445281A  | <u>232 MAINE AVENUE</u>  |           |                    | 02DEC86                          | <u>5</u>       | 0             | 0          | 0          | 0         |
| ME 04103                   |                                    |                            |                 |            | 797-4966                 |           |                    | PROVISIONAL<br>02DEC87           |                |               |            |            |           |
| <u>SMITH, CLAIRE</u>       | <u>SECOND PROVIDER NOT ENTERED</u> | <u>85 DOLE DRIVE</u>       | <u>PORTLAND</u> | 72145351A  | <u>85 DOLE DRIVE</u>     |           |                    | 30AUG86                          | <u>10</u>      | 2             | 0          | 0          | 0         |
| ME 04103                   |                                    |                            |                 |            | 797-0515                 | 797-0515  |                    | FULL LICENSE/APPROVAL<br>30AUG87 |                |               |            |            |           |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME       | SECOND PROVIDER             | MAIL ADDRESS          | TOWN/CITY | WELFARE ID | LOCATION ADDRESS      | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|---------------------|-----------------------------|-----------------------|-----------|------------|-----------------------|-----------|-----------|--------------------|---|----------------|---------------|------------|-----------|
| SMITH, JOANN        | SECOND PROVIDER NOT ENTERED | 39 ILLSLEY STREET     | PORTLAND  | 94516100A  | 39 ILLSLEY STREET     | PORTLAND  | 871-8977  |                    | 04MAY87<br>PROVISIONAL<br>04MAY88           | 5              | 0             | 0          | 0         |
| ST PATRICKS CHURCH  |                             | 1251 CONGRESS ST      | PORTLAND  | 32132091A  | 1251 CONGRESS STREET  | PORTLAND  | 772-2521  | 772-2521           | 09JAN86<br>FULL LICENSE/APPROVAL<br>09JAN87 | 12             | 0             | 0          | 0         |
| STODDARD, MARGARET  | SECOND PROVIDER NOT ENTERED | 67 QUEBEC STREET      | PORTLAND  | 02125811A  | 67 QUEBEC STREET      | PORTLAND  | 774-8516  |                    | 13NOV86<br>FULL LICENSE/APPROVAL<br>13NOV87 | 6              | 0             | 0          | 0         |
| SYLVESTER, RACHEL J | SECOND PROVIDER NOT ENTERED | 10 CANDLEWYCK TERRACE | PORTLAND  | 92011060A  | 10 CANDLEWYCK TERRACE | PORTLAND  | 775-2633  |                    | 08FEB87<br>FULL LICENSE/APPROVAL<br>08FEB88 | 8              | 2             | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KCS2 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|--|---|----------------|---------------|------------|------------|-----------|
| TALIENTO, ANNE<br>SECOND PROVIDER NOT ENTERED<br>48 STURDIVANT DRIVE<br>PORTLAND ME 04103           | 12125941A<br>48 STURDIVANT DRIVE<br>PORTLAND<br>797-6743       | 16NOV86<br>FULL LICENSE/APPROVAL<br>13NOV87 | 5              | 0             | 0          | 0          | 0         |
| THERAPEUTIC NURSERY/MAINE MEDICAL CENTER<br>MCDOWELL, DONALD<br>87 HIGH STREET<br>PORTLAND ME 04101 | 12146531A<br>87 HIGH STREET<br>PORTLAND<br>773-0361 773-0361   | 11NOV86<br>FULL LICENSE/APPROVAL<br>11NOV87 | 12             | 0             | 0          | 0          | 0         |
| THERIAULT, WILBA<br>SECOND PROVIDER NOT ENTERED<br>112 FRONT ST<br>PORTLAND ME 04103                | 82126011A<br>112 FRONT STREET<br>PORTLAND<br>775-2883 775-2883 | 16OCT86<br>FULL LICENSE/APPROVAL<br>16OCT87 | 6              | 0             | 0          | 0          | 0         |
| THURSTON, PAMELA<br>SECOND PROVIDER NOT ENTERED<br>57 DEERING RUN<br>PORTLAND ME 04103              | 72772160A<br>57 DEERING RUN<br>PORTLAND<br>797-4428            | 18MAY87<br>PROVISIONAL<br>18MAY88           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | SECOND PROVIDER             | TOWN/CITY | STREET           | MAIL ADDRESS | TELEPHONE | BUSINESS RESIDENCE                                 | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|-----------------------------|-----------|------------------|--------------|-----------|--|---|----------------|---------------|------------|------------|-----------|
| <del>TILTON, SHARON L</del> | SECOND PROVIDER NOT ENTERED | PORTLAND  | P.O. BOX 10488   | PORTLAND     | 773-5585  | 4455890A<br>P.O. BOX 10488<br>PORTLAND 773-5585    | 17FEB87<br>PROVISIONAL<br>17FEB88           | 6              | 2             | 0          | 0          | 0         |
| <del>TROTT, MARIE L</del>   | SECOND PROVIDER NOT ENTERED | PORTLAND  | 27 MERRILL ST    | PORTLAND     | 772-3392  | 24241930A<br>27 MERRILL ST BOX 3371<br>PORTLAND    | 08APR87<br>FULL LICENSE/APPROVAL<br>08MAR88 | 12             | 0             | 0          | 0          | 0         |
| <del>TRUMBLE, BONNY</del>   | SECOND PROVIDER NOT ENTERED | PORTLAND  | 75 FRONT STREET  | PORTLAND     | 774-6618  | 2445470A<br>75 FRONT STREET<br>PORTLAND 774-6618   | 07JAN87<br>PROVISIONAL<br>07JAN88           | 6              | 2             | 0          | 0          | 0         |
| <del>WILEY, JOANNE</del>    | SECOND PROVIDER NOT ENTERED | PORTLAND  | 31 HARRIS AVENUE | PORTLAND     | 878-2147  | 92386551A<br>31 HARRIS AVENUE<br>PORTLAND 878-2147 | 22DEC86<br>PROVISIONAL<br>22DEC87           | 6              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME          | SECOND PROVIDER             | MAIL ADDRESS         | STREET | TOWN/CITY | WELFARE ID | LOCATION ADDRESS            | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------------|-----------------------------|----------------------|--------|-----------|------------|-----------------------------|-----------|-----------|--------------------|---|----------------|---------------|------------|------------|-----------|
| <u>WILSON, ANN L</u>   | SECOND PROVIDER NOT ENTERED | 43 HUNTINGTON AVENUE |        | PORTLAND  | 52510981A  | <u>43 HUNTINGTON AVENUE</u> | PORTLAND  | 797-9544  | 797-9544           | 13NOV86<br>FULL LICENSE/APPROVAL<br>24SEP87 | 12             | 0             | 0          | 0          | 0         |
| <u>WILSON, SUSANNE</u> | SECOND PROVIDER NOT ENTERED | 88 MADELINE STREET   |        | PORTLAND  | 02131411A  | <u>88 MADELINE STREET</u>   | PORTLAND  | 773-2061  | 773-2061           | 16DEC86<br>FULL LICENSE/APPROVAL<br>16DEC87 | 10             | 2             | 0          | 0          | 0         |
| <u>WORREY, CELIA</u>   | SECOND PROVIDER NOT ENTERED | 162 WOODLAWN AVE     |        | PORTLAND  | 72131431A  | <u>162 WOODLAWN AVENUE</u>  | PORTLAND  | 797-6234  | 797-6234           | 06NOV86<br>FULL LICENSE/APPROVAL<br>06NOV87 | 6              | 2             | 0          | 0          | 0         |
| <u>BROWN, DONNA</u>    | SECOND PROVIDER NOT ENTERED | 65 LAMBERT ST APT 5  |        | PORTLAND  | 82303681A  | <u>65 LAMBERT ST APT 5</u>  | PORTLAND  | 797-8086  | 797-8086           | 30MAR87<br>PROVISIONAL<br>23JUN87           | 6              | 0             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| GAUDET, JANICE<br>SECOND PROVIDER NOT ENTERED<br>126 SHERWOOD STREET<br>PORTLAND ME 04103 | 52858210A<br>126 SHERWOOD STREET<br>PORTLAND<br>774-5336 774-5336 | 08MAY87<br>PROVISIONAL<br>01JUL87           | 6              | 0             | 0          | 0          | 0         |
| HUFF, LISA E<br>SECOND PROVIDER NOT ENTERED<br>58 CONGRESS ST<br>PORTLAND ME 04101        | 03821560A<br>58 CONGRESS ST<br>PORTLAND<br>761-1575               | 08MAY87<br>PROVISIONAL<br>02JUL87           | 6              | 1             | 0          | 0          | 0         |
| KELSO, ANGELA<br>SECOND PROVIDER NOT ENTERED<br>WILLOW LANE<br>PEAKS ISLAND ME 04108      | 01962000A<br>WILLOW LANE<br>PEAKS ISLAND<br>766-2619 766-2619     | 05MAY87<br>FULL LICENSE/APPROVAL<br>28JUN87 | 8              | 2             | 0          | 0          | 0         |
| NAIGLE, JOAN<br>SECOND PROVIDER NOT ENTERED<br>38 RAY ST<br>PORTLAND ME 04103             | 92120241A<br>38 RAY STREET<br>PORTLAND<br>797-6985 797-6985       | 19MAR87<br>FULL LICENSE/APPROVAL<br>24JUN87 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|---|----------------|---------------|------------|------------|-----------|
| PORTLAND YMCA/INFANT HOME<br>DORE, JULIE D<br>PO BOX 1078<br>PORTLAND ME 04104           | 42135731A<br>70 FOREST AVENUE<br>PORTLAND<br>874-1111 773-1736 | 23MAY86<br>PROVISIONAL<br>04SEP86           | 12             | 0             | 0          | 0          | 0         |
| RINALDI, ANNETTE L<br>SECOND PROVIDER NOT ENTERED<br>17 ASPEN DRIVE<br>PORTLAND ME 04102 | 24232400A<br>17 ASPEN DRIVE<br>PORTLAND<br>774-0104            | 25MAR87<br>PROVISIONAL<br>28MAY87           | 10             | 2             | 0          | 0          | 0         |
| ROE, PATRICIA<br>SECOND PROVIDER NOT ENTERED<br>156 MAINE AVENUE<br>PORTLAND ME 04101    | 22123271A<br>156 MAINE AVENUE<br>PORTLAND<br>797-6806 797-6806 | 21APR87<br>FULL LICENSE/APPROVAL<br>26JUN87 | 12             | 0             | 0          | 0          | 0         |
| ST ELIZABETHS CHILD DEVELOPMENT CENTER<br>MURPHY, DAN<br>87 HIGH ST<br>PORTLAND ME 04101 | 22162641A<br>87 HIGH STREET<br>PORTLAND<br>871-7444 871-7444   | 21AUG86<br>FULL LICENSE/APPROVAL<br>08NOV86 | 8              | 0             | 0          | 0          | 0         |

same address  
 different name + #

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME   | WELFARE ID  | LICENSED SLOTS | SCH-AGE SLOTS | EMRG RSP SLOTS |
|---|---|----------------|---------------|----------------|
| VALLIERE, NANCY<br>SECOND PROVIDER NOT ENTERED<br>65 COYLE ST<br>PORTLAND<br>ME 04101   | 62128261A<br>65 COYLE STREET<br>PORTLAND<br>773-0631 773-0631 | 10             | 0             | 0              |
| WILKINSON, DORA<br>SECOND PROVIDER NOT ENTERED<br>10 JOSSLYN ST<br>PORTLAND<br>ME 04102 | 92588570A<br>10 JOSSLYN ST<br>PORTLAND<br>773-0468            | 8              | 2             | 0              |
| BENNIS, NANCY<br>SECOND PROVIDER NOT ENTERED<br>RR4 BOX 4376<br>POWNA<br>ME 04069       | 72395471A<br>RR4 BOX 4376<br>POWNA<br>688-2266                | 8              | 2             | 0              |
| NANCY LIBBY<br>SECOND PROVIDER NOT ENTERED<br>RR4 BOX 4352<br>FREEPORT<br>ME 04032      | 32598961A<br>RR4 BOX 4352 BROWN ROAD<br>POWNA<br>688-4039     | 6              | 0             | 0              |

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 ACTION-DATE  
 LICENSE-STATUS  
 EXPIRATION-DATE  
 BUSINESS RESIDENCE  
 CLOSING REASON  
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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME      | SECOND PROVIDER | MAIL ADDRESS                | STREET             | TOWN/CITY | WELFARE ID | LOCATION ADDRESS       | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--------------------|-----------------|-----------------------------|--------------------|-----------|------------|------------------------|-----------|-----------|--------------------|-------------|----------------|---------------|------------|------------|-----------|
| NICHOLS, ELIZABETH |                 | DAY CARE, DIRIGO            | BOX 967 ROYAL ROAD | POWNA     | 32120301A  | ST BARTHOLOMEWS CHURCH | YARMOUTH  | 688-4096  | 688-4096           | 26SEP86     | 12             | 0             | 0          | 0          | 0         |
| BEAN, HOLLY        |                 | SECOND PROVIDER NOT ENTERED | BOX 302A           | RAYMOND   | 74616980A  | BOX 302A, ROUTE 85     | RAYMOND   |           |                    | 20NOV86     | 8              | 0             | 0          | 0          | 0         |
| SAYWARD, REBECCA   |                 | SECOND PROVIDER NOT ENTERED | RR1 BOX 370B       | RAYMOND   | 02292181A  | RR1 BOX 370B           | RAYMOND   |           |                    | 08JUL86     | 9              | 2             | 0          | 0          | 0         |
| LADD, CORINNE      |                 | SECOND PROVIDER NOT ENTERED | ROUTE 85 BOX 423   | RAYMOND   | 12176791A  | ROUTE 85 BOX 423       | RAYMOND   |           |                    | 19FEB87     | 5              | 2             | 0          | 0          | 0         |



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\* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
PROGRAM OBJECTIVE: KCS2 APPROVED PROVIDER

| PROVIDER NAME    | SECOND PROVIDER             | MAIL ADDRESS           | STREET   | TOWN/CITY | WELFARE ID | LOCATION ADDRESS       | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------|-----------------------------|------------------------|----------|-----------|------------|------------------------|-----------|-----------|--------------------|----------------|-------------|----------------|---------------|------------|-----------|
| BENJAMIN, JANICE | SECOND PROVIDER NOT ENTERED | 128 PLEASANT HILL ROAD | SCARBORO | ME 04074  | 72191191A  | 128 PLEASANT HILL ROAD | SCARBORO  | 883-8157  | 883-8157           |                | 08MAY87     | 12             | 0             | 0          | 0         |
| BROWN, DIANE     | CARE, PUMPKIN PATCH DAY     | 178 SPURWINK ROAD      | SCARBORO | ME 04074  | 82135851A  | 178 SPURWINK ROAD      | SCARBORO  | 799-4846  | 799-4846           |                | 29AUG86     | 12             | 0             | 0          | 0         |
| CASEIRO, LISA    | SECOND PROVIDER NOT ENTERED | 2 DUNSTAN LANDING RD   | SCARBORO | ME 04074  | 22267451A  | 2 DUNSTAN LANDING RD   | SCARBORO  |           |                    |                | 16OCT86     | 3              | 0             | 0          | 0         |
| FOSS, SHARON L   | SECOND PROVIDER NOT ENTERED | 72 TWO ROD ROAD        | SCARBORO | ME 04074  | 42858890A  | 72 TWO ROD ROAD        | SCARBORO  | 883-2256  | 883-2256           |                | 19SEP86     | 12             | 0             | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---|---|---|----------------|---------------|------------|------------|-----------|
| IRISH, PATRICIA I<br>SECOND PROVIDER NOT ENTERED<br>13 ELMWOOD AVENUE<br>SCARBOROUGH ME 04074 | 04387260A<br>13 ELMWOOD AVENUE<br>SCARBOROUGH<br>883-9236   | 27AUG86<br>FULL LICENSE/APPROVAL<br>27AUG87 | 5              | 0             | 0          | 0          | 0         |
| NELSON, CELESTE<br>SECOND PROVIDER NOT ENTERED<br>59 BLACK POINT ROAD<br>SCARBOROUGH ME 04074 | 02378051A<br>59 BLACK POINT ROAD<br>SCARBOROUGH<br>883-4936 | 13NOV86<br>PROVISIONAL<br>12NOV87           | 10             | 2             | 0          | 0          | 0         |
| PENDLETON, BEVERLY F<br>SECOND PROVIDER NOT ENTERED<br>P.O. BOX 682<br>SCARBOROUGH ME 04074   | 54389250A<br>PO BOX 682<br>SCARBOROUGH                      | 22SEP86<br>PROVISIONAL<br>22SEP87           | 12             | 0             | 0          | 0          | 0         |
| HIGGINS, KATHY<br>SECOND PROVIDER NOT ENTERED<br>RR 1 BOX 177<br>SEBAGO LAKE ME 04075         | 12116411A<br>RR 1 BOX 177<br>STANDISH<br>642-4224           | 27SEP86<br>FULL LICENSE/APPROVAL<br>27SEP87 | 6              | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME      | SECOND PROVIDER             | MAIL ADDRESS         | TOWN/CITY   | WELFARE ID | LOCATION ADDRESS  | TOWN/CITY      | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE        | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG RSP SLOTS |
|--------------------|-----------------------------|----------------------|-------------|------------|-------------------|----------------|-----------|--------------------|--------------------|----------------|---------------|------------|----------------|
| BAGLEY, CHRISTINE  | SECOND PROVIDER NOT ENTERED | 220 PINE STREET      | SO PORTLAND | 45266110A  | 220 PINE STREET   | SO PORTLAND    | 767-2587  |                    | 15JUL86<br>31JUL87 | 5              | 0             | 0          | 0              |
| BARBARITE, JOSETTE | SECOND PROVIDER NOT ENTERED | 247 PREBLE ST        | SO PORTLAND | 12386591A  | 247 PREBLE ST     | SO PORTLAND    | 799-4409  |                    | 01OCT86<br>01OCT87 | 12             | 0             | 0          | 0              |
| CURRY, SHARON      | SECOND PROVIDER NOT ENTERED | 157 SKILLINGS STREET | SO PORTLAND | 65434240A  | 157 SKILLINGS ST  | SO PORTLAND    | 772-2284  |                    | 26AUG86<br>26AUG87 | 10             | 2             | 0          | 0              |
| DAMON, ANNE        | SECOND PROVIDER NOT ENTERED | PO BOX 2454          | SO PORTLAND | 42146911A  | 50 BONNYBANK ROAD | SOUTH PORTLAND |           |                    | 12FEB87<br>12FEB88 | 10             | 2             | 0          | 0              |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                      | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|----------------------------------|----------------|---------------|------------|------------|-----------|
| DEAN, VIVIAN<br>SECOND PROVIDER NOT ENTERED<br>1575 BROADWAY<br>SOUTH PORTLAND ME 04106        | 02165731A<br>1575 BROADWAY<br>SOUTH PORTLAND<br>772-0537 772-0537     | FULL LICENSE/APPROVAL<br>29DEC87 | 8              | 2             | 0          | 0          | 0         |
| GAGNON, JOANNE MAY<br>SECOND PROVIDER NOT ENTERED<br>50 HIGH STREET<br>SOUTH PORTLAND ME 04106 | 81877641A<br>50 HIGH ST<br>SO PORTLAND<br>799-7538                    | PROVISIONAL<br>29JUL87           | 8              | 2             | 0          | 0          | 0         |
| GHILONI, MAXINE<br>SECOND PROVIDER NOT ENTERED<br>36 STANLEY STREET<br>SOUTH PORTLAND ME 04106 | 72113611A<br>36 STANLEY STREET<br>SOUTH PORTLAND<br>767-3832 767-3832 | FULL LICENSE/APPROVAL<br>10OCT87 | 6              | 0             | 0          | 0          | 0         |
| JARRENDT, DARA<br>SECOND PROVIDER NOT ENTERED<br>19 VIVIAN ST<br>SO PORTLAND ME 04106          | 92312531A<br>19 VIVIAN ST<br>SO PORTLAND<br>767-4188                  | PROVISIONAL<br>24SEP87           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| KOSKI, CARLA<br>SECOND PROVIDER NOT ENTERED<br>62 LINTON STREET<br>SO PORTLAND ME 04106        | 02645881A<br>62 LINTON STREET<br>SO PORTLAND<br>773-2765                | 15APR87<br>PROVISIONAL<br>15APR88           | 5              | 0             | 0          | 0          | 0         |
| LEWIS, SHEILA<br>SECOND PROVIDER NOT ENTERED<br>57 BEACH STREET<br>SO PORTLAND ME 04106        | 72198781A<br>57 BEACH STREET<br>SOUTH PORTLAND<br>799-0257 799-0257     | 30APR87<br>FULL LICENSE/APPROVAL<br>30APR88 | 6              | 0             | 0          | 0          | 0         |
| MCGILL, JOAN<br>SECOND PROVIDER NOT ENTERED<br>48 PILLSBURY STREET<br>SOUTH PORTLAND ME 04106  | 42119671A<br>48 PILLSBURY STREET<br>SOUTH PORTLAND<br>799-8373 799-8373 | 11DEC86<br>FULL LICENSE/APPROVAL<br>11DEC87 | 6              | 0             | 0          | 0          | 0         |
| MISHKIN, KATHERINE<br>SECOND PROVIDER NOT ENTERED<br>95 SCAMMAN STREET<br>SO PORTLAND ME 04106 | 02120061A<br>95 SCAMMAN STREET<br>SOUTH PORTLAND<br>799-7204            | 21MAR87<br>FULL LICENSE/APPROVAL<br>21MAR88 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME     | SECOND PROVIDER             | MAIL ADDRESS        | STREET         | TOWN/CITY | WELFARE ID | LOCATION ADDRESS    | TOWN/CITY      | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER EMRG SLOTS | RSP SLOTS |   |
|-------------------|-----------------------------|---------------------|----------------|-----------|------------|---------------------|----------------|-----------|--------------------|----------------|-------------|----------------|---------------|-----------------|-----------|---|
| ORCUTT, LINDA     | SECOND PROVIDER NOT ENTERED | 21 SAWYER BROOK CIR | SO PORTLAND    | ME 04106  | 02511761A  | 21 SAWYER BROOK CIR | SO PORTLAND    | 799-6733  |                    |                | 27JAN87     | 6              | 0             | 0               | 0         | 0 |
| PROUDMAN, BARBARA | SECOND PROVIDER NOT ENTERED | 40 CUMBERLAND ROAD  | SO PORTLAND    | ME 04106  | 71985291A  | 40 CUMBERLAND ROAD  | SO PORTLAND    | 799-1217  |                    |                | 01APR87     | 9              | 2             | 0               | 0         | 0 |
| ROBERTS, JEANNINE | SECOND PROVIDER NOT ENTERED | 128 DAWSON STREET   | SOUTH PORTLAND | ME 04106  | 22158881A  | 128 DAWSON STREET   | SOUTH PORTLAND | 761-0308  | 761-0308           | 761-0308       | 13MAY87     | 8              | 2             | 0               | 0         | 0 |
| SWIFT, CHERYL L   | SECOND PROVIDER NOT ENTERED | 30 SKILLINGS ST     | SO PORTLAND    | ME 04106  | 63578970A  | 30 SKILLINGS ST     | SO PORTLAND    | 761-0681  |                    |                | 29JUL86     | 5              | 0             | 0               | 0         | 0 |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| TUBBS, CAROL<br>SECOND PROVIDER NOT ENTERED<br>20 SYLVAN RD<br>SO PORTLAND ME 04106          | 42660020A<br>20 SYLVAN ROAD<br>SO PORTLAND<br>799-6514                  | 29JUL86<br>PROVISIONAL<br>29JUL87           | 4              | 0             | 0          | 0          | 0         |
| WIGGIN, JANE M<br>SECOND PROVIDER NOT ENTERED<br>9 MACARTHUR CIR N<br>SO PORTLAND ME 04106   | 62236781A<br>9 MACARTHUR CIR N<br>SO PORTLAND                           | 03SEP86<br>PROVISIONAL<br>09JUN86           | 6              | 0             | 0          | 0          | 0         |
| ABC CAMPFIRE<br>BERRY, ELIZABETH<br>MC ARTHUR CIRCLE<br>SOUTH PORTLAND ME 04106              | 72117161A<br>MC ARTHUR CIRCLE<br>SOUTH PORTLAND<br>774-9056 774-9056    | 31DEC86<br>FULL LICENSE/APPROVAL<br>05DEC86 | 12             | 0             | 0          | 0          | 0         |
| FOGG, MARYANNE<br>SECOND PROVIDER NOT ENTERED<br>196 HIGHLAND AVE<br>SOUTH PORTLAND ME 04106 | 02198541A<br>196 HIGHLAND AVENUE<br>SOUTH PORTLAND<br>799-2442 799-2442 | 23MAR87<br>PROVISIONAL<br>04JUN87           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|---|----------------|---------------|------------|------------|-----------|
| KAHILL, SUZANNE S<br>SECOND PROVIDER NOT ENTERED<br>236 HIGHLAND AVE<br>SO PORTLAND ME 03022     | 42240381A<br>236 HIGHLAND AVE<br>SO PORTLAND<br>767-3430       | 11MAY87<br>PROVISIONAL<br>12AUG87           | 8              | 2             | 0          | 0          | 0         |
| LIDLAW, ANDREA<br>SECOND PROVIDER NOT ENTERED<br>923 BROADWAY<br>SOUTH PORTLAND ME 04106         | 42120980A<br>923 BROADWAY<br>SOUTH PORTLAND<br>799-6953        | 21JUL86<br>FULL LICENSE/APPROVAL<br>17OCT86 | 5              | 2             | 0          | 0          | 0         |
| ROBERTS, PATRICIA M<br>SECOND PROVIDER NOT ENTERED<br>146 BRIGHAM STREET<br>SO PORTLAND ME 04106 | 83450360A<br>146 BRIGHAM STREET<br>SOUTH PORTLAND<br>773-5462  | 25SEP86<br>FULL LICENSE/APPROVAL<br>18SEP86 | 6              | 2             | 0          | 0          | 0         |
| HASKELL, CAROL<br>SECOND PROVIDER NOT ENTERED<br>ROUTE 1 BOX 1525<br>SEBAGO LAKE ME 04075        | 82114811A<br>ROUTE 1 BOX 1525<br>STANDISH<br>642-2737 642-2737 | 30DEC86<br>FULL LICENSE/APPROVAL<br>30DEC87 | 6              | 1             | 0          | 0          | 0         |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME    | SECOND PROVIDER             | TOWN/CITY | WELFARE ID | LOCATION ADDRESS                              | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------|-----------------------------|-----------|------------|---|-----------|--------------------|---|----------------|---------------|------------|------------|-----------|
| CHANG, NANCY     | SECOND PROVIDER NOT ENTERED | WESTBROOK | 92378281A  | 643 METHODIST RD<br>WESTBROOK<br>854-5622     |           |                    | 150CT86<br>PROVISIONAL<br>150CT87           | 8              | 2             | 0          | 0          | 0         |
| DENISE SEGLER    | SECOND PROVIDER NOT ENTERED | WESTBROOK | 82726221A  | 35 EAST VALENTINE ST<br>WESTBROOK<br>854-5523 |           |                    | 01MAY87<br>FULL LICENSE/APPROVAL<br>09MAY88 | 6              | 0             | 0          | 0          | 0         |
| DI RENZO, CLAIRE | SECOND PROVIDER NOT ENTERED | WESTBROOK | 52109691A  | 158 PURITAN DRIVE<br>WESTBROOK<br>854-4364    |           |                    | 10FEB87<br>FULL LICENSE/APPROVAL<br>10FEB88 | 6              | 0             | 0          | 0          | 0         |
| FOSTER, JANICE   | SECOND PROVIDER NOT ENTERED | WESTBROOK | 02112441A  | 116 BRIDGE STREET<br>WESTBROOK<br>854-4378    |           |                    | 17MAR87<br>FULL LICENSE/APPROVAL<br>17MAR88 | 6              | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME    | SECOND PROVIDER             | TOWN/CITY                          | WELFARE ID | LOCATION ADDRESS                   | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE        | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------|-----------------------------|------------------------------------|------------|------------------------------------|-----------|--------------------|--------------------|----------------|---------------|------------|------------|-----------|
| FREDETTE, MARIE  | SECOND PROVIDER NOT ENTERED | 160 FALMOUTH STREET<br>WESTBROOK   | 32112481A  | 160 FALMOUTH STREET<br>WESTBROOK   | 854-9993  |                    | 14MAR87<br>14MAR88 | 5              | 0             | 0          | 0          | 0         |
| GAGNE, SUSAN E   | SECOND PROVIDER NOT ENTERED | 26 BERNADETTE ST<br>WESTBROOK      | 64452040A  | 26 BERNADETTE ST<br>WESTBROOK      | 854-4126  |                    | 18FEB87<br>18FEB88 | 6              | 0             | 0          | 0          | 0         |
| GAUDET, DONNA    | SECOND PROVIDER NOT ENTERED | 199 LONGFELLOW STREET<br>WESTBROOK | 72112631A  | 199 LONGFELLOW STREET<br>WESTBROOK | 854-9879  |                    | 06OCT86<br>06OCT87 | 9              | 2             | 0          | 0          | 0         |
| LE BEAU, MAUREEN | SECOND PROVIDER NOT ENTERED | 161 LYMAN EXT<br>WESTBROOK         | 32117661A  | 161 LYMAN EXT<br>WESTBROOK         | 854-9369  |                    | 01DEC86<br>29AUG87 | 9              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME       | SECOND PROVIDER             | MAIL ADDRESS           | TOWN/CITY | WELFARE ID | LOCATION ADDRESS | TOWN/CITY              | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|---------------------|-----------------------------|------------------------|-----------|------------|------------------|------------------------|-----------|--------------------|---|----------------|---------------|------------|------------|-----------|
| MADSEN, SHARON      | SECOND PROVIDER NOT ENTERED | 275 METHODIST STREET   | WESTBROOK | ME 04092   | 62567931A        | 275 METHODIST STREET   | WESTBROOK | 854-9639           | 12MAR87<br>PROVISIONAL<br>12MAR88           | 12             | 0             | 0          | 0          | 0         |
| MC DANIEL, SHERYL   | SECOND PROVIDER NOT ENTERED | 12 LAWRENCE ST         | WESTBROOK | ME 04092   | 92327571A        | 12 LAWRENCE ST         | WESTBROOK |                    | 27AUG86<br>PROVISIONAL<br>26AUG87           | 12             | 0             | 0          | 0          | 0         |
| MULCAHY, MARGARET E | SECOND PROVIDER NOT ENTERED | 344 MAIN ST            | WESTBROOK | ME 04092   | 44304140A        | 344 MAIN STREET        | WESTBROOK | 854-8843           | 22SEP86<br>FULL LICENSE/APPROVAL<br>22SEP87 | 6              | 0             | 0          | 0          | 0         |
| RICHARD, DEBRA      | SECOND PROVIDER NOT ENTERED | 698 STROUDWATER STREET | WESTBROOK | ME 04092   | 33702690A        | 698 STROUDWATER STREET | WESTBROOK | 854-9384 854-9384  | 05MAR87<br>FULL LICENSE/APPROVAL<br>05SEP87 | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME    | SECOND PROVIDER             | MAIL ADDRESS     | STREET    | TOWN/CITY | WELFARE ID | LOCATION ADDRESS  | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON        | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |   |
|------------------|-----------------------------|------------------|-----------|-----------|------------|-------------------|-----------|-----------|--------------------|-----------------------|-------------|----------------|---------------|------------|------------|-----------|---|
| ROGERS, PHYLLIS  | SECOND PROVIDER NOT ENTERED | 173 MYRTLE ST    | WESTBROOK | ME 04092  | 92170621A  | 173 MYRTLE STREET | WESTBROOK | 854-5974  | 854-5974           | FULL LICENSE/APPROVAL | 26JUN86     | 8              | 2             | 0          | 0          | 0         | 0 |
| SAWYER, GRACE    | SECOND PROVIDER NOT ENTERED | 12 LORI LANE     | WESTBROOK | ME 04092  | 32123351A  | 12 LORI LANE      | WESTBROOK | 854-4493  | 854-4493           | FULL LICENSE/APPROVAL | 21AUG86     | 6              | 0             | 0          | 0          | 0         | 0 |
| TARBOX, SHARON   | SECOND PROVIDER NOT ENTERED | 182 BROWN STREET | WESTBROOK | ME 04092  | 72144231A  | 182 BROWN STREET  | WESTBROOK | 854-5222  | 854-5222           | FULL LICENSE/APPROVAL | 12APR87     | 10             | 2             | 0          | 0          | 0         | 0 |
| BLAISDELL, NANCY | SECOND PROVIDER NOT ENTERED | 79 PURITAN DRIVE | WESTBROOK | ME 04092  | 92130271A  | 79 PURITAN DRIVE  | WESTBROOK | 854-5351  | 854-5351           | FULL LICENSE/APPROVAL | 17MAR87     | 10             | 2             | 0          | 0          | 0         | 0 |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC59 RENEWAL

| PROVIDER NAME     | SECOND PROVIDER             | MAIL ADDRESS      | STREET    | TOWN/CITY | WELFARE ID | LOCATION ADDRESS  | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|-------------------|-----------------------------|-------------------|-----------|-----------|------------|-------------------|-----------|-----------|--------------------|-------------|----------------|---------------|------------|------------|-----------|
| COOKSON, EVELYN E | SECOND PROVIDER NOT ENTERED | 37 BERNADETTE ST  | WESTBROOK | ME 04092  | 05313120A  | 37 BERNADETTE ST  | WESTBROOK | 854-5029  |                    | 08APR87     | 0              | 0             | 0          | 0          | 0         |
| DEROCHE, JUDITH E | SECOND PROVIDER NOT ENTERED | 49 ELMWOOD AVENUE | WESTBROOK | ME 04092  | 92191211A  | 49 ELMWOOD AVENUE | WESTBROOK | 797-7165  |                    | 06MAR87     | 12             | 0             | 0          | 0          | 0         |
| DOBSON, MARILYN   | SECOND PROVIDER NOT ENTERED | 180 BRIDGTON ROAD | WESTBROOK | ME 04092  | 22109791A  | 180 BRIDGTON ROAD | WESTBROOK | 797-2978  |                    | 31MAR87     | 12             | 0             | 0          | 0          | 0         |
| DUBE, BONITA M    | SECOND PROVIDER NOT ENTERED | ONE SETTLERS ROAD | WESTBROOK | ME 04092  | 21970400A  | 1 SETTLER ROAD    | WESTBROOK | 797-8762  |                    | 12MAY87     | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC53 RENEWAL

| PROVIDER NAME    | SECOND PROVIDER             | MAIL ADDRESS     | STREET    | TOWN/CITY     | WELFARE ID | LOCATION ADDRESS       | TELEPHONE             | BUSINESS RESIDENCE | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------|-----------------------------|------------------|-----------|---------------|------------|------------------------|-----------------------|--------------------|---|----------------|---------------|------------|------------|-----------|
| HUDDY, DEBORAH   | SECOND PROVIDER NOT ENTERED | 909 COTTAGE ST   | WESTBROOK | ME 04092      | 22265181A  | 909 COTTAGE ST         | WESTBROOK<br>854-1087 |                    | 08MAY87<br>PROVISIONAL<br>08JUL87           | 10             | 0             | 0          | 0          | 0         |
| COBB, DONNA      | SECOND PROVIDER NOT ENTERED | ROUTE 4, BOX 254 | PARK ROAD | SOUTH WINDHAM | 02150921A  | RT 4 BOX 254 PARK ROAD | SOUTH WINDHAM         |                    | 18OCT86<br>FULL LICENSE/APPROVAL<br>18OCT87 | 12             | 0             | 0          | 0          | 0         |
| FREDERICK, NANCY | SECOND PROVIDER NOT ENTERED | 212 POPE RD      | WINDHAM   | ME 04062      | 92398541A  | 212 POPE RD            | WINDHAM<br>892-9657   |                    | 09OCT86<br>PROVISIONAL<br>09OCT87           | 8              | 2             | 0          | 0          | 0         |
| HAMMOND, CHERYL  | SECOND PROVIDER NOT ENTERED | 10 SYLVAN AVE    | WINDHAM   | ME 04062      | 62306461A  | 10 SYLVAN AVE          | WINDHAM<br>892-3087   |                    | 10SEP86<br>PROVISIONAL<br>10SEP87           | 6              | 0             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | EMRG RSP SLOTS |
|---|---|---|----------------|---------------|----------------|
| JOHNSON, PATRICIA<br>SECOND PROVIDER NOT ENTERED<br>WOODVILLE ROAD<br>PO BOX 1705<br>NORTH WINDHAM ME 04062 | 85085600A<br>WOODVILLE RD PO BOX 170<br>NORTH WINDHAM<br>774-7267     | 29OCT86<br>FULL LICENSE/APPROVAL<br>29OCT87 | 6              | 1             | 0 0 0          |
| MERKLE, MARY H<br>SECOND PROVIDER NOT ENTERED<br>24 SEBAGO WOODS TRAIL<br>WINDHAM ME 04062                  | 02857650A<br>24 SEBAGO WOODS TRAIL<br>WINDHAM<br>892-5313             | 01APR87<br>FULL LICENSE/APPROVAL<br>01APR88 | 10             | 2             | 0 0 0          |
| PAIGE, PATRICIA<br>SECOND PROVIDER NOT ENTERED<br>8 PARKVIEW ROAD<br>DUNDEE PARK<br>SO WINDHAM ME           | 52124151A<br>8 PARKVIEW RD DUNDEE PA<br>WINDHAM<br>892-2907 892-2907  | 18SEP86<br>FULL LICENSE/APPROVAL<br>18SEP87 | 12             | 0             | 0 0 0          |
| STURGEON, C ANN<br>SECOND PROVIDER NOT ENTERED<br>14 OLD COUNTY ROAD<br>BOX 425<br>SO WINDHAM ME 04082      | 92159431A<br>14 OLD COUNTY ROAD<br>SOUTH WINDHAM<br>892-5318 892-5318 | 31DEC86<br>FULL LICENSE/APPROVAL<br>31DEC87 | 8              | 2             | 0 0 0          |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME        | SECOND PROVIDER             | MAIL ADDRESS         | STREET         | TOWN/CITY | WELFARE ID | LOCATION ADDRESS       | TOWN/CITY      | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |   |
|----------------------|-----------------------------|----------------------|----------------|-----------|------------|------------------------|----------------|-----------|--------------------|----------------|-------------|----------------|---------------|------------|------------|-----------|---|
| ZIMONT, DEBRA C      | SECOND PROVIDER NOT ENTERED | 46 HIGHLAND CLIFF RD | WESTBROOK      | ME 04092  | 33765730A  | 46 HIGHLAND CLIFF ROAD | SOUTH WINDHAM  | 892-5809  | 892-5809           |                | 26NOV86     | 5              | 2             | 0          | 0          | 0         | 0 |
| VILLACCI, TERRI JEAN | SECOND PROVIDER NOT ENTERED | 58 HIGH ST           | SOUTH WINDHAM  | ME 04082  | 23909970A  | 58 HIGH ST             | SOUTH WINDHAM  | 892-2503  |                    | PROVISIONAL    | 15APR87     | 6              | 2             | 0          | 0          | 0         | 0 |
| ATTANAS, LINDALEE    | SECOND PROVIDER NOT ENTERED | 26 SPRING ST         | YARMOUTH       | ME 04096  | 92107261A  | 26 SPRING STREET       | YARMOUTH       | 846-9444  | 846-9444           |                | 22JUL86     | 6              | 1             | 0          | 0          | 0         | 0 |
| BEAL, ROSE M         | SECOND PROVIDER NOT ENTERED | 111 NORTH ROAD       | NORTH YARMOUTH | ME 04096  | 61937620A  | 111 NORTH ROAD         | NORTH YARMOUTH | 829-5482  |                    |                | 16JAN87     | 6              | 0             | 0          | 0          | 0         | 0 |



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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME    | SECOND PROVIDER             | MAIL ADDRESS     | TOWN/CITY | WELFARE ID | LOCATION ADDRESS | TOWN/CITY | TELEPHONE | BUSINESS RESIDENCE | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|------------------|-----------------------------|------------------|-----------|------------|------------------|-----------|-----------|--------------------|-------------|----------------|---------------|------------|------------|-----------|
| CANO, KAREN J    | SECOND PROVIDER NOT ENTERED | 3 LEIGHTON ROAD  | YARMOUTH  | 62208931A  | 3 LEIGHTON ROAD  | YARMOUTH  | 846-3983  | 846-3983           | 16JAN87     | 10             | 2             | 0          | 0          | 0         |
| CHADBOURN, MARY  | SECOND PROVIDER NOT ENTERED | 4 CHURCH ST      | YARMOUTH  | 92145511A  | 4 CHURCH STREET  | YARMOUTH  | 846-9223  | 846-9223           | 10NOV86     | 12             | 0             | 0          | 0          | 0         |
| COFFIN, BEVERLY  | SECOND PROVIDER NOT ENTERED | 21 SPRING STREET | YARMOUTH  | 62150941A  | 21 SPRING STREET | YARMOUTH  | 846-4323  |                    | 29JAN87     | 6              | 0             | 0          | 0          | 0         |
| ESTABROOK, ALICE | SECOND PROVIDER NOT ENTERED | 20 YANKEE DRIVE  | YARMOUTH  | 92146461A  | 20 YANKEE DRIVE  | YARMOUTH  | 846-3346  | 846-2346           | 30MAY87     | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|---|----------------|---------------|------------|------------|-----------|
| JACKSON, PATRICIA<br>SECOND PROVIDER NOT ENTERED<br>42 NEWELL RD<br>YARMOUTH ME 04096    | 62116581A<br>42 NEWELL ROAD<br>YARMOUTH<br>846-5474 846-5474   | 040CT86<br>FULL LICENSE/APPROVAL<br>040CT87 | 6              | 0             | 0          | 0          | 0         |
| MAHAN, ERICA<br>SECOND PROVIDER NOT ENTERED<br>9 PORTLAND STREET<br>YARMOUTH ME 04096    | 02118491A<br>9 PORTLAND STREET<br>YARMOUTH<br>846-9391         | 06MAR87<br>FULL LICENSE/APPROVAL<br>06MAR88 | 10             | 2             | 0          | 0          | 0         |
| MALONE, LINDA<br>SECOND PROVIDER NOT ENTERED<br>40 MELISSA DRIVE<br>YARMOUTH ME 04096    | 04421620A<br>40 MELISSA DRIVE<br>YARMOUTH<br>846-3785          | 07AUG86<br>PROVISIONAL<br>07AUG87           | 6              | 2             | 0          | 0          | 0         |
| MEIER, COLLEEN A<br>SECOND PROVIDER NOT ENTERED<br>19 LEIGHTON ROAD<br>YARMOUTH ME 04096 | 82119791A<br>19 LEIGHTON ROAD<br>YARMOUTH<br>846-3196 846-3196 | 16JAN87<br>PROVISIONAL<br>16JAN88           | 8              | 2             | 0          | 0          | 0         |

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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE: KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| WITKOWSKI, PATRICIA<br>SECOND PROVIDER NOT ENTERED<br>LEDGE ROAD BOX 506<br>YARMOUTH ME 04096  | 12670761A<br>LEDGE ROAD BOX 506<br>YARMOUTH<br>846-3132               | 01APR87<br>PROVISIONAL<br>01APR88           | 6              | 1             | 0          | 0          | 0         |
| YARMOUTH DAY CARE<br>ROLL, PAULA<br>PO BOX 733<br>MAIN AND CENTER STREETS<br>YARMOUTH ME 04096 | 62135691A<br>MAIN AND CENTER STREETS<br>YARMOUTH<br>846-5563 846-5563 | 27SEP86<br>FULL LICENSE/APPROVAL<br>27SEP87 | 12             | 0             | 0          | 0          | 0         |
| DOUCETTE, KATHLEEN<br>SECOND PROVIDER NOT ENTERED<br>18 NORTH ELM ST<br>YARMOUTH ME 04096      | 82110611A<br>18 NORTH ELM ST<br>YARMOUTH<br>846-4220 846-4220         | 20MAR87<br>FULL LICENSE/APPROVAL<br>12JUN87 | 10             | 2             | 0          | 0          | 0         |
| KOSACK, NINA<br>SECOND PROVIDER NOT ENTERED<br>10 TITCOMB RD<br>YARMOUTH ME 04096              | 62303721A<br>10 TITCOMB RD<br>YARMOUTH<br>846-5192                    | 12MAY87<br>PROVISIONAL<br>30JUL87           | 6              | 1             | 0          | 0          | 0         |

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 PROVIDER NAME  
 SECOND PROVIDER  
 MAIL ADDRESS  
 STREET  
 TOWN/CITY  
 \*\*\*\*\*  
 WELFARE ID  
 LOCATION ADDRESS  
 TOWN/CITY  
 TELEPHONE  
 BUSINESS RESIDENCE  
 \*\*\*\*\*  
 ACTION-DATE  
 LICENSE-STATUS  
 EXPIRATION-DATE  
 CLOSING REASON  
 \*\*\*\*\*  
 LICENSED SLOTS  
 SCH-AGE SLOTS  
 THER SLOTS  
 EMRG SLOTS  
 RSP SLOTS  
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 \* DAY CARE HOMES LICENSED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KCS3 RENEWAL

| PROVIDER NAME  | WELFARE ID   | ACTION-DATE                       | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|--|-----------------------------------|----------------|---------------|------------|------------|-----------|
| SECOND PROVIDER<br>MAIL ADDRESS<br>STREET<br>TOWN/CITY   | LOCATION ADDRESS<br>TOWN/CITY<br>TELEPHONE                   | LICENSE-STATUS<br>EXPIRATION-DATE |                |               |            |            |           |
| *****  | BUSINESS RESIDENCE   | CLOSING REASON                    |                |               |            |            |           |
| MICHAUD, MOIRA<br>SECOND PROVIDER NOT ENTERED<br>RR 2 BOX 450<br>GRANITE STREET<br>YARMOUTH ME 04096 | 02208961A<br>GRANITE STREET<br>YARMOUTH<br>846-3661 846-3663 | 23MAR87<br>PROVISIONAL<br>30MAY87 | 8              | 2             | 0          | 0          | 0         |
| PREBLE, DEBORAH<br>SECOND PROVIDER NOT ENTERED<br>MOUNTFORT RD<br>RR 2 BOX 500G<br>YARMOUTH ME 04096 | 02198851A<br>MOUNTFORT RD RR 2<br>YARMOUTH                   | 06APR87<br>PROVISIONAL<br>20JUN87 | 6              | 1             | 0          | 0          | 0         |



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 \* DAY CARE HOMES REGISTERED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID        | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | EMRG RSP |
|-----------------------------|-------------------|-----------------------|----------------|---------------|----------|
| WATKINS, DONNA              | 82116261A         | 08AUG85               | 12             | 0             | 0        |
| SECOND PROVIDER NOT ENTERED | RFD 1 BOX 1208    | FULL LICENSE/APPROVAL |                |               |          |
| RFD 1 BOX 1208              | BRIDGTON          | 08AUG87               |                |               |          |
| BRIDGTON                    | 647-2656          | 647-2656              |                |               |          |
| EMERSON, PATRICIA H         | 72105821A         | 05SEP86               | 12             | 0             | 0        |
| SECOND PROVIDER NOT ENTERED | 26 PEARY DRIVE    | FULL LICENSE/APPROVAL |                |               |          |
| 26 PEARY DRIVE              | BRUNSWICK         | 05SEP88               |                |               |          |
| BRUNSWICK                   | 725-6319          | 725-6319              |                |               |          |
| SWAIN, JANE R               | 52562531A         | 19MAR87               | 12             | 0             | 0        |
| SECOND PROVIDER NOT ENTERED | 83 HARPSWELL ROAD | FULL LICENSE/APPROVAL |                |               |          |
| 83 HARPSWELL ROAD           | BRUNSWICK         | 19MAR89               |                |               |          |
| BRUNSWICK                   | 729-3759          |                       |                |               |          |
| ELMS, PAULA                 | 92105781A         | 15APR86               | 12             | 0             | 0        |
| SECOND PROVIDER NOT ENTERED | 82 LYDON LANE     | FULL LICENSE/APPROVAL |                |               |          |
| 82 LYDON LANE               | CAPE ELIZABETH    | 12JAN88               |                |               |          |
| CAPE ELIZABETH              | 767-2735          | 767-2735              |                |               |          |

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 \* DAY CARE HOMES REGISTERED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME               | WELFARE ID             | ACTION-DATE           | LICENSED SLOTS | SCH-AGE SLOTS | EMRG SLOTS | RSP SLOTS |
|-----------------------------|------------------------|-----------------------|----------------|---------------|------------|-----------|
| ESTABROOK, JOAN             | 72476781A              | 05NOV86               | 12             | 0             | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 67 LYON LANE           | FULL LICENSE/APPROVAL |                |               |            |           |
| 67 LYON LANE                | CAPE ELIZABETH         | 05NOV88               |                |               |            |           |
| CAPE ELIZABETH ME 04107     | 799-8919               |                       |                |               |            |           |
| LUTTON, SUSAN KAY           | 42560491A              | 25MAR87               | 12             | 0             | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 461 OLD OCEAN HOUSE RD | FULL LICENSE/APPROVAL |                |               |            |           |
| 461 OLD OCEAN HOUSE RD      | CAPE ELIZABETH         | 25MAR89               |                |               |            |           |
| CAPE ELIZABETH ME 04107     | 799-4361               |                       |                |               |            |           |
| BARRETT, KAREN L            | 72484911A              | 16DEC86               | 12             | 0             | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | 167 EVERGREEN DRIVE    | FULL LICENSE/APPROVAL |                |               |            |           |
| 167 EVERGREEN DRIVE         | GORHAM                 | 16DEC88               |                |               |            |           |
| RFD #3                      | 839-2493               |                       |                |               |            |           |
| SCARBOROUGH ME 04074        |                        |                       |                |               |            |           |
| BRYANT, JACQUELINE          | 52103081A              | 27FEB87               | 12             | 0             | 0          | 0         |
| SECOND PROVIDER NOT ENTERED | DRY MILLS HATCHERY     | FULL LICENSE/APPROVAL |                |               |            |           |
| DRY MILLS HATCHERY          | GRAY                   | 27FEB89               |                |               |            |           |
| WEYMOUTH ROAD               | 657-3738               |                       |                |               |            |           |
| GRAY ME 04039               | 657-3738               |                       |                |               |            |           |

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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME  | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG SLOTS | RSP SLOTS |
|--|---|---|----------------|---------------|------------|------------|-----------|
| BEAULIEU, MARLA S<br>SECOND PROVIDER NOT ENTERED<br>RFD 1 BOX 895<br>HARRISON ME 04040                 | 02238551A<br>RFD 1 BOX 895<br>HARRISON<br>583-2351                      | 16APR86<br>FULL LICENSE/APPROVAL<br>26APR86 | 12             | 0             | 0          | 0          | 0         |
| LITTLEFIELD, JUDITH M<br>SECOND PROVIDER NOT ENTERED<br>ROUTE 231 INTERVALE<br>NEW GLOUCESTER ME 04260 | 32112651A<br>ROUTE 231 INTERVALE<br>NEW GLOUCESTER<br>926-4601 926-4601 | 12MAY87<br>FULL LICENSE/APPROVAL<br>17AUG87 | 12             | 0             | 0          | 0          | 0         |
| CHRETIEN, SHARON<br>SECOND PROVIDER NOT ENTERED<br>429 DEERING AVENUE<br>APT 2<br>PORTLAND ME 04103    | 32103601A<br>429 DEERING AVE APT-2<br>PORTLAND<br>772-2259 772-2259     | 13JUL86<br>FULL LICENSE/APPROVAL<br>13JUL88 | 12             | 0             | 0          | 0          | 0         |
| CONRAD, GAIL M<br>SECOND PROVIDER NOT ENTERED<br>42 HILLSIDE ROAD<br>PORTLAND ME 04103                 | 64382360A<br>42 HILLSIDE ROAD<br>PORTLAND<br>797-9647                   | 29OCT86<br>FULL LICENSE/APPROVAL<br>07NOV88 | 12             | 0             | 0          | 0          | 0         |

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\* DAY CARE HOMES REGISTERED \*  
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FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME   | WELFARE ID  | ACTION-DATE                                 | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG RSP SLOTS |
|---|---|---|----------------|---------------|------------|----------------|
| SCRIBNER, NORMA<br>SECOND PROVIDER NOT ENTERED<br>172 BRADLEY STREET<br>PORTLAND ME 04101           | 02115661A<br><u>172 BRADLEY STREET</u><br>PORTLAND<br>772-5781 772-5781 | FULL LICENSE/APPROVAL<br>04APR87<br>04APR89 | 12             | 0             | 0          | 0              |
| TREADWELL, SHERYL KAY<br>SECOND PROVIDER NOT ENTERED<br><u>206 DEERING AVE</u><br>PORTLAND ME 04102 | 25396520A<br>PO BOX 10370<br>PORTLAND<br>773-8839                       | FULL LICENSE/APPROVAL<br>09JAN87<br>09JAN89 | 12             | 0             | 0          | 0              |
| VAILLANCOURT, DIANE M<br>SECOND PROVIDER NOT ENTERED<br>31 SUNSET LANE<br>PORTLAND ME 04102         | 92116201A<br><u>31 SUNSET LANE</u><br>PORTLAND<br>774-8105 774-8105     | FULL LICENSE/APPROVAL<br>25FEB87<br>21MAR89 | 12             | 0             | 0          | 0              |
| SKILLINGS, JEANNE<br>SECOND PROVIDER NOT ENTERED<br>91 MAPLE AVENUE<br>SCARBOROUGH ME 04071         | 32115731A<br>91 MAPLE AVENUE<br>SCARBOROUGH<br>883-4035 883-4035        | FULL LICENSE/APPROVAL<br>10FEB87<br>10FEB89 | 12             | 0             | 0          | 0              |



\*\*\*\*\*  
 \* DAY CARE HOMES REGISTERED \*  
 \*\*\*\*\*

FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
 PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

| PROVIDER NAME       | SECOND PROVIDER             | MAIL ADDRESS        | TOWN/CITY      | STREET | TELEPHONE | BUSINESS RESIDENCE | CLOSING REASON | ACTION-DATE | LICENSED SLOTS | SCH-AGE SLOTS | THER SLOTS | EMRG RSP SLOTS |
|---------------------|-----------------------------|---------------------|----------------|--------|-----------|--------------------|----------------|-------------|----------------|---------------|------------|----------------|
| DURGIN, CHRISTINE A | SECOND PROVIDER NOT ENTERED | 1946 BROADWAY       | SOUTH PORTLAND |        | 72258091A |                    |                | 05NOV86     | 12             | 0             | 0          | 0              |
| MALLEY, SARAH HATCH | SECOND PROVIDER NOT ENTERED | 89 GRANDVIEW AVENUE | SOUTH PORTLAND |        | 72112771A |                    |                | 20NOV86     | 12             | 0             | 0          | 0              |
| CAMPBELL, JUDY      | SECOND PROVIDER NOT ENTERED | 73 HASKELL STREET   | WESTBROOK      |        | 54355410A |                    |                | 20FEB86     | 12             | 0             | 0          | 0              |
| JACKSON, GAIL JOYCE | SECOND PROVIDER NOT ENTERED | 9 CHESLEY STREET    | WESTBROOK      |        | 53517670A |                    |                | 31MAR87     | 12             | 0             | 0          | 0              |

\*\*\*\*\*  
\* DAY CARE HOMES REGISTERED \*  
\*\*\*\*\*

FACILITIES WHICH MAY PROVIDE CARE FOR 3-12 CHILDREN AND ARE IN VOLUNTARY COMPLIANCE

COUNTY CUMBERLAND  
PROGRAM OBJECTIVE; KC52 APPROVED PROVIDER

\*\*\*\*\*  
PROVIDER NAME  
SECOND PROVIDER  
MAIL ADDRESS  
STREET  
TOWN/CITY  
\*\*\*\*\*  
WELFARE ID  
LOCATION ADDRESS  
TOWN/CITY  
TELEPHONE  
BUSINESS RESIDENCE  
\*\*\*\*\*  
ACTION-DATE  
LICENSURE-STATUS  
EXPIRATION-DATE  
CLOSING REASON  
\*\*\*\*\*  
LICENSED SLOTS  
SCH-AGE SLOTS  
THER SLOTS  
EMRG RSP SLOTS  
\*\*\*\*\*

SCHREIBER, ELIZABETH K  
SECOND PROVIDER NOT ENTERED  
7 LEDGEWOOD DRIVE  
YARMOUTH ME 04096  
\*\*\*\*\*  
92661501A  
7 LEDGEWOOD DRIVE  
YARMOUTH  
846-4777  
\*\*\*\*\*  
12  
01APR87  
FULL LICENSE/APPROVAL  
01APR89  
0 0 0 0 0

# City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
CHAPTER 14 (LAND USE),  
ARTICLE III (ZONING),  
SECTION 14-410 (HOME OCCUPATION)  
RE: NUMBER OF CHILDREN PERMITTED IN LICENSED DAY  
CARE HOME OR HOME BABYSITTING SERVICE

BE IT ORDAINED BY THE CITY COUNCIL of the CITY OF PORTLAND,  
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

THAT Chapter 14 (Land Use), Article III (Zoning), Section 14-410  
(Home Occupation) of the Portland City Code is hereby amended to  
read as follows:

- (1) In connection with the operation of a home occupation,  
within a dwelling unit, the following requirements  
shall be met:

- a. A home occupation shall not occupy more than  
five hundred (500) square feet of floor area  
or more than twenty-five (25) per cent of the  
total floor area of such a dwelling unit,  
whichever is less, or in the case of licensed  
family day care homes or home babysitting  
services, ~~to shall~~ accommodate not more than  
six (6) children of mixed ages plus two (2)  
children after school or eight (8) children  
over the age of two (2) years plus two (2)  
children after school, shall have no  
nonresidential employees, and shall possess a  
valid day care provider license from the  
State of Maine, Department of Human Services.

August 20, 1986

TO: Chairman Spencer Jones and Yarmouth Planning Board Members  
FROM: Barbara Barhydt, Senior Planner  
SUBJECT: Day Care Centers

Per the Board's request, I have begun to compile information on local regulations for day care centers. Attached is an issue of The Zoning Report which focuses on zoning for child care facilities in residential zones. I have requested the Maine Department of Human Services' regulations for licensing day care centers; however, the material has not yet arrived.

Zoning ordinances from fourteen communities in the region were reviewed. As is expected, several municipal codes do not address day care centers. Attached to the memorandum is a list of some of the definitions for day care facilities employed by communities. The Town of Scarborough has the most extensive definition by defining day care center facility, family day care home, group day care home and nursery school.

In Freeport, a family day care center with six children or less is considered a home occupation and permitted in all zones. Other child care facilities are permitted with site plan review in the residential and village zones of Freeport. North Yarmouth permits these facilities in the residential district and Westbrook permits them in the residential zones and the local business district. Several communities regulate day care facilities as home occupations; however, there is generally a maximum number of children (usually 6 or 12) allowed in each facility. Reviews of home occupations as conditional uses may be required. Larger facilities generally must undergo conditional use or special exception reviews in many communities. The standard review criteria of special exceptions or conditional uses are applied for reviews of child care facilities. The Town of Scarborough has developed a specific set of conditions of approval which must be met by day care centers in addition to the general standards. The Scarborough conditions are attached to this memorandum.

cc. Osmond Bonsey, Town Manager  
William Lowell, Building Inspector

Enclosures  
20.9

DEFINITIONS FROM LOCAL ORDINANCES

Falmouth

Child Care Center - A private establishment providing day care for three or more children under the age of 16 which charges for the care of the children and holds all legally required licenses and approvals.

Portland

Day Care Facility - A facility which provides a regular program of care and protection for children under the age of sixteen (16), for consideration, for any part of the day.

Windham

Day Care Center - A home or other suitable structure which meets the State licensing requirements for a day care center and which cares for thirteen or more children.

Day Care Home - A home or other suitable structure which meets the State licensing requirements for Day Care Home and which cares for three to twelve children.

Freeport

Day Care Centers - Facilities providing for remuneration, day care for children under 16 years of age who are not residents of the facility.

Family Day Care Home - A facility serving up to 6 children and classified as a home occupation if it is located in the operator's residence.

Group Day Care Home - A facility serving 7 to 12 children and classified as a home occupation if it is located in the operator's residence.

Day Care Center Facilities - Facilities serving more than 12 children either on a regular or a non-recurring basis.

## Scarborough

### Day Care Center Facilities

- a. A house or place in which 13 or more children may for consideration be cared for, on a regular basis and which fully comply with the rules and regulations of the Maine Department of Human Services.
- b. A house or place in which 13 or more children may for consideration be cared for on a non-recurring basis and which fully comply with the rules and regulations of the Maine Department of Human Services.

Family Day Care Home - A house or other place in which 3-6 children may for consideration be cared for and which fully comply with the rules and regulations of the Maine Department of Human Services.

Group Day Care Home - A house or other place in which 7-12 children may for consideration be cared for and which fully comply with the rules and regulations of the Maine Department of Human Services.

Nursery School - A house or other place in which a person or combination of persons maintains or otherwise carries out for consideration during the day a regular program which provides care for 3 or more children, provided that:

- a. No session conducted for children is longer than 3 1/2 hours in length;
- b. No more than 2 sessions are conducted per day;
- c. Each child in attendance at the nursery school attends only one session per day; and
- d. No hot meal is served to the children.

This term does not include any facility operated as a day care center, a summer camp established solely for recreational and educational purposes or a public or private school in the nature of a kindergarten approved by the Commissioner of Educational and Cultural Services, in accordance with Title 20, Section 911.

2. APPLICATION FOR SPECIAL EXCEPTION PERMIT

When the owner of property or the owner's authorized agent is informed by the Code Enforcement Officer or otherwise determines that a Special Exception permit is required, an application for the permit shall be filed with the Board of Appeals on forms provided for that purpose. The application shall provide all information required for a building permit application under Section IV, D of this ordinance plus information upon which the Board of Appeals may make findings of fact as to each of the standards set forth in subsection 4 of this Section. The application shall be accompanied by an application fee in such amount as the Town Council may by rule from time to time determine, and shall be heard pursuant to the procedures set forth in Section V, C of this Ordinance.

3. BOARD OF APPEALS REVIEW

The Board of Appeals shall hear and approve, approve with modifications or conditions, or disapprove all applications for Special Exception permits. The Board may approve a Special Exception permit only for a use which is specifically designated by this Ordinance as a Special Exception in the district where the use will be located. If the Board determines that the proposed use meets all the standards set forth in subsection 4 of this Section and in all other respects complies with the applicable provisions of this Ordinance, the Board must approve the application. If the Board determines that the proposed use can be made to comply with the standards of subsection 4 of this Section by imposition of conditions as provided in subsection 5 of this Section, then it may approve the application with conditions. If the Board determines that the proposed use does not meet one or more of the standards of subsection 4 of this Section and conditions that would cause the use to comply with those standards are not acceptable to the applicant, the Board must deny the application.

4. STANDARDS FOR SPECIAL EXCEPTIONS

Before it issues a special exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

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

- d. The proposed use will not result in sedimentation or erosion, or have an adverse effect on water supplies.
- e. 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.
- f. If located in a Shoreland Zone, the proposed use (i) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; (ii) will conserve shoreland vegetation; (iii) will conserve visual points of access to waters as viewed from public facilities; (iv) will conserve actual points of access to waters; (v) will conserve natural beauty; (vi) will avoid problems associated with flood plain development and use; and (vii) will comply with the performance standards of Section IX, B of this Ordinance.
- g. The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.
- h. 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 of Appeals pursuant to subsection 5 of this Section.
- i. The proposed use will be compatible with existing uses in the neighborhood, with respect to the generation of noise and hours of operation.

#### 5. CONDITIONS ON SPECIAL EXCEPTIONS

Upon consideration of the standards listed in subsection 4 of this Section, the Board of Appeals may attach such condition, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operation controls, professional inspection and maintenance, sureties, location of piers, docks, parking and signs, and types of construction.

#### 6. CONDITIONS REQUIRED ON CHILD CARE FACILITIES

- a. Family Day Care Homes, Group Day Care Homes, Day Care Center Facilities, and Nursery Schools shall comply with the following conditions:



- i. Shall provide required play areas for children which shall be in rear and side yards only;
- ii. All play areas shall be fenced;
- iii. All fencing shall be set back a minimum of 10 feet from rear and side property lines;
- iv. Such facilities shall be permitted only on lots that fully comply with the space and bulk provisions of the Zoning District within which they are situated, except that existing State Licensed Facilities may be allowed with an affirmative ruling by the Zoning Board of Appeals on an applicant's request under Section IV, I. 4. e.;
- v. Such facilities shall be situated no closer to another child care facility than 5 times the minimum frontage requirement for the Zoning District within which it is situated;
- vi. The owner shall show that the sewage disposal system fully conforms to the requirements of the Maine State Plumbing Code or the requirements of the Scarborough Sanitary District;
- vii. Prohibited in multiplex housing units.

b. Group Day Care Homes, Day Care Center Facilities and Nursery Schools shall comply with the following additional conditions:

- viii. Access shall be permitted only from streets of higher classification than a local residential street (as defined in the Street Acceptance Ordinance of the Town of Scarborough);
- ix. Off street parking shall be provided for all non-resident employees.

#### J. SPECIAL PERMIT FOR MOBILE HOME CONVERSION

1. Notwithstanding any provisions in this Ordinance to the contrary, the Zoning Board of Appeals may, upon written request by the applicant and subsequent to a public hearing held in conformance with the requirements of Section V, C of this Ordinance, issue a Special Permit to allow an existing dwelling to be replaced with an individual mobile home. Such a permit may be issued only after an affirmative finding by the Board of Appeals that:

- a. The existing dwelling is uninhabitable due to structural deterioration and unsanitary conditions. Such a finding can only be made after reports are received from the Building Inspector, Electrical Inspector, Plumbing Inspector, and Health Officer, which reports shall identify with specificity the structural deterioration and unsanitary conditions observed at the dwelling. Other investigations may be requested by the Board;
- b. Written evidence has been presented confirming that the applicant has made diligent efforts to obtain financing from local lending institutions, including, where available, federal or state sponsored programs, and that the financing of necessary repairs or replacement with conventional housing cannot be obtained by the applicant; and the applicant is unable to purchase conventional housing for construction at the site; and

104.18 **Day Care:** There are three types of Day Care.\* Standards

A. Family Day Care Home - A facility located in a single family detached residence which receives not more than 8 children including the family's natural or adopted children under first grade. It is considered an accessory use to single family dwellings for the purposes of this Ordinance. Hours of operation are limited to 6:30 A.M. to 7:30 P.M.

B. Group Day Care Home - a facility located in a single family detached residence which receives not more than 12 children including the family's natural or adopted children under 6 during the day. It is considered a Special Exception for the purposes of this Ordinance and requires the owner to live on site. Hours of operation are limited to 6:30 A.M. to 7:30 P.M.

C. Day Care Center Facilities - Facilities providing care for children under 16 years of age on a regular or non-recurring basis which do not fall within the two above definitions. It is considered a Special Exception requiring site plan approval. Hours of operation are limited to 6:30 A.M. to 7:30 P.M.

104.19 **District:** A section or sections of the Town of Yarmouth for which regulations governing the use of buildings and premises, the size of yards, and intensity of use are uniform.

104.20 **Dwelling Unit:** One or more habitable rooms arranged for the use of one or more individuals living together as a family, with cooking, living, sanitary and sleeping facilities, but shall not include a motel, hotel, boarding house, tourist home, mobile home, or similar structure. Any dwelling unit must be at least 600 sq. ft.

104.21 **Dwelling, Attached:** A dwelling with two or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

104.22 **Dwelling, Detached:** A dwelling which is designed to be and is substantially separate from any other building or buildings except accessory buildings.

A. If any part of the development falls within those areas designated on the Open Space Map overlays (Trails, Resource Protection-Tidal Marsh and Important Visual Open Spaces), of the Yarmouth Zoning Ordinance;

B. If, after review of conceptual plans and site review of the proposed development, the Conservation Commission recommends preservation of significant natural features;

C. If, after review of conceptual plans and site review of the proposed development, the Community Services Advisory Committee recommends dedication of a portion of the development for a specific recreational need;

D. If the Planning Board determines a need for a buffer area between the proposed development and adjacent land (developed or undeveloped) or between the proposed development and a major traveled way or visual access point;

E. If a proposed development abuts town-owned property, the Planning Board shall consider the need for an access easement or right-of-way to such land.

F. If a proposed development exceeds 20 acres.

#### SECTION 125. DAY CARE STANDARDS\*\*

Purpose It is the intent of these provisions to allow Day Care Service in a healthy and safe environment in a manner which will not be disruptive to a neighborhood. Family day care and group day care homes should be considered integral components of neighborhood life. They are primarily public services as opposed to businesses.

##### 125.1 Licensing and Registration Required

A. Family Day Care Homes with 3 or more children, other than the family's natural or adopted shall be licensed or registered with the Department of Human Services as required by Maine State Law.

B. Group Day Care Homes and Day Care Facilities shall show evidence of licensing with the Department of Human Services as required by Maine State Law when applying for Special Exception or site plan review.

##### 125.2 Standards for Group Day Care Home and Day Care Center Facilities

The following standards will be used to review the appropriateness of specific applications for Group Day Care Homes as Special Exceptions and Day Care Center Facilities under site plan review and Special Exception Review.

1. Minimum of 75 square feet of outdoor play area per child. This play area may be located in the side and rear yards only.

2. Minimum of 35 square feet of indoor play space per child. Areas for administrative use, bathrooms, hallways, storage and kitchen areas, shall not be counted in calculating this required square footage.

3. Minimum Fencing Required. Four foot fence around outdoor play area unless the area can be determined to be well protected by location and natural barriers.

4. Parking requirements

A) One (1) offstreet space for each employee and volunteer worker not living on site.

B) A parking area shall be designed to provide a safe location for loading and unloading children.

5. Hours of operation shall be limited to 6:30 A.M. to 7:30 P.M.

6. Location- Group Day Care Home and Day Care Center facilities shall be located in an area which is free from conditions dangerous or injurious to the welfare of children.

7. The Planning Board or the Zoning Board of Appeals shall consider the necessity for additional appropriate conditions and safeguards to protect the health, safety and welfare of the children using the Home or Facility including the necessity for additional fences, barriers, other safety devices and buffers.

8. Play areas for Day Care Center facilities shall have a minimum six foot setback where outdoor play areas abut developed lots. Day Care Facilities over 20 children shall have a landscaped buffer in a 10 foot setback area as specified in Section 110, Article II, of the Zoning Ordinance.

9. The applicant shall get approval from the Plumbing Inspector that the sewerage disposal system can handle the needs of the proposed use.

"RR" -- RURAL RESIDENTIAL\*

The rural residential district is located in a generally rural area and intended to remain in that character. The district allows residential uses at low density and recreational and agricultural pursuits.

Permitted Uses

1. Single Family Detached Dwellings
2. Two Family Detached Dwelling
3. Multiplex
4. Cluster Development (see Article II, Section 111)
5. Churches
6. Agriculture & Forestry
7. Accessory Uses and Buildings
8. Manufactured Housing
9. Family Day Care Home
10. Farm animals for personal use

Special Exceptions

1. Municipal Uses & Buildings
2. Public Utilities
3. Cemeteries
4. Excavation of Land
5. Home Occupations
6. Schools
7. Animal Husbandry
8. Group Day Care Home
9. Day Care Center Facility within Churches and Community Buildings (requires site plan review)

Minimum Lot Size

Minimum Yard Dimensions in Feet

| Area                       | Width in Feet | Minimum Residential Acreage Per Dwell. Unit | Minimum Site Size (Acres) | Minimum Yard Dimensions in Feet |                      |                              |    |
|----------------------------|---------------|---|---------------------------|---------------------------------|----------------------|------------------------------|----|
|                            |               |   |                           | Front                           | Side Setback Minimum | Side Setback Cumulative Rear |    |
| Two Fam. Detached Dwelling | 6A            | 225   | -                         | 70                              | 30                   | 100                          | 75 |
| Multiplex                  | -             | 2.5A*                                       | 30                        | -                               | -                    | -                            | -  |

\*Revised 12/13/84 & 3/13/86 & 1/15/87 & 2/12/87

Single 3A 225 - - 70 30 100 75  
 Family Dwelling  
 and all other uses

\*must be served with public sewer

"LDR" -- LOW DENSITY RESIDENTIAL\*\*

The low density residential district provides Yarmouth with residential areas which provide a wholesome living environment.

Permitted Uses

Special Exceptions

1. Single Family Detached Dwelling
2. Two Family Detached Dwelling
3. Multiplex
4. Cluster Development (see Article II, Section 111)
5. Agriculture
6. Church
7. Accessory uses and buildings
8. Family Day Care Home
9. Farm animals for personal use

1. Municipal Uses & Buildings
2. Public Utilities
3. Cemeteries
4. Home Occupations
5. Schools
6. Private Clubs--(on at least 5 acres)
7. Animal Husbandry
8. Group Day Care Home
9. Day Care Center Facility within Churches and Community Buildings (requires site plan review)

Minimum Lot Size

Minimum Yard Dimensions in Feet

| Area   | Minimum Width in Feet | Minimum Net Residential Acreage Per Dwelling Unit | Minimum Site Size (Acres) | Minimum Yard Dimensions in Feet |                      |                              |    |
|--|-----------------------|---|---------------------------|---------------------------------|----------------------|------------------------------|----|
|  |                       |   |                           | Front                           | Side Setback Minimum | Side Setback Cumulative Rear |    |
| Single Family Detached Dwelling & other uses | 2A 200                | -   | -                         | 70                              | 30                   | 100                          | 75 |

\*\*Revised 12/13/84 & 3/13/86 & 1/15/87 & 2/12/87

|                              |    |     |      |   |     |    |     |    |
|------------------------------|----|-----|------|---|-----|----|-----|----|
| Two Family Detached Dwelling | 4A | 200 | -    | - | 70  | 30 | 100 | 75 |
| Multi-plex                   | -  | -   | 1.7* |   | 20A | -  | -   | -  |

**"MDR" -- MEDIUM DENSITY RESIDENTIAL<sup>1</sup>**

The medium density residential district is expected to provide public sewer and water in all areas of the district. The purpose of this District is to provide a wholesome living environment readily accessible to the town center.

Permitted Uses

Special Exceptions

1. Single Family Detached Dwelling
2. Two Family Detached Buildings
3. Multiplex
4. Cluster Development (see Article II, Section 111)
5. Churches
6. Accessory Uses & Buildings
7. Family Day Care Home
8. Farm animals for personal use on lots of two acres or more.

1. Funeral Homes
2. Public Utilities
3. Municipal Uses &
4. Schools.
5. Home Occupation
6. Hospitals
7. Private Clubs
8. Conversion of a residential structure, in existence prior to March 12, 1973, to a two-family detached dwelling. No conversion shall result in a total of more than two (2) dwelling units per lot.
9. Group Day Care Home
10. Day Care Facility within Churches and Community Buildings (requires site plan review).
11. Farm animals for personal use on lots of less than two (2) acres.

\*Must be served with public sewer

<sup>1</sup> Revised 11/12/85 & 3/13/86 & 1/15/87 & 2/12/87 & 3/12/87

To provide general retail sales, services and business space within the Town of Yarmouth in locations capable of conveniently serving community wide and/or regional trade areas, and oriented primarily to automobile access. Large space users should preferably be located in highway business districts. These shall be in compliance with the performance standards of this and all other applicable ordinances of the Town of Yarmouth.

Permitted Uses

Special Exceptions

- 1. Retail business and service establishments including outdoor vehicle sales, and drive-in sales and service, warehousing and wholesale distribution regulated thereto, but exclusive of junkyards and salvaging operations.
- 2. Business and professional offices.
- 3. Clubs, hotels, motels and lodging houses.
- 4. Transportation terminals.
- 5. Accessory buildings and uses.
- 6. Road and rail distribution.
- 7. One coin operated amusement device.
- 8. Farm animals for personal use.

- 1. Public Utilities.
- 2. Gasoline and Auto Body.
- 3. Commercial Recreation.
- 4. Municipal Uses and Buildings.
- 5. Light Manufacturing.
- 6. Research Facilities.
- 7. Coin operated amusement devices in excess of one.
- 8. Expansion or enlargement of an existing non-conforming church facility.
- 9. Day Care Center facilities.

Minimum Lot Area - NONE

Minimum Street Frontage - 150'

Minimum Proximity.....Gasoline service stations and drive-in establishments located so that there shall be only one of each type within 1/4 mile of each other.

"V" -- VILLAGE\*



# Child Care Fact Sheet

## Working Mothers and Children

**In 1984, 60.5% of all women with children under 18 years old worked outside the home.**

The highest increase in the rate of labor force participation was in women with children under 3 years old.

**In 1984, 1 in every 4 mothers in the work force was maintaining her own family.**

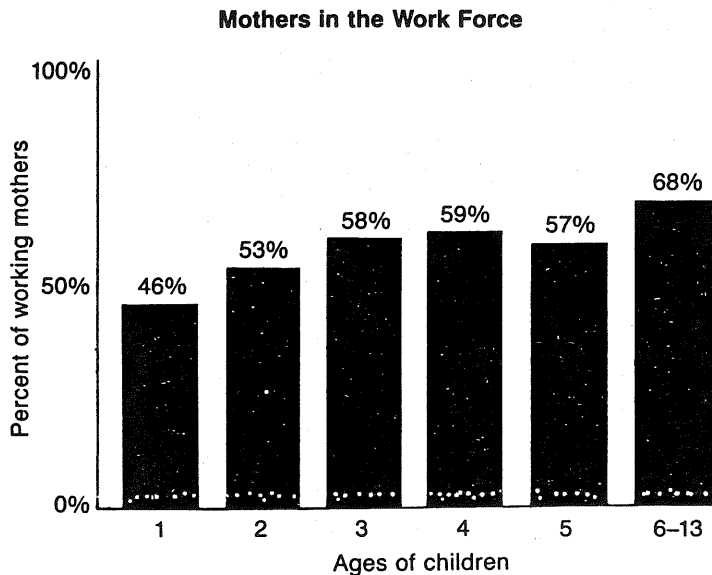
Women work out of economic need. In March 1985, over 6.3 million women with children under 18 years old were single, divorced, separated, or widowed.

**In 1984, 32.7 million or 56% of all children had mothers in the work force.**

| Numbers of children | Ages of children |
|---------------------|------------------|
| 9.34 million        | 0-5              |
| 14.75 million       | 6-13             |
| 8.61 million        | 14-17            |

**The 24.09 million children age 13 and under were cared for in a variety of ways while their parents worked.**

| Types of care   | Estimated numbers of children |
|---|-------------------------------|
| family day care   | 5.5 million                   |
| child care centers  | 1.5 million                   |
| own homes; care by relatives or non-relatives or other arrangements | 10.09 million                 |
| self care   | 7.0 million                   |



Cites: Bureau of Labor Statistics  
Conference Board  
Children's Defense Fund

**Affordable, high quality child care is the combined responsibility of parents, providers, employers, and federal and state governments.**

Parents, however, must determine what they consider important attributes of a care provider and of a nurturing environment for their child. The following factors are indicators of a high quality environment for children:\*

- children are safe and well nourished
- children have adequate space
- ample materials and equipment for learning are provided
- staff are trained in child development and teaching methods
- there is good planning and organization, and
- strong links to parents are maintained

\*NAEYC

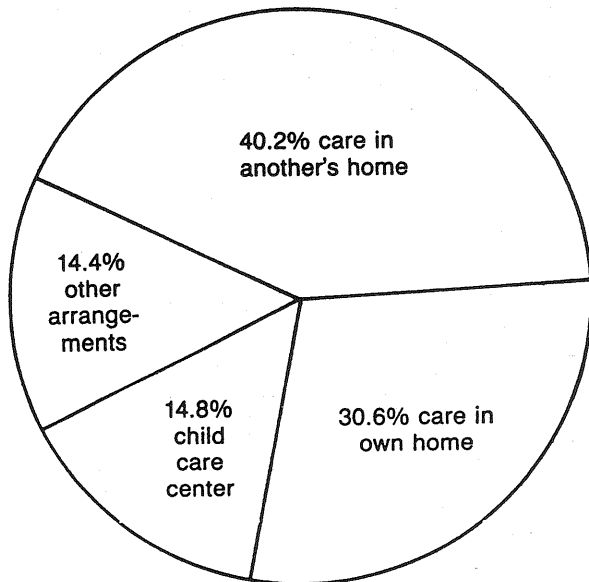
**About the Commission:** The National Commission on Working Women was created to focus on the needs and concerns of the approximately 80% of women in the work force who are concentrated in low-paying, low-status jobs in service industries, clerical occupations, retail stores, factories, and plants.

The NCWW encourages broad distribution of this fact sheet. Those interested in reproducing it are simply required to inform our office. Production of this fact sheet was funded by the Ford Foundation and the Windom Fund.

# Child Care Fact Sheet

## Kinds of Child Care

In 1982, over 55% of all working women chose care outside of their homes for their children under age 5. The rest chose care in their own homes or had other arrangements.



### Women leaving work for childbirth and care of infants

In 1984, 60% of all working women had no paid "parental (maternity) leave."

Paid time off from work to accommodate pregnancy and childbirth is called disability leave. Only 40% of women in 1984 were covered by some form of disability insurance or an employer's paid parental (maternity) leave policy. The Pregnancy Disability Act of 1978 prohibits discrimination because of pregnancy and requires insured wage compensation for the period (usually 6 to 8 weeks) a woman cannot work, if her employer provides other kinds of short term disability coverage. Some employers have a paid or unpaid "parental leave" policy (generally 4 to 16 weeks) which allows a woman time off from work to care for her newborn child. Women who are not covered by any policy often must use a combination of sick days, vacation days, and leave without pay during this period.

### Care in another's home—family day care—40.2%

The largest percentage of children are cared for in family day care homes, especially infants and children under 3 years old. About 75% of care is given by non-relatives, while about 25% is provided by relatives.

### Center care—14.8%

Child care centers include infant, preschool and mixed age centers accommodating groups of children. More and more women are choosing center care as the availability of centers increases. Most children in centers are 3-5 years old.

### Care in own home—30.6%

Most care given in a working mother's own home is given by the father or another relative. Few parents can afford a full-time paid child care provider in their own home.

### Other arrangements—14.4%

About 10% of working mothers care for their children themselves at their place of work. In addition, many mothers make part-time arrangements with more than one caregiver to cover their child's care throughout the day (i.e., nursery school in the morning, a neighbor's home in the afternoon).

### Children who care for themselves

By conservative estimates there are 7 million children aged 13 and under who care for themselves for at least part of every day while their parents work. Often brothers and sisters are responsible for younger siblings. There is an urgent need to make before and after school care for these "latchkey" children a national priority.

Cites: Census Bureau  
Association of Junior Leagues  
Children's Defense Fund  
Women's Legal Defense Fund

# Child Care Fact Sheet

## Affordability, Quality, and Wages: The Link

**While costs vary according to the age of the child, most working families can expect to spend 10% of their income on child care.**

| Kind of care    | Age of child | Yearly cost range |
|-----------------|--------------|-------------------|
| family day care | 0-2          | \$1500-3250 +     |
|                 | 3-5          | 1500-3000         |
| center care     | 0-2          | 1750-3800 +       |
|                 | 3-5          | 1750-3800         |
|                 | 6-13         | 900-1500          |

In 1984, the median annual income of female heads of household in the labor force with children under 18 years old was \$13,213. Ten percent of \$13,213 would not cover the cost of the least expensive preschool care.

**In 1984, there were an estimated 2 to 3 million child care providers in the U.S. The majority earned minimum wage or less.**

Center workers earn an average of \$9200 per year, with the middle 50% of workers making between \$6800 and \$12,500. Family day care workers average about \$1.00 per hour per child. The National Day Care Home Study (1981) estimated that 87% of family day care workers earn less than minimum wage. In 1984, 96% of all child care providers were women.

**In 1980, the turnover rate of child care providers in centers was 41.7%; for family day care providers the rate was even higher.**

Low pay, lack of benefits, and stressful working conditions are the major reasons child care providers leave their jobs in such high numbers. The rate for other occupations averages around 20%.

**Only half (50.5%) of women entitled to child support received full payment in 1983. The other half received partial payment (25%) or no payment at all (24%).**

The Child Support Enforcement Amendment of 1984 mandates the collection of support payments from non-custodial parents. If full payment of entitled child support had been paid in 1983, 80,000 fewer families would have lived in poverty, and many more would have been able to afford child care for their children.

**Training of providers is essential to high quality child care.**

Forty-two states do not require any special training in child care for staff, and only 24 states require any child development training for directors of centers. Federal and state governments support the Child Development Associate (CDA) credential, a competency-based program to train center workers and family day care and infant care providers. Lack of funds for in-service training and low wages act as barriers to increasing the number of well-trained child care professionals.

**The ratio of child care providers to children and the size of the group of children are important factors in the quality of care.**

Care providers can spend more time with each child if the provider/child ratio is small. Optimal ratios are:

| Age of child | Ratio of providers to children |
|--------------|--------------------------------|
| infants      | 1:3                            |
| 1-2 years    | 1:4 or 5                       |
| 3-5 years    | 1:7-9                          |
| 6-13 years   | 1:25                           |

Children under 3 years old should be in groups of 12 or less and 3-5 year olds in groups of 20 or less with the appropriate number of providers.

**In 1984, of the 1 million child abuse cases reported to the American Humane Society, less than 1.5% were sexual abuse cases involving child care providers or babysitters.**

Despite the recent publicity concerning sexual abuse in a small number of centers, the majority of child abuse occurs in the home by a parent, relative, or family friend. Child care programs have played an important role in the detection and treatment of abused children and their parents.

Cites: Conference Board  
Bureau of Labor Statistics  
Children's Foundation  
Department of Health and Human Services

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# Child Care Fact Sheet

## National Outlook: Who Supports Child Care?

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**The United States has no comprehensive child care policy. Federal and state governments, employers, and unions offer some assistance to providers and parents.**

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**In 1983, 6.4 million families used the Dependent Care Tax Credit, the largest source of government support for child care.**

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Under this tax law, parents may claim up to \$2400 for the cost of care of one child and \$4800 for two or more children. The deduction is based on a percent of that claim, according to the amount of income. Tax credits range between \$720 and \$480 for one child or \$1440 and \$960 for two or more children. The benefit totalled \$2.6 billion in 1983.

**Federal government programs for low-income families:**

**Social Services Block Grant/Title XX** provides general funding to states for human services including child care. Parents with income below a state-established level can qualify for subsidized child care.

**Child Care Food Program** provides subsidies to centers and family day care homes for meals and snacks.

**Head Start** provides funds to local organizations which offer comprehensive preschool education to low-income children. It currently serves only 14% of eligible children.

**Aid to Families with Dependent Children** allows families to spend \$160 of earned income per month per child for child care without reducing the family's AFDC grant.

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**About 20,000 out of an estimated 1 million center-based child care workers have been organized by unions.**

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In centers where workers are unionized, wages are higher, and child care workers have won such benefits as health insurance and paid vacations. Union involvement with child care has been primarily through informal negotiating with employers to improve the range of child care benefits and options offered to employees. Unions have also backed on-site centers, information and referral services, and community-based programs.

Cites: IRS

Children's Defense Fund  
Census Bureau  
Child Care Employees Project (Berkeley)  
Service Employees International Union

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**In 1984, out of 6 million U.S. businesses of all sizes, only 2000 gave support to employee child care needs.**

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According to a 1985 Conference Board report, employers provided a variety of benefits for their employees:

- **On-site care.** Employer operates or provides care in or near the workplace.
- **Subsidies or vouchers.** Employers provide their staff subsidies or vouchers which they may redeem at a center or at the caregiver of their choice.
- **Discounts.** Employer arranges discounts for employees at selected child care programs.
- **Flexible benefits ("cafeteria plan").** Employee selects child care among other benefits.
- **Spending accounts (salary reduction).** Employee takes reduction in income and pays for child care out of a non-taxable account.
- **Information and referral service.** Employers devise an in-house information and referral system or contract with an outside company to provide one.
- **Establishing family day care homes.** Company recruits and pays for training and licensing of a caregiver who provides care for employees' children.
- **Sick child care.** Employer provides care for sick children through in-home nursing services or sick child care infirmaries.
- **Alternative work patterns.** Employer policies include: flex-time, job sharing, family leave, and parental sick leave.

**More than 3 million American children are cared for in church-housed child care programs every day.**

According to the National Council of Churches, up to 70% of all child care centers in the United States are in church buildings. Half of these programs receive free space, involving multi-million dollar subsidies by congregations.

# WHEELOCK COLLEGE

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## TESTIMONY IN FAVOR OF HOUSE 3110, DEFINING DAY CARE AS A HOME OCCUPATION FOR PURPOSES OF LOCAL ZONING

- Gwen G. Morgan

I am Gwen Morgan, a Lecturer at Wheelock College, where I teach courses in all aspects of day care. I believe Wheelock is the only college in the state with a graduate course in regulation of human services. I have consulted widely with other states, and written extensively on the subject of regulation. If the Committee would like any further information beyond this testimony, I hope you will ask me at any time.

The points I would like to make in this testimony are the following:

1. Family day care is a residential use. A family day care home is the sharing of a real home with a small number of children, and is indistinguishable in type of use from residential occupancy by a family with children.
2. Family day care is a needed community service in the public interest, rather than a commercial use.
3. Family day care should not be inhibited by undue red tape, or restrictions, since it is already regulated by the Office for Children.
4. Family day care should be permitted in any zone in which residential occupancy is permitted, as a matter of right, and in any type of building in which families are permitted to live.
5. Family day care could be considered to be an educational use. If an educational use it is exempt from zoning. If not an educational use, it is clearly a customary home occupation of an educational nature, and cities and towns should not restrict in any more than they would restrict other home occupations.
6. Unlike other home occupations, family day care is not easily restricted to a certain part of the home. It typically uses all or almost all the facilities of the home, and resembles residential occupancy.

The following pages summarize what is known about these 6 points in relation to zoning.

1. Family day care is a residential use.

Family day care as defined and regulated by the Commonwealth of Massachusetts in Chapter 28A is not a home-like institution or a service simulating home conditions. It is the sharing of an actual home with a very small number of children, no more than six including the preschool children who live there. In no case does it have different characteristics and impact on the neighborhood than a large family; and in fact it is smaller than some families. The average number of children in family day care is 3.5 (National Day Care Home Study, Abt Associates, 1980).

The Association of Planning Officials studied family day care along with another day care category, "group homes" which care for 6 - 12 children. For both categories, ASPO found the performance characteristics: traffic generation, nuisances, noise, to be the same as a residence.

A Michigan Court of Appeals decision (Beverly Island Association v. Zinger) recently ruled that family day care is a residential use that cannot be restricted by housing covenant. The following material is quoted from the brief submitted by the defendants in that case.

"The Supreme Court stated roughly forty years ago: 'No clear and definite line can be drawn as to residential use of premises. It is a safe rule that the usual, ordinary and incidental use of property as a place of abode does not violate a covenant restricting use to 'residence purposes only,' but that an unusual and extraordinary use may constitute a violation.' (Wood, 388-389) The Wood Court also wrote that a business or professional use may not violate a residential use covenant so long as the nonresidential use was casual, infrequent, or unobtrusive and was not detrimental to the property values of neighbors."

The Michigan brief argues that the pivotal question is not whether the defendants receive a compensation for the care of the children, but how the activity parallels the ordinary and common meaning of use for residential purposes.

The family day care activities in the case were described as on a smaller and less intrusive scale than boarding ten children, conducting summer school for fifteen, and caring for 15-20 children during the day, which are all types of us that have been found to be distinguishable from residential occupancy.

"The activities in this care," argues the brief, "are on a much smaller and less intrusive scale. Mrs. Zinger by state regulation cares for no more than seven unrelated children at a time (Michigan regulations permit one more child than Massachusetts.) The preschool age children are cared for in the home and the adjoining yard, in the manner Mrs. Zinger cares for her own children."...

After considering the obtrusiveness of the activities involved here and the public policy in favor of family day care homes, we must balance these factors with the legal meaning of no use 'except for residential purposes.' Having done so, we are persuaded that the defendants are using their property for residential purposes when caring for the children. We are persuaded further, that the extra vehicular traffic is minimally obtrusive in light of the overriding public policy in favor of day care homes."

There has not been widespread study of day care effects on neighborhoods by planning boards. I have found no evidence of negative effects. The most extensive study, done by the Oakland, California planning department, found a positive effect.

Oakland studied neighbors' attitudes for both centers and family day care, in places where such services were in existence. They found a generally favorable or indifferent attitude. The degree of favorable attitude increased with the nearness of the neighbor to the service. Abutters had more favorable attitudes than more distant neighbors.

2. Family day care is a needed community service in the public interest, rather than a commercial use.

The American Society of Planning Officials in 1972 published recommendations for treatment of day care in the local zoning ordinance. They recommended assuming the

- (1) The establishment of day care services and facilities wherever there is need, is a necessary public objective.
- (2) Day care programs should be treated as community facilities (not as proprietary uses).

In today's economy, only on job in four or five will support a family of four. The other families need a second job in order to maintain themselves above poverty. Single parents must work, even though they have trouble earning adequate income. Two parent families work in large numbers when one income will not support a family. By 1990 it is expected that at least three out of every four families will have no non-working parent at home caring for children. Family day care has grown in large numbers because of this dramatic increase in work participation among parents.

When parents work, they need to know that their children are safe and well cared for. Adequate care for children is a necessity for residential neighborhoods and some work locations today.

City neighborhoods, that do not want to lose population to the suburbs, must provide for the safety and healthy development of children and the support of families trying to earn enough to pay for their housing and other family expenses. Suburban neighborhoods that want to attract families able to pay the cost of housing and family expenses will need to provide for the child care that makes the income possible. Day care therefore, enhances property values in the eyes of potential buyers and renters when they have children.

Failure to plan for, and inhibiting the growth of this needed community service could have a number of harmful effects. It could increase the need for larger centers, for example, that have a greater effect on a neighborhood but are exempt from zoning as an educational use. In poorer neighborhoods unable to generate centers, it will result in unsupervised children, with negative effects on taxes and property values caused by a lack of adequate care: vandalism, drug abuse, teenage pregnancy, juvenile crime, suicide, retardation in infants, child abuse, neglect. It could also result in inhibiting parents' ability to work, thereby reducing the family income of residents by at least 1/3, with a corresponding effect on ability to maintain housing in good condition, and taxes paid in the community.

If, on the other hand, families can work, knowing that their children are well cared for, their work experience is more stable and they pay increased local, state and federal taxes, as well as purchasing more goods and services and maintaining the quality of the housing in which they live. There is disagreement about the extent to which the public should subsidize part of the cost of care for parents who need to work. But there is no disagreement that government should avoid throwing up needless obstacles to this needed service, but should facilitate its development.

### 3. Family day care should not be inhibited by undue red tape or restrictions.

There is a general agreement among the public, regardless of political orientation, that undue red tape from government is not desirable. Red tape can be caused by over-zealous bureaucrats who write over-restrictive requirements. But more often it is the inadvertant result of the number of different agencies that apply restrictions without any knowledge of the overall effect of their overlapping responsibilities. Zoning by-laws are often written with no knowledge that family day care is already regulated by the state.

The City Planning Department in Oakland concluded from their study of child care that "the shortage of day care homes in the City's poorer neighborhoods may well be, at least in part, a result of the cumbersome and expensive zoning procedures."

The American Society of Planning Officials identified three different problem areas relating to zoning for day care.

- (1) they may restrict day care to only a few zones, while it may be needed in all zones.
- (2) they may mandate a time-consuming hurdle of a special use permit, or variance. The time delay averages sixty days, when granted. Further, the process itself may arouse needless fears on the part of residents, and may result in denial of the permit or variance.
- (3) they may create additional standards for the service, typically lot size or play area requirements, that are inconsistent with licensing requirements, and unnecessary for a service that is already effectively regulated.

The final recommendations of the Oakland study were that zoning restrictions on family day care should be removed because (1) they duplicate the effort of the county licensing staff, and could cost needless local money spent in regulation that is not needed. Procedures which are not followed by the city when a large family moves in are an expense to the city. (2) They are a deterrant to the providing of a service the city needs.

Another aspect creating undue red tape is the lack of uniformity across the state in the handling of day care. Each city or town can make its own definition of family day care. This causes public confusion and difficulty in regulating. It is important that some uniformity be brought into the defining of family day care statewide. The simplest solution would be a reference to the definition in Ch. 28A as the required definition through zoning.

### 4. Family day care should be permitted in any zone in which residential occupancy is permitted, as a matter of right, and in any type of building in which families are permitted to live.

As described earlier, the American Society of Planning Officials recommended the establishment of day care services wherever there is a need, as a necessary public objective. Since the typical family has working parents, there is a need in all residential zones if children live there. There is also a need in work locations, since some families and some employers prefer child care near where people work.



The general attitude of respondents toward all daycare facilities, including both homes and centers that were in their neighborhoods was:

|             |     |
|-------------|-----|
| Favorable   | 34% |
| Indifferent | 53% |
| Unfavorable | 13% |

In the case of facilities serving fewer than fifteen children the attitudes of their neighbors was:

|             |     |
|-------------|-----|
| Favorable   | 42% |
| Indifferent | 57% |
| Unfavorable | 0%  |

These figures demonstrate that the small amount of unfavorable attitude in a neighborhood was entirely applicable to centers and there was no unfavorable attitude to family day care or even to small centers. There was no separate question applicable to family day care of six or fewer children, but it seems clear from the above that the likelihood would be either more favorable or more indifferent, since the 0% unfavorable included these small services.

In the case of both centers and family day care homes of all sizes, attitudes varied by closeness of neighbors as follows:

|             | less than 60' | 60-119' | 120-179' | more than 180' |
|-------------|---------------|---------|----------|----------------|
| Favorable   | 42%           | 38%     | 21%      | 46%            |
| Indifferent | 57%           | 50%     | 63%      | 38%            |
| Unfavorable | 0             | 18%     | 18%      | 16%            |

Evidently day care, both center and home based, makes a good neighbor when close by.

Only 13 of the 62 respondents had any comments about adverse traffic conditions. All but three of the 13 comments were related to centers on local service streets. The study report does not separate out family day care in this regard, so it is possible there were no complaints about family day care.

There was generally a favorable reaction to questions about the visual appearance of the services: the buildings, landscaping, fences, etc. The study also investigated differences in attitudes when daycare services (of any type) had visual barriers, such as fences, and hedges, separating them from view of the neighbors. It is interesting that while all neighbors had positive attitudes, those without any barriers had still more positive attitudes about the good appearance of the day care center or family day care home.

This is the only opinion survey that I know of done by a local planning board. It should be noted that the additional traffic owing to the arrival and departure of children is slight, and that the resident of the home, because the work is at home, does not depart to or arrive home from work elsewhere. The overall traffic effect is negligible. Effect on parking is even more negligible, since the time is very brief when any parent stops to pick up or deliver a child.

Recognizing that family day care is a residential occupancy, the Building Safety Department and the Health Department apply to it regulations applicable to residences. The Office for Children is the major regulator, making sure that providers of care do in fact provide a genuine sharing of a home rather than a larger service.

Family day care homes are too numerous for cumbersome regulatory processes. It is difficult to estimate how many family day care homes there are in the Commonwealth. The state has registered close to 6,000 homes, and it is probable that an equal number are not regulated because of restrictive zoning requirements that result in illegal operation.

This volume of homes means that a regulatory procedure that is cumbersome will hit an overload, unless large numbers of staff are assigned to handle the work. Without staff, the signs of overload are unresponsiveness to the public seeking to comply with the regulation, long delays and waiting lists, high non-compliance with the regulation, and cynicism and lack of respect for government among the public. All these signs of overload are already present in the case of family day care.

To providers of care, and the parents using care, the restrictions make no sense and are widely ignored. The restrictions have an opposite effect from the one intended. High quality services are discouraged from pursuing their mission. Less conscientious providers may flourish in the future. Further the inability to comply with over-restrictive zoning prevents providers from becoming regulated by the state's licensing agency, the Office for Children. Without this regulation, there may be large numbers of family day care homes that do not comply with the definition of six or fewer children, or with the requirements for the protection of children. The high degree of non-compliance with the state's licensing law causes a weakening of the ability to protect children and their families, and a scofflaw attitude among the public. Zoning is the major factor in this situation.

#### Treatment of day care in zoning

This bill attempts to establish a uniform way of treating family day care in local zoning. For centers, it is clear in Massachusetts, although not always practices, that their educational nature makes them exempt from zoning. Family day care could be treated in the same way.

Instead the bill chooses a less intrusive method of establishing uniformity. Local communities may still zone, but they are mandated to treat family day care as a customary home occupation.

I would hope that in the public educational activities following passage of this bill, many communities would remove all restrictions on family day care, while adopting a uniform definition by reference to Ch. 28A. For those that choose to restrict family day care, they would be required to restrict it no more than they restrict other home occupations.

I would recommend, however, that one additional protection for the family day care provider be considered. It is possible to restrict other home occupations to a portion of the dwelling; but in the case of family day care it is likely that almost all rooms in the home as commonly used, since family day care is a residential use indistinguishable from family use. I would suggest adding wording assuring that no restrictions on the use of the home be permitted.

## ZONING AND DAY CARE:\*

The current status and  
some promising new directions

### I. INTRODUCTION

Our aim in this technical assistance paper is to: (1) provide basic information and pointers about zoning to R&Rs and others concerned with professional child care; and (2) outline certain ideas and arguments for improving the status of day care in zoning schemes. We intend more to suggest approaches than to describe absolutes. Necessarily, any strategy for coping with or modifying the interrelationship between zoning and day care must be shaped to fit the particular political, historical and statutory elements in a state or municipality.

Day care is in a state of tremendous growth and change. The need for quality services is mushrooming and systems of state and local regulations are attempting to ensure safety and quality while meeting the growth demands. Zoning has often been used as a handy, but usually clumsy and inappropriate local device for regulating day care, often with the unfortunate consequence of reducing available care without really improving quality. Some promising legal arguments for removing zoning obstacles are discussed in section X of this paper. In that section we also set forth some proposals for changing zoning bylaws and state legislation and some ideas for encouraging the growth of quality child care through local planning and regulation. Sections II through IX of this paper will provide an understanding of existing zoning systems to enable R&Rs and providers to work intelligently through the existing systems.

### II. ZONING IS

Zoning provides a means for local regulation of the use of land. On the theory that everything has its place, zoning attempts to separate incompatible land uses in order to protect property values and the quality of life in a community. Each city and town is enabled by a state zoning law to divide its land into districts and within those districts to regulate the construction and use of buildings, structures and the land itself. Local governments implement these powers through local zoning ordinances, by-laws, or zoning codes. These measures

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\* This paper was prepared by Robert K. Crabtree, Esq. of Kotin, Crabtree & Strong, Boston, MA and Prof. Gwen Morgan of Work/Family Directions for Work/Family Directions, copyright 1986.

delineate in detail the districts of a town, the permitted land uses within each district, the procedures for applying for permits and appealing from denials, and those for enforcement against violations of the code.

Like licensing of day care facilities, zoning by a state and its local cities and towns is an exercise of the "police power". This means that zoning power is based on the authority given to a state by its citizens to promote and protect the health, safety and welfare of the community. Any exercise of the zoning power must be consistent with these purposes in order to be valid.

### III. ZONING CLASSIFICATIONS: THE TYPICAL ORDINANCE

Typically a local zoning ordinance divides a town or city into districts devoted to residential housing, commercial uses, industrial uses, agricultural uses, and public and recreational uses. In more sophisticated schemes these categories are often further divided into various levels of density of use. For example, residential uses may be divided into one-family residential districts, two-family districts, and low density and high density multiple residential districts. Likewise, business, commercial and industrial districts may be subdivided into light or low density and heavy use districts.

In addition to defining the types of uses permitted in a district, zoning ordinances will also typically contain detailed restrictions concerning such things as the height and bulk of buildings, floor area ratios, lot size, and required parking space availability.

An ordinance will also set forth the methods by which it is to be enforced. Typically, the official or agency in charge of zoning administration will be given authority to serve notices on land owners acting in violation of the ordinance, requiring the removal of the unlawful use. S/He may also ask police to assist. A violator may be subject to civil or criminal penalties and each day an illegal use continues may be counted as a separate violation subject to fine or imprisonment.

### IV. HOW ZONING AFFECTS DAY CARE

The primary beneficiary of zoning ordinances, and typically the most protected use of property, is the private residence. For a number of reasons child care providers usually prefer to establish their businesses in residential zones -- whether in their homes or in centers. Most families, too, prefer to place their children with child care providers located in residential neighborhoods. However, the protections built into zoning plans to preserve the residential character of those neighborhoods frequently operate either to exclude child care businesses altogether (e.g., by treating child care as purely a commercial enterprise) or to impose restrictions and costs which make it impractical for a provider to operate his/her business (e.g. by

severely limiting the areas within a home that can be used for business).

These effects are sometimes intentional, as for example when municipal officials wish to affect how or even whether child care is to be provided in their town, and sometimes unintentional, as when those officials act without knowledge of state regulation of child care or without having considered the impact of an ordinance on child care.

Likewise, these restrictions on child care providers are sometimes explicit, as for example when a zoning ordinance specifically includes standards concerning the required amount and type of play space, and sometimes implicit, as when child care is simply not mentioned in an ordinance or recognized in practice as a permitted use. Often child care is classified in a zoning bylaw as a "commercial" use and thus excluded from both residential and industrial districts.

Day care, in short, has too often been treated by municipal planners as a "problem use" to be allowed, if at all, only with special conditions and restrictions. A task force report issued in 1972 by the Federal Department of Health, Education and Welfare (HEW) (now Health and Human Services) stated that day care should be treated not as a "problem use" but as a community facility to be planned and encouraged with few requirements concerning physical characteristics. In the case of day care centers, said the report, these should include only such requirements as would be applied to a small school: fencing or a buffer from abutting property, access to a useable play area in accordance with the state's licensing requirements, off-street loading and delivery access, no greater parking requirements than are applied to similar uses, and accessibility for fire and other emergency vehicles. In the case of home-based care, the report recommended special provisions for size of home and play space for homes caring for seven to twelve children, but no special provisions for homes caring for six or fewer children.

A report issued in 1972 by the American Planning Association found that inappropriate zoning created or aggravated several problems for child care providers: (1) it restricts child care to only a few zoning districts although the service is needed wherever families are living; (2) conditional or special use permits create long, unjustified delays; and (3) zoning by-laws often impose standards which are inconsistent with child care licensing standards.

Other problems include: (4) local zoning authorities tend to create inconsistent definitions and standards from one community to the next, rather than develop definitions and standards consistent with a coherent statewide policy; (5) family day care homes are too numerous for effective monitoring by a local building/zoning department; (6) regulating child care through zoning creates unnecessary costs for a municipality when other

regulators are already responsible for inspecting the service and (7) over-regulation drives the service underground beyond the reach of legitimate regulation.

Planners, providers and advocates need to recognize that zoning is not the equivalent of licensing for day care providers. Local officials should not attempt to perform that function by imposing requirements on providers that overlap or, worse, conflict with a state's licensing regulations. Nor is it sensible for a day care licensing scheme to require local zoning approval, since combining the two regulatory requirements often adds significantly to the delays before a day care center or home can be licensed and begin to operate. Moreover, in states where it is arguable that day care constitutes an exception to local zoning authority (for example, where "educational" facilities are excepted), a licensing requirement for local zoning approval may subject a provider unnecessarily to the zoning process.

Zoning is also not the same as, and should not include the fire, safety and sanitation requirements that must be met for permission to occupy and use a building for a day care center. Again, any overlap creates unnecessary complications for a proposed child care facility required to answer to more than one agency.

#### V. A PRACTICAL CONSEQUENCE FOR PROVIDERS

As we will discuss, there are avenues to challenge unjustifiably restrictive ordinances. However, prospective providers should be advised to address zoning problems affecting them, wherever feasible, before they commit to the purchase or rental of a home or possible center site.

Before signing a lease or a purchase and sale agreement, or entering into a contract to build a day care facility, a prospective day care provider should investigate whether the house or the site selected is in a zoning district that will permit a child care facility to be built, renovated or operated, and, if so, whether conditions will be imposed that will make operation of the business unfeasible. As a purchaser or a renter, the provider will be responsible for knowing the zoning situation and in most states will not be able to cancel the agreement to lease or purchase on the grounds that the zone did not permit day care. (A renter will need also to ascertain the prospective landlord's willingness to permit day care to be provided in his/her property.) If there is some doubt or ambiguity in the zoning code and the provider must, for some reason, proceed with the purchase or lease of a site before he/she can obtain a decision, he/she and his/her attorney should build protection into the contract. Such protection can be built in, for example, by making the agreement conditional upon a favorable determination by the zoning officials.

## VI. PRINCIPLES FOR DRAFTING ZONING BY-LAWS

Local zoning bylaws must conform to the requirements of a state's zoning enabling statute and are drafted and adopted according to procedures established in such a statute.

Typically, a state's zoning law requires that local zoning requirements be uniform within each zoning district. There can be no discrimination within a district, though regulations for one district may differ from those in other districts.

State enabling laws also typically require that zoning ordinances be based on a comprehensive plan. This means that a town may not enact haphazard or piecemeal zoning regulations. Zoning should be done on the basis of a plan applicable throughout the town which considers, for example, the overall needs of the town for transportation, water, sewage, schools and other public requirements. Day care facilities are only beginning to be seen as meeting a public need and, thus, as we have discussed, tend to be blocked in various ways by zoning restrictions.

Under most state laws, a town or city's zoning code may be adopted only after a public hearing at which interested citizens have an opportunity to be heard. A zoning plan will be proposed at the hearing by a planning commission, or zoning commission, usually appointed by the town's governing body. Typically, the code which is then adopted cannot be amended or repealed, if a certain percentage (often 20-25%) of the citizens affected by the proposed change object, without a two-thirds or three-fourths vote of the town's legislative body following another public hearing.

If day care advocates are fortunate enough to be around at the beginning of the zoning process, they can educate members of the planning commission about the benefits and needs of child care in the community before an ordinance is drafted and proposed. If, on the other hand, ordinances are already in place, advocates can seek to persuade planning officials to adopt amendments to accommodate the needs of child care. Often planning members will be receptive to the need for both family and center-based care as they are largely motivated by a desire to improve life in their communities.

In this process advocates should help planners frame ordinances which explicitly permit child care providers to operate wherever the need for child care exists without imposing duplicative or unnecessary requirements. Family day care providers should be explicitly permitted to operate in any residential zone and centers in both residential and business zones as long as they meet the licensing requirements. For a definition of "child care providers" for such an ordinance, planners should be urged to incorporate or explicitly refer to language from the state's licensing provisions to build on the

consideration already given to the subject by state authorities and to promote uniformity throughout the state.

## VII. THE APPLICATION OF ZONING BY-LAWS

State zoning statutes usually require that local zoning appeal boards (also called, variously, "zoning boards," "boards of appeal," "zoning commissions," etc.) be established to serve at least three functions: (1) to hear and decide on appeals from adverse decisions by administrative officials enforcing the zoning law; (2) to hear and rule on petitions for special exceptions, or conditional use permits; and (3) to authorize variances from the terms of the zoning regulations.

Day care providers may first encounter the zoning system in their communities when they apply for state licensing. They usually find, among other licensing requirements, that they must obtain a building safety certificate (a building permit) from a local building inspector. Since that inspector often shares an office and/or some formal staff relationship with a town's zoning board, s/he will often be the one to inform the provider if there is a need to apply for a variance or a special use permit to operate his/her business. Until such a variance or special use permit is secured the inspector will not issue a building permit.

The provider needing a variance or special use permit will apply to the zoning board. The board, after a public hearing, will decide whether and under what conditions it will allow the provider to use his/her property for the business of child care. (The bases on which providers can seek permits and the hearing process are discussed below.)

If any interested person is unhappy with the decision of the board, a further appeal may be made to a court. However, in most cases the court's review of the decision will be very limited. The court will ordinarily review the zoning decision only to find if it is based on an error of law or is arbitrary, capricious, oppressive or constitutes an abuse of the board's discretion. Courts will usually defer to a board's determination of the facts and its opinion based on those facts. Even if the court would have made a different decision than the board, as long as the court finds no legal error, and there is "substantial evidence" to support the board's decision, the court will let it stand. Because it is very difficult to overturn the board's decision in court, it is very important for a provider to present all the available evidence to the zoning board and to treat that hearing as if it were the final appeal.

We will discuss below some promising lines of legal argument for overturning zoning ordinances, or the application of zoning ordinances, which block the establishment of child care in communities. Judicial decisions based on such arguments may have a statewide impact for improving the status of day care. From the local perspective, however, even as day care advocates around



the country develop legal arguments against zoning obstacles, it is preferable and less costly to convince local communities to adopt an ordinance permitting providers to operate, or to grant a variance or special permit, than it is to create statewide legal precedent.

#### VIII. BASES FOR EXCEPTIONS TO ZONING

If a town's zoning plan does not appear to permit the operation of a day care center in the district where the provider lives or wishes to develop a business, there are usually three possible avenues for obtaining permission to operate a child care business in that district: (1) the use may be permitted as a "non-conforming" use which is protected because it existed at the time a zoning ordinance was passed; (2) it may be permitted as a "special use"; or (3) it may be permitted as a "variance".

If a day care facility already operates in an area that has not previously been zoned or which has been zoned to permit its operation, a change in the zoning plan may make the center a "non-conforming use". Under most zoning plans a non-conforming use may continue to exist in a district for a given number of years even though a new non-conforming use could not be built or begin to operate.

A "special use" is one which is not explicitly permitted by a zoning plan in any district, but which may be specially permitted by a zoning board. This is a category reserved for uses considered to be desirable and necessary to a community, but which because of their nature or the noise, traffic or other problems associated with them are treated as special uses to be handled on a case-by-case basis. Schools, hospitals, religious institutions and the like are often numbered among these uses. Generally the special use process is designed to give a zoning agency the power to design restrictions for those publicly necessary uses for which it is difficult to specify adequate conditions in advance. Often, where day care is not mentioned in a zoning plan as an ordinary use, it will be subject to the procedure for obtaining a special use permit. In that case the owner will have to file a special use application, present the case to the zoning board and wait, often several months, for a decision.

The third method by which a day care facility may be able to operate in a district not zoned for such use is to obtain a "variance" from the zoning board. In effect, a variance is a waiver of the zoning restrictions. In this case, unlike the "special use", the day care use might be explicitly permitted under the ordinance in other districts, but not in the district a provider seeks to use.

To obtain a variance a provider usually would have to show that restricting the operation would pose practical difficulties and unnecessary hardships on the owner's use of the land. The standards a board must use in granting a variance typically

require an owner to show that the ordinance works a singular hardship on the particular property, different from the effect on other property in the district. The hardship is usually measured only in economic terms, an owner generally arguing that without a variance making a reasonable economic return on investment in the property will be impossible. Variance processes differ significantly from locality to locality, however, and despite these standards which could probably not be met by most day care providers, it may be worth inquiring into the practices of the zoning board to determine the likelihood of success in a particular community. Again, whenever feasible, providers should inquire about zoning before acquiring or leasing property or committing significant resources to their proposed child care business.

#### IX. USING THE HEARING PROCESS

For a variance or special use permit, and often to protect a pre-existing, non-conforming use, a day care provider will have to participate in a process involving a petition or application, a public hearing, an administrative decision and, possibly, further court appeals. Either with the application or at the hearing the provider may be required to present various documents showing building plans, a map of the neighborhood, information about the proposed program and the like. The public is notified of such hearings and the hearings are often well-attended by interested neighbors, pro or con. Neighbors often will sign petitions and in some cases testify about their concerns.

Hearings are sometimes the scene for emotional and biased expressions of opposition to child care. Neighborhood tensions unrelated to child care may be aroused and uninformed fears expressed. There is no guarantee that accurate information will be heard by the board or that unbiased decisions will result.

Accordingly, a day care provider wishing to operate in a given neighborhood where a special permit or variance is necessary is well-advised to approach neighbors openly and try to anticipate problems and placate concerns where they arise. If she/he can gain their support, or at least neutrality, by agreeing to operate only within certain hours, to erect a fence to buffer playground noise or the like, she/he will have a significant head start in the zoning process.

In the case of proposed day care centers, witnesses who may be helpful to petitioning providers include: neighbors favorable to the proposed use; an expert in day care who can testify to the desirability of the property for a center; an expert in property values who can defuse any suggestion that a center would significantly lower property values in the area and a person familiar with the center's program to testify about the center's potential effect on traffic and noise. It may also be helpful to introduce testimony comparing the operation of the center with the neighborhood effects of a similarly sized elementary school.

Usually day care centers are considerably smaller than the smallest elementary schools and offer similar services.

Family day care providers should be prepared to inform the general public, the board, and the abutters about family day care as a community service and its impact on noise, traffic and the appearance of the neighborhood. Typical methods of informing the public include mailing fact sheets, sometimes with signatures of influential supporters, and holding neighborhood coffee meetings. (Some helpful suggestions are discussed in Treadwell, Zoning Laws and Family Day Care, Child Care Law Center, 625 Market Street, San Francisco, CA 1981.)

Since overcoming zoning obstacles is critical to the operation of the center or family day care home and the issues can become quite complicated, a day care provider should consult with a lawyer or an expert in the area of real property and zoning procedures to assist in the process.

#### X. IMPROVING THE ZONING STATUS OF DAY CARE

##### A. Local Zoning Bylaws and Planning.

Where a local community is receptive to professional child care and willing to integrate day care into neighborhoods, the easiest way to eliminate zoning obstacles will probably be to draft or amend zoning by-laws so that both center and family day care will be treated as a community service which can exist by right in any residential zone.

The American Planning Association has recommended certain basic principles to promote intelligent zoning for day care:

(1) That the establishment of day care services and facilities wherever needed be recognized as an essential public objective;

(2) That day care programs be treated as community facilities rather than as proprietary uses restricted to commercial zones;

(3) That day care is in most cases already regulated by the state and that if additional requirements are appropriate they should be incorporated into state statutes or regulations and not into zoning bylaws;

In addition, we would emphasize that in the case of family day care homes local planners should:

(4) Understand and treat family day care as a residential use. A family day care program is the sharing of an actual residence with a small number of children and the consequences of such use for a neighborhood are indistinguishable from those of a large family's own use of its

home (note that this argument may not apply to group home care involving greater numbers of children);

(5) Not treat family day care as a "customary home occupation" if such treatment would result in inappropriate restrictions on the use of the home. Child care typically occurs in all or most rooms of the home and in the outdoor space; and

(6) Refer in zoning bylaws to statutory and regulatory definitions of child care, rather than attempt to develop their own definitions of child care as a permitted use. Accordingly, the zoning definitions will remain current and uniform across the state, even when the state amends its licensing statutes or regulations.

#### B. Land Use Planning.

Planning officials need to consider not only the appropriate handling of family and center day care as a needed community service in zoning by-laws, but also positive planning for child care as an essential aspect of the local economy. Where industrial growth is taking place, planners should consider whether there is adequate growth in child care services of all kinds to meet the needs of those who will work in the growing industries. It may be feasible to ask developers and/or employers to share in plans to meet the child care needs they generate. Space for outdoor play and space that meets building and licensing requirements for centers should be created as part of such a plan.

Planners can work with developers and employers to provide for day care services--especially centers--in several ways. Particularly where new construction or rehabilitation is underway, local ordinances could require that a reasonable percentage of space be allocated for child care to meet the needs of employees or that developers contribute to the expansion of child care services in the community in some other tangible way. For example:

- Santa Monica, California's Comprehensive Land Use Ordinance provides that any new development between 40,000 and 70,000 square feet must make space available for a day care center available to and affordable by all economic segments of the community.
- Bonuses or tax benefits might be offered to developers who allocate space for affordable day care.
- San Francisco's planning code provides that developers of office projects over 50,000 square feet either set aside licensable space for a rent-free child care facility or contribute \$1 per square foot into a city fund dedicated to the expansion of child care for low

and moderate income families. (More information about this and other planning proposals is available from the Child Care Law Center, 625 Market Street, Suite 815, San Francisco, CA 94105.) (Such proposals might be challenged by developers as being outside the zoning authority of local communities or as imposing a hidden "tax". These and other potential challenges should be anticipated by advocates when developing such proposals.)

These examples of positive local planning for day care emphasize the need for planned growth of day care centers. Planners should bear in mind, however, that 22% of parents use family day care as compared to less than 15% who choose part or full-time center care. Intelligent planning for residential growth in communities needs to recognize that both centers and family day care are necessary to meet the needs of families in the community.

C. Legislative Proposals and Provisions for Family Day Care.

Ideally, in order that family day care be uniformly well-treated throughout a state and not subject to the whims of local zoning officials, day care should be clearly established as a favored use in the state's statute books. A well-coordinated, focused effort by coalitions of those concerned with professional child care may be necessary to accomplish a change in statutes toward this end.

Advocates' chance for success will depend in part on the strength of a state's existing regulatory system for child care. The more comprehensive, more specific and more visible the state licensing and regulatory system for child care, the better the chance that local zoning restrictions may be recognized as unnecessary or excessive. A strong, respected regulatory agency may be a practical precondition for success.

The alternatives for statutory provisions which support day care range from simple expressions of policy asserting the state's preeminent interest in the development of quality child care options to specific exceptions for day care from local zoning restrictions. Choices among the options depend on each state's political climate (how well developed is the child care constituency, how strong the opposition?) and each state's existing laws relating to zoning and child care.

Several states, including, for example, Minnesota, Wisconsin, Wyoming, Idaho, California and Ohio have created statutes that specifically define family day care for a prescribed number of children as a "residential" use of property and provide that such use be a permitted use in any zoning district where residential uses are permitted without the need to obtain a conditional use permit or other special exception. Generally these statutes protect the use of one's home for small numbers of children; a

few also provide for "group homes" where 6-12 children are cared for by adult caregivers.

In California the legislature recently amended its Health and Safety Code to provide uniform treatment under local zoning laws for day care. Under that statute a "small" family day care home is "considered a residential use of property for the purposes of all local ordinances." A more substantial review process at the local level is permitted for large ("group") homes (7-12 children). Under the California statute, a large family day care home is treated as a single family residence under building and fire codes.

In Pennsylvania a proposal has been advanced to permit day care homes serving up to 12 children to locate by right in any single family residential district if they comply either with the local requirements for single family zoning or with an alternative set of conditions. The alternative conditions would establish standards for parking, drop-off points, fences, hours and signs.

In Minnesota the legislature has provided:

A licensed residential facility serving six or fewer persons or a licensed day care facility serving ten or fewer persons shall be considered a permitted single family residential use of property for the purposes of zoning.

A proposal which has been advanced in Massachusetts is aimed at sharing the oversight of day care between the state's licensing agency (Office for Children) and municipalities. The OFC would be required to notify a city or town when it takes any action on a license or an application for a license. Cities and towns would be prohibited from enacting local ordinances or bylaws regulating or restricting "family day care in any residence which can be licensed...beyond the licensing requirements" established under OFC. Thus municipalities, if they choose, could participate actively in enforcement of state requirements and could comment to the state about them, but could not add provisions of their own. This plan, however, could result in confusion between local agencies whose primary focus is land use and one whose principal concern is the quality and safety of a social service.

Ultimately the aim of any legislative proposal should be to strengthen the state's regulatory scheme and to eliminate inappropriate local obstacles to the establishment of licensed day care facilities. Duplication of state requirements on the local level should be eliminated and, if local authorities are to be involved at all, it should be in partnership with state authorities in the enforcement of a single set of regulatory standards applicable throughout the state.

D. Clarifying the Status of Day Care Through Litigation.

There are several potential grounds for successfully challenging in court a local zoning decision prohibiting day care in a residential neighborhood. The relative strengths of these grounds will vary from state to state depending on such factors as the clarity of the state's commitment to day care (or to a kindred service such as education) as expressed in statutes or regulatory schemes (see section C., above) and the availability of constitutional or other provisions affecting the use of property in the state.

The arguments most commonly considered by advocates for day care to overcome zoning restrictions are\*:

- Day care is a preferred use because it is, or is like, an "educational" use;
- Family day care constitutes a "home occupation";
- Local zoning restrictions against day care have been overridden by legislative action.

These arguments take the following forms:

1. Day care as an "educational" use.

In most states educational uses and other uses deemed beneficial to the public are treated by state law, zoning ordinances or courts as "preferred" uses. Where a local ordinance restricts these uses, a court will typically place a heavier than normal burden on the local government to justify

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\* For our discussion of these legal arguments against ordinances that exclude child care we are indebted in part to two thoughtful recent papers:

Grubb, Erica, Day Care Regulation: Legislation and Policy Issues, 31 Santa Clara Law Review 1 (1986);

Norlander, Karen, Regulatory Problems Affecting the Availability of Licensed Family Day Care In New York State, New York City, Child Care Inc. (1986).

Two other helpful sources treating these and other subjects in some depth are:

Robert, Thomas E. The Regulation of Home Occupations Under Zoning Ordinances -- Some Constitutional Considerations, 56 Temple Law Quarterly No. 1, pp. 49-94 (1983);

Pollard, Marilyn A., Zoning For Day Care Facilities, Arizona St. Law.J. 1976, pp. 63-95.

such limitations.\* Courts may treat a land use as inherently beneficial--as a preferred use--either on the basis of a state law explicitly giving the use such status or of the court's own determination of public policy. In a small but growing number of states day care is given such preferred status, either on its own merits or by treating it as similar to already recognized preferred uses.

Some courts have found day care centers to be "educational" uses by defining the term "education" broadly. Centers that offer experiences to children that help them progress in arts and social development as well as in more narrowly defined educational areas may be treated as educational uses and accorded preferential zoning consideration by sympathetic courts. See, e.g., Dewey v. Montessori, Educ. Ctr., Inc., 185 Neb. 791, 178 N.W. 2d 792 (1970). Describing the generally favorable judicial attitude toward an educational use, a court in New York held a preschool program for fourteen children in a home to be an "educational" use, saying:

the value of preschools to children can hardly be questioned by anyone whose children have attended a well-run school of this character. To limit the existence of such schools to the definition given in the Education Law would mean that such schooling would be available only to children of parents in higher income brackets who live in larger center of population.

People v. Collins, 191 Misc. 553, 595, 83 NYS 2d 124, 126 (Sup. Ct. Westchester County, 1948).

Family day care might also be given preferred status as an educational use if a strong case can be made showing its developmental and educational attributes. Obviously, the more conscious (and documentable) attention a particular provider pays to the children's developmental needs, the stronger the argument.

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\* A court may for similar reasons also impose a heavy burden on private deed restrictions limiting an owner to a "residential" use of his/her property where a neighbor attempts to prevent him/her from operating a family day care home. In Beverly Island v. Zinger, 317 N.W. 2d 611 (1982), a Michigan court refused to enforce a "residential use only" restriction against a family day care home largely because of the minimal impact on the neighborhood, the documented need for family day care and legislative pronouncements in favor of family day care. An excellent discussion of the problem of deed restrictions is found in Cohen, "Deed Restrictions as Impediments to Family Day Care: The Problem and Potential Solutions", Child Care Law Center Publications, 625 Market St., Suite 815, San Francisco, CA 94105 (1983).



Whether family day care providers should press these arguments depends in part on a determination whether being defined as a "school" will create more problems than it solves. In some locales even "schools" can be limited in number or location or excluded altogether from some zoning districts. As "schools" they may also be subject to a range of requirements which would be inappropriate for family day care homes and subject themselves to the cost and inconvenience of the permit application process.

## 2. Family Day Care as a "home occupation".

Most residential districts permit "accessory" uses to be made of homes, including usually "customary home occupations" and "professions". Such home occupations are usually heavily regulated to ensure that the occupational use remains incidental to the home's principal use as a residence and to reduce or negate the impact on the residential surroundings. These regulations may prove to be inappropriate or unduly burdensome for day care providers, but if they are not or can be waived or appropriately modified, family day care providers might profitably seek to be designated as a customary home occupation.

Typically, regulations include requirements limiting the floor space which may be devoted to the occupation, restricting the hiring of employees and prohibiting the posting of signs or advertisements or display of goods. Usually they also require that no or minimal increase in traffic or noise be caused by the use.

In addition to such restrictions many, perhaps most, ordinances further narrow the types of occupations that can be pursued in a home by listing specific permitted uses. Typically an ordinance permits "professional" uses and gives examples including architects, attorneys, clergymen, physicians and so forth. Other customary occupations may include service providers like music teachers, seamstresses, beauticians, or whatever types of employment may have occurred to the drafters at the time the ordinance was enacted. The consequence of listing specific occupations is often that unlisted occupations are excluded from a district even when they would have no greater impact on a neighborhood than those enumerated in the zoning provision.

Family day care in most instances is an occupation with minimum adverse impact upon a neighborhood's residential character. By its nature it is little different than the use of a home by a large family and it is clearly an incidental, or secondary use of a home.

As such, in a case where local officials refuse to recognize day care as a customary home occupation, it can be argued in court that exclusion from a neighborhood where other incidental, occupational uses are permitted denies the provider's

constitutional right to equal protection under the law. This may be an uphill fight since courts have traditionally given great deference to legislative bodies in equal protection analyses. If there is a "rational" basis for treating one group differently than another -- that is, if a legislature seeks a legitimate goal and its legislation is rationally related to achieving that goal, people who are excluded from or adversely affected by the legislation have no claim of denial of equal protection. Only in special circumstances, as for example where some recognized fundamental interest such as the right to privacy is involved, will a court scrutinize a statute more closely.

The aim of zoning regulations concerning businesses in the home is largely to protect the residential character of neighborhoods, a goal courts will readily hold to be legitimate. However, the fact that an occupation is "professional" or "customary" has nothing in itself to do with its impact on a neighborhood. Accordingly, advocates for day care homes can argue that permitting uses in homes because they are "professional" or "customary" while excluding occupations like family day care, which have equal or less impact on the residential character of neighborhoods, has no basis, rational or otherwise, in legitimate zoning concerns.

Equal protection arguments involve complexities beyond the scope of this discussion. Intriguing as the argument may be, individual family day care providers ordinarily do not have the resources to press it through the courts. Nevertheless an advocacy group or a class of litigants may wish to consider it as part of a statewide strategy if treatment as a customary home occupation is otherwise attractive to providers.

### 3. Day care as a subject of overriding state concern.

We have discussed above existing and proposed legislation which would clearly and explicitly establish day care as a permitted use in local zoning schemes. Even without such legislation, however, a court might be convinced that legislative concern for day care has been sufficiently embodied in law to preempt local zoning restrictions and processes. A court might find evidence of preemption either in express legislative statements of policy or purpose in various child care statutes or, more generally, in the establishment of a comprehensive regulatory scheme governing child care whose purposes might be thwarted by local zoning provisions. See Con Ed. v. Town of Red Hook, 60 NY 2d 99 (1983) (a New York court of appeals decision invalidating a local attempt to regulate the site of an electric power plant because the legislature had preempted any rights the municipality might have had to regulate the business).

There is little precedent as yet for finding state preemption in day care regulation so as to invalidate local zoning laws unless there is specific preemptive language in the statutes. A Pennsylvania court, for example, held the state's licensing law

did not preempt the field of day care regulation so as to prevent local zoning limitations because the statute contained "neither specific language nor any inference that the legislature intended to so restrict the police power of municipalities in this area..." Bd of Commr's of Ross Township v. Harsch, 467 A 2d 1183 (Commonwealth Ct of PA, 1983). Accordingly, where there is no specific preemptive language, advocates wishing to argue that a state has preempted the field of day care should look closely for any possible inferences in child care or zoning statutes to show that the legislature intended to restrict the power of municipalities to regulate child care.

Despite the lack of much precedent at this time, preemption is an argument worth making since local courts with jurisdiction over particular municipalities may be persuaded of the importance of professional child care and will gratefully build a favorable decision on any respectable framework.

In Nassau County, New York, for example, a local court ruled that a provider need not obtain a special use permit for a day care center because of an overriding state policy in favor of promoting day care. Evidence of that policy was found in legislative history acknowledging the shortage of adequate day facilities and in certain language found in state financing and guarantee provisions for the development of facilities for children which declared the legislature's intent to override other laws to effect the purposes of the statute. Unitarian Universalist Church v. Sherborn, 63 Misc. 2d 1978, 314 NYS 2d 66 (Sup. Ct. Nassau County, 1976).

Another local New York court recently invalidated a zoning ordinance excluding family day care from a residential zone on similar grounds stating, "Where there is a great degree of State concern, notwithstanding a high degree of local concern, State power is paramount;... the statute in question herein [regulating family day care] 'serve[s] a supervening State concern transcending local interests.' [citation omitted]." State of New York v. Kennelly, Village Justice Court, Groton on Hudson, NY May 23, 1985.

#### 4. Other legal arguments to consider.

- The law of police power (that is, the power of a government to protect the health, welfare and safety of its people) includes the principle that while the legislature may (in fact must) delegate its authority, to other administrative and legislative bodies, as it does in a zoning enabling statute, it may not do so in a piecemeal fashion which sets one agency against another, confounding each agency's purpose. Accordingly, it can be argued that it is unlawful to delegate to municipal zoning authorities regulatory authority which directly conflicts with the regulatory authority delegated to state day care licensing agencies.

- In any state or local system in which the rights of various parties are decided, decisions must be made in accordance with due process under the United States and most state constitutions. Elements of due process include, for example, adequate notice, the ability to be heard and present evidence, an impartial decision maker, rights to appeal and so forth. These rights as they exist in any particular proceeding may provide a basis for a claim that the right to operate a child care business was unfairly denied.

- It might be argued that duplicative, excessive or conflicting regulation of child care, infringes upon certain recognized "substantive" due process rights. These include liberty and privacy interests, and, specifically, the liberty interest of parents in selecting appropriate schooling for their children (Meyer v. Nebraska, 262 U.S. 390 (1923)) and in directing the upbringing and education of their children (Pierce v. Society of Sisters, 268 U.S. 510 (1925) (invalidating a state law requiring all children to attend public school)).

## XI. CONCLUSION

While day care has been treated historically as a problem land use in zoning to be restricted rather than encouraged, the growing need for day care and the growing familiarity of communities with day care are combining, we hope and expect, to improve its status. Day care providers should be familiar with (and R&Rs should educate potential providers about) the various methods outlined in this paper for operating in spite of zoning obstacles and should incorporate the potential delays in obtaining zoning permits into their start-up plans. Providers, R&Rs and advocates should also be familiar with the legal arguments outlined here, not just for their possible impact on a court when a restrictive zoning provision is being challenged, but also for their educational impact in communications with neighbors, zoning officials and the community at large.

Above all, it is important to communicate regularly, openly and forcefully with neighbors, planning and zoning officials, legislators and regulators so that eventually day care will come to occupy the preferred position in zoning schemes now afforded to other community service facilities and the growth of day care options will not be needlessly inhibited.

To overcome the obstacles which local zoning creates, local child care resource and referral centers have a critical role to play. They need to understand the issues to enable them to advise potential day care providers of the pitfalls, and more importantly they need to address state and local public forums to bring about the changes needed to ensure that day care is available in our local communities.

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## ZONING FOR CHILD DAY CARE IN RESIDENTIAL ZONES

(Part Two of two parts)

This is the second part of a two-part discussion of zoning for child day-care uses. This part (July 18th issue of The Zoning Report) quotes selected sample text from zoning ordinances. The first part (our June 20th issue, last month) provides you with our ideas, suggestions, rules, standards and definitions for day-care uses. The sample quotes illustrate our suggestions and ideas from Part One.

Take a few minutes and read through these quotes. You'll get quite a few new and interesting ideas from other communities that you can adapt for use in your community. Indeed, we encourage you to Xerox our quotes, then shift and edit them to fit your particular situation.

Day care is a booming business that is generating a lot of land-use and zoning activity. This activity, and efforts by operators to reduce their costs, create a large number of zoning violations. Day care is expensive for parents (averaging \$3,000 per year per child) and many operators compete to reduce this cost.

Accordingly, day care is highly regulated by state and local child welfare and public health agencies. But probably 90% of day-care providers are not registered or regulated by anybody. Most operate from single-family dwellings as home occupations and accessory single-family activities. Like most home occupations, few are known to local government officials until parents or neighbors complain about them.

Day care is classified into three uses, for zoning purposes. These are: home-based day care, intermediate day care and large day-care centers. The criterion that divides day care into these three uses is the number of children enrolled by each such use.

Home-based day care is the smallest of the three, serving a maximum number of children per facility of 4 to 8, averaging 6 children. It operates exclusively from a single-family dwelling occupied by a family or household.

Some state legislatures are defining home-based day care as being a single-family dwelling for zoning purposes. Day care, under these new laws, has no special regulation apart from regulation imposed on single-family dwellings.

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Intermediate day care serves 4 to 20 children, with 5-12 children being typical in most zoning ordinances. Its size and capacity is almost always defined by regulations of child welfare and public health agencies. The minimum number of children does not overlap with the maximum number allowed for home-based day care.

Intermediate day care can operate from a single-family dwelling, be located in a building designed for day care with no live-in householders, or be accessory to a school or church. Most are allowed in single-family zones as a conditional use or special exception—with a list of standards provided in the zoning ordinance that the applicant must meet.

Large day-care centers serve any number of children, but with a minimum size being one child larger than the maximum number defined for intermediate day-care use. Large day-care centers are always licensed by regulatory agencies. They rarely occupy dwellings, preferring free-standing buildings or commercial-office tenancy space remodeled to fit their needs. They often operate as private for-profit franchises of corporate day-care business chains.

Be careful to distinguish day-care uses in your zoning ordinance from other uses. These include: preschools, kindergartens, babysitting home occupations and accessory uses, day camps and summer camps, foster homes, child group homes and adult or elderly day care.

Of these various uses, preschools and kindergartens are distinguished from day care by function. Day-care uses provide custodial care for children while parents are away at work. Preschools, nursery schools and kindergartens provide education to children younger than elementary school age.

Babysitting is distinguished from day care as a passive watching-over of children generally for shorter time periods than day care, which requires directed planned all-day care. Babysitting is an accessory use common to virtually all households with children. If carried on excessively, it can become a home occupation.

Consider the following non-site-oriented restrictions for day-care uses. We described them (and the site standards in the next paragraph below) in detail in last month's issue of The Zoning Report.

For zoning restrictions: establish the number and age of children allowable for each of the three types of day-care uses; require day-care uses to be operated on a regular basis, daily, and less than 24 hours per day; restrict hours of operation, with a maximum range from 6 a.m. to midnight with most common hours being 7 a.m. to 9 p.m.; require licensing or registration by appropriate state and local child welfare and public health agencies; and determine whether or not day-care uses not operated for compensation by non-profit sponsors are subject to your regular day-care zoning restrictions and site standards.

Site standards for day care are these: density standards that regulate day-care siting on a "per child" basis, including play area per child, indoor play area per child (25-50 sq ft per child in zoning ordinances with 50 sq ft most common), outdoor play area per child (50-100 sq ft per child with 75 sq ft most typical), lot area per child for intermediate and large day-care center (500-1000 sq ft lot area per child with 1000 sq ft most common—or 4000-5000 sq ft minimum lot area plus 500-1000 sq ft per child with 100-200 sq ft per child most common; minimum lot width or frontage of the day-care parcel, especially in non-residential zones (50-100 sq ft most typical); screening and fencing, with outdoor play areas fully enclosed with at least a four-foot fence; off-street parking ratio for day care (1 space per 400 sq ft of gross floor area—the most common standard, 1 space per employee, 2 spaces for the day-care facility, or 1 space per every 10 children of design capacity of the facility); location along certain streets; spacing standards that avoid concentrating day-care uses on any one block; signs; and zone yard restrictions (no use of front yards, no non-live-in-resident parking in front yard, and side/rear yards used as allowed in your zoning ordinance).

Sample Text

We divide the sample text into four parts: (1), definition of day-care terms; (2), use listing for day care; (3), standards for day care as a special use; and (4), application requirements.

Select, edit, and shift the parts of those text samples best meeting your needs. Rewrite them, add your own written text, revise other related sections of your zoning ordinance to fit your specific situation.

Review your final draft and related code changes with your legal counsel. By first thinking through and writing your "planner's draft," you can discuss questions raised by your counsel from a logical planning and zoning viewpoint.

Definition of day-care terms

The criteria for defining day-care uses within a zoning ordinance are usually the age and number of children allowable for each use. These criteria are often set by non-zoning regulatory agencies and adopted with little change within zoning definitions for day care.

Thereby, keep in mind that these criteria (age and number of children) may be different from what we quote here. These criteria vary from state to state and may be changed by these regulatory agencies at any time.

"CHILD CARE FACILITY: A building or premises regularly used for recreational or supervisory care of 6 or more children unrelated to the operator, but not including foster homes." (Durham NC)

"CHILDREN'S DAY CARE CENTERS. A place which provides care for 5 or more children unrelated to the operator, generally between the hours of 7 a.m. to 7 p.m."

(Also included in this zoning ordinance are definitions for child foster dwellings and other group care that excludes this definition of children's day care centers) (St Petersburg FL)

"NURSERY SCHOOL. Nursery school is an instructional facility for preschool children.

"DAY CARE CENTER. Day care center is a facility which exclusively provides supplemental parental care and supervision and/or instruction to children during the entire or any portion of the day. (Naperville IL)

"DAY-CARE CENTER. A center which provides daytime care or instruction for 7 or more children 11 years of age or under and operates on a regular basis.

"KINDERGARTEN, PRE-SCHOOL OR DAY NURSERY SCHOOL. A school which provides daytime care and instruction for 2 or more children from 2 to 6 years of age inclusive, and operates on a regular basis." (New Castle Co, Newark DE)

"DAY NURSERIES. A day nursery is a business where children are temporarily cared for in their parents' absence when and if there is provided on the lot or adjacent to the premises a play lot completely fenced, and containing an area of not less than 900 sq ft, plus an additional 50 sq ft for each child in excess of 9 children and subject to all safety precautions as required by the Fire Department and Building Division." (Orange CA)

"DAY CARE CENTER. Is hereby defined as any institution or place in which are received 3 or more children, not of common parentage, apart from their parents or guardian, under the age of 6 years, for care during part or all of a day between 6:00 A.M. and 9:00 P.M. The term is further construed to include similar units operating under any other name whatsoever with or without stated educational purposes. This definition does not include "Group Care Home," "Group Day Care Home," "Foster Family Home," "Centers for Mental Retarded," licensed by the State of Illinois, bona fide kindergartens or "Day Nursery Schools," established in connection with grade schools supervised or operated by a private or public Board of Education or approved by the State Department of Public Instruction.



"DAY CARE HOME. A day care home is a facility located in a single family detached residence which receives not more than 8 children for care during the day. The maximum of 8 children includes the family's natural or adopted children under age 16 and those children who are in the home under full-time care." (Arlington Heights IL)

(Note the critical distinction in the two following definitions relating to 24-hour care of children):

"CHILD CARE CENTER: A facility, by whatever name known, which is licensed under the regulations of the State of Colorado and which is maintained for less than 24 hours per day for the care of children under the age of 16 years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care, and with or without stated educational purposes. The term shall include facilities commonly known as "day care homes", "day care center", "day nurseries", "nursery schools", "kindergartens", "pre-schools", "play groups", "centers for handicapped children" and shall include those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private or parochial college, or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system for at least sixth grade; further the term "kindergarten" shall mean any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, pre-school, or by any other name. The term shall not include any facility known as a foster care home. Occasional 24 hour care may be provided in child care centers on an emergency basis only.

"FAMILY CARE HOME: A State licensed facility for child care in a place of residence of a family, person or persons, for the purpose of providing family care and training for a

child or children under the age of 18 years, who are not related to the head of such home. The term includes any home receiving a child or children from any State operated institution for child care, or from any child placement agency. The term "family care home" shall be further defined as one of the following 3 types of facilities: (ed note: which are—family foster home, receiving home (temporary live-in care up to 60 days), and specialized group home (live-in children with special needs best met through small group living). (Colorado Springs CO)

"BABY-SITTER: Any person who provides care for less than 6 persons, or less than 10 children in the same family, with or without compensation, and with or without a state license.

"DAY CARE CENTER: A facility which provides regular day care services for 6 or more persons during part of the day, with or without compensation. Day care service may include nursery schools, preschools, family day care group homes or center or similar facilities, but shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training, or day care provided by a babysitter, as defined in this section." (Clackamas Co, Oregon City OR)

Use listing for day care

(By-right listing):

"In an RM (Medium single family dwelling district), no land shall be used and no building shall be erected for or converted to any use other than:

". . .

"Day Nursery where not more than 4 children, not related by blood, are kept at one time." (Lufkin TX)

(Use table listing—by-right, and by special exception):

"Child day care facilities for not more than 6 individuals" (allowed by right in most single-family zones)



"Child day care facilities for more than 6 individuals" (allowed as special exception in most single-family zones)  
(Montgomery Co, Silver Spring MD)

(Special exception, in R-1 one-family residential districts):

". . . no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used, except for one or more of the following uses:

"(1) A one-family dwelling. . . . .

"(16) Day-care centers, kindergartens, pre-schools, day nursery schools, orphanages, and similar uses, if a special exception is granted by the board of adjustment . . . subject to the following requirements:

"(a) At least 50 sq ft of outdoor play space per child shall be provided.

"(b) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of 4 ft.

"(c) The minimum lot area for each child shall be 1,000 sq ft, except that in a multi-family complex in an R-3 or R-4 district, the minimum lot area for each child to be accommodated in a facility specifically designed as a day care center on a separate lot, with accessory parking, shall be 500 sq ft.  
(New Castle Co, Newark DE)

(Use table listing, as a conditional use):

"Nursery schools and day care centers in a dwelling unit or a building accessory thereto or on a lot by itself, subject to the following conditions:

"a. The facility shall be licensed by the applicable departments of the State of Connecticut and the Town of Cheshire.

"b. If located in a dwelling unit or a building accessory thereto, no more than 20 children shall be accommodated at any one time.

"c. In all cases the facility shall be on a lot having a minimum area of 40,000 sq ft."  
(Cheshire CT)

(Excluded as a home occupation):

"The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones, and therefore shall not be permitted as home occupations:

"a. . . .

"f. Child care of more than 6 preschool children or instruction for more than 3 school-age children or adults at one time (not counting residents of the home)."

(Other home occupation regulation in the same zoning ordinance): "No employees other than residents of the dwelling shall be allowed (for home occupations). Babysitters or domestic servants are not considered employees of a home occupation."

(San Luis Obispo CA)

(A by-right listing with qualifications, in a neighborhood commercial zone):

"Child care center, provided:

"(i) There shall be an enclosed play space of not less than 35 sq ft per pupil; and

"(ii) Child care centers shall have not less than 6,000 sq ft in area, plus an additional outside play area of not less than 200 sq ft for every child up to and including 40 children, and an additional 100 sq ft for every child over 40 children; and

"(iii) There shall be not less than 50 ft of frontage; and

"(iv) Except in instances in which a child care center is proposed for a building which was constructed prior to the effective date of this subtitle, setbacks shall be the same for all property lines as for other permitted uses in C1-Local Retail Districts."

(Anne Arundel Co, Annapolis MD)

Standards for day care as a special use

(In the following quote for Colorado Springs, note that, in addition to the standards quoted as conditions with a conditional use, also see other standards and restrictions in our quotation of this community's definition):

"Whenever in this (zoning ordinance) a child care center is permitted as a conditional use, the following conditions shall be complied with: "A. That there is probable need for the child care center in the general area of the location requested.

"B. That the requested child care center is located on a collector street which for the purpose of this definition shall mean a street having direct access to a minor arterial roadway.

"C. That the requested child care center provides the minimum square footage of outdoor fenced play space per child that complies with the State's minimum square footage requirements. That such outdoor fenced play space shall be located at least 5 ft from any side or rear lot line. That no part of the required outdoor play space shall be situated within any front yard setback. That the required outdoor play space shall be screened from adjacent residential properties when necessary and appropriate to reduce play area sounds."  
(Colorado Springs CO)

"(1) Minimum Fencing/Screening Required: In accordance with Sec 15.4-7 (C) (which provides for 6 ft landscape screen or 4 ft berm). Children's outdoor play area must be enclosed by 4 ft high fence.

"(2) Minimum Lot Size:

"(a) Area: 10,000 sq ft.

"(b) Width (ft.): 75.

"(3) Required Yards:

"(a) Front: Major street: 70. Collector street: 65. Minor street: 55.

"(b) Side/Rear: Same requirements as the zoning district in which proposed use is to be located.

"(4) Maximum Height (whichever is lower):

"(a) Feet: 35; (b) Stories: 2

"(5) Additional Requirements: Must be located on either a major or collector street. Shall have off-street area for loading and unloading children. Maneuvering room must be provided on tract for parking and loading so as to preclude necessity of backing out onto public street. . . Dumpsters serving day care centers

must be screened by solid fence or plantings on all sides except for that area that must remain unobstructed to allow garbage pickup."  
(Normal IL)

(Lot size): "The day care center will be located on a parcel of land the size of which shall be determined by the following:

"A minimum of 500 sq ft of lot area per child must be provided.

"A minimum of 4 linear ft of lot frontage per child must be provided.

"In no case may the lot size of required frontage be less than that required by the zoning district in which the facility is to be located.

(Zone yards): "Front yard, rear yard, and side yard set back shall be the same as for other uses permitted in the district. Additionally, no equipment may be affixed to the land within such side yards.

(Play area per child): "There shall be a minimum of 50 sq ft of enclosed activity area per child within the structure. Areas for administrative use, bathrooms, hallways, storage and kitchen areas, shall not be counted in calculating this required square footage.

"There shall be a minimum of 150 sq ft of outdoor activity area per each child that could be expected to be outdoors at any one time. Such activity area or portions thereof shall be enclosed by a fence meeting all the requirements of (city general codes). Up to 25% of this requirement may be waived by the Zoning Board of Appeals upon a finding that a park or similar permanent open space is located within 500 ft of the proposed facility and is accessible from the proposed day care center location without crossing any street and would be used for supervised outdoor play.

"Storage facilities for movable outdoor play equipment shall be provided. Such equipment shall be stored in this facility when not in actual use.

(Signs): "No signs shall be constructed, erected or placed, advertising the day care center other than a name plate not more than one sq ft in area located on the property.

(Spacing standards): "The Zoning Board of Appeals shall consider the density of existing day care facilities in the area. Such density shall be limited to two day care centers per square mile, excluding those facilities existing in a church or temple. Such square mile shall be measured as a circle whose center point shall be the proposed day care facility and whose radius shall be 2,975 feet.

"Hours of operation" shall be limited to 7:00 A.M. to 7:00 P.M.

(Offstreet parking standard): "A minimum of 2 off-street parking spaces shall be provided. Additionally, one parking space per every 2 staff members in excess of 5 shall be provided. It shall be preferred that an off-street loading and unloading area be provided.

(Safety of children): "The Zoning Board of Appeals or Plan Commission shall consider the necessity for additional appropriate conditions and safeguards to protect the health, safety and welfare of the children using the facility, including the necessity for additional fences, barriers, other safety devices and buffers or increased off-street parking facilities. . . . .

(Architectural appearance and conversion of buildings): "The applicant shall show that the day care center will be located in a building which if vacated would be readily convertible or reconvertible to a single family residence meeting the requirements of all applicable codes, ordinances, and regulations. The proposed structure and its appurtenances shall be architecturally compatible with surrounding structures. Such compatibility shall be judged by the Zoning Board of Appeals, the Plan Commission and the Architectural Commission. The concurrence of all 3 bodies by a majority vote shall be necessary for a structure to be considered compatible. This paragraph shall not apply to a day care center which is located in a church or temple.

(Licensing): "The applicant shall provide such certification or documentation as necessary to show that the plans for the proposed day care facility meet the licensing requirements of the State of Illinois Department of Children and Family Services.

(Construction codes): "The building shall be subject to all other applicable laws and ordinances and regulations of the City including but not limited to building, licensing, fire and health requirements.

(Economic need): "The Plan Commission, Zoning Board and City Council may also take into consideration as a factor in reviewing the application the question of whether there is an economic need in the community for a day care center at the site proposed."

(Des Plaines IL)

(Child care facilities for 6 or more children):

"Space requirements". Such facility shall provide the following:

"a. Outdoor Play Space. At least 100 sq ft per child (excluding infants in the crib) of well-drained, completely fenced outside play area, not including drives, parking areas or land otherwise unsuitable, shall be provided.

"b. Indoor Play Space. At least 35 sq ft per child of soundly constructed inside play area, not including bathroom, hallways, and other areas unsuited for play shall be provided.

"c. Compliance. Existing facilities within the City's extraterritorial jurisdiction shall comply with the foregoing space requirements within 2 years of the effective date of this ordinance." (Durham NC)

"Maximum Building Height": 35 ft and 2 and 1/2 stories.

"Landscaping and Buffers": Where any outdoor play area is directly adjacent to a residentially zoned or developed lot, a solid fence or wall at least 6 ft in height or an open fence at least 4 ft in height and a screen planting of 6 ft in height shall be installed. Landscape material shall be of such initial size to reach the required height within 2 growing seasons after installation.

(Location): "Each day care facility shall be located in an area which is free from conditions dangerous to the physical and moral welfare of the children.

(Play area per child): "There shall be 25 sq ft of indoor space for each child. Closets, pas-

sageways, kitchens and bathrooms will be excluded in determining compliance with the indoor space requirements.

"There shall be 75 sq ft of outdoor play area for each child. The outdoor play area shall be located in a rear or side yard and shall be enclosed by a fence of at least 4 ft in height to assure safety of the children."

(Southern Pines NC)

(Traffic control): ". . . Traffic movement on streets abutting child care centers shall be controlled during times when children have access to the streets.

(Location within multi-story buildings): "Child care centers may be located in multistory structures only if at least 25% of the usable floor area required to be provided (by the indoor floor area day care standards) is contained on the ground level of the structure."

(Offstreet parking, in off-street parking zoning ordinance chapter, listing parking ratios for each use): "Child care center and kindergartens: 2 spaces for each group of 10 children or fraction thereof."

(Anne Arundel Co, Annapolis MD)

Application requirements

(Building floor plan): "The applicant shall provide a floor plan of the day care center, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.

(Site plan): "The applicant shall also provide a site plan, drawn to scale, and showing clearly the following:

"(a) The dimensions and acreage of the site and its relation to surrounding properties.

"(b) The layout of the entire project including the proposed use and location of all buildings.

"(c) The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.

"(d) The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.

"(e) The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

"(f) All existing and proposed topography at contour intervals of 5 ft.

"(g) The location of existing and proposed plantings and screenings, including the type and size of each plant to be installed.

"(h) The location and size of existing and proposed utility lines, water courses and drainage lines and easements.

"(i) Title, north arrow, scale, names of owner, developer, surveyor, and the date preparation of the plan." (Southern Pines NC)

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IN THE AUGUST AND SEPTEMBER ISSUES

In the August 29th issue of The Zoning Report, we provide you with what you need to know about land-use intensity ratios. These ratios comprise a set of complex tables supporting some quite simple assumptions and functions. We explain these tables, assumptions and functions so you can adapt them for use in your zoning ordinance—from a practical useful viewpoint. Surprisingly, most zoning ordinances use some of these ratios, but very few ordinances use the complete set. We provide sample text and quotes to illustrate our discussion.

In our September issue, we suggest a complete outline for an off-street parking zoning chapter. We discuss the elements of this outline and how you can use them in your parking chapter.

\* \* \* \* \*

We make every effort to present accurate information and sound opinion in this report. However, we do not guarantee results, accuracy, or assume liability for errors, omissions, or for information you may act upon. This publication does not purport to be engaged in the practice of law or give legal advice, but is the opinion of the editor and publisher solely as a professional urban planner.

# THE ZONING REPORT

For Planning and Zoning Professionals

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## ZONING FOR CHILD DAY CARE IN RESIDENTIAL ZONES

(Part One of two parts)

JUN 20 1986

Child day care is a booming business—at least for the next few years, perhaps the next 10 years. Post-War boom babies born in the 1950's and '60's are now parents, having their own babies. As a result, the number of children under age 5 is growing rapidly. It is as high as it was in 1968, during the last part of the Post-War baby boom.

Today's parents born in the Post-War baby boom are dramatically different in family composition from their pre-World-War-II parents. Today, more mothers are divorced or unwed single heads of households, many work outside the home, and the work of many mothers is career-oriented. Their jobs are not to be interrupted for long by full-time child-rearing at home. This means that today's parents are seeking child day care in record numbers.

Day care is expensive—costing parents about \$3000 per year per child. This cost is high because this care must be provided many hours per day, every day, all year—during the hours parents are at work. Most parents shop for cheaper services with only a few affording the best care available.

To hold down this expense, many day-care providers cut corners. Staff salaries, qualifications and training are often minimal; staff turnover is very high.

Accordingly, day care is highly regulated by state and local child welfare and public health agencies. This regulation varies considerably among the states. Some states license all types of day care. All states license larger organized

care programs, and some states only require home-based day-care operators to be registered with some state or local government agency.

But about 90% of day-care providers are not registered nor licensed by anybody. Most of these providers operate as home occupations serving small numbers of children living nearby in the neighborhood. Since most home occupations are never registered with zoning agencies, few of these day care operators are known to zoning agencies or to public child welfare authorities. They often only become known when problems arise when parents or neighbors complain to a public agency.

We require two issues of The Zoning Report to discuss day care. This issue (Part One, June 20th) suggests definitions, restrictions, use listing in zones, and site standards for zoning regulation of day-care facilities. The next issue (Part Two, July 18th) provides you with selected quoted sample text from zoning ordinances illustrating the discussion from Part One.

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Day care is classified into three uses

These three uses are: home-based day care, intermediate day care, and large day-care centers. The criterion that divides day care into these three uses is the number of children served by each such use.

This number must often be approved by child-care regulatory agencies for licensing or registration as the design capacity of the proposed day-care facility.

The first day-care use is "home-based day care". It is the smallest of the three day-care uses, serving a maximum number of children per facility of 4 to 8, averaging 6 children.

It operates exclusively from a single-family dwelling occupied by a family or household. Its principal appeal to parents placing their children for care is its home-like family orientation.

You should make sure that the number of children permitted in home-based day care includes or excludes children of the operator (natural, adopted or foster) living in the home. Child welfare regulatory agencies might specify these children as being part of the maximum approved capacity of the facility.

Some state legislatures are defining home-based day care as being a single-family dwelling for zoning purposes. Day care has no special zoning regulation apart from regulation imposed on all single-family dwellings, per zone. You regulate the use as a home occupation or accessory use allowable for all single-family dwellings. You might be allowed by these new state laws to limit the maximum number of children per single-family dwelling.

The second day-care use is "intermediate day care". It serves 4 to 20 children with 5-12 children being typical in most zoning ordinances. Its size and capacity is almost always defined by the regulations of child welfare and public health agencies.

In some communities and states, home-based day care and intermediate day care occurring

in single-family homes both are described under a common definition of day care. California, for example, in recent day-care legislation, describes family day care as including small family day-care homes, for 6 or less children, and large family day-care homes, for 7-12 children.

Intermediate day care can occupy either a home-like facility providing a family orientation or a non-residential facility providing a better organized, more formal day-care program. It can operate from a single-family dwelling, be located in a building designed for day care with no live-in householders, or be accessory to a school or church.

The minimum number of children allowed for intermediate day care uses does not overlap with the maximum number allowed for home-based day-care uses. For example, if the minimum size of an intermediate day-care facility is 7 children, then home-based day care is allowed a maximum of 6 children.

Most intermediate care uses are allowed in single-family zones as a conditional use or special exception. But the recent California legislation also allows them in single-family zones by right (by nondiscretionary permit) for 7-12 children if they meet zoning qualifications established for day care.

Some zoning ordinances exempt intermediate care facilities from zoning special use conditions if public agencies operate them or if they are accessory to churches and private or parochial schools. The exemption presumes that zoning restrictions imposed on churches and schools as principal uses are sufficient for any accessory use they contain, including day care.

See also our detailed discussion of accessory uses of churches in the Nov 14, 1983, issue of The Zoning Report (Vol 1, No 6): "How to Reduce the Incompatibility of Accessory Uses of Churches."

The third day-care use is the "large day-care center". It is largest of the three uses. The minimum number of children it serves is one child more than the maximum number allowed for intermediate care facilities. Beyond that

minimum, zoning regulations allow it to serve an unlimited number of children. It operates in formal organized settings with a complete developmental child care program. It often operates as private for-profit franchises of corporate day-care business chains.

Large-care uses are always licensed by health or child welfare agencies. They may be required to have staff specialists trained and certified for childhood needs. Thereby, large day-care centers commonly have a well trained highly skilled and carefully screened staff.

They rarely occupy dwellings. Most large day-care providers find that houses do not have floor plan arrangements that meet their needs. They prefer floor plan arrangements similar to those of elementary schools and kindergartens. They need play rooms, resting and nap rooms, kitchens, eating areas, first-aid and sick rooms, staff rooms, storage rooms for audio-visual equipment and play apparatus, administrative offices and, perhaps, a garage for vans used to pick up and drop off children at their homes. Indeed, they serve as excellent candidates for using abandoned schools.

Many large day-care centers commonly operate from free-standing buildings designed specially for day-care activities. They often locate in neighborhood commercial and office areas and near large employment facilities.

#### Distinguish day care from other uses

Distinguish day-care uses from preschools and kindergartens. Day-care uses provide custodial care for children while parents are away at work. Preschools, nursery schools and kindergartens provide education to children younger than elementary school age. Preschools (nursery schools are the same as preschools) provide initial learning and educational experiences to very young children, age 30 months to around four years of age; whereas kindergartens are formal educational institutions that prepare four/five-year-olds to enter first grade of elementary school. Day-care uses usually

serve children somewhat younger than those enrolled in preschool programs. Indeed, some day-care centers serve only infants (children younger than 30 months of age) as baby-care centers.

Preschools and kindergartens are usually open during the day for shorter time periods than the all-day hours of day care. Preschools commonly are open only part of the year, seasonally or for multi-week sessions, compared to the continuous all-year sessions of day care. Preschools are often open only two or three days a week for half-day sessions compared to five/six-day-a-week all-day sessions common to day care.

Preschools generate more automobile traffic than day-care facilities of equivalent capacity, with two or more changes of children per day for half-day or less sessions. They need more parking and more loading spaces than day-care uses to accommodate the overlap of parents bringing children by car with those picking up children at the mid-day shift of half-day sessions. But they might require less formalized outdoor play areas and equipment.

Distinguish between babysitting and day care. This avoids allowing home-based day care that may be illegal in your zoning ordinance from operating legally as a babysitting activity.

Babysitting is a passive watching-over of children generally for shorter time periods than day care, which requires directed planned all-day care. Babysitting by high school children, grandparents and others semi-formally and semisocially is, for zoning purposes, an accessory use in dwellings common to virtually all households with children. But, as with most home routines carried on excessively, babysitting becomes a business if children and infants are continually brought to a house to be cared for. In this case, babysitting becomes a home occupation whether or not for compensation.

Distinguish day care from day camps and summer camps. Day camps and summer camps are offered seasonally when school is out. Their fees usually are nominal for the entire summer



or multi-week session. They often employ high-school and college students as staff hired temporarily for the summer season. Senior supervisory staff often is trained in recreation and leadership courses. Licensing and teaching certification required of day care and pre-school staff is usually not required of day camp staff. Children enrollees may go home for lunch or bring lunches with milk, snacks and light refreshments offered on the premises. Daily hours of day camps are not necessarily planned to coincide with working hours of parents, since their objective is to provide constructive summertime recreational activity for children of elementary and junior high-school age.

For zoning purposes, day camps/summer camps usually are temporary uses, occurring seasonally each year, sponsored by the same organization—unless they are accessory to public park and recreational uses allowed by-right in single-family zones.

Standards for day camps and summer camps thereby should be few, adapted to the short-term public-serving nature of day camps. These standards include: adequate size of site for athletic fields and team sports; adequate play apparatus and tot lot equipment if this age group is to be served; protection of child play areas from dangers of traffic adjacent to major arterials, railroad tracks, rivers and canals; adequate off-street parking for staff; flexibility in adapting church and parochial school gyms, assembly halls and basements for light recreational use; maximum hours and dates of operation; assurance of maintenance and daily clean-up of outdoor debris generated by the use; and other zoning conditions that resolve problems and complaints of past years.

Clarify the difference between child nurseries and tree nurseries throughout your zoning ordinance. Some zoning ordinances confuse these two terms. An applicant for either use might try to weasel through permits based on confusing language allowing "nurseries." Check your definition of these terms and how they are described in your zone district use lists.

Distinguish child day care from foster homes and group homes. Explicitly exclude foster homes and group homes from your definition of day-care terms. These two uses are 24-hour care for child resident-occupants cared for by permanent round-the-clock live-in or rotating staff. Group homes are often sponsored or financially subsidized as a unit, with children placed by court order or by welfare agencies. Foster homes may provide complete permanent parental functions for foster children with obligations of foster parents or staff different from those of day-care staff.

Distinguish child day care from adult or elderly day care. They require different staff skills and have different site requirements than day-care programs, with play areas not needed for adult day care. Adult enrollees may drive, requiring more off-street parking than day-care uses. Automobile trip generation may be higher for adult day care than child day care. Unlike day care, adult enrollees may not stay all day every day at the facility; the higher turnover of enrollees might result in higher total enrollment per sq ft of buildings at adult/elderly day care facilities. Adult and elderly day care may be tied to light outpatient medical treatment, rehabilitation therapies and counseling.

#### Restrictions for day-care uses

Distinguish between zoning restrictions and site development standards for day care. Zoning restrictions define or qualify a particular use as being allowable in a community prior to consideration of any development standards you may impose. Site standards and conditions you list in your zoning ordinance regulate the physical siting and construction of a use to meet the purpose and intent of each zone district in which the use is allowed. Zoning restrictions can be varied for individual problem cases only with difficulty or not at all; site standards, however, are intended to be varied for problem sites by specific procedures (variances and exceptions) described by your zoning ordinance.



Thus we divide our discussion of zoning regulation into two sections. In this section, we list zoning restrictions you should consider for day-care uses. In the next section following the use list descriptions of day care, we discuss site standards.

Your primary zoning restriction for day care is, of course, the number of children allowable for each type of day-care use. For home-based care, your zoning restriction on the number of children might read: ". . . in a single-family dwelling for up to (for example) six children." Your intermediate-care definition might then read: ". . . whether or not in a single-family dwelling or separate building, with a capacity to accommodate seven to (say) twelve children." And the large-care center definition might read: ". . . in a building not intended or designed as a single-family dwelling, with a capacity to accommodate more than twelve children."

Define the maximum age of children cared for and counted as resident children of home-based day-care households. Preschool definitions might set an age coordinated with state enrollment laws for the age of children required for entering first grade, usually with a maximum age of six.

A key day-care restriction is that such care be daily, on a regular basis, and less than 24 hours per day (or a maximum number of hours daily per child—about 18 hours maximum). This restriction distinguishes day care from foster homes, family-based group homes for children, and preschools. Limit preschools to a zoning restriction of four hours per child per day.

Restrict hours of operation for day care to daylight hours in residential zones. These hours range from 6 a.m. to midnight, with 7 a.m. to 9 p.m. most common.

Require licensing or registration by state and local child care governmental regulatory agencies. In your zoning ordinance, specify these agencies and cite their non-zoning authority or

code by which they regulate child day care. Some of these regulations require licensing for some types of day care and other may only require registration (usually for home-based day care).

Applicants for zoning and building permits must submit certification of the day-care license or registration prior to obtaining their permits. If the license cannot be granted without prior zoning/building permit approval, then issue your permit contingent upon obtaining the license, but allow no construction to proceed until the applicant provides certification of the granting of his license.

Determine if day care should operate for compensation. Non-compensated day care is often provided by non-profit sponsors such as churches, schools and public agencies. Public-serving functions of these sponsors might be construed to include their accessory day-care operations which would be allowed by-right in residential zones with few restrictions.

Non-compensated day care should, however, have the same restrictions as compensated day care. Zoning-regulated nuisances of noise and traffic of either are the same and should be regulated similarly by your zoning ordinance.

#### Five alternatives for listing day-care uses

You can list day care as a permitted use in each zone district in five different ways. These are: as an accessory use, a home occupation, by right, by right with qualifications, or as a special use.

The first alternative is as an accessory use. As such, home-based day care might not be listed at all in your zoning ordinance. The presumption is that the maximum number of children allowed for home-based day care plus all live-in household residents is a large family occupying a single-family dwelling. As accessory to a by-right use (single-family dwelling), home-based day care is allowed by right.

Your construction codes—building, fire, and life safety—may require buildings housing home-based day care to meet higher class occupancy standards prior to being issued a construction permits. Most likely, state and local child welfare regulations also require conformance to construction code requirements more restrictive than those required for conventional single-family dwellings.

Intermediate and large day-care uses may be accessory to churches and schools. As such, they can meet zoning restrictions and site standards in three possible ways: within definitions of intermediate and large day-care centers; within zoning site standards for schools and churches; and within special standards you require for day care accessory to schools and churches.

The second alternative is as a home occupation. Day care uses have great difficulty meeting the general standards you require for any home occupation, unless your ordinance exempts day care from some of the standards.

For example, home occupation standards often limit home occupations to 20-25% of the floor area of the principal building—which might be insufficient for most day care uses. Outdoor play areas for day care are precluded if home occupations must be carried on inside dwellings. Day care might not meet construction code modifications required in dwellings if structural alterations to dwellings are not allowed for home occupations. And, the type and amount of day-care equipment and play apparatus is restricted if your home occupation standards limit equipment to that conventionally found in single-family dwellings.

The third alternative use listing is as a by-right use. Only home-based day care is commonly allowed by right in single-family zones. Intermediate day care is allowed as a special use, and large day care is usually not allowed at all.

In multi-family zones, residential-office zones and perhaps neighborhood business zones, home-based day care is allowed by-right in sin-

gle-family dwellings but not in town-house nor multi-family dwellings. Intermediate day care is allowed either by right or as a special use. Large day care is allowed as a special use but not in dwellings.

In all other business zones, all types of day care are allowed by right—with home-based day care allowed if single-family dwellings are allowed. Industrial zones allow day care to be accessory to by-right business and industrial firms, especially in research industrial parks.

The fourth alternative use listing is as a by-right use with qualifications. Only in about 10% of zoning ordinance is day care allowed by right if it meet qualifications described with the use listing. Instead, most ordinances allow day care as a special use requiring a public hearing by the BZA, CPC or elected board.

However, you should expect a dramatic shift of day care from a special use to a by-right use with qualifications. State legislatures, such as we noted for California, are declaring as public policy that day care must be allowed in single-family zones with minimum local restriction. Public hearings probably will not be required for day-care applications. Your building/zoning examiners must approve the application if it meets your zoning qualifications for day-care uses. These qualifications must not unduly constrain home-based and intermediate day-care uses from being established on any single-family parcel legal in each residential zone.

The fifth alternative use listing is as a special use. Intermediate day care is commonly listed in zoning ordinances as a special use in residential zones. Large day care is listed as a special use in multi-family and office-residential zones.

As a special use, day care is either allowed as a conditional use or special exception. About half the zoning ordinances we surveyed allow day care as a conditional use approved or recommended for approval by the CPC if conditions are met, after a public hearing; the other half of ordinances allow day care as an exceptional use with approval by the BZA.

There are two trends for day-care special uses: a shift from exceptional use to conditional use, and a shift from a special use to by-right with qualification.

The shift from exceptional use to conditional use implies that the land-use impact of larger day-care uses is a major community concern requiring decision by the CPC or elected board after a public hearing. The shift to a by-right use supports the belief that day care should be allowed in single-family zones as a conventional residential activity.

#### Site standards for day-care uses

Density standards regulate day-care uses on a "per child" criterion. These standards are: play area per child, outdoor play area per child, indoor play area per child and lot area per child.

Play area per child is probably the most common site standard for day care in zoning ordinances. It is usually required separately for indoor and outdoor play areas. The standard is often set by child welfare regulatory agencies.

Indoor play areas exclude hallways, kitchens, bathrooms, storage areas, closets, garages and private family lodging areas in residences used for day care. The standard is 25-50 sq ft per child in zoning ordinances, with 50 sq ft being typical.

Outdoor play areas exclude parking areas, loading areas and trash storage. The standard is 50-100 sq ft of outdoor play area per child with 75 sq ft being typical. The play area must be well drained and reasonably level, and might be required to have some paved surfaces for wheeled toys and have some shade available.

Lot area per child works best with intermediate and large day-care uses in non-dwelling buildings. In zoning ordinances, this standard varies between 500 and 1000 sq ft lot area per child, with 1000 sq ft per child most common. The standard is often formulated differently—with a basic minimum lot area required plus additional lot area per child required for the

maximum rated capacity of the facility. The total lot area derived must at least equal the minimum lot area required for single-family dwellings in each zone. Typically, 4000-5000 sq ft. of lot area is required plus 100-500 sq ft per child, with 100-200 sq ft per child being most common.

Minimum lot width or frontage of the parcel containing a day-care facility assures sufficient lot area to accommodate outdoor play areas, off-street parking and drop-off/pick-up areas. Minimum lot width for day-care play areas ranges from 50-100 feet, or the minimum lot width required in the zone district, whichever is higher.

Screening and fencing standards always require fencing of outdoor play areas with at least a four-ft fence—or higher in zone districts where taller fences are required. Fences must reach the ground to prevent children from crawling underneath them onto other parcels. Standards for opaqueness of screens and fences are those required of uses within the zone.

For a detailed discussion of fence requirements in zoning ordinances, see The Zoning Report, March 18, 1985, Vol. 3, No. 4: "A New Look at Defining the Term, 'Fence.' "

Off street parking ratios typically are: 1 space per 400 sq ft of gross floor area (the most common standard), 1 space per employee, 2 spaces for the day-care facility, or 1 space per every 10 children of design capacity of the facility. For home-based day care, you might consider allowing required day-care parking spaces to be counted with those required for single-family dwellings, even if the day-care staff includes one or two employees.

Keep in mind that, for zoning regulation, employees for day-care uses should include volunteers who fill staff positions on a regular or rotating basis. Volunteers can be a substantial portion of the day-care staff. Often the volunteers are mothers serving cooperatively to staff the facility to reduce day-care fees for their enrolled children.

Location along certain streets is commonly required for intermediate and large day-care centers, but is rare for home-based day care. The standard requires location of the facility along a collector street or a minor arterial street or on a street with direct access to an arterial street.

Spacing standards for day-care uses avoid concentration of them on any block or near any single-family parcel. We found very few spacing standards in zoning ordinances.

Consider these two spacing standards: number of day-care facilities (or number of children served) within a certain radius distance of the proposed facility; and, no day-care facility can abut any parcel in a single-family and two-family zone that already has day care or contains a single-family or two-family dwelling that already abuts another daycare use—including day-care uses across streets and alleys. This standard avoids having too much day care next to a single-family dwelling.

Signs for day care take the standards of the zone district, or if there are no such standards in residential districts, a one sq ft nameplate wall sign is allowable. Home-based day care in single-family zones could be required to meet home occupation sign standards.

Zone yard restrictions in residential zones always prohibit use of front zone yards for any day-care use other than offstreet parking allowed for residents living in dwellings containing home-based day care. Some zoning ordinances allow curb drop-off and pick-up of children, others exclude such loading zones from any zone yard. Front-yard circle drives for single-family home-based day care might be allowable as loading zones.

Side and rear zone yards are usable for day care as normally allowed in your single-family zones. Some zoning ordinances require buildings housing day-care uses to be spaced 20-30 feet from any other dwelling unit. This standard effectively creates a large rear zone yard and side yards.

Your zoning ordinance should allow your deciding authorities to require additional standards or conditions for individual day-care applicants. This rule gives you the flexibility to solve unusual site problems, problems not solvable by your zoning day-care restrictions and problems not under the jurisdiction of child welfare agency regulatory standards that can be solved through zoning regulation.

Your zoning ordinance should also allow the deciding authority to waive or modify existing zoning day-care standards if these standards cannot reasonably be applied, as written, to specific sites for individual applicants.

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IN OUR JULY AND AUGUST ISSUES

The next issue of The Zoning Report (July 18, 1986), is Part Two of our discussion of day care. We provide you selected sample quotes from zoning ordinances illustrating our suggestions for day care discussed in this issue.

For August: What you need to know about land-use intensity ratios—how you can use them in your zoning and subdivision ordinances.

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We make every effort to present accurate information and sound opinion in this report. However, we do not guarantee results, accuracy, or assume liability for errors, omissions, or for information you may act upon. This publication does not purport to be engaged in the practice of law or give legal advice, but is the opinion of the editor and publisher solely as a professional urban planner.

NOTE: You can purchase all back issues—a complete set—of The Zoning Report for only \$70, to the beginning of your current subscription or free trial offer. This offer is good to July 18, 1986. Just send us a check or purchase order and we'll send you your back issues the next day.



# CITY OF PORTLAND

HEALTH AND HUMAN SERVICES DEPARTMENT  
TERRY ANN LUNT  
DIRECTOR

May 13, 1985

Carolyn Davis  
Family Day Providers  
Dioscean Human Relations Services, Inc.  
382 Sabbatus Street  
Lewiston, Maine 04240

Dear Ms. Davis:

During the City Council's recent consideration of zoning revisions, there were several questions about the Home Occupation provisions as they are applied to Family Day Care homes. The Council has asked that we review the provisions, assess the impact and make any appropriate recommendations.

We request your assistance in completing this task. Please join us on Wednesday, May 22nd, 1985 at 11:00 a.m. in Room 310, City Hall. If you would be willing to assist us, but are unable to attend please notify Gloria Frost at 775-5451 x363.

Thank you for your attention.

Very truly yours,

Terry Ann Lunt  
Director of Health & Human Services

Joe Gray  
Director of Planning & Urban Development

cc: Alex Jaegerman, Chief Planner

# Bids sought to improve child care

By TED COHEN  
Staff Writer

The Maine Department of Human Services, in the first such effort, has begun seeking bids for \$250,000 worth of child-care design services.

The bids are for the start-up of six regional child care resource development offices that would help establish child-care centers.

"It is the goal of development resource centers to work with labor, business and non-profit institutions to try to put together coalitions and funds to develop additional child care in areas they would serve," said state official Peter Walsh.

Walsh, director of the Maine Bureau of Social Services, said only one such center now exists: Child Care Connections of Portland, operated by the social-service branch of the Roman Catholic Diocese.

"It is kind of a new approach," he said.

The latest plan is the first time state government has earmarked start-up funds for such agencies.

The Legislature has set aside \$250,000 for start-up and operation of the planned six centers for what would be the first year.

A match of at least 20 percent of the requested funds is required.

## Child care

Proposed regional offices intended to help establish more child care centers would serve:

- York and Cumberland counties
- Oxford, Franklin and Androscoggin
- Washington and Hancock
- Penobscot, Piscataquis and Somerset
- Lincoln, Knox, Kennebec, Waldo, southern Somerset, and Sagadahoc.
- Aroostook.

"The effort recognizes that we are serving a very small percentage of the overall need for child care in the state and secondly that government by itself is not going to be able to meet the overall need for all the child care that is required in Maine," Walsh said.

"And we needed to develop a program that involved the community," he added. "By the commu-

nity, I mean business, schools, non-profit sector, the United Ways."

Walsh said the state is trying to "make people aware of how important child care is at the local level."

The funds for the program were appropriated by last year's Legislature as part of an effort to increase

child care in Maine. Bids for the project are due by 5 p.m. Nov. 30.

A conference of prospective bidders will be held 10 a.m. Oct. 23 at 221 State St., Augusta, said Dan W. Tipton, a bureau official who will chair the meeting.



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# Child Care

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## *Portland's Progressive Solutions to a National Problem*

by Chris Stewart

Arrive prepared. Your charges are four children ranging from six weeks to twenty-four months old. They depend on you.

Change one child's diaper, check a crib to see that another still sleeps with his tiny hands curled under his chin, and prepare formula for a third. Remember to jot an entry in the daily log. Record feedings, the naps, the diaper changes and whatever medication might be prescribed. It's just like being a mother multiplied fourfold.

Child Four wakes and wants to rock for a while. You cradle her and sing, keeping an eye trained on the others. The youngest thrive on songs, cuddling and non-stop talk. Then child Three makes his move, crying to signal that he's ready. He wants to prow through the toys on the carpet.

Check again. Is it baby-proofed? Another hour has slipped by. Seven more to go. You don't get many coffee breaks. You do get a better reward: those flickering smiles tell you that the children are responding.

Or you teach the older children, the three-to-five-year-olds. They move like perpetual motion machines and ask questions that, once answered, beget more questions.

The daily schedule includes snacks, naps, and lunch, and every activity serves a purpose. These pre-school years are when a child's ability to learn gels. Your goal is to give "quality" care—a combination of patience, caring, understanding and activities that match a curious child's needs.

You read to six rapt listeners who love the tales of adventure and discovery—and learn language skills in the bargain. You arrange play time

with wooden blocks, or finger paints or sheets of bright colored paper that children cut and paste to hone fine motor skills.

College courses taught you the importance of providing early childhood socialization skills. The children know it as sharing time, telling stories around a table. The textbook description calls for learning through doing in a safe, familiar structured environment. Running and sliding and playing in the sandbox outside improves their gross motor skills. The children understand it's fun. Their parents know it matters.

### Mikey Likes It

"Just before Brian was two, we couldn't leave him with a babysitter because he'd become too upset," recalls Shelley Chorney. "And when we first took him to Sweet Relief, he cried in the beginning. Now he can't wait to go. He has made friends and now plays with other children his own age."

Anne Moore's five-year-old son has attended day care for more than two years. "He has become more self-aware, more outgoing, more independent," she says. "Before, he wasn't used to being with kids his own age. Now he has learned to deal with groups and become better adjusted to others."

Kathy and Frank Solorzano's three-and-a-half-year-old daughter has enjoyed a similar positive experience at PROP (People's Opportunity Regional Program) Day Care. "She is more independent, more aware of the needs of other children, and more secure about me leaving her," says Kathy. "The programs focus on kids being able to do for themselves."

### A Place to Grow

Quality child care gives pre-school children a world devoted to their needs. "Working with children is like working in a garden," says Dan Murphy, executive director of St. Elizabeth's Child Development Center. "The environment is the soil, and the love, care, and attention you give them is the fertilizer."

"Positive experiences at a young age can mean a positive orientation toward life," adds YWCA Pre-school Program Supervisor Linda Ashe-Ford.

Statements from parents and care providers about the benefits to children of high-quality child care programs are backed up by research. One study, for example, shows children who attended day care while their parents worked developed as well as children raised in the home. Another found that children who attended pre-school had a higher high school graduation rate than non-participants. A third cited the benefits of pre-school intervention programs for learning disabled children which resulted in the need for less special education later and fewer failed courses.

Benefits to children aside, child care is a service that enables many families to make ends meet.

### Parents Need It

"Portland has a high employment rate and attracts many business and professional people. Yet economic pressures mean that in two-parent families, both parents must work. And for the rising numbers of single parents with children, day care is key to a parent working or attending school. Raising a child is a luxury



*Two pals. The chance to develop friendships is an important benefit of child care.*

Photo: Dan Weeks

that fewer and fewer parents can accomplish without help," explains YMCA Program Director Ken Twaddle.

Susan Daigle is a legal secretary and single parent. Her son Ryan has spent two years at the University of Southern Maine's Child Care Center. Having a safe and reliable place for her child where he has "blossomed" has been "a saving grace" she says. "Without it, I wouldn't have been able to financially support myself."

Single parent Nancy Daniels' five-year-old son spent two and a half years in PROP Day Care. "That care enabled me to complete college," says the winner of the Gertrude Prinn Scholarship as top student in USM's elementary education program. Daniels begins graduate work this winter.

Any parent who needs to use child care will tell you the same thing: "Child care is the key to everything we do." As with parents who are able to care for their children themselves at home, their children's welfare is their greatest concern. If a parent is able to find room in a center or home where they're convinced that children are well cared for, anxiety levels are much reduced.

## Extended Family

"Today it seems that parents have a greater concern to provide more for their children than in the past," says Bright Beginnings Director Cindy Parker.

That concern extends to every detail of any program. Kathy Solarzano spent three weeks researching child care options for her daughter. Before she made a final decision, she visited the center of her choice twice. She wanted to see if unannounced visits would rattle the staff, if noses were runny, if they were screaming for attention or if they were running around in the play area outside with unzipped jackets. The center passed every test with flying colors. Now Solarzano visits the center a great deal—and not just to deliver and pick up her daughter.

She participates in many of the school programs, talks about her daughter with the staff, and participates in decisions made about how the school is run. Many Portland parents and care centers are mutually involved in a similar way.

Ideally, "Child care is an extension of parent care," says Solarzano. In

order for this "extended family" model for day care to work, however, "Parents need to stay in close touch with child care providers so they can stay close to the ways their children are growing."

This progressive, "extended family" philosophy of day care is

## "Child care is an extension of parent care."

prevalent in Portland. And the diversity of specific program options that Portland offers is tremendous.

## Innovative Options

There are cooperative nursery schools, such as the one at the Jewish Community Center, where parents work in the classroom on a rotating basis. There's after school care for kindergartners—a service that provides care during the "nervous" hours, the hours between the end of school and the end of a parent's workday—at places like Trinity Daycare Center, the YMCA, and PROP Day Care. There are Montessori programs where classrooms and toys are set up to respond to a child's innate curiosity. There are programs that offer care for infants as young as six weeks old, a crucial service which enables working parents to keep their jobs.

The YWCA and the Early Education Program together provide day care for learning disabled and non-disabled children in an atmosphere designed to promote greater tolerance and self-acceptance, according to Program Director Linda Ashe-Ford. Portland Nannies "matches carefully selected nannies with families seeking high-quality child care," while Union Mutual Insurance Company built its own child care center—operated under contract with Kindercare—at company offices on outer Congress Street seven years ago. Among its several purposes, Child Care Connections works with businesses offering consultation, resource and referral services helping employees to find child care that best suits them.



Home care providers, programs for battered children, financial assistance for low-income families—Portland's child care options are almost numberless.

## Running on Empty

The bad news is that all of these programs combined fall short of demand.

"Almost every child care provider—particularly those specializing in infant and toddler care—has a waiting list," says Patricia Young, director of Catherine Morrill Day Nursery.

Why is that the case? Part of the reason is the changing makeup of the American family. Today only 10 percent of the nation's families fit the stereotyped two-parent, father-sole-provider mold. That leaves the other ninety percent in need—sooner or later—of some kind of child care.

With such a broad market for a service that's a virtual necessity, you'd think child care centers would be sprouting up everywhere and that those in business would be making a healthy profit.

Unfortunately, that's not the case—here in Portland, and just about everywhere else. That's because child care is paradoxically an expensive service to buy, yet not a highly profitable one to offer.

Child care in Portland costs \$60–\$100 per week per child. That means that even for a one-child family, child care can cost almost as much as rent. The bill for a family with three children of child care age could amount to \$15,000 per year, or more than it costs per year to send the same number of children to a state university for a year.

When you consider that families of university-age children are more established and that university students can help pay their own way and are eligible for loans and grants, it is easy to understand why even upper-middle-class families find the costs staggering. (A small percentage of low-income families can find subsidized child care, but the existing subsidies fall short of covering the whole cost of care. Two-parent "middle-class" families earning \$17,000 or more don't qualify for aid.)

On the other hand, child care centers are hardly making a killing. Their operating costs are high: state law requires a minimum staff-to-child ratio of one-to-four for every child under the age of two. Child care facilities at leased or rented sites aren't immune from Portland's spiraling real estate values. Recent fears about child abuse have—in some cases—fueled a doubling of liability insurance premiums even though statistics show that the overwhelming percentage of child abuse occurs in the home. (Nevertheless, most child care providers have tightened screening practices for hiring and have redoubled attention to and reporting of suspected child abuse (as state law requires), and members of the Southern Maine Day Care Providers Association practice an "open door" policy which encourages parents to visit their children at any time.) Then there's equipment (toys, furniture, books, paint brushes, etc.) and utility bills.

The result? "Some say that if they can find child care, they can't afford it," says Barbara Collier, director of the Office of Child Care Coordination. "And if they can afford it, it's not available."

Child care workers are no better off than parents of young children. "People have left the child care field to work at McDonald's," Darlene Dehler says. "McDonald's offers better pay, better benefits, and better chances for advancement than what many centers can afford. It means that children are deprived of the reassuring stability of a permanent staff, and that there's a shortage of experienced and qualified people in the field."

Moreover, the low pay and status discourage men from entering a profession where they're badly needed. "When men leave child care," says Director Peter Stuckey of the East End Children's Workshop, "there are fewer positive male role models for children. Men are particularly important in programs like ours where 85 of our children have single parents and most of these are women."

*Soft toys and sunshine. The physical environment can be almost as important as the social environment.* Photo: Dan Weeks

## Big Little Rewards

As with the parents who cheerfully foot the bills, the satisfaction that dedicated child care providers get from participating in child care hinges on the children themselves. Helping youngsters enjoy and learn from their experience makes the work worthwhile.

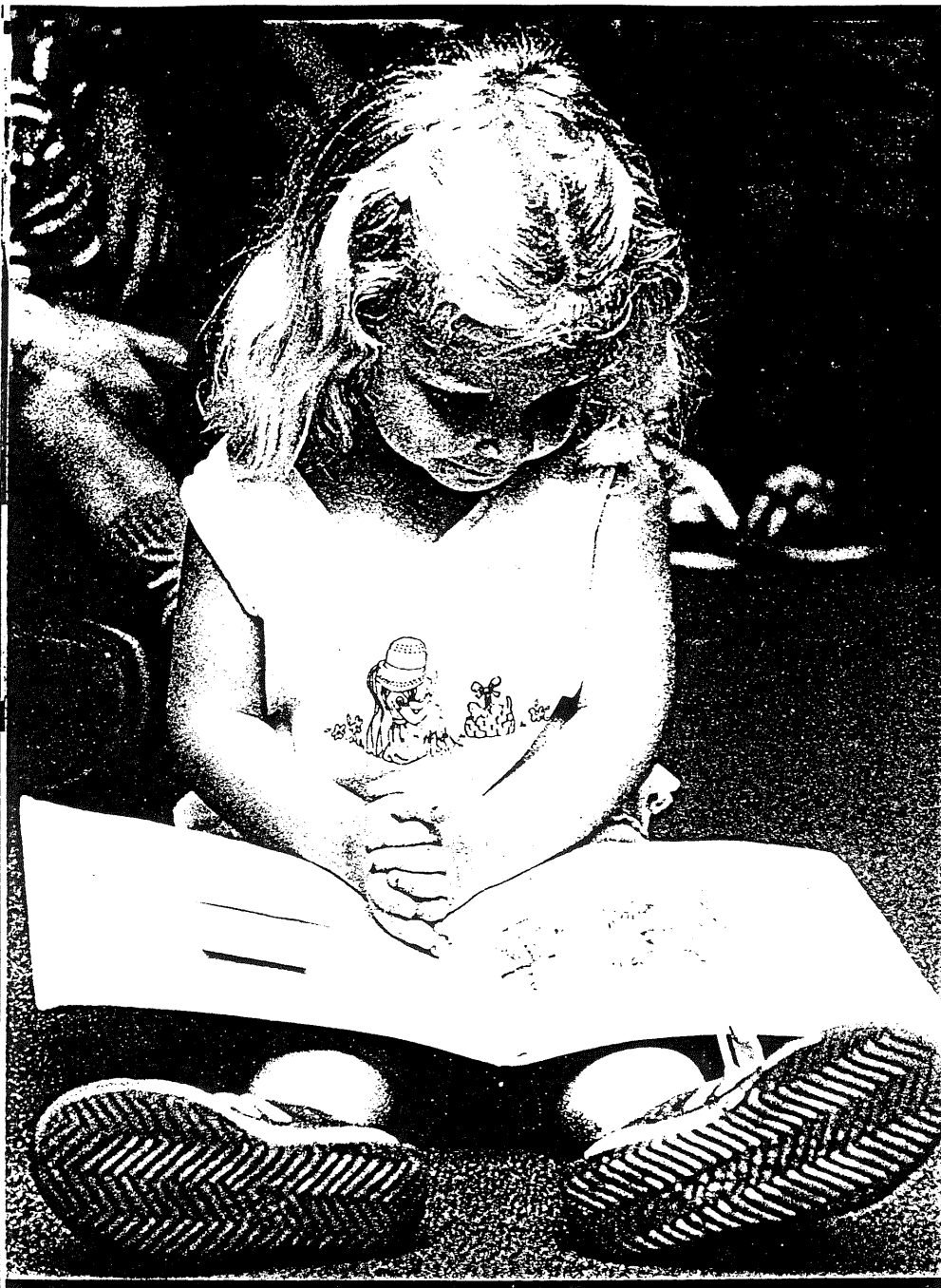
Teacher Perry Krasow at the Westside Child Development Center describes his work as "a joy." "There's a sense of 'aliveness' being with the kids that motivates me when I'm there," he says. "There's the feeling of giving a real service, and the children are very direct in showing you they care."

PROP teacher Kerry Hodgdon has been in the profession for six years. "Seeing the kids arrive with smiles on their faces, seeing them excited to see you, these are some of the rewards," she explains.

"The success they have in putting together a dog puzzle, in creating something with building blocks, in drawing a picture they like—they share these things with you. Their self-esteem is building all the time. I also feel satisfaction from having an excellent staff who are sensitive and committed to the children."

Portland child care: Many options, many benefits, many frustrations, much room, perhaps, for improvement.





Story time.

Photo: Portland Press Herald/Evening Express

## Portland's child care options are almost numberless.

### Progress Report

Much has already been done, of course, to put parents of young children in better financial shape. Subsidies to low-income families and innovative cooperative care arrangements help make child care more affordable. Infant and after school care allow parents to work through more of their child's life, also easing the financial burden of raising a family somewhat.

Portland people in child care generally applaud state action to keep child care affordable: when federal Block Grant money was reduced during the past several years, for example, the state of Maine increased its own contribution to match the difference. And the Maine State Legislature did approve an increase in the Child Care Tax Credit in its second regular session this year.

The Department of Human Services has taken steps in the right direction, too. Last January it established the Office of Child Care Coordination, following recommendations of the Maine Child Care Task Force. It has supported a pilot program partially funding before- and after-school care. More recently it published pamphlets on child abuse and neglect, and 100,000 copies of *Choosing Child Care*, a free guide advising parents what to look for in picking child care for their children.

Local efforts have been stepped up to meet the need. United Way has increased its funding of day care services in the Portland area from \$55,550 in 1976 to a total of \$145,319 this year. Cumberland County has allocated \$62,750 this year, up from \$54,100 in 1984, and has proposed more than \$67,000 for the coming year.

The Roman Catholic Diocese of Portland has increased its allocations over the past several years. This year, they contributed approximately \$100,000 to child care programs in the Greater Portland Region. While these developments are welcome, the search for other solutions to meet the local needs continues. (These contributions demonstrate a growing local commitment to providing child care for Greater Portland residents. That they've been made in times of ever more lean budgets is an indication of the depth of that commitment.)

Some suggest that a state bond issue could provide either direct financial assistance to parents or low-interest loans to be used for child care fees. And St. Elizabeth's Dan Murphy points out that "the United States and South Africa are the only two western countries without a national child care policy."



Reading corner. Photo: Dan Weeks

But few expect quick action from either state or federal government to address the need. And parents and child care workers are sacrificing all they can. Further solutions, apparently, will have to come from local initiatives using Portland resources.

## More Portland Solutions

Kay Mishkin, president of the Maine Family Day Care Association advocates more community awareness and cooperation: "Child care is an important enough issue that all of us should share in its solution."

How? Portland child care providers shared these suggestions:

Linda Ashe-Ford recommends expanding the cooperative programs between neighborhood schools and child care programs—such as the efforts at Hall School and the YMCA program at Longfellow School. "Parents without transportation can't enroll their children in programs on the opposite side of town," she says. "Offering day care in conjunction with neighborhood schools is a natural."

USM's Stephen Lehane believes there's a great need for sick child care, not only to help the children, but to protect working parents who jeopardize their jobs through absences.

Sherry Reed notes that in San Francisco, regulations require each new office building to either allocate space for a child care facility or pay a fee dedicated to child care, and suggests that the same could be done here. She notes that Union Mutual Insurance Company built its own on-site child care facility, contracting with Kindercare to run that operation, and offering its employees a 10% discount.

Barbara Reidman, Union Mutual's manager for Corporate Social Responsibility reports that, "Without question, there has been broad support for this arrangement among employees." She suggests that other companies follow suit. "While few



*Fun with objects: another way to learn.* Photo: Dan Weeks

**“The U.S. and South Africa are the only two western countries without a national child care policy.”**

local companies are as large as Union Mutual, I believe other businesses could collaborate, pool their resources, and undertake a similar project. The opportunity is there to create more jobs, operate at a profit, and solve a social need at the same time.”

Along the same lines, Stephen Lehane suggests that businesses could pool resources to purchase child care “slots,” collectively paying for and providing space for children of their employees. “The ‘slot’ could be used at the discretion of participating businesses and could serve as a benefit to attract employees,” he says.

Several other local companies and businesses have already moved in that direction. Bicknell Photo

Service, Allstate Insurance, IBM, the Maine Medical Center, and Maine Savings Bank contract with Child Care Connections to help their employees to find child care that best suits their needs. Child Care Connections’ services to employees also include informational seminars for parents on a range of issues from family day care to picking the right care for children. In addition, those contracts partially fund the recruitment and training of new child care providers in the area.

According to Child Care Connections Director Kathryn Stead, the program benefits all participants. “Studies show that an employee who’s satisfied with child care is a much better worker,” Stead notes. “Tensions are reduced, absenteeism declines, morale improves, and employee turnover is less frequent.”

In economic terms, Portland, like the rest of the nation, is weighing the question of whether or not to continue to make a heavy, long-term investment in its children. Is the investment sound?

“When you compare costs of providing quality child care against what happens to society when that care is lacking,” Barbara Collier says, “it is ‘pay a little now or pay much more later.’” The trouble is, children can’t wait. They depend on adults to lead the way.

Portland has the resources to make the investment, a progressive bent to its social, cultural, and educational priorities, and a history of growth that—as can be seen in the rest of this issue—has as much to offer children as it does its adult population.

Anyone who doubts that these resources should now be applied to the child care situation should spend a day in a care center. “The kids show you why you’re important to them,” Sherry Reed explains. “I substituted for another teacher last week. A little boy who hadn’t met me before came up and asked, ‘Do you know what your job is? Your job is not to leave.’” □

*Chris Stewart is a regular contributor to Greater Portland.*

# Child Care Fact Sheet

## Nationwide Overview

The United States has no comprehensive child care policy. Federal and state governments, employers, and unions offer some assistance to providers and parents.

**Only 7 percent of families in the U.S. fit the standard American profile: mother at home, father at work, two children.**

While costs vary according to the age of the child, most working families can expect to spend between 15-20 percent of their income on child care.

### In 1983:

- 6.4 million families used the Dependent Care Tax Credit, the largest source of government support for child care.

### In 1984:

- 1 in every 4 mothers in the work force was maintaining her own family.
- 60.5 percent of all women with children under 18 years old worked outside the home.
- 32.7 million or 56 percent of all children have mothers in the work force.

| Numbers of Children | Ages of Children |
|---------------------|------------------|
| 9.34 million        | 0-5              |
| 14.75 million       | 6-13             |
| 8.61 million        | 14-17            |

- Out of 6 million U.S. businesses of all sizes, only 2000 gave support to employee child care needs.
- There were an estimated 2-3 million child care providers in the U.S. The majority earned minimum wage or less.

By conservative estimates there are **7 million children** ages 13 and under who care for themselves for at least part of every day while their parents work. Often brothers and sisters are responsible for younger siblings. There is an urgent need to make before and after school care for these "latchkey" children a national priority.

# Child Care Fact Sheet

## Maine Overview

### A Growing Need\*

Between 1972 and 1982 the numbers of Maine children under 18 with mothers in the work force grew from about one-third (39.5 percent) of all children to more than one-half (55.0 percent).

During those same years the proportion of Maine school-age children (6-17) with mothers in the labor force grew from 43.4 to 59.2 percent.

Between 1972 and 1984 the proportion of children under six almost doubled from 28.9 percent to 57.0 percent.

- Almost half (48.7 percent or 20,860) of all children under age 2½ in Maine have mothers in the labor force.
- An estimated 2,500, more than 5 percent of Maine children under age 3, are sometimes left alone at home with only a neighbor or friend looking in on them.
- In 1980, 15.8 percent of all Maine children under age 18 lived in families below the poverty level.
- In families headed by single women, almost 48 percent of the children lived in poverty.
- Only 20 percent of Maine's children 5 or younger were cared for in an organized child care program including only 31 percent of the children age 3-5.
- Approximately 21 percent of Maine parents with children age 5 or younger expressed interest in increased organized child care services for this age group.

### Teenagers

- In 1982, the 2,192 births to Maine teenagers accounted for 13.3 percent of all live births.
- National statistics indicated that over half of the teenagers who become pregnant have not completed high school. Maine statistics indicate a comparable trend.
- Fifty-one percent of AFDC payments in Maine went to teenage parents in 1981. Mothers who had their first child as a teenager account for one-half of the nation's AFDC recipients.
- There are few high school programs in Maine which offer child care for teen parents.

# Employer Supported Child Care Facts

## **Out of a Survey of Approximately 400 Companies:\***

- 49% reported that corporate child care benefits had a positive impact on productivity.
- 41% rated child care in the top 40% of all their employee benefits in terms of its impact on productivity.

## **Benefits Employers' Cite the Most Frequently:\*\***

- Provision of on-site or off-site child care services (including voucher and vendor programs) has a significant influence on an employee's decision to accept employment.
- The amount of child care assistance provided by an employer has a positive effect on an employee's decision to continue with present employment.
- Employees are more likely to recommend their employer to potential employees when either on-site or off-site child care services are provided by their employers.
- The child care service provided by an employer has a positive effect on employees perception of their jobs and job performance.
- Provision of a child care service results in reduced turnover rates among those employees who utilize these services.
- Employer supported child care programs create good public relations for the employers.
- Any child care program offers tax advantages for the employer and for the employees.

\*Sandra L. Burud, Pamela R. Aschbacher and Jacquelyn McCrosky, **Employer-Supported Child Care** (Auburn House, 1984), p. 25.

\*\*Executive Office of Economic Affairs, Commonwealth of Massachusetts, Boston, MA.

# 113th Legislative Child Care Initiative

## What the Legislation will Provide:

- **\$250,000 per year for 1987, 1988-89** to develop six Regional Child Care Development Centers that will determine regional child care needs:

**recruit and maintain providers and make referrals**

**work with public and private employers on child care resource development**

**encourage cooperation among municipalities, schools, community organizations, health services and employers**

**determine training needs and promote community awareness and consumer education on child care**

**local action/advisory committees are to be established concurrently.**

- **\$20,000 for 1987-88, \$25,000 for 1988-89** for consultant services for resource center staff and the business community to leverage private dollars.
- **\$20,000 for 1987-88, \$25,000 for 1988-89** to be used for training to all child care providers and for technical start-up.
- **\$290,250 for 1987-88, \$387,000 for 1988-89** for subsidized child care slots and to provide for a cost-of-living adjustment in subsidized slots.
- **\$149,314 for 1987-88, \$154,539 for 1988-89** for increasing the salaries by 5 percent of child care workers in state agencies that contract with DHS to provide services to SSBG-funded clients. These activities will be implemented by the Contract Unit of the Division of Purchased and Support Services.
- A separate bill granted tax credits to businesses that provide child care benefits for employees. The credit is available for 5,000 or 20% for the cost of the benefit.



## Special Needs Children

- Only 3.5 percent of Maine's approximately 13,000 special needs children ages 5-12 receive care in licensed child care programs.
- Only 13.2 percent of Maine's 8,400 special needs preschool children ages 5 and younger are in licensed child care.

## Summary

Maine parents face a shortage of affordable and accessible quality child care services. There is a need for new, expanded, and innovative child care programs in the following areas:

*Infant and Toddler Care  
Before and After-School Care of Kindergarten and  
School-Age Children  
Preschool Child Care  
Child Care Needs of Pregnant Teens and  
Adolescent Parents  
Child Care for Children with Special Needs  
Resource and Referral*

### Present Day Care Facilities In Maine\*\*

| Type                          | Limit to Children Served | No. Facilities |
|-------------------------------|--------------------------|----------------|
| Registered Day Care Home      | 3-12                     | 175            |
| Licensed Day Care Home        | 3-12                     | 817            |
| Day Care Center               | 13+                      | 191            |
| Non-Recurring Day Care Center | 13+                      | 1              |
| Nursery School                | 3+                       | 295            |

\*Statistics compiled from Child Care in Maine: An Emerging Crisis. Maine Child Care Task Force, November 1984.

\*\*Dept. of Human Services, July 15, 1987.

# Recent Child Care Initiatives in Maine

**The Office of Child Care Coordination (OCCC)** was established within the Department of Human Services (DHS) in January 1986 to focus on child care issues as a result of a recommendation of the Maine Child Care Task Force. The funding of the Office of Child Care Coordination was made possible by the 112th Maine Legislature's passage of LD1390.

The Office of Child Care Coordination serves as a **resource** for the following groups:

1. Child care and nursery school providers (approximately 1,600 registered facilities);
2. Community child care organizations;
3. Public and private sector employers, schools, and community groups;
4. The Department of Human Services and other state departments and offices;
5. The Legislature; and
6. The general public

**The Maine Child Care Advisory Committee (CCAC)**, a committee of concerned citizens representing both the private and public sectors, was established in November 1985 by the Department of Human Services to work with and advise OCCC and to make recommendations to the Department on child care issues.

## **Accomplishments:**

- Increasing overall training opportunities for child care providers.
- Consultation with Maine employers on child care benefits.
- First Start Training for child care providers on the care of special needs infants and toddlers.
- "Choosing Child Care" public education campaign.
- 113th Legislative Child Care Initiative.

A significant part of the future directions for the Office of Child Care Coordination and the Child Care Advisory Committee will involve the implementation of the 113th Legislative Child Care Initiative. With economic development and the concurrent development of a responsive child care system as stated priorities of Governor McKernan's administration, the Office of Child Care Coordination and Child Care Advisory Committee look to the future as one of growth and promise for high-quality child care in Maine.

## GLOSSARY OF COMMONLY USED TERMS

**Child Care Centers** — Facilities where 13 or more children ages infancy to 16 may be cared for on a regular basis. These facilities are required to be licensed by the Department of Human Services and must meet minimum requirements concerning health and safety. Centers are subject to yearly inspections by a State Fire Marshal as well as review by the Department of Human Services Licensing Unit.

**Licensed Family Day Care Homes** — Facilities in which 3 to 12 unrelated children ages infancy to 16 years may receive care. They too, must meet minimum health and safety requirements, and are inspected annually by a State Fire Marshal and the Department of Human Services Licensing Unit.

**Sponsored Family Day Care Homes** — A child care organization may operate a licensed child care center as well as sponsor a system of licensed "satellite" family day care homes. This system can provide staff training and development, may operate a Child Care Food Program, as well as provide central administration and referral services.

**Registered Home Babysitting Services** — Facilities in which 3 to 12 unrelated children ages infancy to age 16 are in care. Applicants must comply with requirements for fire inspection, water test and TB test. Registration is a self-certification process.

**Nursery Schools** — "Nursery school" means a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program which provides care for 3 or more children, provided that: no session conducted for the children is longer than 3½ hours in length; no more than 2 sessions are conducted per day; each child in attendance at the nursery school attends only one session per day; and no hot meal is served to the children.

**Day Care Centers for Non-Recurring Clientele** — Facilities in which 13 or more children may be cared for on a non-recurring basis. Requirements are similar to those for a day care center.

**Legal Unlicensed Family Day Care** — Homes in which only one or two unrelated children are in care.

**Preschool Programs** — These part-time programs such as nursery schools and kindergarten programs have become one of the largest single type of child care service for 3 to 5 year olds. Parents often combine these programs with other types of child care to create a full-day child care "package." In Maine, nursery schools must be licensed.

**Project Head Start** — This program offers important services such as medical, dental, educational, mental health and social services to disadvantaged preschool children and children with special needs. It is not, however, a full-day child care program.

**Information and Referral** — Information and Referral systems are services that try to match up a parent's request for care with the services available in the community. They may also offer training, consultation, and disseminate written information.

**Resource and Referral** — Resource and Referral services provide the above with the addition of a resource development component.

**Flex Benefits** — Flex benefit plans or cafeteria plans allow employers to offer a variety of benefits, with employees having the right to choose those benefits best meeting their individual needs, up to a value specified by the employer.

**Child Care Vouchers** — In a voucher plan the employer gives the employee a voucher that is worth a specified amount toward the cost of the employee's child care. The voucher can be given to the parent or paid directly to the child care provider.

**Child Care Consortium** — A child care consortium consists of a group of employers that work together in order to develop and support a single child care center that their employees can use collectively.

**Salary Redirection Plans** — A salary redirection plan is a system that an employer can set up in order to enable an employee to have a portion of his/her paycheck held out and deposited in a separate account to pay for child care costs.

**Dependent Care Assistance Plans** — A Dependent Care Assistance Plan includes the above but in addition follows federal tax laws in order that the withheld funds can benefit from non taxable status.

**Child Care Food Program, USDA** — This food reimbursement program is available to licensed and registered child care facilities for food served to children. Income guidelines are used in the reimbursement procedure. This program also supervises and evaluates the food served. Funds are appropriated through the United States Department of Agriculture and funneled to local day care facilities through the Bureau of Social Services, Maine Department of Human Services.

**Child Development Associate (CDA)** — A CDA is a person who has earned a certification in early childhood education/child development. The CDA credential signifies that its holder has been assessed and found to be competent in helping children learn and develop. The program was started by the former Office of Child Development in Washington in an effort to upgrade the quality of care that the nation's children receive.

**Title—XX—Funded Child Care Slots** — This refers to Title XX of the federal Social Services Block Grant. The DHS offers direct financial supports for child care to low-income or troubled families. Funding is a combination of federal, state and local monies. The DHS gives priority consideration to 1) children who have been abused or neglected and receive child protective services; 2) children in the care and custody of the DHS, the Penobscot Indian Nation Department of Health and Human Services, and the Passamaquoddy Tribe. Other groups receiving this direct subsidy are: Children of AFDC clients participating in the Welfare Employment Education & Training Program (WEET); children whose parents are low-income working, seeking work or in training; children with special needs; children of refugees; and children at risk of abuse and neglect. The Department purchases care for these children from 35 child care agencies with which it contracts for this care.

**NEIGHBORHOOD COMMERCIAL POLICIES AND LAND USE PLAN**

**SEPTEMBER 15, 1987**

**NEIGHBORHOOD COMMERCIAL ZONING**

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## I. INTRODUCTION

In Portland, the major existing tool for guiding development is the 1957 Zoning Ordinance. In the thirty years that have passed since the City of Portland adopted the ordinance, the City has experienced changes in its socioeconomic makeup. Households have become smaller, neighborhoods are older and more established, there are growing numbers of households that rent rather than own, and the population as a whole is aging. These population changes have had a significant impact upon the City's commercial offerings and on the types of commercial services required by the changing households. In addition, over the past 30 years there have been emerging technological and commercial trends and new forms of commercial services exemplified by the shift from corner gasoline and auto repair facilities to more specialized services such as brake and muffler shops, with gasoline sold at convenience retail outlets. The effects of time, population and technological shifts necessitate a new look at the City's land use regulations.

Just as the technology of commercial services has evolved, the practice of local zoning also has changed over the past twenty years. Every community with a comprehensive plan and zoning ordinance must periodically review and update the plan and implement regulations. The process of review in Portland began in 1974 with the Land Development Plan and continued with a review of the business sector in a 1982 study. The 1974 Land Development Plan (LDP)--a policy plan for the land uses in the City--identified several deficiencies including the lack of performance standards and the lack of a stated intent or purpose for each zone that would separate it from another. Following the 1974-76 Land Development Plan, renewed zoning and comprehensive plan revision efforts began in 1981 with accomplishments in the waterfront, residential, and island land use sectors. This report presents a comprehensive review of the commercial land use sector and includes land use goals and policies which serve as the basis for zoning to implement these policies.

In 1981, the City hired a consultant to examine the City's fifteen neighborhood business districts in order to determine how to effect orderly commercial development (see map, next page). The results of the study were presented in the 1982 "Portland Neighborhood Economic Development Study" by Governmental Services, Inc. (GSI).

According to the GSI study, approximately four of every five Portland residents live in the neighborhoods surrounding the 15 neighborhood commercial centers. These centers offer convenience for the consumer with a variety of goods and services and represent a significant existing community investment. The centers play an important role in the City's economic health and vitality and are a valuable resource to the City and need to be fostered and protected. The economic strength of Portland's commercial establishments depends on ability to capture a large portion of the purchasing market made up primarily of local neighborhood residents. This can best be accomplished by encouraging an appropriate mix of land uses at a given location which should be functionally and physically compatible. Concentration of uses to

# COMMERCIAL CENTER INVENTORY AREAS

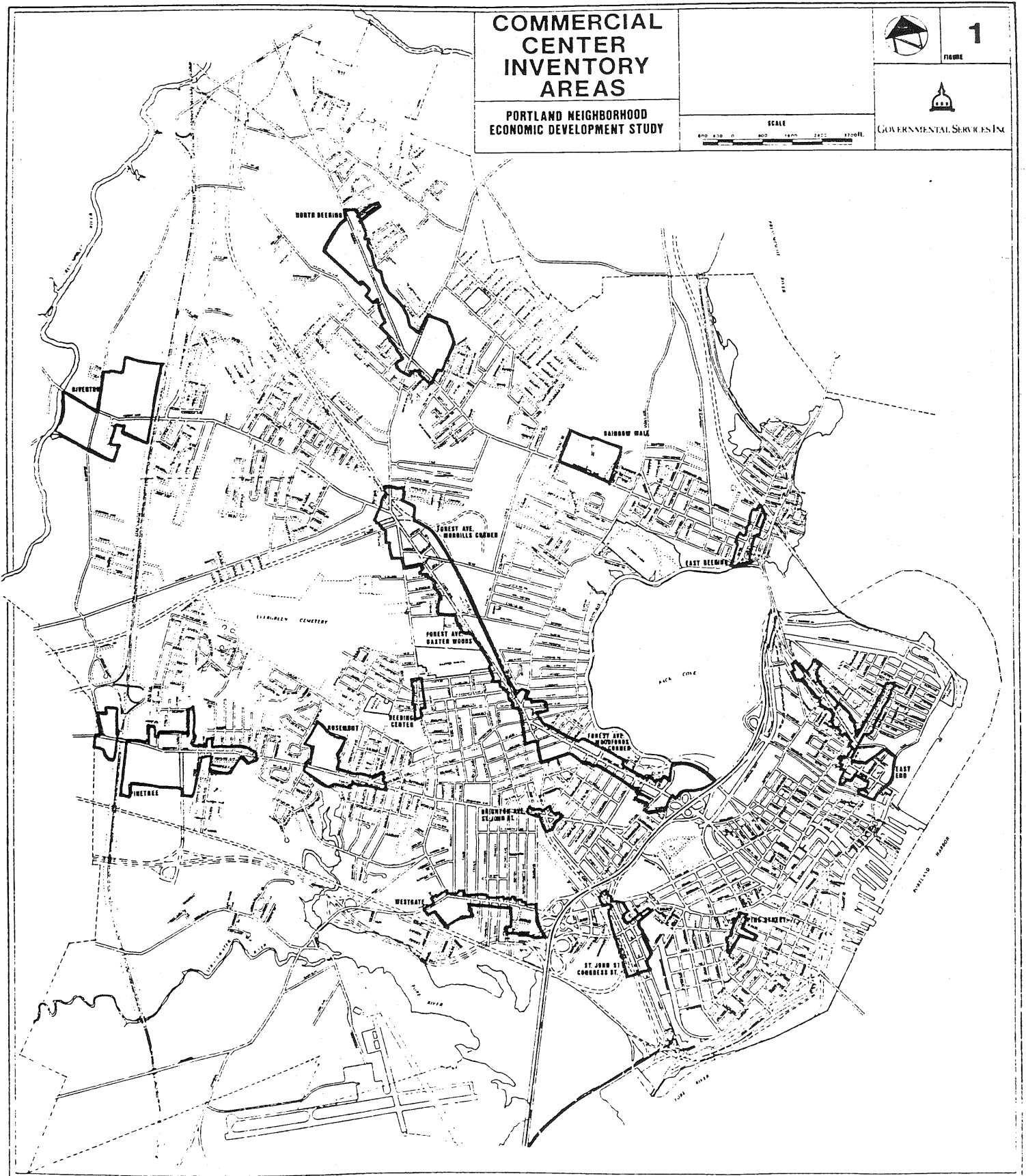
PORTLAND NEIGHBORHOOD  
ECONOMIC DEVELOPMENT STUDY



1  
FIGURE



GOVERNMENTAL SERVICES INC.





invite one stop or comparison shopping as well as concern with the aesthetic appearance of centers can do much to improve the attractiveness of the community.

The centralized location of the centers in neighborhoods distributed throughout the City contributes to an efficient and orderly land use pattern. It is desirable to focus expansion efforts primarily within the existing centers rather than promoting the development of scattered businesses or commercial sprawl which could jeopardize existing centers and create an unmanaged land use pattern for the City. Containment of the centers to prevent unnecessary encroachment into the surrounding neighborhoods will also help to maintain a positive relationship between the neighborhood residents and commercial property owners. Thus, a mutually beneficial relationship can be promoted with an end result being the improvement and continued neighborhood patronage of these centers.

Concepts of neighborhood center maintenance and improvement, their role as an economic resource of the community, and their dependency on the surrounding neighborhoods were restated in the City's 1984 "Neighborhood Commercial District Revitalization Strategies" report. The major issues facing the Centers were defined as parking, municipal services, and center improvements. The strategies report included policy and action recommendations formulated to address these issues.

While the scope of the fifteen (15) strategy recommendations in the Strategies report goes beyond policies related to land use and zoning, five (5) recommendations that can be implemented in the land use plan are as follows:

1. Revision of the commercial zones into newly defined districts.
2. Revision of parking standards.
3. Site plan review for major renovations.
4. Development of a housing strategies program.
5. Establishment of sign ordinance.

Two of the five zoning-related recommendations have been implemented by the City since the report was released. First, the City now requires site plan review for major renovations which helps to ensure that the renovations are compatible with the character of the neighborhood. Second, in May of 1985, the City Council adopted the "Housing Strategies for Portland, Maine" report which is intended to preserve the City's housing stock and offer a number of choices for housing so that Portland continues to be a diverse, socially balanced City.

Parking standards and the sign ordinance are under review by the Department of Planning and Urban Development, with recommendation for comprehensive revisions for the coming in the near future. In the near term, parking lot standards, signage provisions and some design standards will be incorporated within revised commercial zoning, within site plan and subdivision ordinances, and within the Technical and Design Standards and Guidelines.

## II. RECENT TRENDS - 1982 - PRESENT

In the past five years since the GSI report was completed, there has been a tremendous amount of renovation and upgrading in the commercial centers. This investment in existing structures and the robust local economy have contributed to the attraction of new businesses to in the commercial centers. A related trend in the evolution of the centers is the conversion of some of the centers to business parks as demonstrated by the Rainbow Mall and Northport Shopping Center, now known as Washington Park and Northport Business Park, respectively. Redevelopment of portions of parking lots in some centers has occurred in the past two years resulting in such additions as automatic teller banking centers, a bank branch office, and fast food establishments. This redevelopment has helped improve the attractiveness and vitality of the respective centers, eliminating vacancies while preserving existing boundaries.

In the GSI Study it was noted that the fifteen centers were facing a period of readjustment in which more renovation and rehabilitation of the existing structures would occur. GSI strongly believed that the centers would show signs of increased viability, as evidenced in part by more businesses opening than closing. There does appear to be an emerging stability in the centers which is occurring along with the revitalization.

One of the most impressive improvements at a center is in the Portland Shopping Center - now called Union Station Plaza - in the St. John Street-Congress Street Center. In 1982, the center was showing signs of aging and had major spaces empty. Today there is nearly full occupancy due to the revitalization of the center. Burger King has located in the corner of the parking lot which has helped to increase the number of patrons shopping at the center. Other improvements in this commercial neighborhood can be seen along St. John Street: there are a number of new fast food establishments and a new garage for the Metro buses. The new buildings and site improvements such as landscaping have enhanced the appearance of the neighborhood center.

There have been a considerable number of building renovations, and an overall physical improvement of the appearance in the centers that border on Forest Avenue. In the Forest Avenue/Woodfords Corner Center, for example, a vacant building which formerly housed Andover College was recently converted to multi-family apartments. This has helped to upgrade the building and to increase the activity in the area beyond the daylight hours. Another noticeable change in the Woodfords corner center is the addition of the new Shop and Save Plaza, located on Forest Avenue/Preble Street Extension. This major new shopping and office center has contributed to the community-wide appeal and economic strength of this neighborhood. Less dramatic changes, yet still important contributions, are the numerous building additions and expansions and the emerging role of this area for comparison shopping, particularly with the proliferation of furniture stores. There are also many examples of exterior renovations ranging from a coat of paint to new siding.

Another significant trend has been development within the R-P Residence-Professional Zone. Following a period of relative dormancy, virtually all of the available vacant R-P zones have been developed, and there have been numerous requests for rezonings to R-P during the time period between 1982 and 1986. While the City has become increasingly protective of residential locations sought for R-P zoning, eight of the rezone requests were in locations that met the criteria for rezoning to RP. Half of the rezonings to R-P are relatively large sites (one or more acres) with the opportunity for multiple buildings. The area along Sewall Street is a primary example, along with the property on Congress Street at the Fore River. This new use of R-P zoning indicates a need to reexamine the purpose of the R-P Zone, and to create of a new commercial zone for large sites that should be carefully developed with a limited range of uses, such specifically an office park zone. The office park zone is intended for substantial land areas, larger than an R-P zone, and incorporates development standards to encourage development of a campus environment, such as a low impervious surface ratio, significant landscaping, and open space.

In the following sections, background data on the fifteen neighborhood centers is provided, goals for the future commercial activity are stated, and policy issues relevant to the commercial zoning ordinance are discussed.

### III. BACKGROUND DATA

Diversity is a key word to describe the commercial centers of Portland. Three of these centers are located on the peninsula, while the remaining twelve are off-peninsula. Their location in the City is detailed on Map 1. The centers range in size from 68,000 square feet to 825,000 square feet in gross floor area. Table 1 is a summary chart that lists the center, gives it size, number of years in business, and annual payroll in 1982. It demonstrates the diversity of the centers in terms of size, stability, and financial prosperity. Development of the centers has occurred in two distinct ways: (a) in a piecemeal fashion with centers forming as clusters of individual stores as exemplified by Forest Avenue or the East End Center, and (b) as planned centers with common parking areas such as Westgate or Pine Tree shopping centers.

The individual businesses within each of the centers are as diversified as the types of centers. Besides the customary retail uses, other uses represented in the centers include wholesalers, light manufacturing, transportation services, health services, and governmental offices. In 1982, a total of 813 businesses were located in the centers. These businesses can be grouped into the following three commercial sectors: Services including banking, finance, insurance, real estate, and services such as personal, businesses, repair, and health, and public administration; Retail including retail food sales, automobile-related sales, eating and drinking establishments, comparison goods, and miscellaneous retail; and Construction, Manufacturing, and Wholesale including agriculture, fishing, mining, construction, manufacturing, transportation, communication, utilities, and wholesale trade.

Table 2 summarizes the business mix in the centers by commercial sectors. The Services sector is the largest with 44% of the total businesses in the centers falling into this category. The Retail sector ranks second in size, encompassing 35% of the businesses. Ranked third, the Construction, Manufacturing, and Wholesale sector comprises approximately 10% of the total number of businesses in the centers.

While the Construction, Manufacturing, and Wholesale sector represents the sector with the fewest businesses in the commercial centers, this sector consumes 1.25 million square feet - or 35% of the 3.6 million square feet total gross floor area of the fifteen centers. The Retail sector comprises 28% of the total floor area which is relatively comparable to its 35% share of total number of businesses in the centers. Conversely, the Service sector utilizes only 24% of the gross business floor area, compared with its 44% share of the number of business establishments. In 1982, approximately one half million square feet (14% of total floor area) of commercial floor area was vacant.

The length of tenancy in the commercial centers varies considerably. Half the businesses were at their current location five years or less, one half of which (or one quarter overall) have been at their current location for 3-5 years. The other half had existed at a particular location more than five years, including more than one third of the businesses in the centers with a tenure of ten years or longer.

The length of tenancy, when viewed on a sector by sector basis, shows relative uniformity between sectors, and even division between younger and older establishments. Both the Retail and the Construction, Manufacturing, and Wholesale sectors are stable, with a majority of the businesses having been in their present locations more than five years (52% for the Retail sector and 56% of the Construction, Manufacturing, and Wholesale sectors). In the Services sector, roughly 53% of the service oriented businesses have emerged within the past five years.

This relative longevity for all three sectors combined is particularly notable since there are more businesses that rent space than own it. Overall, the ratio of renters to owners is 2:1 in the neighborhood centers. In the Construction, Manufacturing, and Wholesale sector and the Retail sectors, the renters outnumber the owners, but only by a slight margin. The Services sector, however, has more than twice the rented space to ownership of the space. In summary, there appears to be relatively long length of tenancy of business in Portland, regardless of the ownership factor.

The Retail Sector has the most employees with 39% of the total. The payroll for retail employees is the lowest, however, accounting for only 26% of the total payroll. The Services sector has the second highest number of employees (2,075 or 33%) and payroll (34% of total). Construction, Manufacturing, and Wholesale sector has the fewest employees (27% of total); however, this sector has the largest payroll (38%).

In the centers a trend toward a service-oriented economic base is emerging. This trend in Portland follows the national trend toward service economies. The local trend is evidenced by indicators such as the increase in service-related businesses as a part of the overall business centers, the fact that a majority of the businesses in the Service sector have started up in the last five years, and the large share of employees in this sector.

#### RELATED PLANNING STUDIES, REPORTS, AND DOCUMENTS

The four primary sources used to prepare of the Neighborhood Commercial Land Use Policy and Zoning Report are listed below. Each of the documents will be individually described.

1. "Portland Neighborhood Economic Development Study", Governmental Services, In., October, 1982;
2. "Land Development Plan", City of Portland, September, 1974;
3. "Housing Strategies for Portland, Maine", City of Portland, May, 1985; and
4. "Neighborhood Commercial District Revitalization Strategies", City of Portland, February, 1984.

#### "GSI STUDY"

The 1982 GSI report is the primary source used in the development of the neighborhood commercial policies and zoning ordinance. The report is comprised of both primary and secondary data. To gather primary data, GSI conducted interviews with realtors, bankers, business owners, and City officials, conducted a survey of businesses, building owners, and patrons. Secondary data sources included City tax and building records, U.S. census information, and Bureau of employment security.

For purposes of this study, GSI divided the city into fifteen neighborhood commercial centers. For each of the commercial centers, the location and access, public improvements, neighborhood characteristics, business profile, market share, business trends, zoning issues, and public issues are described to provide a comprehensive view of the centers. Recommendations to improve them and enhance their roles in the economy of the city were then made by the Consultants.

The narrative is accompanied by maps showing the study area under consideration, its market area, existing zoning, and proposed zoning changes.

In addition to the neighborhood analysis, the study includes a proposed neighborhood commercial zoning text that reflects the conclusions of the study. One new zone - the B-4 Corridor zone - has been added to the existing commercial zones which have been refined.

Technical data were included in the appendices. Comparison charts of the fifteen centers included demographic information, neighborhood business stability analysis and building permit analysis.

The GSI report was reviewed by the Planning Board and forwarded to and received by the City Council.

### "1974 Land Development Plan"

The 1974 "Land Development Plan" by the City of Portland is a comprehensive guide to future growth and development in the City. The document includes a detailed inventory of existing conditions such as population, housing, income, employment, land use, topography, transportation, and community facilities. A series of maps showing existing conditions and future development reflect the recommendations made in the report.

The information gathered for the inventory was analyzed and categorized into three types of land development areas: 1) the preservation of stable areas; 2) development areas; and 3) areas of transformation. Land development policies were then formulated in the areas of transportation, land use, and community facilities for the three land development areas. Finally, both long and short range goals for the City were articulated in the LDP.

The LDP, which was adopted by the City Council in October, 1974, provided a blueprint for growth in the 1970's and 1980's. It is a foundation for the update of the comprehensive plan, which began in the early 1980's.

### "Housing Strategies for Portland, Maine"

The "Housing Strategies for Portland, Maine" Report is a housing policy document. The goals, policies, and strategies to implement the goals and policies were formulated to offer guidance for providing a variety of housing opportunities in the City. Strategies for development of rental and ownership housing, the rehabilitation of existing housing, and affordable housing for rental and ownership were laid out. The foremost goal contained in the report is to have a community in which a mixture of housing types are available so that a variety of persons with varying income levels could choose to live in the City. The policy direction is to encourage growth in the city while maintaining residents and a spectrum of housing options.

The Housing Strategies Report drew from a wide range of sources including the U.S. Census, CIP and HCD documents, records from Planning and Urban Development, Portland Housing Authority reports, City departments - finance, assessors, building permit; "The Emergency Shelter Task Force Report," (1983) City of Portland, the 1983 "Technical Report - Portland Energy Action Plan" (upgrade energy efficiency of the housing stock) City of Portland; "Greater Portland Housing Location Study" (1980) (COG), and "Greater Portland: 1990, Keeping Livability in Mind" University of Southern Maine and the City 1984. The Housing Strategies report was adopted by the City Council in May, 1985, as part of the City's comprehensive plan.

#### "Neighborhood Commercial District Revitalization Strategies"

Upon the completion of the 1982 "Neighborhood Economic Development Study" by GSI, Inc., the City worked closely with the Chamber of Commerce and neighborhood business owners to devise an action plan for implementation of the recommendations contained in the GSI report.

The strategies to implement the revitalization effort include reorganization and refinement of the business zones; the continuation of the provision of a high level of municipal services to create a positive image of the centers; address the physical and economic deterioration of the centers by financial and technical assistance, site plan and design review, and the development of a housing strategies report to help stabilize the housing markets for residents who will patronize the centers. The strategies report was received by the City Council in February 1984.

TABLE 1  
 BUSINESS DATA BY COMMERCIAL CENTER  
 (SPRING 1982, GSI)

| Commercial Center                   | Businesses |              |               |              | Years in Business |           |            |            |            |                     | Annual Payroll 1982 \$ |
|-------------------------------------|------------|--------------|---------------|--------------|-------------------|-----------|------------|------------|------------|---------------------|------------------------|
|                                     | #          | (%)          | SF(000)       | (%)          | 0+1               | 1-2       | 3-5        | 6-9        | 10+        |                     |                        |
| East End                            | 80         | (11)         | 825.0         | (27)         | 9                 | 11        | 13         | 8          | 26         | 14,400,000          |                        |
| East Deering                        | 9          | (1)          | 8.4           | (nil)        | 0                 | 2         | 2          | 0          | 5          | 400,000             |                        |
| Rainbow Mall                        | 21         | (3)          | 102.4         | (3)          | 4                 | 1         | 9          | 2          | 4          | 1,200,000           |                        |
| North Deering                       | 85         | (12)         | 247.8         | (8)          | 12                | 8         | 24         | 16         | 23         | 8,200,000           |                        |
| Forest Avenue-<br>Woodfords Corner  | 178        | (25)         | 723.9         | (23)         | 12                | 16        | 43         | 38         | 56         | 17,700,000          |                        |
| Forest Avenue-<br>Baxter Woods      | 79         | (11)         | 228.6         | (7)          | 12                | 21        | 14         | 9          | 16         | 8,600,000           |                        |
| Forest Avenue-<br>Morrills Corner   | 52         | (7)          | 118.6         | (4)          | 10                | 5         | 14         | 5          | 12         | 3,100,000           |                        |
| Riverton                            | 13         | (2)          | 32.3          | (1)          | 0                 | 2         | 3          | 3          | 5          | 600,000             |                        |
| Deering Center                      | 16         | (2)          | 16.6          | (1)          | 0                 | 3         | 2          | 1          | 9          | 500,000             |                        |
| Pine Tree                           | 44         | (6)          | 325.4         | (10)         | 8                 | 3         | 8          | 5          | 20         | 7,200,000           |                        |
| Rosemont                            | 35         | (5)          | 30.3          | (1)          | 1                 | 4         | 10         | 3          | 11         | 1,300,000           |                        |
| Brighton Avenue-<br>St. John Street | 7          | (1)          | 6.8           | (nil)        | 1                 | 2         | 3          | 0          | 1          | 400,000             |                        |
| St. John Street-<br>Congress Street | 47         | (6)          | 197.8         | (6)          | 4                 | 0         | 11         | 3          | 26         | 3,900,000           |                        |
| Westgate                            | 38         | (5)          | 196.3         | (6)          | 6                 | 1         | 6          | 9          | 11         | 4,300,000           |                        |
| Pine Street                         | 20         | (3)          | 48.6          | (2)          | 1                 | 5         | 5          | 3          | 6          | 1,300,000           |                        |
| <b>All Centers</b>                  | <b>724</b> | <b>(100)</b> | <b>3107.0</b> | <b>(100)</b> | <b>80</b>         | <b>84</b> | <b>167</b> | <b>111</b> | <b>236</b> | <b>\$73,100,000</b> |                        |

Source: Governmental Services, Inc.



TABLE 2  
 SUMMARY OF BUSINESS DATA BY COMMERCIAL SECTOR  
 (1982, GSI)

|                                       | Construction,<br>Manufacturing,<br>& Wholesale | Retail            | Services          | Total            |
|---------------------------------------|--|-------------------|-------------------|------------------|
| <u># Businesses</u><br>(% Total)      | 81<br>(10%)                                    | 287<br>(35%)      | 356<br>(44%)      | 813<br>(100%)    |
| <u># Sq. Ft. Fl.Area</u><br>(% Total) | 1248.9<br>(35%)                                | 1003.8<br>(28%)   | 854.3<br>(24%)    | 3602.1<br>(100%) |
| <u>Yrs. in Bus.</u><br>(% Total)      |  |                   |                   |                  |
| 0-5                                   | 33 (43%)                                       | 134 (48%)         | 175 (53%)         | 342 (50%)        |
| 6-10+                                 | 43 (56%)                                       | 141 (52%)         | 155 (45%)         | 339 (50%)        |
| 0-1                                   | 6 (8%)   | 35 (13%)          | 40 (12%)          | 81 (12%)         |
| 1-2                                   | 7 (8%)   | 28 (10%)          | 49 (15%)          | 84 (12%)         |
| 3-5                                   | 20 (26%)                                       | 71 (26%)          | 86 (26%)          | 177 (26%)        |
| 6-9                                   | 13 (17%)                                       | 39 (14%)          | 56 (17%)          | 108 (16%)        |
| 10+                                   | 30 (39%)                                       | 102 (37%)         | 99 (30%)          | 231 (34%)        |
| <u>Space</u><br>(% Total)             |  |                   |                   |                  |
| Own                                   | 37 (47%)                                       | 121 (41%)         | 107 (30%)         | 279 (36%)        |
| Rent                                  | 41 (53%)                                       | 170 (59%)         | 244 (70%)         | 495 (64%)        |
| <u>No.#Employees</u><br>(% Total)     | 1711 (27%)                                     | 2438 (39%)        | 2075 (33%)        | 6224 (100%)      |
| <u>Payroll - \$</u><br>(% Total)      | 28,332,000<br>38%                              | 19,504,000<br>26% | 25,403,000<br>34% | 73,239,000       |

#### IV. DEVELOPMENT GOALS

In the analysis and planning for the future of the commerce of land use sector, there are recurring themes of the community's objectives for the physical development of the commercial centers in the City. These themes are translated into development goals. The six goals are broad statements of what the community is seeking to achieve in the long range plan of the commercial sector and provide a conceptual underpinning for the zoning regulations. Each development goal listed below is followed by a brief explanation.

1. **The City shall seek to accommodate its commercial activity within a range of functionally and physically defined commercial centers.**

The fifteen commercial centers in Portland vary, from those specifically developed as shopping centers to those which have been developed as or evolved into identifiable centers. There is a need to achieve greater consistency between the function of the center and its zoning designation. The North Deering Center, for example, is designated as a use district consistent with its actual function as a community commercial center as opposed to its previous designation as a neighborhood business district. Other centers, such as the East End Center and Deering Center, which are comprised of individual buildings and are not confined by a physical setting or boundary as a shopping mall is confined, are subject to pressures for changing boundaries. Improved definitions of commercial zoning districts and functional criteria for determining the appropriate zoning district for a given location can avoid distortion of the form and shape of centers, thereby avoiding problems associated with fragmentation, sprawl, and a lack of cohesiveness and identity.

As part of the effort to define the function of a center and its physical boundaries, refinement of the commercial zoning regulations is necessary. The refinement of the regulations primarily focuses on defining the purpose and reassessing the types of uses permitted in a specific zone to closely reflect existing and desired patterns of commercial development. The zones are not so distinct as to inhibit flexibility for development within the zones, since sufficient flexibility is necessary to allow for market-driven development without being overly restricted by rigid and narrow regulations. Commercial zones which permit a variety of uses and varying levels of intensity within functionally and physically defined parameters foster a diverse and economically healthy environment.

2. **The City shall promote preservation and revitalization of its existing commercial centers and maintain a scale within them that is compatible and integrated with other land uses.**

Overall, there is a high degree of compatibility of uses within the centers. Expansion of commercial uses in well-defined commercial centers will help to preserve and protect residential and industrial areas in the City. Carefully designated areas for limited numbers and size of office development outside of the centers are appropriate commercial expansions. This type of development often serves as a transitional use between commercial and residential uses providing an appropriate end or anchor to commercial uses and avoiding subsequent sprawl expansion of the existing centers. The scale and character of new commercial development should be controlled to minimize conflict and maximize compatibility of various land uses.

The physical appearance of the centers plays an important role in their real and perceived economic vitality. Upgrading the centers' facades and surroundings will help to increase their overall attractiveness and stability. An investment has already been made in the centers by the business community, business patrons, and the City. Allowing these centers to decline in any way would be detrimental to Portland. A revitalization effort could firmly establish the centers' importance as critical links in the economic health of Portland.

3. **The City shall encourage the development of new commercial enterprises within the existing neighborhood centers and CBD.**

It is beneficial to target new business development to the existing centers to take advantage of the centers' community-wide benefits, such as convenience and the opportunity to use the infrastructure already in place. The centers also offer an opportunity for relatively intensive land uses. Short of "overloading" the sites with overly intensive development, there is room for redevelopment within the centers. There are several centers with site capacity for developing additional commercial buildings within the lot. There is also potential for upper story expansion of existing buildings for office use or other appropriate uses. In any development or redevelopment effort in a business zone, however, the development should be sensitive to the site and its vicinity so that it complements the surrounding land uses.

4. **The City shall continue to provide for safe and efficient movement of people and goods, coordinated with existing and proposed development patterns.**

The transportation facilities, including parking areas, provide accessibility to the commercial centers for the consumers. Safe and efficient transportation facilities such as streets, sidewalks, parking lots, and lighting can be borne by public and private joint partnerships. These partnerships enable more facilities to be constructed without a financial drain on the City CIP budget. The City, in conjunction with the Portland Area Comprehensive Transportation Study (PACTS), has a comprehensive analysis of the traffic conditions on all major arterials in greater Portland. The results of this study will help the city program highway improvement funds appropriately. Many communities have established development impact fee regulations to fairly allocate costs of upgrading the city infrastructure to accommodate increased development. Portland will have to consider such new funding sources to meet increasing needs, especially in the area of transportation improvements.

5. **The City shall maintain and promote a community which is attractive to both existing and prospective families and homeowners to help support the neighborhood commercial district.**

An economically sound community has a mixture of employment, shopping, services, and housing that is mutually supportive. An established neighborhood with an attractive environment contributes to economic stability since the neighborhood centers rely on the residential community for business. The City should continue to provide excellent City services, and public improvements to maintain the quality of life in Portland which in turn will encourage prospective residents to settle in the City. The City adopted in May of 1985 "Housing Strategies for Portland, Maine" that spells out what initiatives are planned to support the residential sector of the City.

The objective is to balance commercial and residential uses in order to accommodate the necessary growth that will realize in a diversified and healthy economy supported by a stable residential community. A key to the balance of commercial and residential interests to ensure reasonable coexistence through mutual sensitivity and respect. Efforts should be made to prevent encroachment of business uses into existing residential neighborhoods. Shop keepers should be good neighbors by undertaking continual maintenance and upkeep of the building(s) and site and by controlling litter and noise, and by appropriate site planning features such as landscaped buffers and screening.

A positive trend of late has been the development of offices above retail uses which has helped to enhance the character of commercial development. An office's image is often very important to the business person and more effort toward property maintenance and site planning is evident. Such efforts can send a positive message to residential property owners that commercial and residential uses can coexist.

**6. The City shall promote new office park development of high quality in outlying areas for developments seeking a suburban-style setting.**

The existing centers are in built-up areas of the City where there are few large vacant parcels. Most development within these centers will be infill, taking advantage of the existing infrastructure or making use of an existing vacant building.

For developments needing more land area or desiring a less intensively developed site, an office park may be a suitable alternative to traditional commercial zones. New commercial development parks have different characteristics than typical infill development. The planned developments are characterized by low building coverage, significant amounts of open space and landscaping, and an integration of the buildings with their natural surroundings. High quality architecture and site design are critical elements to the success of these new commercial areas, which will have a park or campus-like atmosphere.

Coupled with the existing centers, office parks on carefully selected sites can help improve the City's economic base by offering developers a choice of development opportunities.

**V. ZONING ISSUES**

The review and revision of the commercial zoning text is necessary to reflect current policies in the City and to shape future development in Portland. The revised text can protect our existing commercial resources while anticipating and providing new commercial development opportunities in the City. The zoning text is built around several principals: first, a statement of intent is included within every zone as a guide for future development; second, the language in the text is clear and comprehensible; third, each zone is self-contained without the pyramid system that relies on other zones for full information on the zoning standards; and fourth, the zones are refined to more closely reflect the existing patterns of commercial development as well as current commercial market trends which require the addition of commercial zones.

Each of the zones is discussed below. This discussion explains the purpose of each zone, and an analysis of how land use policies are incorporated within the new zoning regulations, and any zoning map considerations. Attached to this report are two appendices. The first appendix is the zoning text and the second appendix is the zoning map.

#### A. R-P RESIDENCE PROFESSIONAL

The R-P zone was created in 1968 to provide locations in the City in which professional offices could be developed in appropriate transitional areas between commercial and residential uses. Generally, the R-P zones are located along the City's major arterials. While the original intent of the R-P zone is still valid, the zone has evolved into a more complex one. Not only is the intent of the zone as a transition zone between residential and commercial, its broader intent is as a boundary anchor for commercial uses. As an anchor, the R-P zone signifies the containment of commercial activity and the end of encroachment and creep into a residential area. The R-P zone is also appropriate for sites with unique characteristics that make them less suitable for residential development. Such characteristics that might preclude future residential development are that the site might be an undeveloped "island" surrounded predominantly by commercial or high density residential uses, or that the site is on or near a major arterial or collector street, or that the site has relatively easy access to the freeway or major road networks. Sites with these characteristics could accommodate office infill development rather than retail or more intensive commercial development which would be inappropriate on these sites.

The character of the area is very important in determining the appropriate location of a R-P zone. Since both professional offices and residential uses are permitted, it is important that the intensity of development respects the surrounding area. The level of activity of permitted uses within the R-P zone should be high enough to sustain a business use, but not so high as to discourage residential development. Allowable R-P developments include professional offices, mixed office and residential uses and multifamily residential uses.

The original R-P developments were often located in converted houses. The trend of late in the R-P zones has been the development of free standing office buildings. Both types of buildings will work as long as the scale and character of the development is respectful of the context of the immediate vicinity.

Development in an RP zone should be designed in a manner that is sensitive to the context of the surrounding built environment, especially with respect to established residential neighborhoods. To achieve compatible coexistence of office development with existing residences, office design should avoid use of incongruous commercial architectural styles. Treatment of such features as doors, windows, signage, exterior materials, roof lines, cornice and eave detailing, etc., can be designed to relate to and enhance the style and character of the original structure or characteristics of the near vicinity. It is not the intent, however, to discourage contemporary architectural expression, such as thoughtfully integrated contrasting materials, in a manner that acknowledges its context without replicating existing structures in specific detail.

The scale of development in an RP zone should be correlated with the density of development in the adjacent residential zone. The theory behind this linkage is that a development in a R-P zone adjacent to a R-5 zone could be more intensively developed than one adjacent to a R-2 zone and achieve the desired compatibility between uses. The tools used to limit the intensity of development include limiting the impervious surface ratio (the total building coverage plus pavement coverage on a lot divided by the total land area of the lot) and limiting the building size with a maximum floor area ratio (the relationship of the total floor area in a building to the total site area). Correlating intensity of commercial development to reflect the adjacent residential density will result in appropriately scaled open space and buildings.

In addition to the intensity of development in a R-P zone, the site layout is also an important policy consideration. In keeping with the purpose and intent of the R-P zone the issue of compatibility with the surrounding neighborhoods is very important. The location of parking in front of a building in a R-P zone, for example, is limited and required to be suitably screened to provide a buffer from the adjacent uses and from the street and sidewalks. The underlying principal is to minimize any potential conflicts which may erupt due to two different land uses located side by side, and to promote a high caliber of site design.

Landscaping can be used to enhance a development and minimize potential conflicts. By incorporating flexibility into the standards, an adequate buffering effect is achieved based on individual site conditions. The intended landscaping effect is described via graphic and narrative examples and guidelines in the Technical and Design Standards and Guidelines. By referencing the landscaping standard in the Technical and Design Standards and Guidelines, flexibility is provided to the developer in realizing the actual intent of the guidelines.

In 1982, there were surplus properties and vacancies in buildings in the R-P zone that were gradually being absorbed by the market. Notwithstanding the resulting hesitancy of the recent past not to rezone to R-P. Also motivated by a continuing concern for preservation of existing residential areas, there will continue to be requests brought forward which must be evaluated on a case by case basis. It is difficult to anticipate all future requests or prospects for RP zoning to generate an exhaustive list. There are several possibilities for consideration that are noted below. Future requests must be evaluated individually against the purpose and intent of the R-P zone.

Possibilities for R-P zones:

- Washington Avenue between Fobes and Maplewood Streets, across from Northport Business Park;
- Northeast corner of Congress Street and Frost Street which is presently occupied by a gas station; and
- Northwest corner of Congress Street and Frost Street which is vacant but adjacent to a R-P development under construction which is also being considered for O-P zoning.

|   |  |   |
|---|--|---|
| ¶ | The purpose of the R-P Residence-Professional Zone is to provide | ¶ |
| ¶ | appropriate locations for the development and operation of low   | ¶ |
| ¶ | intensity business uses on or near major arterials that are      | ¶ |
| ¶ | compatible in scale, density, and use with surrounding and       | ¶ |
| ¶ | adjacent residential neighborhoods to serve as a transition or   | ¶ |
| ¶ | buffer zone between residential and more intensive               | ¶ |
| ¶ | non-residential zones.   | ¶ |

**B. B-1 Neighborhood Business Zone**

The B-1 Business zone is a neighborhood commercial zone. This zone is designed to serve a convenience function to accommodate recurring needs of a neighborhood or local market with a geographical area that is generally small or cohesive. The establishments in a B-1 zone are usually of a small scale and serve as a nucleus of a neighborhood. Such small scale development is important for the preservation of the neighborhood's residential character that the commercial uses are intended to serve. Typical neighborhood business uses include personal services such as beauty and barber shops, dry cleaners, and tailors and retail services such as variety stores and bakeries. The proximity of the B-1 zones to residential neighborhoods encourages foot traffic, thus an important, but not exclusive, mode of transportation to utilize these uses is by foot.



Under the new B-1 zoning, restaurants are a permitted use. Prior to the enactment of the new zoning, the primary providers of food service were the variety stores sold sandwiches and had either take-out service or seating for a few patrons. Not only do full-fledged restaurants offer an eating alternative, they add to the diversity of neighborhoods. Neighborhood restaurants offer an opportunity for residents to eat within walking distance of their homes and enhance the level of activity in a neighborhood beyond the daylight hours. However important the role restaurants might have in a neighborhood, it is essential that they fit in well with the residential component that supports the commercial uses. This goal can be accomplished by limiting with conditions the size and the type of operation of the restaurants, including hours of operation limit the potential noise from the restaurant which would be a nuisance at night.

The scale of the commercial development in a residential neighborhood is important to ensure compatibility. Most existing B-1 development in the City is of a small and intensive scale. In a typical B-1 development, virtually an entire lot is covered without room for off-street parking or landscaping, as there have historically been few space and bulk standards in the existing ordinance. By including more explicit space and bulk standards, the new commercial development has the potential to be more visually pleasing and more complementary to the surrounding residential development. There would be, for example, room for a landscaped buffer which could help minimize the noise and litter problem.

The B-1 zones are scattered throughout the City and as a whole, serve the neighborhoods well. The B-1 zones, have been examined for consistency with the intent of the zone. Map changes for the B-1 zones should be considered on a case by case basis with emphasis placed on carefully drawn boundaries to retain a balance of residential and neighborhood commercial uses with no or minimal commercial encroachment into the residential areas. These map changes may include the extension of the B-1 zone boundary to encompass a changing area that is clearly destined for commercial use, reducing a B-1 zone boundary if the area is unmistakably residential in character and would be more appropriately zoned residential, and rezoning from B-1 to B-2 areas that are more intensively developed commercial shopping centers. (See B-2 zoning discussion.)

|   |   |   |
|---|---|---|
| ¶ |   | ¶ |
| ¶ | The purpose of the B-1 Neighborhood Business Zone is to provide | ¶ |
| ¶ | limited areas for the location of small scale retail, service,  | ¶ |
| ¶ | and commercial establishments intended to serve a local,        | ¶ |
| ¶ | neighborhood market.  | ¶ |
| ¶ |   | ¶ |

### C. B-2 Community Commercial Zone

The B-2 zone is a community commercial zone in which a variety of comparison goods retail, offices, and services uses are permitted. Uses in a B-2 zone are typically found in planned shopping centers or cluster developments with at least one major business anchor along with smaller businesses. B-2 development can also occur incrementally with individual establishments locating on or near a major arterial, or locating in close proximity to other businesses without the confinement of a planned shopping center. The latter type of B-2 development might be intensively developed, but not in a cohesive or predictable manner as in a planned shopping center. For both types of B-2 development, easy access and high visibility are two key components to the success of the developments. Examples of businesses which fall into this category are hardware stores, grocery stores, professional and branch offices and restaurants. The market for the community business zone is drawn City-wide, and can, in fact, transcend City borders.

The business drawing power of businesses in a B-2 zone can be attributed to the variety, type and quality of available goods and services. The businesses are less dependent on local, neighborhood support than the smaller businesses found in the B-1 Zone. Because of their wider market, there are a smaller number of such individual businesses, e.g., there may be 5 or 6 major grocery stores in Portland, but over 30 variety stores which cater to neighborhood trade.

There are various types of uses which are appropriate in a B-2 zone. Gasoline service stations, car washes, new car dealerships, drive-in restaurants, wholesale distribution establishments, research and development production establishments, and printing and publishing establishments are acceptable with conditions and standards to ensure that the intent of the zone is met. Such conditions include site layout with particular attention focused on traffic circulation and parking, the scale and design of buildings to have commercial character as opposed to having an industrial character, and a design to respect and complement the surroundings. The intent of these conditional use standards is to enhance the sites and minimize visual incompatibility.

In general, the existing B-2 zones are centrally located throughout the City and are consistent with the uses in them. There are map modifications to consider which would increase the amount of land area in the B-2 zone. The shopping centers (Westgate, Northport/Northgate, Washington Business Park), for example, are designated B-2 given their collective function as community commercial centers. Less cohesive areas which have the potential as B-2 zones should also be considered to increase the development opportunities in this zone and to increase the diversity of the City's commercial offerings.

|   |  |   |
|---|--|---|
| ¶ | The purpose of the B-2 Community Business Zone is to provide     | ¶ |
| ¶ | appropriate locations in the City for the development and        | ¶ |
| ¶ | operation of a mixture of commercial uses and services that have | ¶ |
| ¶ | a community-wide market such as shopping centers or independent  | ¶ |
| ¶ | developments. The variety, sites, and intensity of the permitted | ¶ |
| ¶ | commercial uses in the B-2 zone is intended to be greater than   | ¶ |
| ¶ | those permitted in the B-1, neighborhood zone.                   | ¶ |

**D. B-4 Commercial Corridor Zone**

In an effort to refine the zoning text and to establish zones that closely reflect existing patterns of commercial development, as called for in the 1974 LDP and the 1982 GSI study, a commercial corridor zone has been created. Portland recognizes that corridor-oriented businesses exist in the City and also recognizes the need to create an appropriate district for them. By creating a B-4 district, efforts are being made to contain the uses in a newly created district and limit the district's growth. Containment of this district and avoidance of commercial sprawl is encouraged. Recognition of the importance of highway and auto oriented uses and accommodation of such uses at appropriate locations is achieved by the B-4 zone.

The B-4 zone is an auto-oriented one in which the most intensive commercial uses are permitted. Typical uses in a B-4 zone have a major specialized function, and therefore, a large market area. The market area for a B-4 use might be Greater Portland in contrast to a specific neighborhood as the market area for a B-2

shopping center. Uses in the B-4 zone include such uses as hotels and motels, car dealerships, building material supply center, brake centers, and auto body repair centers. The B-4 zone also permits wholesale warehousing, printing and publishing establishments, and small scale, light manufacturing establishments. In general, other less intensive commercial uses would also be permitted uses.

Access to these zones would be by auto due to their tendency for businesses to locate on well-developed road systems. Not only are visible locations on arterials important, but proximity to the Turnpike and other major transportation routes is also important.

The scale and intensity of development in the B-4 zone is greater than in other commercial zones. It is important to minimize the impact of B-4 development on their surroundings with appropriate space and bulk standards. The intent is to provide flexibility for development of the site without jeopardizing the character of the surrounding area. Since many of the uses will be intensive commercial uses, the character of the area can be maintained by landscaping standards in addition to space and bulk standards. The buildings in the B-4 zones may need more buffering than in other zones, especially if they are adjacent to a residential zone.

There are a few areas of the City which are characteristically commercial corridor as described above and are designated B-4 zones:

- Riverside Street between Fiske Street and the railroad tracks (south of Brighton)
- Forest Avenue, east side between Woodfords Corner and Read Street
- Forest Avenue area I-295 to Falmouth Street

|   |  |   |
|---|--|---|
| ¶ | The purpose of the B-4 Commercial Corridor Zone is to provide    | ¶ |
| ¶ | appropriate locations in the City for the development and        | ¶ |
| ¶ | operation of businesses catering primarily to highway-oriented   | ¶ |
| ¶ | trade, along major arterials. Uses which have market areas that  | ¶ |
| ¶ | are primarily dependent on the regional highway network or serve | ¶ |
| ¶ | a regional or larger market are appropriate in this zone as well | ¶ |
| ¶ | as larger scale commercial uses and commercial uses that require | ¶ |
| ¶ | larger land areas to accommodate their operations.               | ¶ |

## **E. O-P Office Park Zone**

Historically there has been one zone (R-P) in the City which permits, almost exclusively, professional offices and residential uses. Originally, the R-P Zone developments in the City were small-scale, and met the intent of the zone as a transitional or buffer district. Recently, however, approximately half the developments on the sites zoned to R-P are bigger in size (two acres or more) and scale than what was originally intended for the zone. While the professional office uses of these larger R-P zones are appropriate, the intensity of the development is higher than a typical transitional use might be.

The need exists for a zone that would allow larger scale office development on larger lots in what could be considered more suburban locations. The parcels, while suburban in character, might have limited potential for residential development, due in part, for example, by proximity to the Jetport, or to the topography of the site, or its physical boundaries such as a busy arterial. The creation of this zone offers an alternative development opportunity--one which is meant to work in conjunction with the existing commercial zones in the City, especially with the central business district. Land is more plentiful in these outlying locations, which may be a critical factor if a significant amount of parking is required for the development.

Development in the O-P zone are to be characterized by spacious and high quality development. Large lots, relatively low building coverage, low impervious surface area, significant open space and landscaping, and thoughtful building design are exemplary characteristics of O-P developments which are appropriate and beneficial to the City of Portland. This type of zone can accommodate single or multiple buildings on a site. Large scale or tall buildings are also appropriate. The key element of a planned office development is the integration of the buildings and the site, which takes advantage of the natural features of the site such as tree stands, streams and rivers, and rolling topography. A campus or park-like environment is a goal for this type of development. These settings provide a suitable location for a company headquarters or complex of office building serving several tenants. Access to the office parks is primarily from major arterials, although secondary roads may also provide access. The interior roads in an office park may be private.

The areas which may be considered for O-P zoning are as follows:

- Martin's Point
- Thompson's Point
- Washington Avenue Extension
- UNUM
- Congress Street/Cobb Avenue (in conjunction with AB zone)
- Canco Road, north of Read Street
- Northwest corner of Congress Street and Frost Street

The purpose of the O-P Office Park Zone is to provide substantial areas for integrated development of professional offices in a park or campus-like setting which are of the highest quality, are well designed and maintained, and are compatible with their natural surroundings.

**F. A-B Airport Business**

The Portland Jetport, which has been experiencing strong growth in the past five (5) years, is located in the A-B Airport Business zone. The A-B zone is located in the southwesterly corner of the City. All of the development in the zone has been aviation-related, which is the sole intent of the zone. The types of permitted uses fall into two categories: those intended for the general public such as jetport parking, car rentals, and airport restaurants; and those airport-dependent uses that have no direct public contact such as cargo transport and airport maintenance hangars.

The standards in the Airport Business zone need not be complex to address the second type of airport use as noted above. Since there is very little public interaction and the development may not even be accessible to the public, there are very few standards in the ordinance to regulate the development. There has been more development recently, however, that caters to the public and thus creates the need for relevant development standards. The jetport also serves as a gateway to the City and first impressions are important to establish a positive image of the City at first glance and continue it as a person drives toward the City center. A positive image can be achieved by having minimum development standards as required in other commercial districts.

The proximity of the historic Stroudwater neighborhood to the jetport is a sensitive issue. It is important to promote harmonious coexistence of potentially conflicting uses to minimize any negative impact the development may have on the neighborhood. Height is one such issue and steps can be taken to vary the height according to proximity to the residential uses and to Westbrook Street. Landscaping is another way to minimize potential conflicts between different land uses. Through the use of landscaping buffers to minimize the potential impact of different uses and to protect the aesthetics of the development.

There is currently a Jetport master planning effort underway. The master plan will take stock of the existing aviation facilities and will make suggestions for change based on the projected growth and increase in air traffic. Among the issues being discussed are the size and shape of the terminal and of the parking lot relative

to the terminal. In addition to the existing aviation facilities, there are approximately twenty-five (25) acres of vacant land in the AB zone. This land may be developed with a hotel or professional offices in conjunction with the O-P zone adjacent to the A-B zone, which has frontage on Congress Street. There are also development possibilities for aviation-dependent uses such as maintenance hangars or air cargo facilities on lots on Yellowbird Road or on other City-owned land.

At this time, there are no plans to expand the boundaries of the A-B zone. There appears to be an adequate amount of land area in the A-B zone in which to continue airport development activities. These development activities should be carefully selected to improve the efficiency of the airport and enhance its economic vitality through the expansion of airport dependent uses.

|   |   |   |
|---|---|---|
| ¶ | The purpose of the A-B Airport Business Zone is to provide an   | ¶ |
| ¶ | area for the development of airport-related enterprises. Appro- | ¶ |
| ¶ | propriate uses permitted in this district are those customarily | ¶ |
| ¶ | associated with the operation of the airport terminal and       | ¶ |
| ¶ | individual airlines, and accessory uses to provide for the      | ¶ |
| ¶ | comfort and convenience of the airport's patrons and            | ¶ |
| ¶ | employees.  | ¶ |

LAND USE

§ 14-474

7. A minimum of four (4) on-site parking spaces shall be required;
8. A minimum of seventy-five (75) feet of street frontage shall be required; provided, further, before a building permit may be issued, site plan approval under article V of this chapter shall be required with the following addition review standards:

- (i) Any addition or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the structure;
- (ii) The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets;

provided, further, that no variance shall be granted with respect to any of the preceding additional requirements.

(d) *Conditions on variances; variances less than requested.* Reasonable conditions and safeguards relating to construction, character, location, landscaping, screening and other matters may be imposed upon the premises benefited by a variance as considered necessary to prevent injurious effects upon other property and improvements in the vicinity or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance and in the notice informing the applicant thereof. Violation of such conditions and safeguards shall be a violation of this article. A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

(e) *Limitations on variances.* No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion. One or more extensions of said expiration dates may be granted if the facts constituting the basis of the decision have not materially changed and the two-year period is not exceeded thereby. No variance relating to the establishment or maintenance of a use not involving a building or structure shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, unless an occupancy permit is issued and a use commenced within such period; provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. (Code 1968, § 602.24.C; Ord. No. 437-74, 7-1-74; Ord. No. 467-83, § 1, 4-20-83; Ord. No. 563-84, 5-7-84; Ord. No. 357-84, § 1, 12-17-84; Ord. No. 354-85, § 6, 1-7-85; Ord. No. 40-85, § 1, 7-15-85)

Sec. 14-474. Conditional uses.

(a) *Authority.* The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

Supp. No. 10



Cond. uses

(b) *Procedure:*

(1) *Application.* Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the building authority but shall in all instances contain at least the following information and documentation:

- a. The applicant's name and address and his or her interest in the subject property;
- b. The owner's name and address if different than the applicant;
- c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
- d. The zoning classification and present use of the subject property;
- e. The particular provision of this article authorizing the proposed conditional use;
- f. A general description of the proposed conditional use;
- g. Where site plan approval is required by article V of this chapter, a preliminary or final site plan as defined by article V of this chapter.

(2) *Public hearing.* A public hearing shall be set, advertised and conducted by the board of appeals in accordance with article VI of this chapter.

(3) *Action by the board of appeals.* Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by article VI of this chapter, granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant and, if a permit is authorized, shall issue such permit, listing therein any and all conditions imposed by the board of appeals.

(c) *Conditions for conditional uses:*

(1) *Authorized uses.* A conditional use permit may be issued for any use denominated as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

(2) *Standards.* Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Cond. use

LAND USE

§ 14-477

(d) *Conditions on conditional use permits.* The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

(e) *Effect of issuance of a conditional use permit.* The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

(f) *Limitations on conditional use permits.* No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

(g) *Appeals from board decisions.* Appeals from any decision of the board of appeals or, where applicable, the planning board respecting a conditional use permit shall be to superior court. (Code 1968, § 602.24.D; Ord. No. 437-74, § 7-1-74; Ord. No. 407-83, 2-2-83; Ord. No. 467-83, § 2, 4-20-83; Ord. No. 237-83, 10-17-83)

**Sec. 14-475. Reserved.**

**Editor's note**—Section 7 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed § 14-475, relative to nonconforming uses, which derived from Code 1968, § 602.24.E, and Ord. No. 437-74, adopted July 1, 1974.

**Sec. 14-476. Successive applications.**

Whenever any application, appeal or other request filed pursuant to this article has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought within one year of such denial unless in the opinion of the officer or board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial. (Code 1968, § 602.24.F; Ord. No. 437-74, 7-1-74)

**Sec. 14-477. Violations.**

In addition to any other remedies available, the board of appeals, after notice and hearing may revoke any variance or other relief granted under this article when the provisions of this

is submitted to  
the City

1. Proof of licensing with the Maine Department of Human Services ~~and~~ prior to issuance of a Certificate of occupancy;
2. A large day care home shall not be located within 500 feet of another large day care home as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots;
3. A large day care home shall be located in a building of residential occupancy except that ~~institutional~~ day care homes or centers may be located in institutional buildings as an accessory use;
4. There shall be no more than two non-resident staff in a day care home, ~~it~~ except for ~~the~~ day care facilities in an institutional building;
5. Off street parking shall be provided for two non-resident employees, in addition to off-street resident parking ~~the~~, and located in a required front yard;

6. There shall be an outdoor play area within walking distance of the day care home; and

7. If an ~~on-site~~ outdoor play area ~~is~~ is provided on site, it shall be fenced and screened with a landscaped buffer.

DAY CARE TASK FORCE COMMITTEE LIST

Kathy Stead  
Childcare Connections  
Dioscean Human Relations Services, Inc.  
87 High Street  
Portland, Maine 04101

Eddie Smith  
P.R.O.P.  
140 Park Street  
Portland, Maine 04102

Peter Stuckey  
East End Children's Workshop  
10 Mayo Street  
Portland, Maine 04101

Carolyn Davis  
Family Day Providers  
Dioscean Human Relations Services, Inc.  
382 Sabbatus Street  
Lewiston, Maine 04240

Jean Hult  
Chamber of Commerce of Greater Portland Region  
142 Free Street  
Portland, Maine 04101

Bonnie Chait  
Dept. of Human Services  
509 Forest Avenue  
Portland, Maine 04103

Cheryl Leeman  
37 Savoy Street  
Portland, Maine 04103

Kathleen Dall  
37 Lane Avenue  
Portland, Maine 04103

Ann Wilson  
43 Huntington Avenue  
Portland, Maine 04103



|                             | Res-Home Occ   | Res Day Care Home | Res Day Care Center | Boys + Indus Day Care Home | Boys + Indus Day Care Center |
|-----------------------------|----------------|-------------------|---------------------|----------------------------|------------------------------|
| - State License             | X              | X                 | NP                  | X                          | X                            |
| - Dispersal                 | X              | X                 | NP                  | -                          | -                            |
| - Owner occ. res. unit      | (under 14-410) | X                 | NP                  | -                          | -                            |
| - Limit non res. staff      | (14-410)       | X                 | NP                  | -                          | -                            |
| - On-site play area         | -              | X                 | NP                  | X                          | X                            |
| - Off-street Pkg.           | -              | X                 | NP                  | X                          | X                            |
| - Off-street Loading        | -              | -                 | NP                  | X                          | X                            |
| - Fenced/screened play area | -              | X                 | NP                  | X                          | X                            |

NP = NOT PERMITTED

Licensing requirements.

Day Care home

1. satisfactory fire safety + protection
2. light + ventilation
3. napping/resting facilities
4. outdoor play area fence/barriers if hazardous conditions exist

Day Care Center

1. safety + sanitation
2. size of play room
3. napping/resting facilities
4. light + ventilation
5. Heating
6. water supply + toilet fac.
7. Kitchen facilities
8. rooms for isolation
9. Furnishing
10. outdoor play areas
11. Playground equipment

HISTORY SELLS/CONTINUED FROM PAGE 114  
any rental units of this caliber in all of Cincinnati," says Laura L. Long, economic development director for the city of Newport.

A former caretakers' cottage, built in the Second Empire-style, will house new facilities for the project's 800-square-foot pool and volleyball court.

New England Development ac-

quired the property, which had stood vacant for about a year, for \$425,000 from the Sisters of Divine Providence. The city, which acted as an intermediary in the sale, also granted the developers a five-year property tax moratorium and recommended the project to the state for industrial revenue bond funding. — H. JANE LEHMAN, A

WASHINGTON, D.C., FREE-LANCE WRITER

## NON-RES

# DEVELOPER GOES TO TOWN WITH DAY CARE

Woe unto the office building market: vacancy rates are critically high in about two-thirds of the major U.S. markets.

So what's a builder who wants to build offices to do? Rouse & Associates, a Philadelphia-based real estate development company that builds commercial properties in 13 markets, thinks it has one answer. At six of its most recently developed office buildings, Rouse is factoring day care into the

package of attractions.

"It's an important amenity," says Rouse's George Congdon, who notes that it isn't so much in the attraction as in the retention of tenants that day care plays an important role. "Initially tenants don't understand the significance of the benefit to their male and female employees. But once they experience it, day care very clearly helps retain tenants."

For those interested in experi-

menting with office day care, Rouse's experience and advice are helpful.

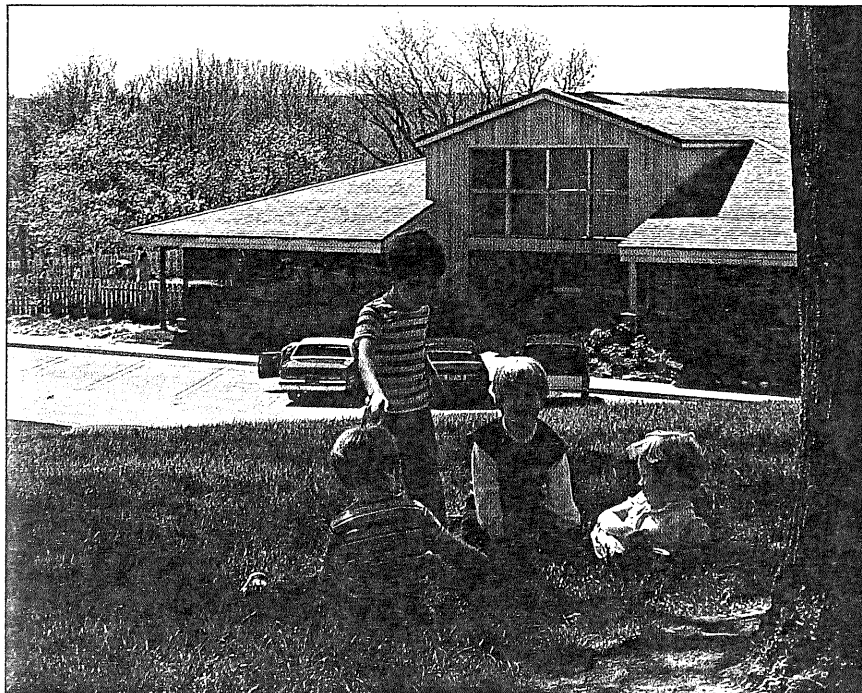
For starters, day care is not as simple an amenity to provide as a restaurant or health club. The local community tends to become very involved in the issue. It's also not a facility that lends itself to becoming a self-management profit center. Rouse contracts out the running of the facility.

As to space requirements, Rouse typically designates 15,000 square feet for day-care usage and then juggles space to meet day care's special requirements. For instance, a day-care center needs a location that is convenient for parental drop-off and pickup and has access to an outdoor recreation area. In addition, Congdon points out, "little children like to run around and make noise, and that's not conducive to doing business. So you have to be careful how you separate the day care from other building uses."

Since most builders don't want to use prime rental space for day care, rooftop space is sometimes an answer, but that often requires expensive reinforcement and separate access from office tenants. Ground-floor space is often the less expensive and more convenient answer.

Then there are the up-front concessions and long-term hidden costs. Congdon estimates that his company's typical "contribution" is \$150,000. "The general breakdown is about \$15,000 a month for the first few months, winding down to \$500 a month after a year and a half. Then the program usually becomes self-supporting."

However, that's not always possible, says Menard Doswell, who is working out a day-care package for a Rouse office building in the competitive Tyson's Corner area of Northern Virginia. "You like to think you can structure the deal so that day care pays rent. But if the day-care center fails to pay the rent, the developer has to keep things going, especially if you have tenants whose employees have children there," Doswell says, adding, "It's like a restaurant—it's tough to close it after people start looking to it for service." — PENELOPE LEMOV



Rouse and Associates' 650-acre Great Valley Corporate Center in Malvern, Pa., houses a day-care center and playground in a one-story multitenant office building.

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Chairman and Members of the Portland Planning Board  
**FROM:** Kathleen A. Conner, Senior Planner *KC*  
**DATE:** October 27, 1987  
**SUBJECT:** Day Care Amendments Workshop

Due to lack of time at the October 13, 1987 Planning Board Workshop, the Day Care Amendments item was tabled until the October 27, 1987 Workshop. Please bring to the Workshop the memorandum that was distributed in early October.

/eg



**CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

ROBERT J. GAUDREAU  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
CHRISTOPHER DINAN

451 St. John St.

August 12, 1987

Ms. Caroline C. Thomas  
451 St. John Street  
Portland, Maine 04102

Dear Ms. Thomas:

Receipt of your application for a conditional use appeal is acknowledged. Under the provisions of Section 14-137(3)d of the City Zoning Ordinance, the Board of Appeals may grant a permit for a day care center if all of the provisions of Section 14-474 of the Ordinance are met. This item will be included on the agenda for the Board's consideration at the meeting of Thursday evening, August 27, 1987, at 7 P.M. in Room 209, City Hall, Portland, Maine. Please furnish details for parking and room arrangement.

A copy of the agenda for this meeting will be sent to you as soon as the printed agenda become available for distribution.

Sincerely,

Warren J. Turner  
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief, Inspection Services  
Kevin Carroll, Code Enforcement Officer

**CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



KC  
MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

ROBERT J. GAUDREAU  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESTORT  
CHRISTOPHER DINAN

1171 Washington Ave.  
(R-3 Residence Zone)

August 12, 1987


Mr. Robert C. Robinson, Attorney  
Twelve Portland Pier  
P.O. Box 568  
Portland, Maine 04112-0568

Dear Mr. Robinson:

Receipt is acknowledged of your application for a conditional use appeal on behalf of St. Joseph's Manor for a day care center at 1171 Washington Avenue to accommodate twelve (12) children of employees at St. Joseph's Manor. This facility will operate seven days a week, from 6:30 A.M. to 5:30 P.M. The site will be completely fence enclosed. ↙

This conditional use appeal will be included on the agenda for Thursday evening, August 27th, 1987, at 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting will be sent to you as soon as copies of them become available for distribution.

Sincerely,

  
Warren J. Turner  
Zoning Enforcement Inspector

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief, Inspection Services  
Fred Williams, Code Enforcement Officer

### Section 3

Section 14-473(3) (f) (Specified Variances Prohibited) is amended as follows:

- f. No variance shall be granted which would permit the alteration of an existing residential structure in an R-4 or an R-5 zone to accommodate more than two (2) dwelling units; however a variance may be granted to permit the alteration of such structures to accommodate a total of not more than three (3) dwelling units on the condition that all of the following additional requirements are met:
1. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
  2. No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;
  3. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
  4. No existing dwelling unit shall be decreased to less than one thousand (1,000) square feet of floor area;
  5. The building shall have been in existence prior to January 1, 1984;
  6. A minimum of nine thousand (9,000) square feet of land area shall be required;

R-5 ↑  
monnet for R-4

# Day Care Center

|           |     |                |               |
|-----------|-----|----------------|---------------|
| 6         | 80  | <del>60</del>  | <del>55</del> |
| 8         |     |                |               |
| 17        | 84  | <del>84</del>  | <del>64</del> |
|           | 84  |                |               |
| 18        | 92  | <del>50</del>  | <del>27</del> |
| 20        | 95  | <del>40</del>  | <del>18</del> |
| 20        | 100 | <del>95</del>  | <del>60</del> |
|           | 32  |                |               |
| 20        |     | <del>6</del>   | <del>24</del> |
| 20        |     | <del>84</del>  | <del>25</del> |
| 23        |     | <del>100</del> | <del>25</del> |
| 24        |     | <del>50</del>  | <del>63</del> |
| 24        |     |                |               |
| 25        |     | <del>50</del>  | <del>20</del> |
| 25        |     | <del>20</del>  | <del>80</del> |
| 27        |     | <del>23</del>  | <del>40</del> |
| 30        |     | <del>20</del>  | <hr/>         |
|           |     |                | 1414          |
| 40        |     | <del>30</del>  |               |
| 40        |     | <del>40</del>  | Ave. - 44     |
| <u>40</u> |     | 92             | median - 40   |
| 50        |     | <del>17</del>  |               |
| 50        |     | <del>24</del>  |               |
| 50        |     | <del>20</del>  |               |
| 55        |     |                |               |
| 60        |     | <del>8</del>   |               |
| 60        |     |                |               |
| 63        |     |                |               |
| 64        |     |                |               |

**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Planning Staff

**DATE:** August 28, 1987

**FROM:** Kathleen A. Conner, Senior Planner *KC*

**SUBJECT:** Daycare Amendments

On June 30, 1987, the Planning Board held a workshop on the proposed daycare amendments. The comments that the members made during the workshop are incorporated into the attached Proposed Daycare Amendments. Generally, the Board gave the following guidance:

1. Use state definitions;
2. Limit daycare homes and centers in residential zones; *and*
3. Permit them in business and limited industrial zones.

Also attached is part of the memorandum that the Board received for the June 30th workshop. This section of the memorandum outlines the existing City daycare regulations.

Please review these proposed amendments so they can be discussed at Monday's staff meeting.

Attachments

KAC:lab



# PROPOSED DAY CARE AMENDMENTS <sup>①</sup>

## Definitions (state)

Day Care Home:

<sup>3-12</sup>  
(3-12)

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three to twelve unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.

Day Care Center:

(13+)

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for 13 or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians, or for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

## RESIDENTIAL ZONE

- Conditional Use

- I. Home Occupation. 0-6 (+2) children;  
no non-residential employees

Standards: In addition to provisions in section 14-410, the following shall apply:

- a) State Day Care Home license prior to issuance of permit
- b) ~~one~~ <sup>one</sup> day care home ~~occupancy~~ per 800 linear feet of frontage.

(2)

Residential Cont'd

2. Day Care Home. 7-13 Children

Standards:

- a) State Day Care Home license prior to issuance of permit
- b) Owner-occupied residential unit
- c) <sup>maximum</sup> two non-resident staff
- d) One Day care Home per 800 linear feet of frontage
- e) 75 sq ft of outdoor play area per child, located on-site
- f) Off street parking for 2 employees, in addition to off street parking for the resident
- g) ~~the~~ the play area <sup>shall</sup> ~~must~~ be fenced in ~~by~~ and screened with a landscaped buffer

3. Day Care Center - Not Permitted

**BUSINESS** and **INDUSTRIAL - I - P, I - 1, I - 2**  
Conditional Use  
principal or accessory

1. Day Care Home, 6-12 children

- a) State Day Care Home license prior to issuance of permit
- b) Off street loading and parking for three employees
- c) 75 $\pm$  of <sup>outdoor</sup> 1 play area per child, located on-site
- d) The play area shall be fenced in and screened with a landscape buffer

2. Day Care Center, 13+ children

- a) State Day Care Center license prior to issuance of permit
- b) 75 $\pm$  of <sup>outdoor</sup> 1 play area per child, located on-site
- c) Off street loading and parking for ~~three~~ employees based on one space per 200 $\pm$  of floor area of indoor play area
- d) The play area shall be fenced in and screened in a landscaped buffer



Phil Corbett

Scarbrough

- ① dispersed
- not a home care!
- special exception
- Bd. of appeal

- state approval

central

approval memo is the last

No Home Occupation -

- State license for day care home

plus

Residential Zones)

- state license for day care home plus outdoor eqmnts

- fence

- 75 sq ft per child

on site

- screening

- off street pkg. for employees)

- rear + side yard.

• dispersal reqmnt?

~~Residential Zones)~~  
~~- state license for day care home plus outdoor eqmnts~~  
~~- fence~~  
~~- 75 sq ft per child~~  
~~- screening~~  
~~- off street pkg. for employees)~~  
~~- rear + side yard.~~  
~~• dispersal reqmnt?~~

## Definitions

Day Care home: State def., specify house 3-12

Day Care Centers: state - 13+

(under Home occ - day care homes 6x plus 2  
kids after school - no non-residential employees)

## RES.

home occupation - 0 to 6 (+2)

- State <sup>day care home</sup> licence before C of O / permit
- 1 per 800 linear feet of frontage on a street

Day care home 7-13 Conditional use

- state license - proof before C of O / permit
- 75 sq outdoor play area per child, on site
- off street parking for employees based on <sup>maximum #</sup> kids
- screening + buffers
- fence around play area
- resident plus 2 non resident staff (owner occupied)
- 1 per 800 linear feet of frontage

Dispersion:



Conditional Use

Business + Indus I+P, I-1, I-2

Principal or  
accessory

Day care home

Day care center

- Proof of App. before CofO
- Offstreet loading + parking
- buffer/screening
  - on site play area

# Bd. of Appeals

- past few years  
discuss is w/

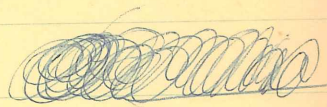
Call John Hurley →  
call you back

letter re: ~~Brighton~~ <sup>6/25/10</sup>

- past few years -

Bd. can establish  
any conditions it wishes.

→ day care



## Conditions

- ① Pleasantday nursery
  - site plan review
  - adequacy of play <sup>8+ cars</sup> off street
  - fenced in play area to road
  - landscaping
  - state license
  - ~~supervisor~~

## Why turned down

- ① Forest Ave. <sup>R-3</sup> near R.I. Hwy.
  - heavily traveled arteries
  - preserve no. character of nbhd.

964  
Forest Ave - RP



- ② Ocean Ave RP Disneys
  - 114 kids 6 teachers
  - basement 3 prof bldg.
  - play (1 per classroom)
  - site plan as above

- ② 263 Brighton near Orlad

(withdrawn)  
because of traffic  
+ petition from nbhd.  
noise

~~Steve~~  
④ 5th Ave, near  
Capisiz  
- no drop off area noise  
- too narrow  
- street play, inadequate

- ③ Huntington Ave  
proximity to another  
family day care  
center

**CITY OF PORTLAND, MAINE  
M E M O R A N D U M**

**TO:** Chairman and Members of the Portland Planning Board  
**FROM:** Kathleen A. Conner, Senior Planner *KC*  
**DATE:** June 30, 1987  
**SUBJECT:** Day Care Standards

The Planning Board asked Staff to draft standards for day care facilities. The Board's request was in response to a proposal for a day care center in an industrial zone. The Board also expressed its interest in reviewing the standards' application to other zones in the city. This memorandum will include a discussion of current City and State day care standards and policy alternatives for the Board to consider if the Board wishes to change the current regulations.

**CURRENT CITY REGULATIONS**

1. Definitions

**Day Care Facility:** A facility which provides a regular program of care and protection, for children under the age of sixteen (16), for consideration, for any part of the day.

**Home Occupation:** Licensed family day care homes, or home babysitting services, to accommodate not more than six (6) children plus two (2) children after school and having no non-residential employees.

2. Permitted or Conditional Uses by Zoning Category

|                 | <u>R-1 to R-6<br/>Residential</u> | <u>RP<br/>Res/Prof</u> | <u>B-1 to B-3<br/>Business</u> | <u>IP to I-4<br/>Industrial</u> | <u>W-1 / W-2<br/>Waterfront</u> |
|-----------------|-----------------------------------|------------------------|--------------------------------|---------------------------------|---------------------------------|
| Home Occupation | X                                 | X                      | X                              | ---                             | X* ---                          |
| Permitted Use   | ---                               | ---                    | X                              | ---                             | X* ---                          |
| Conditional Use | X                                 | X                      | ---                            | ---                             | ---                             |

\*North side of Commercial Street until 1992.



①

m.c. = most common

## Definitions -

|              |      |             |                          |
|--------------|------|-------------|--------------------------|
| home occ     | 4-8  | (6 m.c.)    | SF                       |
| intermediate | 4-20 | (5-12 m.c.) | SF or bldg,              |
| large        | >20  | licensed,   | separate fac. (not home) |

## - size

\* distinguish use from preschools, kind, babysitting, etc.

## Zoning # kids

### Setting

max. age of children

hours recurring, non recurring, max. hours per day (18 m.c.)  
plus daylight hours (7 a.m. - 9 p.m. m.c.)

state licensing

compensation (same reqs for both compen + non compen)

options: home oc., by right, by right w/ qualified trust  
special use (conditional use or  
special exception)

## State

State requirement

- Day care centers

Homes - 3 to 12

Centers - 13+

Under 16 years of age

Floor area excluding hallways, lockers, toilets,  
isolation rooms, kitchens, offices  
35 sq ft / child

- outdoor play area: 75 sq ft fenced - high  
enough to keep kids in the area.

- separate fenced area for infants + toddlers.

Homes

35 sq ft for napping rooms



Site Standards:

Density

- play area per child → indoor/outdoor
- indoor play areas 25-50 # (50 # is typical)  
excluding halls, kitchens, storage, closets,  
private family lodges
- outdoor play areas 50-100 # (75 # is typical)

lot area per child → 500-1,000 # (1,000 m.c.)  
 or min. lot size plus 100-500 # per child (100-200 # m.c.)

- min. lot width or frontage

- Screening + fencing 4'

- off street pkg. ratios → 1 sp/400, 1 sp per employee,  
 1 sp. per 10 children of design capacity  
 in addition to resident parking  
 (employees include volunteers)

- Spacing Standards

Signs

- Zone yard restrictions

- prohibit front zone yards for day care use.
- curb dropoff + pickup

- Federal Dept of H + H.S.

- \* fencing or a buffer
- \* access to a baseball play area
- \* no greater play than required for similar uses
- \* accommodating for fire + other emergency vehicles

- Consistency w licensing standards is good.

APA principals for intelligent zoning for day care:

- ① establishment of day care services + facilities wherever needed be recognized as an essential public objective
- ② community facilities rather than as proprietary uses restricted to comm. zones
- ③ day care regulated by the State + appropriate additional rights should be incorporated into state statutes.

---

School age child care is a family service which provides developmentally sound programs for children + support for families who are unable to give care when school is not in session.

## CITY

Home occupation = not more than six (6)  
plus 2 children after school.

Otherwise permitted with no special conditions



3/ Floor Plans) ~~sets~~ indicating use + dimensions of each room

4. minimum indoor play area 35  $\#$  <sup>per child</sup>, exclusive of hallways, kitchens, storage, closets, private space, administration ~~of~~ areas

5. outdoor 75  $\#$  per child

6. Play areas limited to side + rear yards

7. fence - 4' around play areas

8. play area setback - 10' landscaped buffer

9. space + bulk: underlying zone or if no requirements

min. lot: 10,000  $\#$  (or 1,000  $\#$  per child design capacity)

frontage: 50'

ht : 35'

10. ~~off~~ <sup>setback</sup> drop off area / loading zone

11. parking 1 sp. / six kids (ave of staff / child standards in the State) or (35  $\#$  indoors  $\times$  6 = 210  $\#$ ) ~~or~~ 1 sp. per 210  $\#$  <sup>indoor</sup> play area.

Existing bldgs

~~State~~

~~Family~~

Facility

~~Day Care Centers~~: A facility for seven (7) or more children which provides a regular program of care and ~~protection~~ <sup>protection</sup> for children under the age of sixteen (16), ~~for consideration~~, for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. and which ~~so~~ meets the <sup>State Department of Human Services</sup> ~~licensing~~ <sup>licensing</sup> requirements (for a day care center).

The following use is permitted as provided in sec 14-474 (cond. use) if it meets the following requirements:

Day Care Facility:

1. Proof of licensing with the <sup>State</sup> Department of Human Services
2. Site plan review ~~etc~~



\* talk to WT  
day care center cond. use  
appeals

discuss  
alex 6/19/97

res-home dc up to 6 day care home  
res: cond. 6-12 4

current reg.s - ↑

policy Q - restructure?

possibility - dc home up to 6  
larger d.c. homes or centers:

- ① state def. -
- ② our ord. - Res., bus., Indust.
- ③ policy approaches:

Keep Res  
 < 6 permitted  
 h.o.  
 6-12 cond  
 13+ cond or  
 not permitted

- A. 1. keep as are; revise terms
- 2. add standards. d.c. homes per. in Res zones

B. d.c. centers as ~ bus. appropriate?  
public good.

C. suggested policy. good + public interest  
encouraged & promoted w/ reasons

sample amendment. balance to preserve

bus

home

centers  $\rightarrow$  permitted

state licensing      drop off

industrial

no home occupation

6-12



13K

Centers  $\rightarrow$  permitted  
or  
conditional ?  
facilities

$\rightarrow$  larger buffer      I-1 and I-2  
- drop off  
- fencing

heavier indus. - more limited

= more compatibility problems  
noise ?

---



# DRAFT

06-15-87

## DEFINITIONS:

Day Care Home: a facility for seven (7) to twelve (12) children in a residential unit occupied by the operator which provides a regular program of care and protection for children under the age of sixteen (16) for any part of the day ~~between the hours of 6:30 a.m. to 7:30 p.m.~~ The Day Care Home must meet the State Department of Human Services licensing requirements.

copy ?

Day Care Center: a facility for seven (7) or more children which provides a regular program of care and protection for children under the age of sixteen (16), for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The Day Care Center must meet the State Department of Human Services licensing requirements.

What about day care, less than 7 children, on i.e. residential property (non-conf but pre-existing) in indust zone

## STANDARDS:

The following uses are permitted as provided in section 14-474 (conditional use) if, in addition to being subject to approval by the Planning Board with respect to the requirements of Article V (Site Plan), they meet the following requirements:

does this adequately cover buffering/screening/etc. Tech. Supp would only with "GUIDELINES", not standards

1. Proof of licensing with the Maine Department of Human Services;
2. Submission of floor plans, indicating the use and dimensions of each room;
3. Indoor play areas shall have a minimum of thirty-five (35) square feet (of design capacity) per child, exclusive of hallways, kitchens, storage areas, closets, private quarters, and administrative areas;
4. Outdoor play areas shall have a minimum of seventy-five (75) square feet (of design capacity) per child. These play areas may be located only in the side and rear yards of the site. A fence of a minimum four (4) feet in height shall be placed around the play areas. They shall have a minimum ten (10) foot setback from the lot lines which shall be landscaped to provide a buffer.
5. Space and bulk requirements: The space and bulk requirements shall be those of zone in which proposed use is located. If there are no standards, the following requirements shall apply.

are these defined in State req'ts

what, if particular site conducive to front yard?

noise - vis-a-vis nearby uses - impact of kids or impact of off-site activities...

- |    |                     |                    |
|----|---------------------|--------------------|
| a. | Minimum lot area:   | 10,000 square feet |
| b. | Minimum frontage:   | 50 feet            |
| c. | Minimum front yard: | 25 feet            |
| d. | Minimum rear yard:  | 25 feet            |
| e. | Minimum side yard:  | 10 feet            |
| f. | Maximum height:     | 35 feet            |
| g. | Minimum lot width:  | 50 feet            |
| h. | Maximum I.S.R.:     | 80%                |

where do these come from... what do they mean... examples...

6. There shall be an off-street drop off/pick up area.
7. Parking: One (1) space per 210 square feet (of design capacity) of indoor play area.

how determined ?

Day care as "accessory" to industrial or office park ?

vs. simply conditional use



Lee Lowry  
Brent Cote

6/25/87

State license → concern: proof may not  
be able to provide from day one.

- proof of menu @ CoFO authorization.
- submit materials pertaining  
(not necessarily licensed - provisional @ first)

→ pkg. - Sq. footages or averages.  
→ don't want overkill

may not have exact floor spaces.  
"build shell, interior to suit"

75 in building for Cote Day Care ~~8000~~  
6400 sq. ft. 7 spaces.

land costs so high

$$7 \times 35 = 245 \text{ \$/}$$

6/26/87

classrooms 350 \\$/ 5  
364 \\$/ 1

Cote Door Case  
Forest ave.

6 classrooms 80 kids (clipped)

total classroom 2,225 \\$/  $\div 35 \div 7$  9. spaces  
size :

Recreation room: used for rec + meetings.  
multi purpose. Not used  
as a classroom.

3-5 year old is the concentrated area  
of kids they gear it for.

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Distribution List Below

**FROM:** Kathleen A. Conner, Senior Planner *KC*

**DATE:** June 17, 1987

**SUBJECT:** Day Care Facilities Standards

The Planning Board asked Staff to draft standards for day care facilities in response to an applicant's proposed text change to include day care facilities in the I-1 zone. The Board also expressed its interest in reviewing the standards' application to other zones in the City. At this time, there are standards only for day care and babysitting services as home occupations.

Attached is a draft of definitions for day care facilities and standards for them. From the literature and sample ordinances on day care facilities that I reviewed, it appears that the standards in the draft are the most common and the most effective in regulating such facilities. The standards are structured for design capacity rather than on a per child or worker basis. They are also consistent with the State licensing requirements which is a proposed standard.

I would like to discuss these standards at the next Staff meeting.

jf  
Attachment

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alex Jaegerman, Chief Planner  
Rick Knowland, Senior Planner  
Philip Meyer, Urban Designer  
David Klenk, Planner



## DEFINITIONS:

Day Care Home: a facility for seven (7) to twelve (12) children in a residential unit occupied by the operator which provides a regular program of care and protection for children under the age of sixteen (16) for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The Day Care Home must meet the State Department of Human Services licensing requirements.

Day Care Center: a facility for seven (7) or more children which provides a regular program of care and protection for children under the age of sixteen (16), for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The Day Care Center must meet the State Department of Human Services licensing requirements.

## STANDARDS:

The following uses are permitted as provided in section 14-474 (conditional use) if, in addition to being subject to approval by the Planning Board with respect to the requirements of Article V (Site Plan), they meet the following requirements:

1. Proof of licensing with the Maine Department of Human Services;
2. Submission of floor plans, indicating the use and dimensions of each room;
3. Indoor play areas shall have a minimum of thirty-five (35) square feet (of design capacity) per child, exclusive of hallways, kitchens, storage areas, closets, private quarters, and administrative areas;
4. Outdoor play areas shall have a minimum of seventy-five (75) square feet (of design capacity) per child. These play areas may be located only in the side and rear yards of the site. A fence of a minimum four (4) feet in height shall be placed around the play areas. They shall have a minimum ten (10) foot setback from the lot lines which shall be landscaped to provide a buffer.
5. Space and bulk requirements: The space and bulk requirements shall be those of zone in which proposed use is located. If there are no standards, the following requirements shall apply.
  - a. Minimum lot area: 10,000 square feet
  - b. Minimum frontage: 50 feet
  - c. Minimum front yard: 25 feet
  - d. Minimum rear yard: 25 feet
  - e. Minimum side yard: 10 feet
  - f. Maximum height: 35 feet
  - g. Minimum lot width: 50 feet
  - h. Maximum I.S.R.: 80%
6. There shall be an off-street drop off/pick up area.
7. Parking: One (1) space per 210 square feet (of design capacity) of indoor play area.

# Standards

# Centers

- indoor <sup>play</sup> areas 35¢ per child
- outdoor <sup>play</sup> areas 75¢ per child
- fence min. 4' high
- lot area
- drop off area / loading zone
- parking 1 sp. per 6 ~~children~~ <sup>kids</sup> (ave. of staff/child standards in State) or 35¢ indoors x 6 ↑ = 210¢ = 1 sp. per 210¢ play area

exclusion of halls, kitchen, storage, closets, private family lodgings

- screening + buffering areas where kids will play. ~~front~~
- front yard excluded from day care use. shall provide play areas, but not in the front yard.

minimum lot size - 10,000 sq ft (or 1,000 sq ft per child design capacity)  
frontage - 50'

height - 35' 2 stories

setback - 10 feet landscaped buffer

state licensure

"licensed or registered with the Dept. of Human Services as required by Maine State Law"

floor plans - use + dimensions of each

proof of license?

Site Plan review

## DEFINITIONS:

Day Care Home: a facility for seven (7) to twelve (12) children in a residential unit occupied by the operator which provides a regular program of care and protection for children under the age of sixteen (16) for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The Day Care Home must meet the State Department of Human Services licensing requirements.

*Other than a residence*  
Day Care Center: a facility for seven (7) or more children which provides a regular program of care and protection for children under the age of sixteen (16), for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The Day Care Center must meet the State Department of Human Services licensing requirements.

## STANDARDS:

*Don't be more stringent than state*  
The following uses are permitted as provided in section 14-474 (conditional use) if, in addition to being subject to approval by the Planning Board with respect to the requirements of Article V (Site Plan), they meet the following requirements:

1. <sup>Sub</sup> Proof of licensing with the Maine Department of Human Services;
2. Submission of floor plans, indicating the use and dimensions of each room;
3. Indoor play areas shall have a minimum of thirty-five (35) square feet (of design capacity) per child, exclusive of hallways, kitchens, storage areas, closets, private quarters, and administrative areas;
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5. Space and bulk requirements: The space and bulk requirements shall be those of zone in which proposed use is located. If there are no standards, the following requirements shall apply.
  - a. Minimum lot area: 10,000 square feet
  - b. Minimum frontage: 50 feet
  - c. Minimum front yard: 25 feet
  - d. Minimum rear yard: 25 feet
  - e. Minimum side yard: 10 feet
  - f. Maximum height: 35 feet
  - g. Minimum lot width: 50 feet
  - h. Maximum I.S.R.: 80%
6. There shall be an off-street drop off/pick up area.
7. Parking: One (1) space per 210 square feet (of design capacity) of indoor play area.

06-15-87

DEFINITIONS:

Day Care Home: a facility for seven (7) to twelve (12) children in a residential unit occupied by the operator which provides a regular program of care and protection for children under the age of sixteen (16) for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The day care home must meet the State Department of Human Services licensing requirements.

Day Care Center: a facility for seven (7) or more children which provides a regular program of care and protection for children under the age of sixteen (16), for any part of the day between the hours of 6:30 a.m. to 7:30 p.m. The day care center must meet the State Department of Human Services licensing requirements.

The following uses are permitted as provided in section 14-474 (conditional use) if, in addition to being subject to approval by the Planning Board with respect to the requirements of Article V--(Site Plan), they meet the following requirements:

1. Proof of licensing with the Maine Department of Human Services;
2. Submission of floor plans, indicating the use and dimensions of each room;
3. Indoor play areas with a minimum of thirty-five (35) square feet (of design capacity) per child, exclusive of hallways, kitchens, storage areas, closets, private quarters, and administrative areas;
4. Outdoor play areas with a minimum of seventy-five (75) square feet (of design capacity) per child. These play areas may be located only in the side and rear yards of the site. A fence of a minimum four (4) feet in height shall be placed around the play area.
5. Play areas for the day care center shall have a minimum ten (10) foot setback which shall be landscaped to provide a buffer.
6. Space and bulk requirements:
  - a. Minimum lot area: 10,000 square feet
  - b. Minimum frontage: 50 feet
  - c. Minimum front yard: 25 feet
  - d. Minimum rear yard: 25 feet
  - e. Minimum side yard: 10 feet
  - f. Maximum height: 35 feet
  - g. Minimum lot width: 50 feet
  - h. Maximum I.S.R.: 80% (or same requirements as the zoning district in which proposed use is located.)
7. There shall be an off-street drop off/pick up area.
8. Parking: One (1) space per six children or one (1) space per 210 square feet (of design capacity) of indoor play area.



6.15.87

06-15-87

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6. Space and bulk requirements:
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  - f. Maximum height: 35 feet
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6.15.87

06-15-87

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  - h. Maximum I.S.R.: 80% (for same requirements as the zoning district in which proposed use is located.)
7. There shall be an off-street drop off/pick up area.
8. Parking: One (1) space per six children or one (1) space per 210 square feet (of design capacity) of indoor play area.

## Child care at the workplace: an amenity for working parents

by the Chappell Schools, Inc.

**Industrial office parks and other designed workplaces are ideal sites for child care centers. If designers became more sensitive to the needs of working parents, such centers could become part of the design plan from the start. The child development center described here, which was the first privately-owned, non-subsidized, free-standing child development center in the United States to be located in an industrial office park, shows the value of such a facility.**

When Katherine Elizabeth Chappell, President of The Chappell Schools, Inc. in Jacksonville, Florida, made the decision more than two years ago to open the Chappell III Child Development Center in the heart of a thriving industrial office park, she was unaware that she would be at the forefront of a national trend to provide child care near the workplace.

"It simply seemed like a good idea," she said.

The office park was the Deerwood Center, a 400-acre office and light industrial park which was planned to preserve and emphasize the natural environment with lakes, tree-lined boulevards, and native plants. It is comprised of architecturally pleasing corporate offices of some three hundred national and local companies. Firms such as The Bendix Corporation, AT&T/American Transtech, State Farm Insurance Company, and others employ some 5,500 workers, an estimated sixty-five percent of whom are women.

Before building Chappell III, feasibility studies and marketing research led Ms. Chappell to the CEOs and Human Resources Directors of these companies, both those already operating from offices in Deerwood and those firms contemplating relocating within the park. All were positive in their comments concerning the need for a comprehensive child development center

within the park. All placed the availability of quality child care nearby as a top priority.

Katherine Chappell discovered that employers committed to the child care concept have found that a quality child care facility attracts and holds workers, reduces stress and improves the quality of their work. Turnover, absenteeism, tardiness, errors, and accidents are reduced, and "The Three O'Clock Syndrome," the time of the highest error and accident rate among employees with school-age children, is eliminated.

As a result, she was told, CEOs are placing child care high on their lists of desired amenities in the workplace. Developers of commercial office space are finding that it makes good business sense to include provisions for employee child care when making plans for their office tenants.

The firms reacted positively to the actual construction of the child-care facility. Rouse and Associates, a large, Philadelphia-based development firm chiefly involved with office and warehouse construction, now includes the Chappell III Child Development Center as an integral part of their package presentations to prospective tenants. Their total development interests in Jacksonville, including the Corporate Plaza office complex in the Deerwood Center, amount to one and a half million square feet. According to Harriet Jones, Director of Marketing for Rouse and Associates, "Having Chappell III gives us an advantage over other office parks." She reported that it has helped her in a number of presentations, and that she regards the center as "extremely fine."

The relationship between the center and the industries involved has been given wide publicity. In an article headlined, "Toddling Trend: Child Care Near The Office," which appeared on the front page of Section 2 in the October 6, 1986 issue of *The Wall Street Journal*, both Chappell III Child Development Center and Rouse and Asso-

ciates were featured. Chappell III was cited as an example of the success of this trend. The article also quoted Ms. Chappell as saying, "The waiting list is unbelievable. Most mothers will make reservations for the child when they determine that they are pregnant." What the article did not state is that Chappell III was the first privately-owned, non-subsidized, free-standing child development center in the United States to be located in an industrial office park.

Chappell III, which opened its doors in July, 1984, provides care for children six weeks old through five years of age. It has an enrollment capability of 225 children. Parents may drop off their children as early as 6:45 a.m., and return for them by 6:00 p.m., Monday through Friday. The convenience of these hours and the location of the center have been a boon to parents who work for firms in The Deerwood Center, as well as for others whose jobs are located in the area. Chappell III is strategically located on one and one-half acres of prime real estate, and in close proximity to the



The Chappell Schools

*In the Lullaby Room, mothers may nurse their children; grandmothers and others may visit in privacy.*

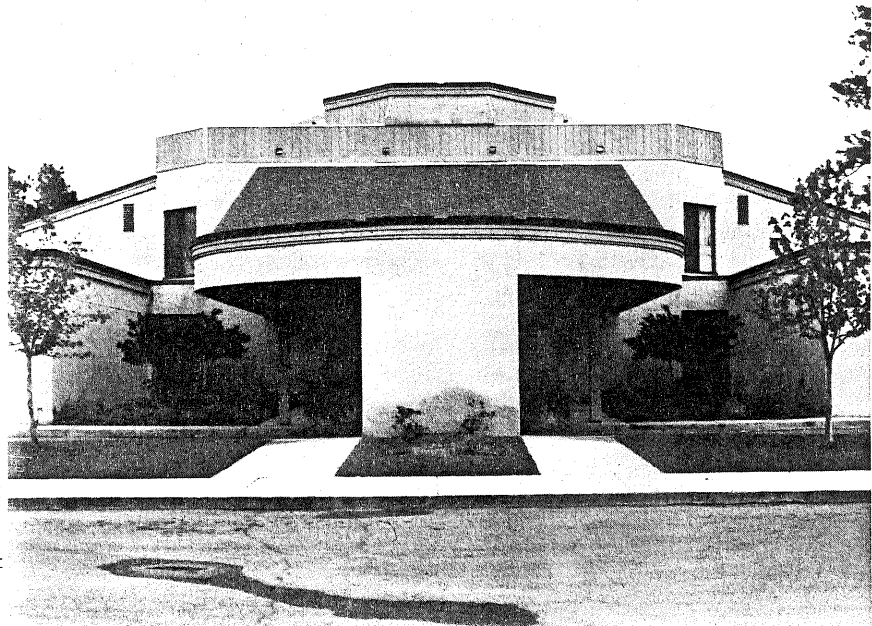
302 companies which occupy space in The Deerwood Center. It was built at a cost of \$1,000,000 including the land, the 12,500-square-foot building and its furnishings. The building was designed and built by The Haskell Company, a prominent Jacksonville architectural and engineering firm. Major emphasis was placed on the building's aesthetic blending with The Deerwood Center's architectural environment.

Chappell III was cited for its unique architectural design at the Tenth Annual Arts and Design Recognition Award ceremonies sponsored by the Jacksonville Chamber of Commerce and the Arts Assembly of Jacksonville in February, 1986.

According to John Zona, III, A.I.A., Senior Vice-President Architecture and Engineering Department of The Haskell Company, the hexagonal design of the building grew out of the functional requirements of the center. A circular porte-cochere at the entrance leads to a red-carpeted portico, beneath which parents deliver and pick up their children. Through this portico evolves a stage area, "The Gallery." This feature presents a large multi-purpose space which has walls running thirty feet to a sky-lighted, domed ceiling. The well-lighted space was designed to showcase a continuing exhibition of art works. The Gallery has a receptionist ready to assist children, parents, and visitors alike.

In June of this year, Ms. Chappell launched the Chappell III Fine Arts Center in the gallery, a unique concept of combining child development space and artistic space. Artist Margo Buccini, fulltime Art Director for the Chappell Schools, opened the Fine Arts Center with a one-woman show of thirteen paintings. She believes strongly that it is never too early to introduce a child to fine art. As for the Fine Arts Center, she said, "Ms. Chappell and I expect it to be a prototype for expanding art awareness in the community."

Ms. Chappell continues, "We



*The Chappell III Child Development Center was the first of its type to be located in an industrial office park.*

want not only to teach a fine art and its appreciation to the children and their parents via art works such as those of Ms. Buccini's, but to establish a center for exhibitions and art education; and, as a business located within an industrial office park, we feel it is important to extend our cultural offerings to other businesses, as well as to the community as a whole. We plan to exhibit the work of well-respected area artists, as well as children's art work, throughout the year."

The Fine Arts Center with its backdrop of fine art is used for a multitude of purposes by the children, staff, and community at large. Activities range from art and dance classes to employee gatherings to a class from another Chappell School sharing a play with the younger children.

Another innovation at Chappell III is the Lullaby Room, located on the second floor away from the hustle and bustle of the activities downstairs. Ms. Chappell saw the need for a room where a parent could have a quiet time alone with a child, have lunch, or just visit. A frequent and appropriate use of the room is by mothers with nursing ba-

bies. In line with this, she selected room colors in soft, pastel shades. The furniture in the room is of antique wicker and includes an adult rocking chair, child's rocking chair, a bassinette, and a profusion of stuffed animals and dolls. Here, too, in keeping with her belief that children need to be exposed to fine art at an early age, Ms. Chappell placed a large, original lithograph by an artist, Edna Hibel, who is well known for her family depictions.

A frequent visitor to the Lullaby Room is Mrs. A. D. Barnes, an instructor in Adult Development Services at University Hospital of Jacksonville. Mrs. Barnes enjoys visits with her granddaughter, two-year-old Megan (who has been in child care at the center since the age of six months), while Megan's mother is busy at her job at nearby AT&T/American Transtech.

"I had the stereotyped idea about nursery schools," Mrs. Barnes said, "So Chappell III is a very happy surprise. The Lullaby Room is all I could ask for in convenience and comfort."

Three more innovations of Chappell III are: a small observation room where a sick child may be iso-

lated while comfortably awaiting his/her parents; a foreign language specialist who introduces a foreign language to each child as he/she begins to verbalize, and a computer laboratory housing six color computers (called "co-co's" by the children). These have been installed to run programs teaching recognition and formation of letters, ordering and sequencing exercises, spatial relationships, two- and three-dimensional form recognition, and small sentence structure. Teachers at Chappell III report rapid growth in the achievement rate of the children using the computer laboratory.

Ms. Chappell is much concerned with the impact today's child care centers have upon the development of children. She stresses the importance of quality child care staffing. Chappell III employs a staff of thirty-five caregivers, who are headed by the director, Mrs. E. Hixon, who has been with The Chappell Schools twenty-three years and is the recipient of the Teacher of the Year Award. Mrs. Hixon re-

members the stringent standards and high expectations in academics and the fine arts which were set by Ms. Chappell's mother, the late Mrs. LaDuskie Harward Chappell, who founded the original Chappell School in Jacksonville in 1958. This first Chappell School now has students from kindergarten through grade six, as well as a child care center for four hundred infants through pre-kindergarten. The school is accredited by the Southern Association of Colleges and Schools and maintains a state-of-the-art media center, science laboratory, computer laboratory, and fine arts center. Also, five fulltime resource teachers are on the faculty: media specialist, physical education, Spanish, art, and music. As five year olds matriculate from Chappell III, they have the opportunity to attend the nearby upper level school via shuttle bus.

At Chappell III the nursery and toddler areas comprise a major part of the center. There is available space for thirty-six infants and fifty

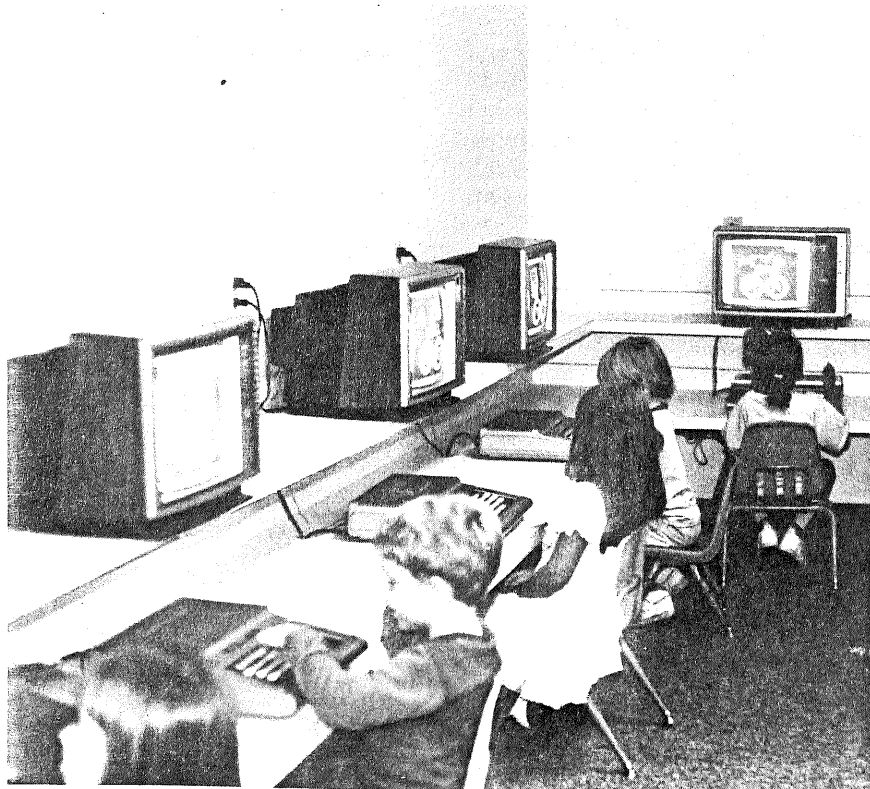
toddlers with furniture and fixtures (water closets, sinks, and water fountains) scaled to size. These nurseries contain much open space for various types of infant stimulation activities, including fenced deck areas for outdoor activities. Chappell Schools is fortunate to have on its staff a specialist in infant learning who not only works directly with the children but teaches the other caregivers the intricate stages of infant development.

Chappell III has five highly qualified teachers, each with an aide to assist, to provide instruction to three-, four-, and five-year-old children. Each teacher has a room designed especially for the developmental stage of each age group. Also, each child has an individual "cubby" for personal belongings. Developmental stages were again the main concern when playgrounds and their equipment were planned, purchased, and constructed. Phonics and reading readiness, numerals, mathematics readiness, and learning centers are an integral part of the curriculum, as well as enrichment subjects promoting self-expression and self-appreciation. Listening centers are utilized, beginning with the three-year-old child.

Another staff professional is a nutritionist who plans the menus for all three schools. Two cooks prepare well-balanced meals in the modern kitchen at Chappell III. Breakfasts, lunches, and snacks are also prepared for eye appeal; and, because the importance of good manners is stressed at all the schools, "Fine Dining" takes place once a week. The children enjoy a meal at tables properly set with fine china, crystal, napery, flatware, and fresh flowers. Each child, of course, is expected to exercise only his very best table manners.

Because many of the children at Chappell III come from single-parent homes and are sometimes at the school for up to twelve hours a day, Ms. Chappell is constantly seeking new ways to enhance the quality of the time they spend there.

Perhaps, one of the most signifi-



The computer room: the children call them "co-cos."

cant comments came from a four-year-old Chappell III student at the end of the day. "I didn't cry at all today, Mommy," said the youngster. "I knew you were right over there."

It is clear that the center meets the needs of the nearby executives and office workers, as well as those of the parents. William H. Hightower, President of AT&T/American Transtech, The Deerwood Center's largest tenant, offered the following remarks, "Our corporate philosophy states that, along with our business mission, our human mission is to create an environment which promotes individual development, encouraging personal growth and achievement of potential. Flexible working arrangements, including providing information about available quality child care, contributes to this positive environment."

Jeanne Ward, AT&T/American Transtech Human Resources Director, who also heads the Mayor's Status of Women Commission, feels that child care for a working parent is a basic need. She stated, "Child care has become a critical issue within the last few years due to the increase of dual-career couples with children. Because of its close proximity to the workplace, the Deerwood Center and Chappell III provide a workable and livable environment where the business and personal needs of the family are met."

Patty Hindal, mother of a four-year-old, is pleased by all the advanced amenities that the Center provides, but also by the affectionate care that has been given her son. She says, "The staff of Chappell III understands the needs of Elias. They understand the emotional and developmental aspects of children, but they also give my son lots of old-fashioned T.L.C."

It is more than apparent that what Chappell III offers, works. Not only are its aims and purposes compatible with those of both employers and employees in The Deerwood Center, but it is making a major contribution to the quality of life in the entire community. ●



## Manuscripts wanted

*PLACE, the Magazine of Livability*, published bi-monthly by Partners for Livable Places, wants manuscripts. The staff of PLACE suggests the following guidelines for contributors:

★ We publish stories about design in the built environment: design in cities, towns, and rural areas. Design includes architecture, landscape architecture, city planning, cultural planning, and public art. Also included in design are the use of open spaces, parks and recreation, markets, vendors, streetscapes, waterfronts, fairs and celebrations, downtown animation, historic preservation, cultural tourism, and numerous other factors. If in doubt about a subject, query.

★ We publish success stories! We want stories of how something good happened, how something was made to work, how something was salvaged, that contributed to the livability and quality of life in a specific community, either in the United States or abroad.

★ We want names, titles, organizations, dates, places, all the details. Our readers want a clear picture of *how* it all came to pass. Clear, readable narrative style is always appreciated.

★ We are particularly interested in compromises that resulted in win-win situations (which we call **Beyond Confrontation**). Also in public-private partnerships, between government, public officials, private citizens, nonprofits, and businesses (we call this the **New Civics**). We are also interested in situations in which an enhanced quality of life increases economic development (the **Economics of Amenity**). We are interested in the Columbian Quincentenary, which we interpret to mean anything touching the Hispanic-Iberian cultural heritage of this country, joint ventures for increased livability among the nations of the Caribbean and of South and North America, and the cultural ties of the Atlantic Community (1992). We are interested in **Livable Places**, and in the projects of our own members (**The Partnership**).

★ Articles must be at least 2,000 words and usually not more than 5,000. Each article is illustrated, and we need black-and-white photographs, 3 to 5 per submission; these will be returned if requested. All articles are lightly copy-edited, with the intent of preserving the author's own words. Material is never added; but articles are sometimes slightly cut to fit our format. It is not possible to submit the galleys to the authors for approval. All material is acknowledged promptly, although we cannot let our authors know which month their works will appear. On publication, each author is sent two complimentary copies of his work; no other payment is offered. PLACE is copyright; and all rights to the work remain with the author.





**CITY OF PORTLAND  
PUBLIC HEALTH DIVISION  
MEMORANDUM**

**TO:** Kathleen Connor, Planning Department

**FROM:** Mary Ellen Deschenes, Director, Public Health Division M&D

**SUBJECT:** PROPOSED DAY CARE ZONING RULES

**DATE:** December 16, 1987

This memo is a summary of the points I raised at the Planning Board of December 8, 1987 regarding the proposed day care zoning rules.

- 1) Off street parking in R-6 zone for resident and 1 employee. Resident parking is an issue in the congested R-6 zone. Purchase of parking for self and/or employee may be necessary and will increase cost of day care operation. Numerous providers are renters themselves, and this requirement will create particular problems for them.
- 2) Dispersal requirement. In the R-6 zone in particular, ambient noise is high already. Dispersing day cares would have little effect on "noise control" in areas with multi-unit buildings and children already playing in streets and backyards throughout the neighborhood.
- 3) Fencing and landscape buffer. The State has taken a flexible approach to this issue. Fencing costs are extremely high and day care providers would be greatly hampered by this requirement. In some cases, formidable landscape buffers already exist and adding a fence would serve little purpose. Good supervision makes a non-fenced area suitable for children also.
- 4) Off street loading. This will present problems in built up commercial/residential areas like Brackett Street near Reiche School and the top of Munjoy Hill. Can any existing commercial loading zones be adapted for this purpose?

A number of the proposed requirements would create hardships for those wishing to establish day care homes. The effect of these rules would be either to deter people from starting day care businesses or to force people to operate day cares "under ground". The only way to insure quality of care is for day care operators to be out in the open with at least informal peer review in operation.

-continued-



Kathleen Connor  
Planning Department  
December 16, 1987  
Page 2

I support the creation of more day care services in Portland. The State guidelines for health and safety provide some basic assurances of quality. Parents must then assess how well the home or center meets their child's needs. Zoning requirements should enhance the provision of such services in all settings and in all city zones because the need for day care far outstrips its availability in Portland.

I am supportive of the effort to assemble day care providers to reconsider these regulations. This was an excellent move by the Planning Board and should resolve the issue to the mutual satisfaction of the involved parties.

cc: Doris Hohman

Section 14-474(c)(2):

- (2) Standards: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:
- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
  - b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
  - c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

NECESSARY MATERIAL TO APPLY FOR AN APPEAL

1. Apply for building permit and pay \$50 appeal fee.
2. Nine (9) separate packets of the following:
  - a. A cover letter addressed to the Board of Appeals (and submitted to the Zoning Office, Room 315) explaining what you want to do; and if you are appealing for a variance, you must address the requirements on the back of this form.
  - b. A plot plan showing necessary parking (minimum space 9 ft. x 19 ft. each) and showing the building on the lot with dimensions and distances to lot lines.
  - c. A floor plan (if applicable) showing existing and proposed rooms with dimensions.
  - d. Photo of property.
3. Owner or legal representative must sign (do not fill in) Request for Appeal form.
4. Appeal will not be scheduled until all material is received by this office.

CITY OF PORTLAND, MAINE

389 CONGRESS STREET  
PORTLAND, MAINE 04101  
(207) 775-5451



DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

**P. SAMUEL HOFFSES, CHIEF**  
INSPECTION SERVICES DIVISION

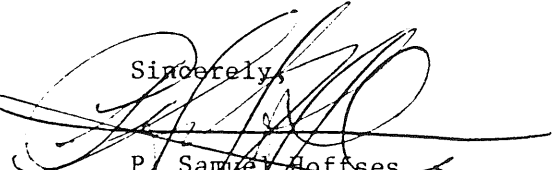
**IMPORTANT NOTICE TO PERSONS APPLYING FOR AN APPEAL**

August 1, 1987

To Whom it may concern:

As of AUGUST 1, 1987, the Appellant will be charged for the advertising and publication cost for his portional share. Based on the number of items on the Agenda and the number of notices mailed to the immediate area. This additional fee has been initiated at the request of the City Manager.

Sincerely,



P. Samuel Hoffses  
Chief of Inspection Services

CITY OF PORTLAND, MAINE  
HOUSING AND COMMUNITY DEVELOPMENT PROGRAM  
OUTSIDE SOCIAL SERVICES

| Project Name                                   | YR. XII<br>Allocat | YR. XII<br>Supple-<br>mental<br>Allocat | YR.<br>XII<br>Total | Year XIII<br>Request | CMPAC<br>Recom-<br>menda-<br>tions | City<br>Mgr's<br>Recomm. | Council<br>Approval |
|--|--------------------|---|---------------------|----------------------|------------------------------------|--------------------------|---------------------|
| <b>I. OUTSIDE SOCIAL SERVICES</b>              |                    |   |                     |                      |                                    |                          |                     |
| <b>A. Day Care</b>                             |                    |   |                     |                      |                                    |                          |                     |
| 1. PROP Child Development                      | \$45,288           | \$ 0                                    | \$45,288            | \$47,552             | \$45,288                           | \$47,135                 | \$47,135            |
| 2. East End Children's Workshop                | 27,715             | 530                                     | 28,245              | 29,660               | 28,245                             | 29,043                   | 29,043              |
| 3. St. Elizabeth's Child<br>Development Center | 14,633             | 0                                       | 14,633              | 17,918               | 14,633                             | 14,990                   | 14,990              |
| 4. Peaks Island Child<br>Development Center    | 23,477             | 1,254                                   | 24,731              | 26,000               | 24,731                             | 23,721                   | 23,721              |
| 5. Children's Co-Op                            | 8,280              | 0                                       | 8,280               | 8,500                | 8,280                              | 8,500                    | 8,500               |
| 6. Catherine Morrill Day Nurser                | 7,200              | 0                                       | 7,200               | 7,200                | 7,200                              | 7,064                    | 7,064               |
| 7. West Side Day Care                          | 5,070              | 97                                      | 5,167               | 5,457                | 5,167                              | 5,324                    | 5,324               |
| 8. DHRS Family Day Care                        | 18,308             | 3,430                                   | 21,738              | 23,250               | 21,738                             | 19,058                   | 19,058              |
| <b>SUBTOTAL</b>                                | <b>\$149,971</b>   | <b>\$ 5,311</b>                         | <b>\$155,282</b>    | <b>\$165,537</b>     | <b>\$155,282</b>                   | <b>\$145,835</b>         | <b>\$145,835</b>    |
| <b>B. Senior Adults</b>                        |                    |   |                     |                      |                                    |                          |                     |
| 1. Foster Grandparents                         | \$ 5,000           | \$2,000                                 | \$ 7,000            | \$ 7,420             | \$ 7,000                           | \$ 5,171                 | \$ 5,171            |
| 2. Enriched Golden Age                         | 64,552             | 0                                       | 64,552              | 66,779               | 64,552                             | 64,552                   | 64,552              |
| 3. Regional Transportation                     | 6,781              | 2,669                                   | 9,450               | 14,400               | 10,000                             | 6,875                    | 6,875               |
| <b>SUBTOTAL</b>                                | <b>\$76,333</b>    | <b>\$ 4,669</b>                         | <b>\$ 81,002</b>    | <b>\$88,599</b>      | <b>\$81,552</b>                    | <b>\$ 76,598</b>         | <b>\$ 76,598</b>    |
| <b>C. Substance Abuse</b>                      |                    |   |                     |                      |                                    |                          |                     |
| 1. Day One                                     | \$5,688            | 0                                       | \$ 5,688            | \$ 5,688             | \$ 5,688                           | \$ 5,688                 | \$ 5,688            |
| <b>SUBTOTAL</b>                                | <b>\$5,688</b>     | <b>0</b>                                | <b>\$ 5,688</b>     | <b>\$ 5,688</b>      | <b>\$ 5,688</b>                    | <b>\$ 5,688</b>          | <b>\$ 5,688</b>     |

## Day Care Complaints

- Lane ave. 3 years ago - Bd of appeals then granted.

- 501 Summit 1 month

Sent letter to find out  
operating as what?  
Bd of appeals process.

7 Slots City of Pfd.

Licensed by State  
Subcontract by DHR5

DHR5

Donna L. Brown  
65 Lambert St. #5

lic.  
Sr. Pam Newsham (12)  
1987 Brighton Ave  
family  
assistant

lic.  
Jeanette Loma (12)  
105 North St. another person

Fall  
1987 Joanne Smith  
?

Lisa Huff  
98 Congress #3

Sr. Julie Higgins - Modica  
1986 Marjorie Smith

lic.  
Lorna Leo (12) another person  
223 Brackett St

Rhonda Norton  
24 Cobbet Rd

Ann Taliento  
48 Sturdevant Dr.

Wilva Temio  
112 Front St.



H.C.D. YEAR XI OUTSIDE AGENCY LIST

1. Ms. Nancy Hackett  
Catherine Morrill Day Nursery  
96 Danforth Street  
Portland, ME. 04101

2. Ms. Cheryl Boykin  
Children's Co-Op, Inc.  
302 Stevens Avenue  
Portland, ME. 04103

3. Ms. Deborah DiDominicus  
So. Me. Area Agency on Aging  
P.O. Box 10480  
Portland, ME. 04104

4. Mr. Stephen R. Andrew  
Day One Family & Community Services  
160 Fox Street  
Portland, ME. 04101

5. Mr. Peter Stuckey  
East End Children's Workshop  
P.O. Box 7355  
Portland, ME. 04112

6. Ms. Dolores T. Vail  
Enriched Golden Age (Salvation Army)  
P.O. Box 3647  
Portland, ME. 04104

7. Ms. Georgia Radick  
DHRS Family Day Care  
87 High Street  
Portland, ME. 04101

8. Mr. Nathaniel R. Shed  
PWNPC Foster Grandparent Program  
Harbor Terrace  
284 Danforth Street  
Portland, ME. 04102

9. Mr. Don Harding  
Holy Innocents' Home Care Service  
P.O. Box 797  
Portland, ME. 04104

10. Ms. Neva S. Cram  
Ingraham Volunteers  
142 High Street  
Portland, ME. 04101

11. Mr. Michael Quint  
Munjoy Hill Neighborhood  
Organization  
P.O. Box 8312  
Portland, ME. 04104

12. PWNPC Neighborhood  
Improvement Project  
155 Brackett Street  
Portland, ME. 04102

13. Ms. Janine Blatt  
Peaks Island Child  
Development Center  
Central Avenue  
Peaks Island, ME. 04108

14. Mr. Mark Conrad.  
P.R.O.P. Child  
Development  
222 St. John Street  
Portland, ME. 04101

15. Mr. James Oliver  
PWNPC Neighborhood  
Housing  
155 Brackett Street  
Portland, ME. 04102

16. Ms. Carol Young  
Rape Crisis Center, Inc.  
P.O. Box 1371  
Portland, ME. 04104

17. Mr. James Hilly  
Regional Transportation  
Program, Inc.  
127 St. John Street  
Portland, ME. 04102

*Grandfather*

*Grandfather?*

*some borrowed  
Adams  
Mayo St.  
48 Mayo?  
10 Mayo*

*2 C-12-L  
any*

*Permitted by right  
I-2 zone*

Peter Spuckey

Day Care

12/7/87

- 2 non resident at one time ?
- off street loading . sign , curbside .
- summary -  
no centers

\* → Accessory uses in buildings not now used ~~as~~ as an institution.

\* Day care centers in R to zones.

- need to have it in a nbhd.
- schools / day care both "intrusions" into nbhd.
- allow flexibility.
- variance - some value for a reasonable opportunity. close to home as possible.

affordability v. quality

The Childrens Co-Op  
Att: Cheryl Boykin  
302 Stevens Avenue  
Portland, ME 04103

YWCA Teen Parent  
Services Nursery  
87 Spring Street  
Portland, ME 04101

The Childrens Express  
Preschool  
Att: Julia Bjorn  
1334 Washington Ave  
Portland, ME 04103

Peaks Island Child Dev  
Center  
Public School Gym  
Att: Janine Blatt  
Peaks Island ME 04108

*Day Care*

Trinity Church Day  
Care Center  
113 Coyle Street  
Portland, ME 04103

Peaks Island Child Dev  
Center  
St. Christophers Parish  
Att Janine Blatt  
Peaks Island, ME 04108

Genevieve Trueworthy  
70 Whitney Avenue  
Portland, ME 04102

PROP Cumberland County  
Kennedy Park HS  
58 Boyd St  
Kennedy Park  
Portland, ME 04102

USM Child Care  
Att: Stephen Lehane  
96 Falmouth Street  
Portland, ME 04103

PROP Cumberland County  
Rosa True School  
140 Park Street  
Portland, ME 04102

West Side Day Care  
132 Danforth Street  
Portland, ME 04102

Portland YWCA  
Toddler Home  
70 Forest Avenue  
Portland, ME 04102

Westwood Childrens  
Center  
West School  
57 Douglas Street  
Portland, ME 04102

YWCA of Portland INC.  
Baxter Elem School  
Ocean A  
Portland, ME 04101



Kathy Stead  
Childcare Connections  
DHRS  
87 High St  
Portland, Maine 04101

Edie Smith  
P.R.O.P.  
140 Park Street  
Portland, ME 04101

(21)  
Peter Stuckey  
East End Children's Workshop  
10 Mayo Street  
Portland, Maine 04101

Childrens Center of  
Westbrook College  
716 Stevens Avenue  
Portland, ME 04103

YWCA/Hall Elementary  
Att: Phil Requia  
23 Orono Road  
Portland, ME 04101

Bonnie Chait  
Dept. of Human Services  
509 Forest Avenue  
Portland, ME 04103

Pleasant Day Nursery  
School  
970 Forest Avenue  
Portland ME 04103

PROP Cumberland County/  
Riverton HS  
Att: Ronald Mavis  
102-104 Riverton Park  
Portland, ME 04102

Kathleen Dall  
37 Lane Avenue  
Portland, ME 04103

East End Childrens  
Workshop  
48 Moody Street  
Adams School  
Portland, ME 04112

PROP Cumberland County/  
Sagamore HS  
21 Popham Street  
Portland, ME 04102

Ann Wilson  
43 Huntington Avenue  
Portland, ME 04103

Jacqueline J. Graffam  
77 Front Street  
Portland, ME 04103

PROP Cumberland Cty  
Harry Cummings Ctr.  
134 Congress St.  
Portland, ME 04102

Advent Christian Church of  
Portland  
1520 Westbrook Street  
Portland, ME 04101

Kinder-Care Learning  
Center  
Union Mutuall  
2211 Congress  
Portland, ME 04102

Saint Patricks School  
Att: John J Feeney  
1251 Congress St  
Portland, ME 04102

Att: Dawn Marie Hjort

Catherine Morrill Day Nursery  
96 Danforth Street  
Portland, ME 04101

Small World  
Att: Stella Dibiase  
Portland, ME 04103

St Elizabeths Child Dev  
Center  
87 High Street  
Portland, ME 04101

Kathy Stead  
Childcare Connections  
DHRS  
87 High St  
Portland, Maine 04101

Carolyn Davis  
Family Day Providers  
DHRS, Inc.  
383 Sabbatus Street  
Lewiston, Maine 04240

Bonnie Chait  
Dept. of Human Services  
509 Forest Avenue  
Portland, ME 04103

Kathleen Dall  
37 Lane Avenue  
Portland, ME 04103

Ann Wilson  
43 Huntington Avenue  
Portland, ME 04103

Advent Christian Church of  
Portland  
1520 Westbrook Street  
Portland, ME 04101  
  
Att: Dawn Marie Hjort

Catherine Morrill Day Nursery  
96 Danforth Street  
Portland, ME 04101

Eddie Smith  
P.R.O.P.  
140 Park Street  
Portland, ME 04101

Childrens Center of  
Westbrook College  
716 Stevens Avenue  
Portland, ME 04103

Pleasant Day Nursery  
School  
970 Forest Avenue  
Portland ME 04103

East End Childrens  
Workshop  
48 Moody Street  
Adams School  
Portland, ME 04112

Jacqueline J. Graffam  
77 Front Street  
Portland, ME 04103

Kinder-Care Learning  
Center  
Union Mutuall  
2211 Congress  
Portland, ME 04102

Small World  
Att: Stella Dibiase  
Portland, ME 04103

Peter Stuckey  
East End Children's Workshop  
10 Mayo Street  
Portland, Maine 04101

YWCA/Hall Elementary  
Att: Phil Requia  
23 Orono Road  
Portland, ME 04101

PROP Cumberland County/  
Riverton HS  
Att: Ronald Mavis  
102-104 Riverton Park  
Portland, ME 04102

PROP Cumberland County/  
Sagamore HS  
21 Popham Street  
Portland, ME 04102

PROP Cumberland Cty  
Harry Cummings Ctr.  
134 Congress St.  
Portland, ME 04102

Saint Patricks School  
Att: John J Feeney  
1251 Congress St  
Portland, ME 04102

St Elizabeths Child Dev  
Center  
87 High Street  
Portland, ME 04101

The Childrens Co-Op  
Att: Cheryl Boykin  
302 Stevens Avenue  
Portland, ME 04103

YWCA Teen Parent  
Services Nursery  
87 Spring Street  
Portland, ME 04101

Judy Alexander  
72 Northwood Dr  
Portland, ME

The Childrens Express  
Preschool  
Att: Julia Bjorn  
1334 Washington Ave  
Portland, ME 04103

Peaks Island Child Dev  
Center  
Public School Gym  
Att: Janine Blatt  
Peaks Island ME 04108

George Radick  
DHRS. Inc.  
87 High St.  
Portland, ME 04101

Trinity Church Day  
Care Center  
113 Coyle Street  
Portland, ME 04103

Peaks Island Child Dev  
Center  
St. Christophers Parish  
Att Janine Blatt  
Peaks Island, ME 04108

Brent Cote  
15 Maple Circle Scarborough  
Scarborough, ME

Genevieve Trueworthy  
70 Whitney Avenue  
Portland, ME 04102

PROP Cumberland County  
Kennedy Park HS  
58 Boyd St  
Kennedy Park  
Portland, ME 04102

USM Child Care  
Att: Stephen Lehane  
96 Falmouth Street  
Portland, ME 04103

PROP Cumberland County  
Rosa True School  
140 Park Street  
Portland, ME 04102

West Side Day Care  
132 Danforth Street  
Portland, ME 04102

Portland YWCA  
Toddler Home  
70 Forest Avenue  
Portland, ME 04102

Westwood Childrens  
Center  
West School  
57 Douglas Street  
Portland, ME 04102

YWCA of Portland INC.  
Baxter Elem School  
Ocean A  
Portland, ME 04101

Portland Planning Board

PROPOSED DAY CARE REGULATIONS AMENDMENTS

~~What is involved with state license~~  
~~How to enforce staffing cap?~~  
~~off street parking only for business~~  
~~Doris Hoffman memo~~  
~~meeting with day care providers~~  
~~Advertising of meeting?~~

Submitted to:

Portland Planning Board  
Portland, Maine

~~November 24, 1987~~

December 8, 1987



## I. INTRODUCTION

The Planning Board held a workshop on June 30, 1987 and one on September 14, 1987 on the proposed day care regulations amendments. The proposed amendments expand the zones in which day care facilities are permitted. They also set forth specific standards for conditional use review of day care facilities. The standards work in conjunction with the State's day care facility standards and they do not attempt to duplicate them. It is hoped that these standards will make the review process more predictable while maintaining the quality of day care facilities in Portland.

## II. PUBLIC NOTICE

A total of thirty-seven (37) notices were sent to day care center providers in the City and to other known interested parties. A legal notice also appeared in both editions of the Guy Gannett newspapers on Monday, November 17, 1987.

A memo from Doris Hohman, Health & Human Services Director, is attached (Attachment one). No other written comments have been received to date.

## III. POLICY DISCUSSION

Nationally, over 60% of kids under 14 have working parents and the statistics indicate that the numbers of single parents and two working parents are increasing. A result of the changing society is a growing need for day care facilities. (A list of day care facilities is attached).

In Portland there are a total of 119 licensed day care facilities. The majority (82) are licensed day care homes with twelve or fewer children. The 32 day care centers in the City range in numbers of children from six (6) to one hundred (100), with the average number of kids being forty-four (44). The total number of licensed slots in the City is 2,118. Although it is not documented, in discussions with day care providers and regulators, it appears that the demand for day care outstrips its availability in Portland.

Not only is the need for day care facilities growing, but the types of facilities are changing. What was once primarily a home occupation has evolved into larger independent or employment-based day care centers. The City now has a wide range of day care facilities from small day care in homes to large centers connected with a large employer in the City. The home based day care facilities typically have twelve (12) or fewer children while large day care facilities have thirteen (13) or more children and are located in institutions or in commercial buildings. The City's current regulations lack standards by which to judge the suitability of the day care facility in a certain zone and location.

In order to meet the day care facility demand, the City's regulations need to be revised. The revisions expand the number of zones in which

day care facilities are allowed while establishing standards for each zone to ensure the safety and well-being of the children in the centers. The revised regulations will also differentiate between a residential scale day care facility and a commercial scale facility in order to protect the character of the residential zones and prevent commercial encroachment in them.

#### **IV. SUMMARY OF AMENDMENTS**

In this section, each amendment will be discussed. A summary chart, by zone, follows the amendment discussion. The proposed amendments for the zones will also be summarized.

#### DEFINITIONS

The proposed definitions are the same as the State's day care homes and day care centers definitions. Under day care homes, Staff proposes the addition of the distinction of small and large day care homes based on the number of children. A small day care home will accommodate not more than six (6) children plus two (2) children after school while a large day care home will accommodate seven (7) to twelve (12) children. The definitions follow:

##### **Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

##### **Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

## STANDARDS

1. **Proof of Licensing with the Maine Department of Human Services prior to issuance of a certificate of occupancy.**

This proof, which is required for all zones and for all types of day care facilities, is an indicator of compliance with the Maine law on day care operations. Most of the State standards would not be duplicated by the City and would be enforced by the State. In addition, since the license is granted for a specific number of children, administration of the ordinance will be easier. For example, a license for 7 children would place the application in the category of large day care home while one for 6 children would be in the small day care home category which has different standards than a large day care home.

2. **A large day care home shall not be located within 500 feet of another large day care home, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement will help to minimize the impact of a day care home on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the neighborhood from a residential to a business character. A dispersal requirement will allow day care homes in neighborhoods, but would spread them out.

3. **A day care home in a residential zone shall be located in a building of residential occupancy except for institutional buildings which may have day care facilities as accessory uses.**

In order to retain the residential character, day care homes will be allowed only in residences. Institutional buildings are excepted from the standard if the day care facility is an accessory use. The intent of this is to prevent construction or the use of other types of structures for day care facilities in order to maintain a residential character. It is also intended to prevent the conversion of the housing stock from residential use to a day care use which might also jeopardize the residential character as well as reduce the number of housing units.

4. **There shall be no more than two (2) non-resident staff in a day care home in a residential zone, except for day care facilities in an institutional building.**

The non resident staff requirement will limit the size of the day care home to minimize traffic and parking congestion. There is no cap on the number of residents working at the day care home in addition to the two non-resident staff. In institutional buildings, there is no limit on the number of employees since on it is presumed that the day care facility will be an independent operation.

It should be noted that the major distinction between a small day care home as a home occupation and a small day care home is that the home occupation cannot have any non-resident employees while the small day care home would allow two non-resident employees. Thus, in a small day care home, the resident could leave for the day and have two non-resident day care providers in the house.

5. **Off-street parking in residential zones for two (2) employees, in addition to off-street resident parking, and located other than in a required front yard.**

Off-street parking will relieve any potential congestion to the neighborhood. Parking in a location other than in the front yard will also lend to the preservation of the residential character in residence and prevent the construction of a parking lot in the front yard setback.

6. **Off-street parking in business and industrial zones of one space per 400 square feet of floor area in the day care facility structure.**

As with any business, parking for employees and building users should be provided on-site or leased in an area in close proximity to the building.

7. **Off street loading in a safe location (in business and industrial zones only).**

An off-street drop off area for children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop children off. An exception for the B-3 zone is proposed to eliminate this requirement in the downtown. It would be almost impossible for any facility to meet this standard and its elimination will promote day care facilities in the downtown.

8. **An outdoor play area within walking distance of the facility (Residential Zones).**

An outdoor play area on-site is required in business zones, except the B-3 zone. In the B-3 zone, an on-site plan area is not required if there is a play area within walking distance of the day care facility with crossing arterial or collector streets. The Board of Appeals may grant an exception to the business zones play area requirement if a reasonable alternate source of outdoor recreation can be provided.

**An outdoor play area on-site is required in industrial zones.**

In residential zones, there may not be a yard to accommodate the children on site. The use of a nearby park or open space would meet the intent of the play area requirement, if it is within walking distance. In business and industrial zones it is preferable to have the play area on-site. An exception to this requirement is proposed in the business zones. The on-site play area would not be required in the B-3 zone if there is a park or play area within walking distance of the facility and if no arterials or major streets must be crossed to reach the play area. An exception for the business zones is also proposed if a reasonable alternate source of outdoor recreation can be provided within safe walking distance. These exceptions will offer flexibility for a day care facility in a business zone even if there isn't an on-site play area.

9. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

If the play area is provided on site, a fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                              | RESIDENTIAL                    |                                | BUSINESS & INDUSTRIAL |                            |
|------------------------------|--------------------------------|--------------------------------|-----------------------|----------------------------|
|                              | <u>Small Day<br/>Care Home</u> | <u>Large<br/>Day Care Home</u> | <u>Day Care Home</u>  | <u>Day Care<br/>Center</u> |
| State License                | x                              | x                              | x                     | x                          |
| Dispersal                    |                                | x                              |                       |                            |
| Residential building         | x <sup>1</sup>                 | x                              |                       |                            |
| Institutional bldg.          | x                              | x                              | <del>x</del>          | x <del>x</del>             |
| Non-resident staff<br>limit  | x <sup>1</sup>                 | x                              |                       |                            |
| Off street parking           | x <sup>1</sup>                 | x                              | x                     | x                          |
| Off street loading           |                                |                                | x                     | x                          |
| On site play area            |                                |                                | x                     | x                          |
| Fenced/Screened<br>Play Area | x <sup>2</sup>                 | x <sup>2</sup>                 | x                     | x                          |

x = requirement

<sup>1</sup> Required Under Section 14-410 (Home Occupations)

<sup>2</sup> Required if the play area is on site

R-1 TO R-6 AND IR-1 TO IR-3  
SUMMARY OF AMENDMENTS

(3) Other...

~~neighborhood~~

b. ~~Nursery schools and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

c. ~~Family day care homes not permitted~~ as a home occupation under section 14-410, and provided that, notwithstanding Section 14-474 ("Conditional Uses"):

which have not received a permit ~~as a home occupation~~

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a Certificate of Occupancy;
2. A large day care home shall not be located within 500 feet of another large day care home as measured along the street line to the respective property lines, and in no case shall such use be located on abutting lots; ~~except those which have been registered with the Department of Health and Human Services~~
3. A large day care home shall be located in a building of residential occupancy except that day care homes or centers may be located in institutional buildings as an accessory use;
4. There shall be no more than two non-resident staff in a day care home, except in day care facilities in an institutional building; *there shall not be a limit on the number of staff members*
5. Off street parking shall be provided for ~~two non-resident employees~~, in addition to off-street resident parking, and not located in a required front yard; *one off street parking space for a day care home* *each non-resident employee, up to a maximum of two off street spaces,*
6. There shall be an outdoor play area within walking distance of the day care home; and
7. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

may be ~~excused~~



RP TO B-3  
SUMMARY OF AMENDMENTS

RP 14-147 Permitted Uses.

(22) Day Care Centers or day care homes provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location, except an off street loading area is not required in the B-3 zone; ~~in the B-3 zone~~
4. There shall be an on-site outdoor play area with 75 square feet per child with the following exceptions:
  - a. An on-site play area is not required in the B-3 zone if there is a play area within walking distance of the day care facility without crossing arterial or collector street; ~~in the B-3 zone~~
  - b. The Board of Appeals may grant an exception if a reasonable alternate source of outdoor recreation can be provided within safe walking distance.
5. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

I-P AND I-1  
SUMMARY OF AMENDMENTS

Section 14-231. Use.

I-1 Industrial Zone

(1) Uses prohibited in the I-2 zone except:

i. Day care homes and day care facilities that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location,
4. There shall be an on-site outdoor play area with 75 square feet per child; and
5. The outdoor play area shall be fenced and screened with a landscaped buffer.

I-2  
SUMMARY OF AMENDMENTS

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarge, rebuilt or used, and no premises shall be used, in an I-2 or I-2b zone for any use prohibited in an I-3 zone or for any of the following uses:...
- b. In an I-2 zone, day care centers and day care homes shall be permitted provided that:
1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
  3. Off street loading shall be located in a safe location,
  4. There shall be an on-site outdoor play area with 75 square feet per child; and
  5. The outdoor play area shall be fenced and screened with a landscaped buffer.

PARKING AND HOME OCCUPATION  
SUMMARY OF AMENDMENTS

Section 14-332 (Parking).

- (15) Day Care homes or centers in a business or industrial zone: One parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

Section 14-410. Home occupation.

**Purpose.** The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (1) In connection with the cooperation of a home occupation, within a dwelling unit, the following requirements shall be met:

- a. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) per cent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family small day care homes or home babysitting services, to accomodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;...
- b. <sup>b-g...</sup> There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods and materials nor shall there be exterior displays, or display of goods visible from the outside;
- c. <sup>b-g...</sup> Storage of materials related to the home occupation shall count as a part of the occupancy limitations in subsection (1)a. above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited;

d. - - -

e. - - -

f. - - -

g. - - -

h. There shall be no more than one nonresident employed in the home occupation provided however family day care homes or home-babysitting services shall have no nonresident employees.

**V. MOTION**

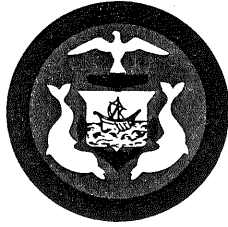
The Board may wish to make the following motion:

Recommendation to the City Council to adopt the day care regulations amendments as described in the Report #94-87.

Attachments:

1. Memo from Doris Hohman, Health and Human Services Director
2. Portland Day Care List

/jff



# CITY OF PORTLAND

JOSEPH E. GRAY, JR.  
DIRECTOR OF PLANNING  
AND URBAN DEVELOPMENT

November 18, 1987

TO ALL INTERESTED PARTIES

The Portland Planning Board will hold a public hearing on Tuesday, November 24, 1987, at 7:30 p.m. in Room 209, City Hall. The Board will consider proposed amendments to the City's Day Care Facility regulations in the residential, business, and industrial zones. The proposed amendments include revised definitions and new standards and requirements such as location in proximity to another day care facility, outdoor play areas, off-street parking and loading, and landscaping and screening.

The Planning Board will make a recommendation to the City Council on the amendments. The amendments will be placed on a future Council agenda. The Council will then hold an additional public hearing to consider and make the final decision on the amendments. The public will be given an opportunity to speak on the amendments during this hearing. This is the only notice you will receive by mail on the public hearings for the day care facilities amendments.

Additional information can be obtained in the Planning Office, Room 211, City Hall, 389 Congress Street, Portland, Maine 04101, or by calling 775-5451, extension 266.

Sincerely,

*Joseph E. Gray, Jr. / KC*

Joseph E. Gray, Jr., Director  
Planning and Urban Development

KC/eg

cc: Jack D. Humeniuk, Chairman of the Portland Planning Board  
Alexander Jaegerman, Chief Planner

LIST OF DAYCARE AMENDMENTS

|           |                       |
|-----------|-----------------------|
| 14-47     | Definitions           |
| 14-67     | R- 1 Conditional Uses |
| 14-78     | R- 2 Conditional Uses |
| 14-88     | R- 3 Conditional Uses |
| 14-103    | R- 4 Conditional Uses |
| 14-118    | R- 5 Conditional Uses |
| 14-128    | R-5A Conditional Uses |
| 14-137    | R- 6 Conditional Uses |
| 14-145.3  | IR-1 Conditional Uses |
| 14-145.9  | IR-2 Conditional Uses |
| 14-145.14 | IR-3 Permitted Uses   |
| 14-147    | RP Permitted Uses     |
| 14-161    | B- 1 Permitted Uses   |
| 14-224    | I- B Conditional Uses |
| 14-231    | I- 1 Use              |
| 14-246    | I- 2 Use              |
| 14-292    | I- P Use              |
| 14-332    | Parking               |
| 14-410    | Home Occupation       |





A Project of  
Diocesan Human Relations  
Services, Inc.

November 24, 1987

Portland Planning Board  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Members of the Planning Board:

This letter is in response to the proposed day care regulations amendments submitted to the Portland Planning Board.

I am pleased to see the city taking an active role in developing clear day care guidelines. However, we are concerned about one standard as it pertains to small family day care homes; i.e. standard # 9 - The on-site outdoor play area shall be fenced and screened with a landscaped buffer. Ideally, this regulation is appropriate. In fact, about half of family day care providers in the city currently have some type of fencing. Safety of children is of paramount concern for everyone in this profession. Yet there is a wide variation in the location and ages of children in family day care homes in this city. In many instances, fencing should be required. For example, a home on Brighton Avenue with infants, toddlers and preschoolers should have a fence. But should fencing be required in a home on a quiet neighborhood street that enrolls only school age children, or in the home on a dead-end street providing care for only infants?

We would like to ask for discretion in this rule. Our concern is that if a potential provider who lives in a little-traveled residential area, is required to make an investment of a fence and landscaped buffer, this rule will actually discourage people from going into this business. Indeed, this has occurred in other towns. Because of the expense in starting a family day care home, people have opted not to provide the service, or at least to go through the legal licensing route. This is critical consideration, since there is such a demand for quality child care. In the Child Care Connections, Resource and Referral service, at least 85% of our requests are currently for family day care.

In closing, we urge you to consider discretion in this requirement by considering the safety of children, with the location and ages of children in care; and, how this regulation will impact new providers who choose family day care as a form of self - employment. If regulations are cumbersome, restrictive, and costly, there will continue to be the lack of child care in this community.

Sincerely,

*Kathryn Stead*

Kathryn J. Stead  
Coordinator

*Gretchen Andres Greenberg*

Gretchen Andres Greenberg  
Resource and Referral  
Assistant

GAG:ct

## City of Portland

As a daycare provider for ten years without a fence, I feel that the City of Portland should really take time before making this proposal.

There is many issues that should be looked into. expenses to provide, height of fence, type of fence, how much area should be fenced in, area were daycare is run, busy street, dead end etc, age group of children, some daycares have only infants, some toddlers, some mixed age groups, The state department of Human Services, should have some say in this matter since they are the ones who check our homes to be licensed,

I feel if the City pushes to hard on this issue, a lot of daycare providers will give up daycare, or not be licensed and care for children without any rules and regulations. quality daycare is what is needed in Portland all providers are trying to do this. Common sense in caring for children, will tell you if you need or want a fence on

I'm afraid that regulations such as this one will cause more & more people to do day care without being licensed. I'm sure that a fenced in yard is a good idea, but if it causes many people to not get re-licensed again, I feel it is a move in the wrong direction.

Helia J. Pley  
Licensed Family Day  
Care Home



*Johnston  
Kathryn  
1/12*



A Project of  
Diocesan Human Relations  
Services, Inc.

November 24, 1987

Portland Planning Board  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Members of the Planning Board:

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I am pleased to see the city taking an active role in developing clear day care guidelines. However, we are concerned about one standard as it pertains to small family day care homes; i.e. standard # 9 - The on-site outdoor play area shall be fenced and screened with a landscaped buffer. Ideally, this regulation is appropriate. In fact, about half of family day care providers in the city currently have some type of fencing. Safety of children is of paramount concern for everyone in this profession. Yet there is a wide variation in the location and ages of children in family day care homes in this city. In many instances, fencing should be required. For example, a home on Brighton Avenue with infants, toddlers and preschoolers should have a fence. But should fencing be required in a home on a quiet neighborhood street that enrolls only school age children, or in the home on a dead-end street providing care for only infants?

We would like to ask for discretion in this rule. Our concern is that if a potential provider who lives in a little-traveled residential area, is required to make an investment of a fence and landscaped buffer, this rule will actually discourage people from going into this business. Indeed, this has occurred in other towns. Because of the expense in starting a family day care home, people have opted not to provide the service, or at least to go through the legal licensing route. This is critical consideration, since there is such a demand for quality child care. In the Child Care Connections, Resource and Referral service, at least 85% of our requests are currently for family day care.

In closing, we urge you to consider discretion in this requirement by considering the safety of children, with the location and ages of children in care; and, how this regulation will impact new providers who choose family day care as a form of self - employment. If regulations are cumbersome, restrictive, and costly, there will continue to be the lack of child care in this community.

Sincerely,

*Kathryn Stead*

Kathryn J. Stead  
Coordinator

*Gretchen Andrea Greenberg*

Gretchen Andrea Greenberg  
Resource and Referral  
Assistant

GAG:ct

Mary Lemay  
Jensen

## City of Portland

As a daycare provider for ten years without a fence, I feel that the City of Portland should really take time before making this proposal.

There is many issues that should be looked into. expenses to provide, height of fence, type of fence, how much area should be fenced in, area were daycare is run, busy street, dead end etc, age group of children, some daycares have only infants, some toddlers, some mixed age groups, The state department of Human Services, should have some say in this matter since they are the ones who check our homes to be licensed,

I feel if the City pushes to hard on this issue, a lot of daycare providers will give up day-care, or not be licensed and care for children without any rules and regulations. Quality daycare is what is needed in Portland all providers are trying to do this. Common sense in caring for children, will tell you if you need or want a fence on



Delia Foley  
10/20/20

I'm afraid that regulations such as this one will cause more & more people to do day care without being licensed. I'm sure that a fence in your is a good idea, but if it causes many people to not get re-licensed again, I feel it is a move in the wrong direction.

Delia Foley  
Licensed Family Day  
Care Home

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**DATE:** November 20, 1987

**TO:** Kathleen A. Conner, Senior Planner

**FROM:** Doris Hohman, <sup>DH</sup> Health & Human Services Director

**SUBJECT:** Day Care Amendments

I have received the proposed revisions for day care facility standards which are being reviewed by the Planning Board. The lack of child care has been identified as a major social service concern in the City of Portland. The need for the creation of additional child care slots is urgent and should be encouraged and promoted.

However, proposed day care amendments appear to restrict the reaction of day care homes and centers. I am specifically referring to the requirements for outside play areas, the maximum for two non-resident staff, the dispersal requirements, off-street parking and coding requirements. All of these provisions will minimize available options for the development of essential day care slots and discourage individuals residing in high density areas on the peninsula, where day care is most needed, from going into the day care business.

It must be kept in mind that many day care facilities are non-profit organizations and in any case day care is not a high-profit business.

The process of amending day care facility standards should include an opportunity for interested social service and day care providers to provide input. In fact, in 1975 when zoning changes impacting day care homes came before the Council they requested an assessment of the impact of the proposed changes and appropriate recommendations.

I am interested in helping you plan a process to involve interested parties.

DH/sn

cc: Alex Jaegerman  
Joe Gray

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Chairman and Members of the Planning Board  
**FROM:** Kathleen A. Conner, Senior Planner *KC*  
**DATE:** September 15, 1987  
**SUBJECT:** Day Care Amendments

On June 30, 1987 the Planning Board held a workshop on day care facility standards. In general, the Board gave the following guidance to Staff:

1. Incorporate the State's day care definitions into the City definitions;
2. Limit day care facilities in the residential zones; and
3. Permit day care facilities in business and limited industrial zones (I-P, I-1, I-2).

The existing State definitions for day care facilities are as follows:

**Day Care Home:**

*3-12*  
House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.

**Day Care Center:**

*13+*  
House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians, or for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

These definitions can be adopted as part of the City's day care facilities definitions. In residence zones, day care homes would be allowed as a home occupation or larger ones would be allowed if located in a house/residence. ?

Day care homes would be an accessory use. <sup>includes 3pm</sup> In the business and industrial zones, both day care homes and day care centers would be permitted in houses or other types of buildings. These uses would be either principle or accessory uses.

The proposed day care facilities definitions are as follows:

PROPOSED DAY CARE DEFINITIONS

RESIDENTIAL

**Day Care Home-Home Occupation:**

*No more than 6 + 2 after school*

House or other place conducted or maintained by resident or anyone who provides on a regular basis and for consideration, care and protection for not more than six (6) children plus two (2) after school under 16 years of age... (as above in Day Care Home definition).

*one staff person required by the state + the home occ. standards regulate # employees*

RESIDENTIAL/BUSINESS/INDUSTRIAL

**Day Care Home:**

*3-12*

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.

BUSINESS/INDUSTRIAL

**Day Care Center:**

*13+*

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians, or for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care

*Accessory*

*Accessory in residential*

With these definitions and guidelines in mind, Staff looked more thoroughly at the standards that were presented to the Board at the workshop. The standards have been incorporated into each zone according to the size and type of the day care facility. A primary consideration is the potential impact on the surrounding uses in a particular zone: a day care home, for example, is likely to have a greater impact in a residential zone than in a business zone, thus affording the need for more stringent standards designed to minimize the impact.

Each of the standards included in the proposed amendments is described below, and is followed by an explanation of the rationale for the standard.

#### STANDARDS

1. **Proof of licensing with the Department of Human Services prior to certificate of occupancy.**

This proof is an indicator of compliance with the Maine law on day care operations. The State standards would not be duplicated by the City and would be enforced by the State. In addition, the license is also granted for a specific number of children, which is beneficial for administration of the ordinance. For example, a license for 7 children would place the application in the category of day care home while one for 6 children would be in the day care home - home occupation category which has different standards.

2. **A day care facility shall not be located within 500 feet of another day care facility, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement, as above, will help to minimize the impact of a day care facility on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the residential character of a neighborhood. A dispersal requirement will allow day care facilities in neighborhoods, but would spread them out.

3. **The day care home (in a residential zone) shall be located in the operator's residence.**

This standard will allow day care homes in residential zones only in the operator's residence which addresses two issues. First, construction or the use of other types of structures for day care facilities is prohibited which will help to maintain a residential character; and second, it will prevent people from converting housing stock for a day care facility rather than, as a residence.

*maintaining it*



4. **There shall be no more than two (2) non-resident staff in a day care home (in a residential zone).**

This non resident staff requirement will limit the size of the day care operation, will minimize traffic and parking congestion, and will aid in the retention of the residential character.

5. **Off-street parking for employees in addition to off-street resident parking and located other than in a required front yard.**

Off-street parking will relieve any potential added congestion on the street. Parking on the site will also lend to the preservation of the residential character in residence zones. In other zones the day care facilities are more similar to a business and the use should be self contained on-site, as other development is required to do.

6. **Off street loading in a safe location (in business and industrial zones only).**

An off-street drop off area for the children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop kids off, since it is likely that the day care facilities in business and industrial zones will be larger ones that are located on busy streets.

7. **An outdoor play area within walking distance of the facility (Residential Zones).**

An outdoor play area on-site that contains a minimum of 900 square feet (day care home)/3,300 square feet (day care center) (Business/Industrial Zones). 75x12  
75x44 (ave # kids in chs. in P.H.d.)

In residential zones, the yards may not be large enough or there may not be a yard to accommodate the children. The use of a nearby park or open space would meet the intent of the play area requirement, if it is within walking distance. In business and industrial zones, it is preferable to have the play area on-site because of the intensity of the development, greater traffic congestion, and in general more difficult accessibility to the parks and open space than in a residential zone.

8. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

The fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

**PROPOSED DAY CARE AMENDMENTS**

Below, by zone, are the proposed day care amendments.

**RESIDENTIAL**

*no day care centers  
in residential  
zones*

**1. Day Care Home - Home Occupation (0-6, + 2 after school)**

- a. Proof of State license with the Department of Human Services prior to issuance of the Certificate of Occupancy;
- b. A day care facility shall not be located within 500 feet of another day care facility as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.

**2. Day Care Home - (7-12)**

- a. Proof of State license with the Department of Human Services prior to issuance of the Certificate of Occupancy;
- b. Located in operator's residence;
- c. Maximum of two (2) non-resident staff;
- d. Dispersal (see above for language);
- e. Off-street parking for 2 employees in addition to off-street resident parking, and located other than in a required front yard;
- f. Outdoor play area within walking distance of the facility; and
- g. An on-site play area shall be fenced and screened with a landscaped buffer.

**BUSINESS/INDUSTRIAL**

**1. Day Care Home - (7-12)**

- a. Proof of license (see language under residential);
- b. Off street parking of one space per 400 square feet of floor area;
- c. Off street loading in a safe location;
- d. On site outdoor play area with a minimum area of 900 square feet; and
- e. Play area shall be fenced and screened with a landscaped buffer.



**2. Day Care Center - (13+)**

- a. Proof of license (see language under residential);
  - b. Off street parking of one space per 400 square feet of floor area;
  - c. Off street loading in a safe location;
  - d. On site outdoor play area with a minimum area of 3,300 square feet for the first thirteen (13) children, plus seventy-five (75) square feet per child per state license approval; and
  - e. Play area shall be fenced and screened with a landscaped buffer.
- Handwritten notes:*  
- Next to item d: "3,300 sq ft" and "75 sq ft per child"  
- Next to item e: "landscaped buffer"

The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                           | RESIDENTIAL      |                      | BUSINESS & INDUSTRIAL |                        |
|---------------------------|------------------|----------------------|-----------------------|------------------------|
|                           | <u>Home Occ.</u> | <u>Day Care Home</u> | <u>Day Care Home</u>  | <u>Day Care Center</u> |
| State License             | x                | x                    | x                     | x                      |
| Dispersal                 | x                | x                    |                       |                        |
| Operator's Residence      | x*               | x                    |                       |                        |
| Non-resident staff limit  | <i>NO</i> x*     | x                    |                       |                        |
| Off street parking        | x*               | x                    | x                     | x                      |
| Off street loading        |                  |                      | x                     | x                      |
| On site play area         |                  |                      | x                     | x                      |
| Fenced/Screened Play Area | <i>X</i>         | <i>X</i>             | x                     | x                      |

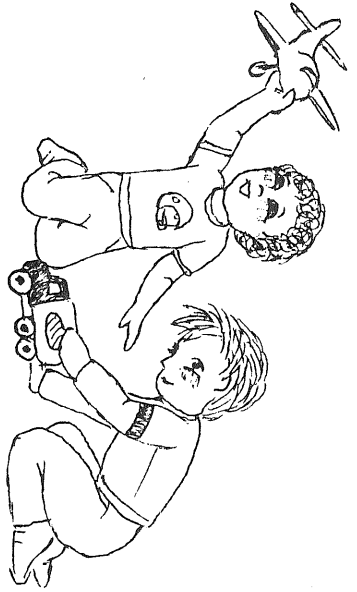
x = requirement

\* Required Under Section 14-410 (Home Occupations)

As requested by the Board, the locations of licensed day care facilities in the City have been mapped. The map will be displayed at the workshop. There are 82 licensed day care homes in the City, with 35 - about half - having six or fewer children. There are 32 day care centers in the City, with the average number of children at the centers being 44.

## LIST OF DAYCARE AMENDMENTS

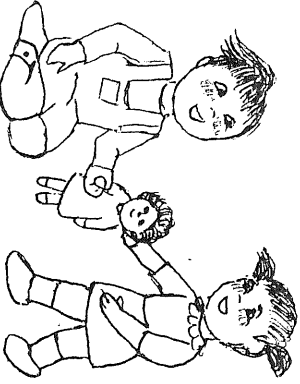
|           |                       |
|-----------|-----------------------|
| 14-47     | Definitions           |
| 14-67     | R- 1 Conditional Uses |
| 14-78     | R- 2 Conditional Uses |
| 14-88     | R- 3 Conditional Uses |
| 14-103    | R- 4 Conditional Uses |
| 14-118    | R- 5 Conditional Uses |
| 14-128    | R-5A Conditional Uses |
| 14-137    | R- 6 Conditional Uses |
| 14-145.3  | IR-1 Conditional Uses |
| 14-145.9  | IR-2 Conditional Uses |
| 14-145.14 | IR-3 Permitted Uses   |
| 14-147    | RP Permitted Uses     |
| 14-161    | B- 1 Permitted Uses   |
| 14-224    | I- B Conditional Uses |
| 14-231    | I- 1 Use              |
| 14-246    | I- 2 Use              |
| 14-292    | I- P Use              |
| 14-332    | Parking               |
| 14-410    | Home Occupation       |



LICENSING

Day Care Home or Center

Maine has two programs for regulating child day care in homes that care for no more than 12 children. Statute requires anyone who cares for three to twelve children, unrelated to him/her, to obtain either a license or certificate of registration. The operator may choose to be a licensed day care home provider or a registered home babysitting service provider. The differences and similarities are outlined here for your information.



1. \$10.00 fee each year
2. An initial inspection of the home is conducted by the Department at least once a year to ensure compliance with law and regulations.
3. Responsibility for monitoring compliance with law and regulations lies with the Department as well as with parents.
4. Annual fire inspection.
5. Annual water test.
6. Department regulations deal with environmental standards such as space, cleanliness and storage of medications, toxic substances and weapons, and the qualifications of caregivers.
7. All caregivers must be 18 years of age and must be capable of exercising sound judgment in the care of children.
8. Licensed homes may have no more than 12 children. One caregiver may care for 3 to 10 children depending on the ages of the children.
9. Physical exam required before license is issued and every 3 years thereafter plus standard skin test for TB.
10. Prohibition of actions or practices detrimental to the welfare of children.

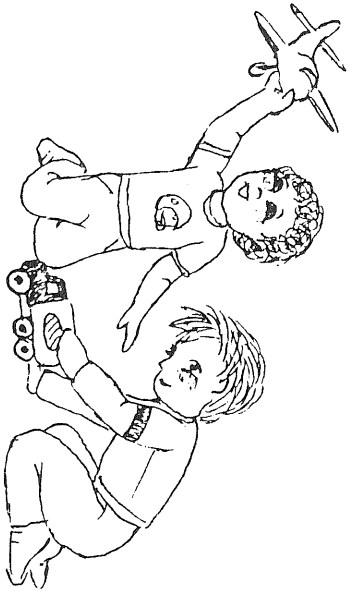
For additional information please see Rules for the Licensing of Day Care Homes.

REGISTRATION

Home Babysitting

1. \$20.00 fee every two years.
2. Generally no initial inspection or evaluation is conducted by the Department but the Department may conduct one annual inspection of the provider's facility to ensure compliance with the law. The caregiver signs a statement certifying that she/he is in compliance with the requirements of the law.
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For additional information please see Title 22, Chapter 1673 §8305 Home Babysitting Service.

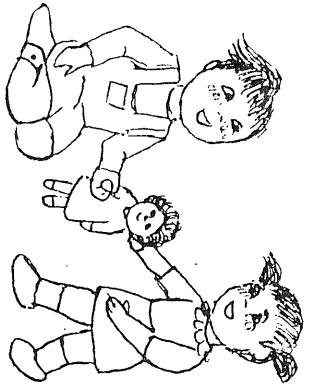


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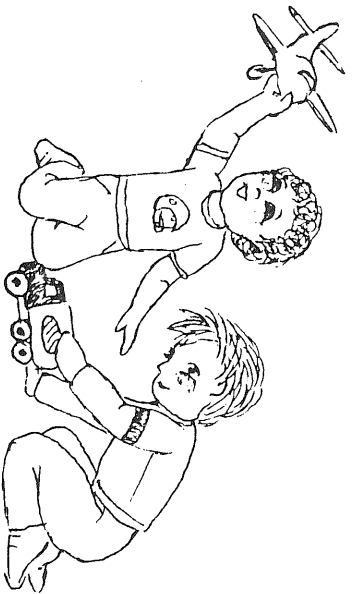
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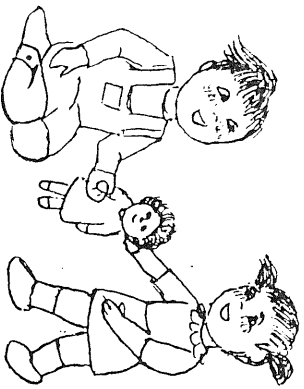
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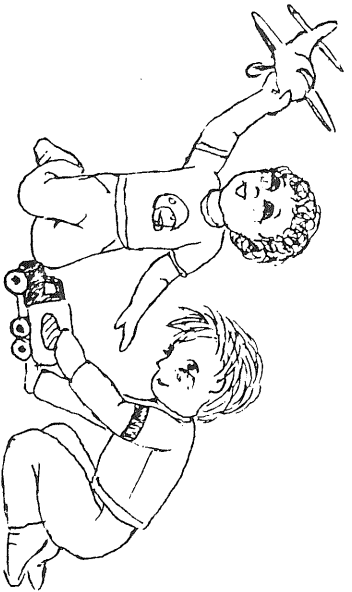
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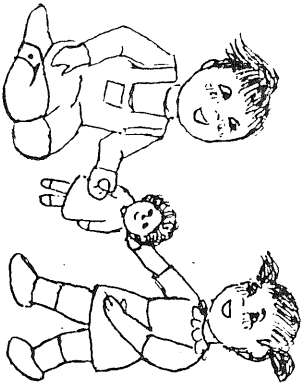
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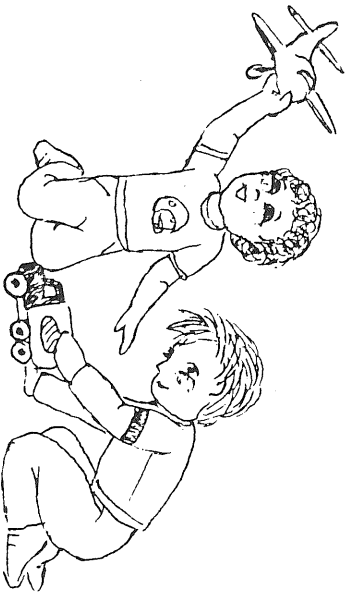
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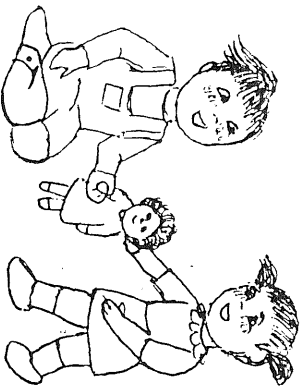
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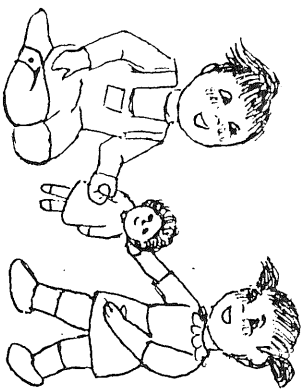
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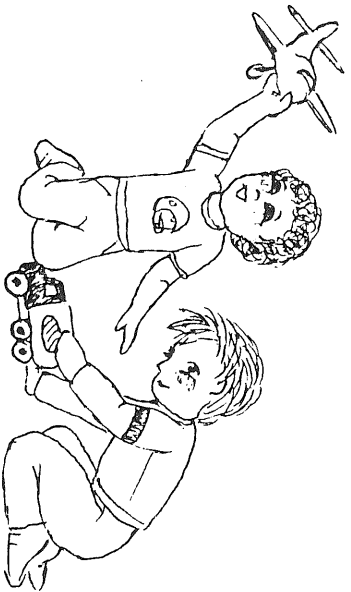
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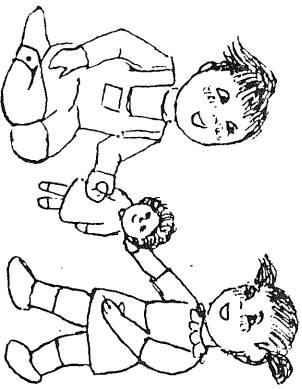
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6. No regulations; legislative standards pertain to fire safety and water quality.
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8. Registered homes may have up to 12 children. Second caregiver required whenever there are more than 5 pre-school children present.
9. Standard skin test for TB required.
10. Prohibition of actions or practices detrimental to the welfare of children.

For additional information please see Title 22, Chapter 1673 §8305 Home Babysitting Service.



Maine has two programs for regulating child day care in homes that care for no more than 12 children. Statute requires anyone who cares for three to twelve children, unrelated to him/her, to obtain either a license or certificate of registration. The operator may choose to be a licensed day care home provider or a registered home babysitting service provider. The differences and similarities are outlined here for your information.



LICENSING Day Care Home or Center

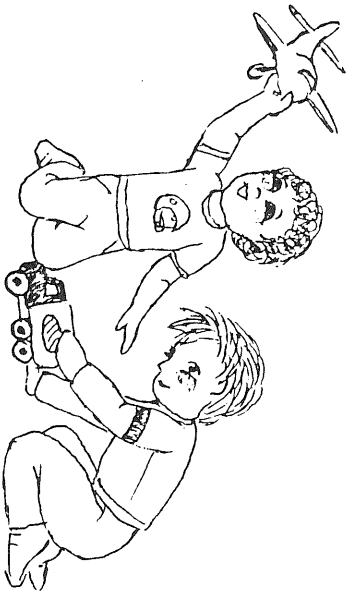
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For additional information please see Rules for the Licensing of Day Care Homes.

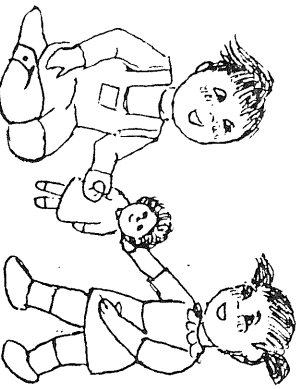
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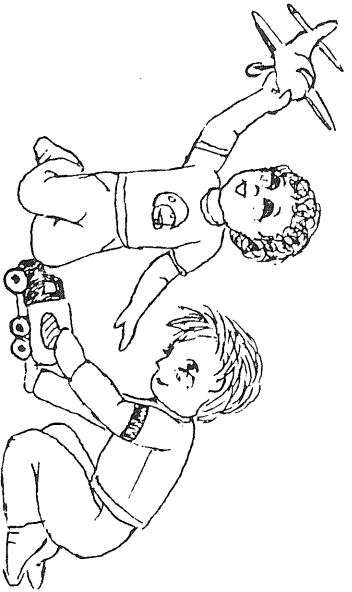
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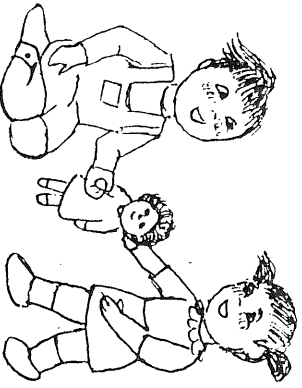
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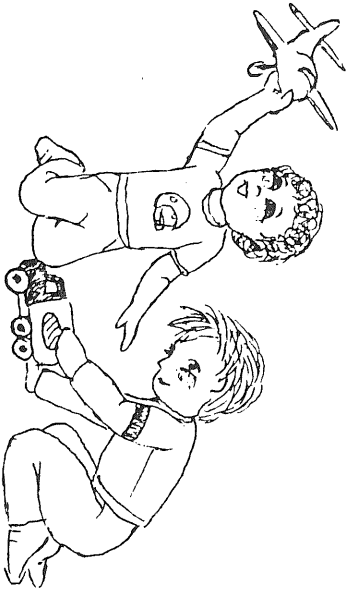
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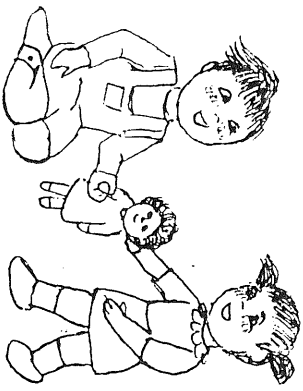
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CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Chairman and Members of the Planning Board  
**FROM:** Kathleen A. Conner, Senior Planner  
**DATE:** September 2, 1987  
**SUBJECT:** Day Care Amendments

On June 30, 1987 the Planning Board held a workshop on day care facility standards. In general, the Board gave the following guidance to Staff:

1. Incorporate the State's day care definitions into the City definitions;
2. Limit day care facilities in the residential zones; and
3. Permit day care facilities in business and limited industrial zones (I-P, I-1, I-2).

The existing State definitions for day care facilities are as follows:

**Day Care Home:** House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.

**Day Care Center:** House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians, or for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

These definitions can be adopted as part of the City's <sup>day care facilities</sup> definitions, ~~sections~~.  
In residence zones, day care homes would be allowed as a home occupation or <sup>larger ones</sup> located in a house/residence. Day care homes would be an accessory use. In the business and industrial zones, both day care homes and day care centers would be permitted in houses or other types of buildings. These uses would be either principle or accessory uses.

*would be allowed if*  
The proposed day care facilities definitions are as follows:



## PROPOSED DAY CARE DEFINITIONS

~~201~~

### Residential

Day Care Home - Home Occupation:

House or other place ~~is~~ conducted or maintained by <sup>resident</sup> anyone who provides on a regular basis and for consideration care and protection for ~~up to~~ not more than six (6) children plus two (2) after school under 16 years of age ... (as above in Day Care Home definition)

~~Day Care Home: House or other place conducted or maintained by resident anyone ... for three (3) to twelve (12) unrelated children ... (as above in Day Care Home definition).~~

Residential / Business / Industrial

Day Care Home: (State Definition)

Business / Industrial

Day Care Center: (State Definition)

With these definitions and guidelines in mind, Staff looked more thoroughly at the standards that were presented to the Board at the workshop. The standards have been incorporated into each of the zoning categories according to the size, and type of the day care facilities. A primary consideration is the potential impact on the surrounding uses in a particular zone: a day care home, for example, is likely to have a greater impact in a residential zone than in a business zone, thus affording the need for more stringent standards designed to minimize the impact.

Each of the standards included in the proposed amendments (attached) is described below, and is followed by an explanation of the rationale for the standard.

STANDARDS

1. **Proof of licensing with the Department of Human Services prior to certificate of occupancy.**

operations.

This proof is an indicator of compliance with the Maine law on day care. The State standards would also be enforced. The license is also granted for a specific number of children, which will help the City to administer its ordinance. For example, a license for 7 children would place the application in the category of day care home while 6 children would be in the day care home - home occupation category which might have lower standards.

not be duplicated by the City and would be enforced by the State.

2. **A day care facility shall not be located within 500 feet of another day care facility, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement, as above, will help to minimize the impact of a day care facility on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the residential character of a neighborhood. A dispersal requirement will allow day care facilities to be located in neighborhoods but would spread them out, to minimize the impacts.

3. **The day care home (in a residential zone) shall be located in the operator's residence.**

This standard will allow day care homes in the operator's residence, which addresses two issues. First, the prohibition on constructing or the use of other types of structures for the facility, and second, it will prevent people from converting housing stock for a day care facility rather than as a residence.

in residential zones only

is prohibited which will help to maintain a residential character;

4. There shall be no more than two (2) non-resident staff in a day care home (in a residential zone).

*nonresident requirement limit*  
This ~~limit on staff~~ will ~~minimize~~ the size of the day care operation and help the residence remain compatible with the surrounding residential character.

*will minimize traffic and parking congestion and will aid in the retention of the residential character*

5. Off-street parking for employees in addition to off-street resident parking and located other than in a required front yard.

Off-street parking will relieve any potential added congestion on the street. Parking on the site will also lend to the preservation of the residential character in residence zones. In other zones, the day care facilities are more similar to a business *use* and the use should be ~~cont~~ contained on-site, as other development is required to do.

6. Off street loading in a safe location.

*no off-street*  
A drop off area for the children, ~~off street~~, will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop kids off.

7. An outdoor play area within walking distance of the facility (Residential Zones).

*Form*  
An outdoor play area on-site that contains <sup>a minimum of</sup> 900 square feet (day care home) / ~~300~~ <sup>3300</sup> square feet (day care center) (Business/Industrial Zones).

8. The on-site outdoor play area shall be fenced and screened with a landscaped buffer.

The fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.

*play area*  
In residential zones, the yards may not be large enough or there may not be a yard to accommodate the children. The use of a nearby park or open space would meet the intent of the requirement, if it is within walking distance. In business and industrial zones, it is preferable to have the play area on-site because of the greater traffic congestion and <sup>in</sup> general accessibility to the parks and open space ~~than in a residential zone.~~ *more difficult*

*intensity of development,*

The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                           | <i>B.M.</i><br>RESIDENTIAL → C   |                      | <i>board</i><br>BUSINESS & INDUSTRIAL → C |                        |
|---------------------------|----------------------------------|----------------------|---|------------------------|
|                           | <i>board</i><br><u>Home Occ.</u> | <u>Day Care Home</u> | <u>Day Care Home</u>                      | <u>Day Care Center</u> |
| State License             | x                                | x                    | x   | x                      |
| Dispersal                 | x                                | x                    |   |                        |
| Operator's Residence      | x*                               | x                    |   |                        |
| Non-resident staff limit  | x*                               | x                    |   |                        |
| Off street parking        | x*                               | x                    | x   | x                      |
| Off street loading        |                                  |                      | x   | x                      |
| On site play area         |                                  |                      | x   | x                      |
| Fenced/Screened Play Area |                                  |                      | x   | x                      |

x = requirement  
 \* Under Section 14-410 (Home Occupations)

~~If these amendments are acceptable, they will be put into a formal amendment format and brought forward to a public hearing in October.~~

Attachment:

- Proposed Amendments

As requested by the Board, the <sup>locations of</sup> day care facilities in the city have been mapped. The ~~map~~ will be ~~shown~~ displayed at the workshop. →

There are 82 ~~the~~ licensed day care homes in the city, with 35 - about half - ~~of~~ ~~the~~ have six or fewer children. There are 32 day care centers in the city, with the average number of children at the centers being 44.

## PROPOSED DAY CARE AMENDMENTS

## RESIDENTIAL

1. Day Care Home - Home Occupation (0-6, +2)
  - a) Proof of ~~Day Care~~ State license with the Department of Human Services prior to <sup>issuance of the</sup> Certificate of Occupancy;
  - b) a day care facility shall not be located within 500 feet of another day care facility as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.
  
2. Day Care Home - (7-12)
  - a) Proof of State license with the Department of Human Services prior to issuance of the certificate of occupancy;
  - b) Located in operators residence;
  - c) maximum of two (2) non-resident staff;
  - d) Dispersal (see above for language);
  - e) Off-street parking for 2 employees, in addition to off-street resident

- parking, and located other than in a required front yard;
- f) Outdoor play area within walking distance of the facility; and
- g) ~~The~~ <sup>An</sup> on-site play area ~~shall~~ <sup>shall</sup> be fenced and screened with a landscaped buffer.

### BUSINESS / INDUSTRIAL

#### 1. Day Care Home - (7-12)

- a) Proof of license (see language under residential);
- b) Off street parking <sup>of one space per 400 square feet of floor area</sup> ~~for two employees~~
- c) Off street loading in a safe location;
- d) On site <sup>outdoor</sup> play area with a minimum area of 900 square feet; and
- e) ~~The~~ Play area shall be fenced and screened with a landscaped buffer.



## 2. Day Care Centers - (13+)

- a) Proof of license (see language under residential);
- b) Off street parking ~~of~~ <sup>of</sup> one space per 400 square feet of floor area;
- c) Off street loading in a safe location;
- d) On site outdoor play area with a minimum area of 3,300 square feet for the first thirteen (13) children, plus ~~75~~ seventy five (75) square feet per child per state license approval; and
- e) Play area shall be fenced and screened with a landscaped buffer.

Walt  
PRVC  
774-4581

Bell Keeper 775-6313  
PRVC-training Day Care providers?  
ongoing course, who's doing it - New Beginnings, displaced.

PB

Day Care Amendments

Oct. 27, 1987

✓ into babysitting service vs. day care home. Distinction under state license.

3-12 registered

eliminate

BV - too difficult. Minimum need to quarantine

# Kids x 75 rather than 3,300.

- <sup>NO</sup> dispersal in home occupation.

TOB - 11 State Definitions

②

business in a residence zone.

JOB unique business

JH builds down to the min + max allowed.

\* → Institutions in Residence Zones, Accessory to institutions.

\* list of centers + where located  
rough #'s

JH 12 kids + 6 kids high in residence zones. lot size was

00

Judy Alexander <sup>H</sup> 797-4888 <sup>W</sup> 775-3337  
78 Northwood Drive  
Port. Mo.

\* 120 kids - all kids wait be outside.

---

Child care Connections

DHRS - 871-7449

Cathy Stad

Crutcher Greenberg

976

A

~~longer~~ <sup>peninsula</sup> institutional <sup>work</sup>

- make amendments to actual sections of the ord.
- Summarize changes
- Chart - exis. / proposed matrices
- <sup>ref.</sup> typed list of day care providers. Calculate #s include in report peninsula / off-peninsula
- add institutions to Kcs. Zones (Accessing to institutions)
- motion: make recommendation to P.B. on day care amendments.

1. # ~~needed~~ facilities
2. Need charging work force providers
3. Quality

demand exceeds supply

U.S. Census ~~with~~ 2 working parents

increase in employment based child care program  
open parks

> 60% kids under 14 working  
1986 55%  
working kids < 6 are working



**CITY OF PORTLAND, MAINE  
MEMORANDUM**

**TO:** Kathleen A. Conner, Senior Planner                      **DATE:** 10-28-87  
**FROM:** Natalie L. Burns, Associate Corporation Counsel  
**SUBJECT:** Proposed Daycare Amendments

At the workshop meeting on October 27, a concern was raised by some of the members of the Planning Board that the proposed daycare definitions did not allow a non-resident to come into a home to provide daycare. The definition which you have proposed for daycare - home occupation is consistent with the current Ordinance §14-410 (h). This section provides that family daycare or home babysitting services shall have no non-resident employees. This is an exception to the rest of the provision, which allows no more than one non-resident employee in a home occupation. It appears that this section could be amended to drop the exception to allow one non-resident employee in a daycare - home occupation. This would appear to be consistent with the current Ordinance.

The currently proposed daycare definition for daycare - home occupation also calls for operation by a resident. However, the exact wording is "house or other place conducted or maintained by a resident". I am not sure that an argument couldn't be made that a resident was maintaining a daycare home, which was being operated by someone who came into her home and cared for her child there. This may, however, create some ambiguity so perhaps it may be best to simply reinsert the words "or anyone" after resident.

If there are additional issues which you would like to review with me, please call me.

*Natalie L. Burns JB*  
Natalie L. Burns  
Associate Corporation Counsel

NLB/tb



STEVE LISS

COVER STORIES

# The Child-Care Dilemma

*Millions of U.S. families face a wrenching question: Who's minding the kids?*



The smell of wet paint wafts through the house on a tree-lined street on Chicago's North Side. Marena McPherson, 37, chose a peach tint for the nursery: a gender-neutral color. But the paint had a will of its own and dried a blushing shade of pink. Ah well, no time to worry about that. With the baby due in less than a month, there are too many other concerns. Like choosing a name, furnishing the baby's room, reading up on infant care and attending child-birth classes. Above all, McPherson must tackle the overriding problem that now confronts most expectant American mothers: Who will care for this precious baby when she returns to work?

An attorney who helps run a Chicago social-service agency, McPherson has accumulated two months of paid sick leave and vacation time. She plans to spend an additional four months working part

time, but then she must return to her usual full schedule. So for several months she has been exhaustively researching the local child-care scene. The choices, she has learned, are disappointingly few. Only two day-care centers in Chicago accept infants; both are expensive, and neither appeals. "With 20 or 30 babies, it's probably all they can do to get each child's needs met," says McPherson. She would prefer having a baby-sitter come to her home. "That way there's a sense of security and family." But she worries about the cost and reliability: "People will quit, go away for the summer, get sick." In an ideal world, she says, she would choose someone who reflects her own values and does not spend the day watching soaps. "I suspect I will have to settle for things not being perfect."

That anxiety has become a standard rite of passage for American parents. Beaver's family, with Ward Cleaver off to



The most anguished moment of the morning: Adam

work in his suit and June in her apron in the kitchen, is a vanishing breed. Less than a fifth of American families now fit that model, down from a third 15 years ago. Today more than 60% of mothers with children under 14 are in the labor force. Even more striking: about half of American women are making the same painful decision as McPherson and returning to work before their child's first birthday. Most do so because they have to: seven out of ten working mothers say they need their salaries to make ends meet.

With both Mom and Dad away at the office or store or factory, the child-care crunch has become the most wrenching personal problem facing millions of American families. In 1986, 9 million preschoolers spent their days in the hands of someone other than their mother. Millions of older children participate in programs providing after-school supervision. As American women continue to pour



LEGAL ADVERTISEMENT  
PORTLAND PLANNING BOARD  
PUBLIC NOTICE

The Portland Planning Board will hold a public hearing on Tuesday, November 24, 1987, at 7:30 p.m. in Room 209, City Hall, on the proposed amendments to the City's Day Care Facility regulations in the residential, business, and industrial zones. The proposed amendments include revised definitions and new standards and requirements such as location in proximity to another day care facility, outdoor play areas, off-street parking and loading, and landscaping and screening. The Planning Board will make a recommendation to the City Council on the amendments. Additional information can be obtained in the Planning office, Room 211, City Hall, 389 Congress Street, Portland, Maine 04101 or by calling 775-5451, ext. 266.

Charge to:  
City of Portland  
Planning department  
Acct. # 107756

Publish both editions  
Monday 11/16/87

- Computer applications (Thursday mtg.)  
tell Alex.

- Commercial zoning ads + notices

---

### Staff comments

- SF detached units
- what about renters
- general dispersal reqmt. but not w/ to about another day care (or 100-200')
- max. play area for 13 kids.
- play area w/ X feet

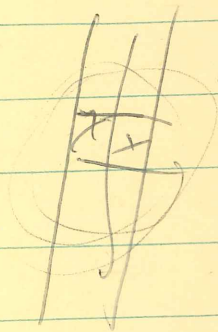
as measured along

500' dispersal

"cumulative impact"

off-street pkg. - specify tandem

min. lot size in residential



Alex → dates draft standards  
call Lee Lowry

PB Workshop  
6/30/87  
Day Care Standards

- proof of licensing before COG
- disposal
- ID - problem in residential areas. business is bottom line. creeping encroachment in a residential area. Impact on residential area.

JOB - Industrial zones. In bus + not industrial not consistent.

Jb - eliminated from residential uses.

JOB - 11 state reqs - two categories instead of 3.

D - Comp. state scheme. Stricter standards

Jb - L.U. Issues play in def's + standards as they relate to use of zones to show different concept. - society has changed prevalent business. Basic Q to have it in residential zones.



appropriate in what zones?

MF - day care → prevalent in other areas in the Country  
UNHM one of few business is on site day care  
growing issue.

comp. analysis to standards - zone by zone

JOB - home day care appropriate in res. zones  
- limit number + proximity. keep in Ublsh

MF - accessibility to kid. low priority of day care.

JH - limit home occ. on each streets

may \_\_\_\_\_ day care owner  
to kids - not a business

\* DHS - map locations licensed day cares.

JOB - home or also a business more than  
a family day care.

(3)

JB - when you zone → look to the future  
future it will differ, ever growing business  
or concept.

JH - who should absorb the impact?  
employers?

Eliminate waterfront

Principal or accessory

JB - trend toward Dupuis + Nanny's

Lee Lowry → atty for applicants Accessory  
use - zoning Bd. Accessory use, relatively  
small in proportion to serve only the principal  
use.

OP expand in OP for accessory uses  
to allow other kids.



JD - Statistical facts.  
clustering on the street.  
Nobles resentment.

JH - dispersal standard - ~~move forward~~  
JF - aged 16 - problems?

move forward → w/o residential?  
JH - Bust indus then residential.

bring <sup>everything</sup> forward

workshop in text + maps.

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Chairman and Member of the Planning Board  
FROM: Kathleen A. Conner, Senior Planner *KC*  
DATE: December 3, 1987  
SUBJECT: Day Care Amendments, Report #94-87

The day care amendments have been slightly revised since the Board received them for the November 24, 1987 meeting. The revisions are described below.

1. R-1 to R-6 and IR-1 to IR-3 (p.8)
- (3)c. Family day care homes which have not received a permit as a home occupation under Section 14-410...

The language has been revised to make certain that those day care homes that are not registered with the city as home occupations because they don't meet the criteria are subject to the seven (7) conditions listed in the proposed amendment.

- (3)c.4. There shall be no more than two non-resident staff in a day care home, except there shall not be a limit on the number of staff members in day care facilities in an institutional building.

The intent of the proposed amendment is to clarify a clause that was vague. In the proposed ordinance, day care homes and centers accessory to an institution are conditional uses. A day care center will require a larger staff to accommodate 13 or more children and the center should not be subject to the day care home requirements.

- (3)c.5. One(1) off-street parking space shall be provided for a day care home for each non-resident employee, up to a maximum of two (2) off-street spaces, in addition to off street resident parking, and not located in a required front yard.

The proposed amendment relaxes the parking standard by requiring one space per non-resident employee rather than two spaces, even if there is only one non-resident employee.



PB MEMO  
December 8, 1987  
Page 2.

There has been a concern raised by the day care providers about the fencing and screening requirement in the residence zones if the play area is on-site. The day care providers feel that it may be excessive and deter people from starting day care homes because the start-up costs would be prohibitive for some. The board may want to consider relaxing this requirement by stating that the Board of Appeals may require a fence and screening as needed, if there is a safety or intrusion issue that would result in detrimental impact on the neighborhood.

The other primary concern of the providers is the dispersal requirement as it applies to the densely developed R-6 zone. The dispersal requirement may limit the number of large day care homes on the peninsula. The Board may want to consider having an R-6 exception to the dispersal requirement. Other than the scattered R-6 zones off-peninsula that are being reviewed, the effect of the exception will be primarily on the peninsula.

A copy of the report and the revised proposed amendments are attached.

A total of 123 notices were mailed to the licensed and registered day care homes and licensed day care centers in the City as of June, 1987, and to other known day care providers. This item was also included as part of the published agenda on Monday, November 30, 1987 as an unfinished business item.

/jff

**PLANNING REPORT #94-87**  
(Revised 12-08-87)

**PORTLAND PLANNING BOARD**

**PROPOSED DAY CARE REGULATIONS AMENDMENTS**

Submitted to:

Portland Planning Board  
Portland, Maine

December 8, 1987

## I. INTRODUCTION

The Planning Board held a workshop on June 30, 1987 and one on September 14, 1987 on the proposed day care regulations amendments. The proposed amendments expand the zones in which day care facilities are permitted. They also set forth specific standards for conditional use review of day care facilities. The standards work in conjunction with the State's day care facility standards and they do not attempt to duplicate them. It is hoped that these standards will make the review process more predictable while maintaining the quality of day care facilities in Portland.

## II. PUBLIC NOTICE

A total of thirty-seven (37) notices were sent to day care center providers in the City and to other known interested parties. A legal notice also appeared in both editions of the Guy Gannett newspapers on Monday, November 17, 1987.

A memo from Doris Hohman, Health & Human Services Director, is attached (Attachment one). No other written comments have been received to date.

## III. POLICY DISCUSSION

Nationally, over 60% of kids under 14 have working parents and the statistics indicate that the numbers of single parents and two working parents are increasing. A result of the changing society is a growing need for day care facilities. (A list of day care facilities is attached).

In Portland there are a total of 119 licensed day care facilities. The majority (82) are licensed day care homes with twelve or fewer children. The 32 day care centers in the City range in numbers of children from six (6) to one hundred (100), with the average number of kids being forty-four (44). The total number of licensed slots in the City is 2,118. Although it is not documented, in discussions with day care providers and regulators, it appears that the demand for day care outstrips its availability in Portland.

Not only is the need for day care facilities growing, but the types of facilities are changing. What was once primarily a home occupation has evolved into larger independent or employment-based day care centers. The City now has a wide range of day care facilities from small day care in homes to large centers connected with a large employer in the City. The home based day care facilities typically have twelve (12) or fewer children while large day care facilities have thirteen (13) or more children and are located in institutions or in commercial buildings. The City's current regulations lack standards by which to judge the suitability of the day care facility in a certain zone and location.

In order to meet the day care facility demand, the City's regulations need to be revised. The revisions expand the number of zones in which

day care facilities are allowed while establishing standards for each zone to ensure the safety and well-being of the children in the centers. The revised regulations will also differentiate between a residential scale day care facility and a commercial scale facility in order to protect the character of the residential zones and prevent commercial encroachment in them.

#### **IV. SUMMARY OF AMENDMENTS**

In this section, each amendment will be discussed. A summary chart, by zone, follows the amendment discussion. The proposed amendments for the zones will also be summarized.

#### DEFINITIONS

The proposed definitions are the same as the State's day care homes and day care centers definitions. Under day care homes, the addition of the distinction of small and large day care homes based on the number of children is proposed. A small day care home will accommodate not more than six (6) children plus two (2) children after school while a large day care home will accommodate seven (7) to twelve (12) children. The definitions follow:

##### **Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

##### **Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

## STANDARDS

1. **Proof of Licensing with the Maine Department of Human Services prior to issuance of a certificate of occupancy.**

This proof, which is required for all zones and for all types of day care facilities, is an indicator of compliance with the Maine law on day care operations. Most of the State standards would not be duplicated by the City and would be enforced by the State. In addition, since the license is granted for a specific number of children, administration of the ordinance will be easier. For example, a license for 7 children would place the application in the category of large day care home while one for 6 children would be in the small day care home category which has different standards than a large day care home.

2. **A large day care home shall not be located within 500 feet of another large day care home, as measured along the street line to the respective property lines, and in no case shall such uses be located on abutting lots.**

A dispersal requirement will help to minimize the impact of a day care home on a residential neighborhood. A concentration of such facilities might result in a negative cumulative impact, such as increased traffic, noise, and a shift in the neighborhood from a residential to a business character. A dispersal requirement will allow day care homes in neighborhoods, but would spread them out.

3. **A day care home in a residential zone shall be located in a building of residential occupancy except for institutional buildings which may have day care facilities as accessory uses.**

In order to retain the residential character, day care homes will be allowed only in residences. Institutional buildings are excepted from the standard if the day care facility is an accessory use. The intent of this is to prevent construction or the use of other types of structures for day care facilities in order to maintain a residential character. It is also intended to prevent the conversion of the housing stock from residential use to a day care use which might also jeopardize the residential character as well as reduce the number of housing units.

4. **There shall be no more than two (2) non-resident staff in a day care home in a residential zone, except for day care facilities in an institutional building.**

The non resident staff requirement will limit the size of the day care home to minimize traffic and parking congestion. There is no cap on the number of residents working at the day care home in addition to the two non-resident staff. In institutional buildings, there is no limit on the number of employees since on it is presumed that the day care facility will be an independent operation.

It should be noted that the major distinction between a small day care home as a home occupation and a small day care home is that the home occupation cannot have any non-resident employees while the small day care home would allow two non-resident employees. Thus, in a small day care home, the resident could leave for the day and have two non-resident day care providers in the house.

5. **Off-street parking in residential zones for two (2) employees, in addition to off-street resident parking, and located other than in a required front yard.**

Off-street parking will relieve any potential congestion to the neighborhood. Parking in a location other than in the front yard will also lend to the preservation of the residential character in residence and prevent the construction of a parking lot in the front yard setback.

6. **Off-street parking in business and industrial zones of one space per 400 square feet of floor area in the day care facility structure.**

As with any business, parking for employees and building users should be provided on-site or leased in an area in close proximity to the building.

7. **Off street loading in a safe location (in business and industrial zones only).**

An off-street drop off area for children will enhance the safety of the children. The drop off would also help to minimize traffic congestion by eliminating the on-street stacking of cars to drop children off. An exception for the B-3 zone is proposed to eliminate this requirement in the downtown. It would be almost impossible for any facility to meet this standard and its elimination will promote day care facilities in the downtown.

8. **An outdoor play area within walking distance of the facility (Residential Zones).**

An outdoor play area on-site is required in business zones, except the B-3 zone. In the B-3 zone, an on-site play area is not required if there is a play area within walking distance of the day care facility with crossing arterial or collector streets. The Board of Appeals may grant an exception to the business zones play area requirement if a reasonable alternate source of outdoor recreation can be provided.

**An outdoor play area on-site is required in industrial zones.**

In residential zones, there may not be a yard to accommodate the children on site. The use of a nearby park or open space would meet the intent of the play area requirement, if it is within walking distance. In business and industrial zones it is preferable to have the play area on-site. An exception to this requirement is proposed in the business zones. The on site play area would not be required in the B-3 zone if there is a park or play area within walking distance of the facility and if no arterials or major streets must be crossed to reach the play area. An exception for the business zones is also proposed if a reasonable alternate source of outdoor recreation can be provided within safe walking distance. These exceptions will offer flexibility for a day care facility in a business zone even if there isn't an on-site play area.

9. **The on-site outdoor play area shall be fenced and screened with a landscaped buffer.**

If the play area is provided on site, a fence will keep the children confined to the space for safety reasons. The buffer will act as a visual and sound filter to minimize the impact of a day care facility on neighboring properties.



The proposed Day Care Standards are summarized by zone in the chart below.

SUMMARY OF PROPOSED DAY CARE STANDARDS

|                              | RESIDENTIAL                    |                                | BUSINESS & INDUSTRIAL |                            |
|------------------------------|--------------------------------|--------------------------------|-----------------------|----------------------------|
|                              | <u>Small Day<br/>Care Home</u> | <u>Large<br/>Day Care Home</u> | <u>Day Care Home</u>  | <u>Day Care<br/>Center</u> |
| State License                | x                              | x                              | x                     | x                          |
| Dispersal                    |                                | x                              |                       |                            |
| Residential building         | x <sup>1</sup>                 | x                              |                       |                            |
| Institutional bldg.          | x                              | x                              | x                     | x                          |
| Non-resident staff<br>limit  | x <sup>1</sup>                 | x                              |                       |                            |
| Off street parking           | x <sup>1</sup>                 | x                              | x                     | x                          |
| Off street loading           |                                |                                | x                     | x                          |
| On site play area            |                                |                                | x                     | x                          |
| Fenced/Screened<br>Play Area | x <sup>2</sup>                 | x <sup>2</sup>                 | x                     | x                          |

x = requirement

<sup>1</sup> Required Under Section 14-410 (Home Occupations)

<sup>2</sup> Required if the play area is on site

**DEFINITIONS  
SUMMARY OF AMENDMENTS**

Section 14-17. Definitions.

**Day care facility.** A facility which provides a regular program of care and protection, for children under the age of sixteen (16), for consideration, for any part of the day.

**Day Care Home:**

- a. House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for three (3) to twelve (12) unrelated children under 16 years of age, who are unattended by parents or guardians, for any part of a day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home.
  
- b. A small day care home will accommodate not more than six (6) children plus two (2) children after school. A large day care home will accommodate seven (7) to twelve (12) children.

**Day Care Center:**

House or other place conducted or maintained by anyone who provides on a regular basis and for consideration care and protection for thirteen (13) or more children under 16 years of age, except children related to operator by blood, marriage, or adoption, who are unattended by parents or guardians for any part of a day, except that any facility the chief purpose of which is to provide education shall not be considered a day care center.

R-1 TO R-6 AND IR-1 TO IR-3  
SUMMARY OF AMENDMENTS

(3) Other...

b. ~~Nursery schools and kindergartens, and family day care - facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

c. Day care homes which have not received a permit as a home occupation under section 14-410, and provided that, notwithstanding Section 14-474 ("Conditional Uses"):

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a Certificate of Occupancy;
2. A large day care home shall not be located within 500 feet of another large day care home as measured along the street line to the respective property lines, and in no case shall such use be located on abutting lots;
3. A large day care home shall be located in a building of residential occupancy except that day care homes or centers may be located in institutional buildings as an accessory use;
4. There shall be no more than two non-resident staff in a day care home, except there shall not be a limit on the number of staff members in day care facilities in an institutional building;
5. One off street parking space shall be provided for a day care home for each non-resident employee, up to a maximum of two (2) off-street spaces, in addition to off-street resident parking, and not located in a required front yard;
6. There shall be an outdoor play area within walking distance of the day care home; and
7. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

RP TO B-3  
SUMMARY OF AMENDMENTS

RP 14-147 Permitted Uses.

(22) Day Care Centers or day care homes provided that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location, except an off street loading area is not required
4. There shall be an on-site outdoor play area with 75 square feet per child with the following exceptions:
  - a. An on-site play area is not required in the B-3 zone if there is a play area within walking distance of the day care facility without crossing arterial or collector street;
  - b. The Board of Appeals may grant an exception if a reasonable alternate source of outdoor recreation can be provided within safe walking distance.
5. If an outdoor play area is provided on site, it shall be fenced and screened with a landscaped buffer.

I-P AND I-1  
SUMMARY OF AMENDMENTS

Section 14-231. Use.

I-1 Industrial Zone

(1) Uses prohibited in the I-2 zone except:

i. Day care homes and day care facilities that:

1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
3. Off street loading shall be located in a safe location,
4. There shall be an on-site outdoor play area with 75 square feet per child; and
5. The outdoor play area shall be fenced and screened with a landscaped buffer.

I-2  
SUMMARY OF AMENDMENTS

Section 14-246. Use.

- a. No building or structure shall be erected, altered, enlarge, rebuilt or used, and no premises shall be used, in an I-2 or I-2b zone for any use prohibited in an I-3 zone or for any of the following uses:...
- b. In an I-2 zone, day care centers and day care homes shall be permitted provided that:
1. Proof of licensing with the Maine Department of Human Services is submitted to the City prior to issuance of a certificate of occupancy;
  2. Off street parking shall be provided with one space per 400 square feet of floor area in the day care structure;
  3. Off street loading shall be located in a safe location,
  4. There shall be an on-site outdoor play area with 75 square feet per child; and
  5. The outdoor play area shall be fenced and screened with a landscaped buffer.

**PARKING AND HOME OCCUPATION**  
**SUMMARY OF AMENDMENTS**

Section 14-332 (Parking).

- (15) Day Care homes or centers in a business or industrial zone: One parking space for each four hundred (400) square feet, or major fraction thereof, of floor area exclusive of cellar not used for bulk storage.

Section 14-410. Home occupation.

**Purpose.** The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

- (1) In connection with the cooperation of a home occupation, within a dwelling unit, the following requirements shall be met:
- a. A home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty-five (25) per cent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family ~~small day care homes~~<sup>or home babysitting services</sup> to accommodate not more than six (6) children plus two (2) children after school and having no nonresidential employees;...
  - b. - g...
  - h. There shall be no more than one non-resident employed in the home occupation provided however family day care homes ~~or home babysitting services~~ shall have no non-resident employees.
  - i. - j.

**V. MOTION**

The Board may wish to make the following motion:

Recommendation to the City Council to adopt the day care regulations amendments as described in the Report #94-87.

Attachments:

1. Memo from Doris Hohman, Health and Human Services Director
2. Portland Day Care List

/jff



AH.1

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**DATE:** November 20, 1987  
**TO:** Kathleen A. Conner, Senior Planner  
**FROM:** Doris Hohman, <sup>DH</sup> Health & Human Services Director  
**SUBJECT:** Day Care Amendments

I have received the proposed revisions for day care facility standards which are being reviewed by the Planning Board. The lack of child care has been identified as a major social service concern in the City of Portland. The need for the creation of additional child care slots is urgent and should be encouraged and promoted.

However, proposed day care amendments appear to restrict the reaction of day care homes and centers. I am specifically referring to the requirements for outside play areas, the maximum for two non-resident staff, the dispersal requirements, off-street parking and coding requirements. All of these provisions will minimize available options for the development of essential day care slots and discourage individuals residing in high density areas on the peninsula, where day care is most needed, from going into the day care business.

It must be kept in mind that many day care facilities are non-profit organizations and in any case day care is not a high-profit business.

The process of amending day care facility standards should include an opportunity for interested social service and day care providers to provide input. In fact, in 1975 when zoning changes impacting day care homes came before the Council they requested an assessment of the impact of the proposed changes and appropriate recommendations.

I am interested in helping you plan a process to involve interested parties.

DH/sn

cc: Alex Jaegerman  
Joe Gray

**PORTLAND DAY CARE LIST**  
(as of 6-18-87)

**Day Care Homes - Registered**

| <u>Name</u>           | <u>Location</u>          | <u>Licensed Slots</u> |
|-----------------------|--------------------------|-----------------------|
| Sharon Chretien       | 429 Deering Ave., Apt. 2 | 12                    |
| Gail M. Conrad        | 42 Hillside Road         | 12                    |
| Norma Scribner        | 172 Bradley St.          | 12                    |
| Sheryl Kay Treadwell  | 296 Deering Ave.         | 12                    |
| Diane M. Vaillancourt | 31 Sunset Lane           | <u>12</u>             |
|                       | Subtotal                 | 60                    |

**Day Care Homes - Licensed**

| <u>Name</u>             | <u>Location</u>        | <u>Licensed Slots</u> |
|-------------------------|------------------------|-----------------------|
| Lori J. Baker           | 52 Rockland Avenue     | 6                     |
| Ilene R. Berman         | 55 Birchwood Drive     | 6                     |
| Donna Brown             | 6 Monroe St.           | 5                     |
| Diana J. Burton         | 21 Greenleag St.       | 3                     |
| Patricia F. Chandler    | 102 Allen Avenue       | 12                    |
| Cheryl H. Brett         | 42 Lafayette St.       | 8                     |
| Barbara Connelly        | 99E Commonwealth Drive | 8                     |
| Kathleen Dall           | 37 Lane Avenue         | 8                     |
| Jerry A. Deroche        | 36 Roberts St.         | 12                    |
| Marilyn DiBiase         | 27 Carlyle Road        | 8                     |
| Julie Erb               | 11 Exchange St.        | 10                    |
| Theresa A. Faherty      | 68 Pennell Avenue      | 8                     |
| Delia Foley             | 214 Taft Avenue        | 6                     |
| Regina B. Fontaine      | 58 Spruce Street       | 10                    |
| Joyce Foss              | 240 Danforth, Apt 107  | 6                     |
| Gayle Gauvreau          | 14 Locust St.          | 12                    |
| Gently Now Day Care     | 837 Brighton Avenue    | 12                    |
| Cynthia L. Goodhue      | 286 State St.          | 8                     |
| Cara Guerrieri          | 32 Thomas St.          | 12                    |
| Dena Hall               | 313 Ray St.            | 6                     |
| Deborah J. Hamilton     | 246 Pleasant Avenue    | 6                     |
| Linda Heal              | 23 Nottingham Avenue   | 7                     |
| Holy Innocents          | PO Box 797 Sherman St. | 12                    |
| Jeannette Egeland Horne | 105 North St.          | 12                    |
| Melanie B. Hunter       | 126 Concord St.        | <u>7</u>              |
|                         | Subtotal               | 210                   |

Day Care List  
November 18, 1987  
Page 2.

**Day Care Homes - Licensed (cont.)**

| <u>Name</u>             | <u>Location</u>       | <u>Licensed Slots</u> |
|-------------------------|-----------------------|-----------------------|
| Susan Johnston          | 66 Jackson St.        | 8                     |
| Suzanne Kaklegian       | 88 Presumpscot St.    | 8                     |
| Dona Ruth Kinney        | 68 Caribou St.        | 8                     |
| Dorothea Lappin         | 43 Elmwood St.        | 6                     |
| Pamela J. Lavalliere    | 17 Glenhaven East     | 7                     |
| Mary LeMay              | 287 Holm Avenue       | 4                     |
| Lorna Leo               | 223 Brackett St.      | 12                    |
| Connie Lerman           | 16 Williams St.       | 12                    |
| Sue K. Macy             | 19 Lincoln St.        | 6                     |
| Barbara McClellan       | 129 Mass Avenue       | 3                     |
| Nancy Merrow            | 9 Cushman St.         | 6                     |
| Donna Mitchell          | 146 Sherman St.       | 8                     |
| Hale Moreau             | 74 Devon St.          | 6                     |
| Anne Napoleone          | 1224 Washington Av.   | 5                     |
| Pamala R. Newsham       | 539 Brighton Av.      | 12                    |
| Rhonda Norton           | 24 Cobbett Rd.        | 6                     |
| Marguerite Paradis      | 125 Wellington Rd.    | 7                     |
| Cindy Parker            | 73 Spruce St.         | 6                     |
| Sherry M. Pierson       | 44 Whittier St.       | 6                     |
| Gail Platts             | 89 Mabel St.          | 6                     |
| Joan Prouty             | 385 Woodford St.      | 10                    |
| Beth Hariman Rapp       | 51 Devon St.          | 9                     |
| Mary Reilly             | 129 Brentwood St.     | 8                     |
| Deborah L. Reinold      | 28 Smith St.          | 6                     |
| Kristen Reuben          | 34 Hamblet Avenue     | 6                     |
| Virginia Reynolds       | 13 Fleetwood St.      | 10                    |
| Mildred Richardson      | 11 Woodfield Rd.      | 8                     |
| Peggy G. Rivera         | 202 Congress St.      | 6                     |
| Juli Schoppee           | 232 Maine Avenue      | 5                     |
| Claire Smith            | 85 Dole Drive         | 10                    |
| Joann Smith             | 39 Illsley St.        | 5                     |
| St. Patricks Church     | 1251 Congress St.     | 12                    |
| Margaret Stoddard       | 67 Quebec St.         | 6                     |
| Rachel J. Sylvester     | 10 Candlewyck Terrace | 8                     |
| Anne Taliento           | 48 Sturdivant Drive   | 5                     |
| Therapeutic Nursery MMC | 87 High St.           | 12                    |
| Wilda Theriault         | 112 Front St.         | 6                     |
| Pamela Thurston         | 57 Deering Run        | 8                     |
| Sharon L. Tilton        | Address Unknown       | 6                     |
|                         | PO Box 10488          |                       |
|                         | Subtotal              | 288                   |

Day Care List  
November 18, 1987  
Page 3.

**Day Care Homes - Licensed (cont.)**

| <u>Name</u>                                | <u>Location</u>         | <u>Licensed Slots</u> |
|--|-------------------------|-----------------------|
| Marie L. Trott                             | 27 Merrill St. Box 3371 | 12                    |
| Bonny Trumble                              | 75 Front St.            | 6                     |
| Joanne Wiley                               | 31 Harris Avenue        | 6                     |
| Ann L. Wilson                              | 43 Huntington Avenue    | 12                    |
| Susanne Wilson                             | 88 Madeline Avenue      | 10                    |
| Celia Worrey                               | 162 Woodlawn Avenue     | 6                     |
| Donna Brown                                | 65 Lambert St. Apt. 5   | 6                     |
| Janice Gaudet                              | 126 Sherwood St.        | 6                     |
| Lisa E. Huff                               | 58 Congress St.         | 6                     |
| Angela Kelso                               | Willow Lane             | 8                     |
| Joan Naigle                                | 38 Ray St.              | 8                     |
| Portland YMCA/Infant Home                  | 70 Forest Avenue        | 12                    |
| Annette L. Rinaldi                         | 17 Aspen Drive          | 10                    |
| Patricia Roe                               | 156 Maine Avenue        | 12                    |
| St. Elizabeths Child<br>Development Center | 87 High St.             | 8                     |
| Nancy Valliere                             | 65 Coyle St.            | 10                    |
| Dora Wilkinson                             | 10 Josslyn St.          | <u>8</u>              |
|  | Subtotal                | 146                   |

**Day Care Center**

| <u>Name</u>                              | <u>Location</u>                                  | <u>Licensed Slots</u> |
|--|--|-----------------------|
| Advent Christian Church<br>of Portland   | 1520 Westbrook St.                               | 60                    |
| Catherine Morrill Day<br>Nursery         | 96 Danforth St.                                  | 84                    |
| Childrens Center of<br>Westbrook College | 716 Stevens Avenue                               | 50                    |
| East End Childrens<br>Workshop           | 10 Mayo St.                                      | 40                    |
| East End Childrens<br>Workshop           | 48 Moody St. Adams School                        | 95                    |
| Jacqueline J. Graffam                    | 77 Front St.                                     | 6                     |
| Kinder-Care Learning<br>Center           | 2211 Congress St.<br>Union Mutual                | 84                    |
| Pleasant Day Nursery<br>School           | 970 Forest Avenue                                | 100                   |
| Portland YWCA/Hall<br>Elementary School  | 23 Orono Rd.                                     | 50                    |
| Portside Learning Center                 | Riverton Elementary School<br>1600 Forest Avenue | <u>50</u>             |
|  | Subtotal   | 619                   |

Day Care List  
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**Day Care Center (cont.)**

| <u>Name</u>                                  | <u>Location</u>                    | <u>Licensed Slots</u> |
|--|------------------------------------|-----------------------|
| PROP Cumberland County/<br>Riverton HS       | 102-104 Riverton Park              | 20                    |
| PROP Cumberland County/<br>Sagamore HS       | 22 Popham St.                      | 23                    |
| PROP Cumberland City/<br>Harry Cummings Ctr. | 134 Congress St.                   | 20                    |
| Saint Patricks School                        | 1251 Congress St.                  | 30                    |
| Small World                                  | 314 Warren Avenue                  | 40                    |
| St. Elizabeths Child<br>Child Dev Center     | 87 High St.                        | 92                    |
| The Childrens Co-Op                          | 302 Stevens Avenue                 | 17                    |
| The Childrens Express                        | 1334 Washington Avenue             | 24                    |
| Trinity Church Day Care<br>Center            | 113 Coyle St.                      | 20                    |
| Genevieve Trueworthy                         | 70 Whitney Avenue                  | 8                     |
| USM/Bookstore                                | 96 Falmouth St.                    | 55                    |
| USM/Gym, Portland Campus                     | 96 Falmouth St.                    | 64                    |
| USM Child Care                               | 68 High St.                        | 27                    |
| West Side Day Care                           | 132 Danforth St.                   | 18                    |
| Westwood Childrens Center                    | West Sch. 57 Douglas St.           | 60                    |
| YWCA Teen Parent Services<br>Nursery         | 87 Spring St.                      | 24                    |
| Peaks Island Child Dev<br>Center             | Public School Gym, PI              | 25                    |
| Peaks Island Child Dev<br>Center             | St. Christopher's Parish           | 25                    |
| Portland YMCA/Toddler Home                   | 70 Forest Avenue                   | 63                    |
| PROP Cumberland County/<br>Kennedy Park HS   | 58 Boyd St. Kennedy Park           | 20                    |
| PROP Cumberland County/<br>Rosa True School  | 140 Park St.                       | 80                    |
| YWCA of Portland, Inc.                       | Baxter Elem School<br>Ocean Avenue | 40                    |
|  | Subtotal                           | 795                   |

**TOTALS - Licensed Slots**

|                             |              |
|-----------------------------|--------------|
| Day Care Homes - Registered | 60           |
| Day Care Homes - Licensed   | 644          |
| Day Care Centers -          | <u>1,414</u> |
| <b>Total</b>                | <b>2,118</b> |



A Project of  
Diocesan Human Relations  
Services, Inc.

November 24, 1987

Portland Planning Board  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Members of the Planning Board:

This letter is in response to the proposed day care regulations amendments submitted to the Portland Planning Board.

I am pleased to see the city taking an active role in developing clear day care guidelines. However, we are concerned about one standard as it pertains to small family day care homes; i.e. standard # 9 - The on - site outdoor play area shall be fenced and screened with a landscaped buffer. Ideally, this regulation is appropriate. In fact, about half of family day care providers in the city currently have some type of fencing. Safety of children is of paramount concern for everyone in this profession. Yet there is a wide variation in the location and ages of children in family day care homes in this city. In many instances, fencing should be required. For example, a home on Brighton Avenue with infants, toddlers and preschoolers should have a fence. But should fencing be required in a home on a quiet neighborhood street that enrolls only school age children, or in the home on a dead-end street providing care for only infants?

We would like to ask for discretion in this rule. Our concern is that if a potential provider who lives in a little - traveled residential area, is required to make an investment of a fence and landscaped buffer, this rule will actually discourage people from going into this business. Indeed, this has occurred in other towns. Because of the expense in starting a family day care home, people have opted not to provide the service, or at least to go through the legal licensing route. This is critical consideration, since there is such a demand for quality child care. In the Child Care Connections, Resource and Referral service, at least 85% of our requests are currently for family day care.

In closing, we urge you to consider discretion in this requirement by considering the safety of children, with the location and ages of children in care; and, how this regulation will impact new providers who choose family day care as a form of self - employment. If regulations are cumbersome, restrictive, and costly, there will continue to be the lack of child care in this community.

Sincerely,

*Kathryn Stead*

Kathryn J. Stead  
Coordinator

*Gretchen Andres Greenberg*

Gretchen Andres Greenberg  
Resource and Referral  
Assistant

GAG:ct



## City of Portland

As a daycare provider for ten years without a fence, I feel that the City of Portland should really take time before making this proposal.

There is many issues that should be looked into. expenses to provide, height of fence, type of fence, how much area should be fenced in, area were daycare is run, busy street, dead end etc, age group of children, some daycares have only infants, some toddlers, some mixed age groups, The state Department of Human Services, should have some say in this matter since they are the ones who check on homes to be licensed,

I feel if the City pushes to hard on this issue, a lot of daycare providers will give up daycare, or not be licensed and care for children without any rules and regulations. quality daycare is what is needed in Portland all providers are trying to do this. Common sense in caring for children, will tell you if you need or want a fence on

I'm afraid that regulations such as this one will cause more & more people to do day care without being licensed. I'm sure that a fenced in yard is a good idea, but if it causes many people to not get re-licensed again, I feel it is a move in the wrong direction.

Julia Fly  
Licensed Family Day  
Care Home

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Chair Cole and Members of the Planning Board

FROM: Deborah Andrews, Senior Planner

DATE: May 23, 1995

SUBJECT: Proposed Zoning Amendments Re: Home Day Care Facilities

On March 28th, the Planning Board considered a request by the Zoning Board of Appeals to revisit current zoning regulations for day care facilities. The ZBA requested the workshop after a number of conditional use applications highlighted the fact that the ordinance currently does not set limits on the number of children which can be served in a home day care. (See Attachment 6.) Lacking sufficient direction from the ordinance itself, the ZBA has found itself in the difficult position of allowing home-based centers which it feels are too large for their residential context.

In preparation for the Planning Board's initial workshop, staff drafted a series of conditional use standards for day care facilities in the R1-R6 zones. (See Attachment 1 for the first draft.) The preliminary draft anticipated the possibility of home day care facilities housing as many as 24 children, but allowed such larger facilities only on arterial or collector streets. Home day cares on local streets were limited to a maximum of 12 children.

In reviewing the draft standards, several Planning Board members questioned the rationale for distinguishing between arterial and local streets and suggested that by allowing larger home day care facilities on arterials, the City would be directing the future of those areas toward non-residential uses. Also, several Board members expressed the view that 24 children in any home day care setting was excessive.

Following the Board's workshop, staff held a separate workshop with Portland day care providers to explain why zoning amendments are being considered and solicit feedback on the amendments as drafted. Fourteen day care providers attended the meeting, most of whom operated facilities for 12 or fewer children. Major concerns raised at the meeting were as follows:

- 1) In general, providers argued that parents strongly prefer home-based day cares over larger day care centers in non-residential buildings or neighborhoods and that any new regulations should acknowledge and accommodate this demonstrated preference.
- 2) Several questioned the requirement that the day care be operated by the resident of the facility (see Standard i of first draft), citing several local examples where a day care is run out of a relative's home or in a residential structure converted for day care use only.

- 3) Some providers argued that the City should not set fixed limits on the number of children served in home-based day cares, as there are some residential properties which can readily accommodate larger numbers without adverse impacts on neighbors. They noted that the State sets square footage standards at 35 sq. ft. of usable space per child.
- 4) Some argued that, generally speaking, there should be fewer regulations up front and, if necessary, more latitude given to the Zoning Board of Appeals to respond to relevant issues on a case by case basis.
- 5) Some questioned the requirement for screening and buffering and for screening of solid waste (particularly for facilities serving 12 or fewer children).
- 6) Some expressed concern about the potential of the Zoning Board of Appeals limiting hours of operation (see Standard vi of the first draft), citing the need for day cares for children of parents working 2nd and 3rd shifts.

Based on the Board's preliminary comments and input from providers, staff has prepared a revised draft for the Board's consideration (see Attachment 2). The revised draft sets a maximum capacity for home-based day cares at 12 children and eliminates all distinctions between arterials & local streets. Regarding the proposed maximum number, it is instructive to note that the Maine Department of Human Services defines "family child care" as serving "12 or fewer children." (See enclosed brochure.) While the State allows larger numbers in residential structures, it would not define such centers as "family" child care centers.

For discussion purposes, the revised draft also eliminates the owner occupancy requirement, but requires that a residential use be maintained in the building. This has the effect of providing more flexibility for providers but not displacing the residential use.

Finally, standard vi of the original draft has been eliminated. This standard authorized the ZBA to impose additional limits on the number of children served or hours of operation where adverse impacts could be demonstrated. If the number of children in home day cares is reduced to 12, it was felt this standard would be unnecessary.

On Tuesday, as suggested by the Board, representatives of the day care provider community will present their concerns about the proposed regulations and answer questions about day care trends in this area. A color-coded map also will be available which indicates the location of various categories of day cares.

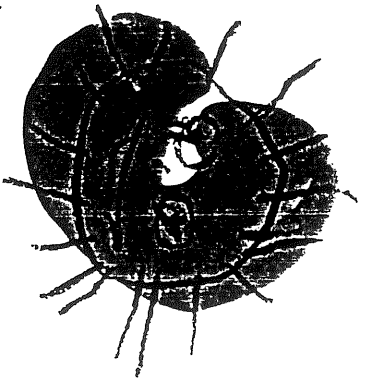
#### Attachments

1. Original draft standards
2. Revised draft standards
3. Child Care Connection brochure
4. List of current facilities by category
5. Letter from Elizabeth DellaValle re: family child care
6. Letter from John Knox, ZBA Chairman

# Family Child Care



A  
Guide  
for  
Parents



## *What are the special features of Family Child Care?*

### **Diversity in ages and program**

- Some homes care for children whose ages range from infancy to school age.
- Some homes care for only infants, or only school-age children.
- Some homes have planned programs while others are less structured.

### **Flexibility**

- Some homes offer traditional daytime hours.
- Some homes offer early morning, evening, or weekend care.
- Some homes only enroll children full-time.
- Some homes offer part-time or drop-in care.
- Most homes accommodate a variety of schedules.

### **Learning and Play**

- Many learning activities mirror those that would occur in the home—preparing meals, playing, napping, music and outdoor activities.

## *Responsibilities of Child Care Providers.*

- A safe environment for your child.
- The same one or two people caring for your child.
- Open communication (frequent updates on your child's progress).
- Open access to the home.
- Advance notice of any changes, when at all possible.
- Written policies and contract for services.

*Good Child Care is a partnership between parents and providers.*

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- Respect for providers and their important work.
- Open communication (inform the provider of any changes that may affect your child.)
- Agreement in terms of hours, fees, emergency numbers, etc.
- Identification of back up options when provider is unavailable (sickness or vacation).
- Alternative arrangements for sick children.
- Prompt payment (Remember: parents' checks are the provider's payroll.)

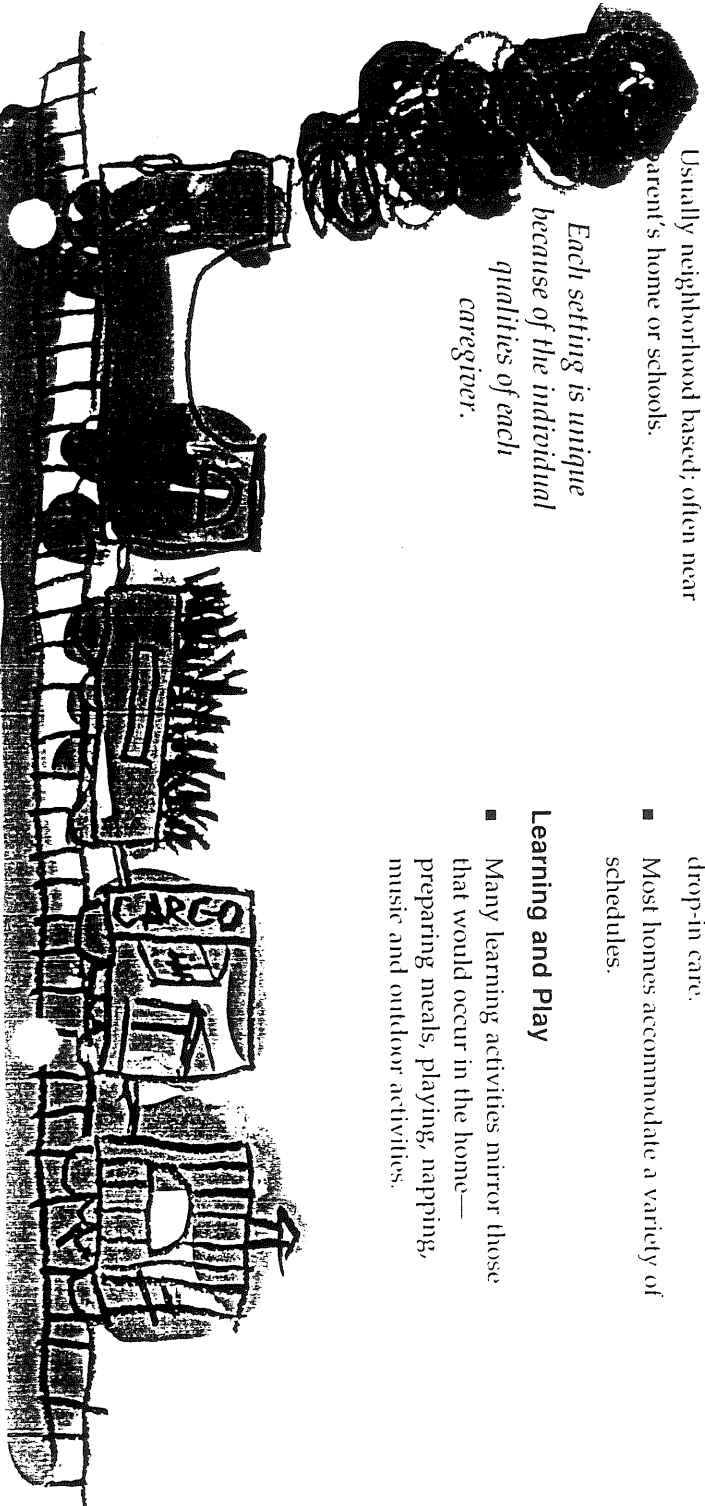
## *What is Family Child Care?*

*Family Child Care is child care regulated by the Maine Department of Human Services, for 12 or fewer children.*

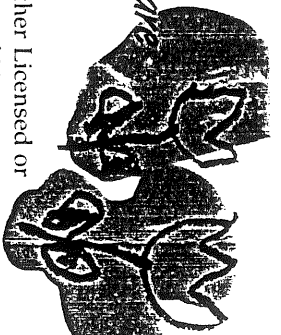
- Care for small groups of children that generally takes place in the home of the caregiver.
- The most prevalent form of child care in Maine (and the country), especially for infants and toddlers.

Usually neighborhood based; often near parent's home or schools.

*Each setting is unique because of the individual qualities of each caregiver.*



## *How is Family Day Care regulated in Maine?*



Family Child Care can be either Licensed or Registered by the Department of Human Services.

### **Licensed providers must:**

- Meet environmental, safety, fire, and water codes. Inspected by a D.H.S. Licensing Worker, and a State Fire Marshall yearly. Smoking is not allowed around children.
- Comply with size restrictions (usually six or fewer children; or maximum of twelve with helper).
- Submit references and undergo a State Bureau of Investigation check.
- Complete CPR, First Aide, and six additional hours of training yearly.

### **Registered providers must:**

- Meet fire and water codes, undergo a State Bureau of Investigation check, but receive no inspection by a D.H.S. Licensing Worker. They do not have training requirements, nor submit references.
- Comply with size restrictions (twelve children with a helper.)

For more information on regulations, contact the Department of Human Services Day Care Licensing Unit, Tel: 287-5060 (Augusta), or 774-4581 (Portland).

\* These regulations assure basic protection of children and do not insure quality care. It is the parent's responsibility to select the child care that is best for their family.

## *Are there any programs that help families pay for Family Child Care?*

### **Catholic Charities of Maine**

(formerly Diocesan Human Relation Services) operates a family child care placement program for children from birth to three years. Parents pay on a sliding fee scale. For more information, call Family Child Care, at 871-7443.

### **Child Care Connections**

provides vouchers that assist income-eligible families pay for child care at most regulated child care facilities of the parents choice. For more information, call Child Care Connections, at 871-7449.

### **Transitional Child Care Assistance**

is available for a period of 12 consecutive months to families who are no longer eligible for AFDC benefits. For more information, contact the Maine Department of Human Services at 774-4581.

## *Child Care Connections*

Since 1984, CCC has operated as a Public-Private Partnership offering child care information and referrals to parents, training and technical assistance to child care providers, and child care information and benefits to area employers.



c/o SMAAA, P.O. Box 10480  
Portland, Maine 04104  
(207)871-7449



③ PORTLAND NURSERY SCHOOLS

| NAME                         | ADDRESS            | ZIP   | TOTAL CAPACITY |
|------------------------------|--------------------|-------|----------------|
| BRIGHT BEGINNINGS MONTESSORI | 14 LOCUST STREET   | 04101 | 24             |
| CHILDREN'S CO-OP NURSERY     | 32 THOMAS ST.      | 04101 | 20             |
| BREAKWATER NURSERY SCHOOL    | 856 BRIGHTON AVE.  | 04102 | 26             |
| ST. PATRICK'S NURSERY        | 1251 CONGRESS ST.  | 04102 | 28             |
| STEVEN'S AVENUE CO-OP        | 699 STEVENS AVE.   | 04102 | 18             |
| WAYNFLETE NURSERY SCHOOL     | 360 SPRING ST.     | 04102 | 20             |
| ART PLAY                     | 524 ALLEN AVE.     | 04103 | 20             |
| BACK COVE LEARNING CENTER    | 2 VANNAH AVENUE    | 04103 | 20             |
| FIRST LUTHERAN PRESCHOOL     | 132 AUBURN ST.     | 04103 | 32             |
| PRVTC EARLY CHILDHOOD PROGRA | 196 ALLEN AVE      | 04103 | 36             |
| STEVENS AVE CHURCH NURSERY   | 790 STEVENS AVENUE | 04103 | 25             |

Elizabeth A. Della Valle, AICP

Attachment 5

24 Pine Lane, Cumberland Foreside, ME 04110  
207-781-5105

April 24, 1995

Kenneth Cole, III, Chair  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Dear Mr. Cole:

These comments on the Proposed Day Care Zoning Amendments have been prepared on behalf of Celia Della Valle Worrey, the owner/operator of "Almost Home," a family day care licensed for up to 12 children by the State of Maine and permitted as a conditional use by the City of Portland.

Celia Worrey and a number of other dedicated residents provide a vital public service for Portland's working class --day care in a home-like setting. Almost Home and other day cares like it offer families a welcome alternative to either an institutional-scaled setting for their infants, toddlers, and pre-schoolers or staying at home (presuming that a nanny or extended family arrangement is beyond the reach of most).

We agree that it is reasonable to distinguish between family day care for up to 12 children and day care facilities for up to 24 children [(3)e.ii.-iii.]. The larger scale of the day care facility is likely to generate greater impacts, principally traffic, noise, and solid waste (safety being addressed by State licensing requirements). Residency in the home is likely to encourage greater accountability to immediate neighbors. But we are confused by the Draft Ordinance provisions which control family day care more strictly than nursery schools and kindergartens [(3)b.]. Nursery schools and kindergartens typically offer ½-day programs and serve a greater number of children --thus they tend to have a greater number of drop-offs/pick-ups, parking, solid waste needs, and noise impacts.

We agree that play areas for family day cares should be fenced, but for very different reasons than those stated in the Draft Ordinance Section (3)e.iv. --for safety reasons (which is the basis for the State's requirement for a fenced-in play area). We question the need to systematically require family day cares for up to 12 children to screen and buffer play areas to minimize visual and noise impacts. It is conceivable that a regular family home could host as many children and their friends on a fairly regular basis. If the City feels that screening and buffering is necessary for certain situations, then we suggest that the Board of Appeals be allowed to require screening/buffering to minimize the impacts of noise when it reviews a request for a conditional use permit rather than automatically requiring this provision for all situations.

Similarly we question the need to require that solid waste facilities for a home day care for up to 12 children be screened on four sides [(3)e.viii.]. Is the volume of solid waste that is likely to be generated so much greater than that generated by an average family? Are we really talking about a dumpster? Or are we more likely to be talking about one or two extra garbage cans each week? At a minimum, this standard should be clarified to apply to "outdoor storage" of solid waste containers.

With respect to the issue of site plan review for day care facilities for up to 24 children [(3)e.v.], we question the need for full-blown site plan review before the Planning Board. These

facilities do need oversight to assure that likely traffic impacts and safety, appropriate solid waste disposal, and buffers against unreasonable noise impacts are acceptably dealt with, but we believe that these are all elements that can be handled with staff level review.

If the City wants to give the Board of Appeals authority to limit the size and/or operating hours of family day cares, we suggest that specific guidance in the form of standards to guide the decision-making process be built into this section [(3)e.vi.]. Is it the City's intent that the Board of Appeals be able to reduce a family day care to the size acceptable under home occupation provisions, Section 14-410, and if so, under what conditions? The Court has been very explicit about municipal legislative bodies providing specific direction to its Boards in the matter of conditional uses.

And finally, we urge you to carefully consider, particularly in this time of close political scrutiny of regulation, whether some elements of these proposed regulations (particularly absolute requirements for screening/buffering and full site plan review) justify the added expense to a group of small businesses that are meeting an important social need for a large number of Portland's working families. Are these regulations really necessary, valuable, and worth the expense to very small businesses? We need to be careful that in our zeal to regulate impacts that we don't unintentionally create disincentives for a valuable service for our community.

Thank you for the opportunity to comment on Portland's proposed Day Care Zoning Amendments. We will be pleased to review any future drafts of the ordinance prior to submission to the City Council.

Sincerely,



Elizabeth A. Della Valle  
AICP

cc: Gretchen Andres Greenberg, Child Care Connection

File:DCare.ccw

[BOA LETTERHEAD]

February 24, 1995

Portland City Council  
389 Congress Street  
Portland, ME 04101

Dear Mayor Paulson and Members of the Council:

On February 23, 1995, we granted a conditional use appeal at 200 Florida Avenue to change the use of the property from a single family dwelling to a commercial "family day care facility" for 24 children. We granted the appeal despite our reservations about the adverse impact such a large day care facility will have on the residential character of the neighborhood, which is in the R-3 zone.

The reason we granted the appeal is that we felt constrained by the City's Land Use Ordinance. Under the Ordinance, "family day care facilities" are allowed conditional uses in the R-3 zone (and virtually every other residential zone in the City) -- with no limitation on the number of children such facilities may serve or on its hours of operation. (See Ordinance Sections 14-68(3)(b) (R-1); 14-78(3)(b) (R-2); 14-88(4)(c) (R-3); 14-103(3)(c) (R-4); 14-118(3)(c) (R-5); 14-128(2)(b) (R-5A); 14-137(3)(d) (R-6).) Although some have argued that the word "family" before the term "day care facility" was intended to mean that such facilities should be small, the Ordinance itself does not support this interpretation.<sup>1</sup>

As you know, under the Ordinance's conditional use provisions the Board of Appeals has no authority to deny a permitted conditional use unless (1) there are unique or distinctive characteristics or effects associated with the proposed conditional use, (2) there will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area, and (3) such impact differs substantially from the impact which would normally occur from such a use in that zone. (Ordinance Section 14-474(c)(2).) We granted the Florida Street application because we did not hear evidence sufficient to convince us that the proposed 24-child day care would produce impacts of such a magnitude that they would adversely affect health, safety, or welfare in a way that would

<sup>1</sup> Use of the Ordinance's definition of a "family" would mean that the children would need to live in the facility and that the facility must be nonprofit. (Ordinance Section 14-47.)

Portland City Council  
Page 2  
February 24, 1995

differ substantially from any other day care facility allowed as a conditional use in the R-3 zone.

Because the Ordinance provides no support for a numerical cut-off (above which a day care causes unique adverse impacts in a particular zone), we have been unwilling to create an arbitrary number. The result is that larger and larger day care facilities are being allowed in seemingly incompatible residential neighborhoods. We fear that soon we may be faced with an application to locate a 50+ child day care in such a residential neighborhood. We do not believe it is our job, however, to legislate a numerical limit.

For this reason, we turn to you to impose such a limit. We believe the City needs limits on the number of children that can be served by residentially-located day care facilities as soon as possible. We propose simply adding numerical limits in the sections of the Ordinance that state that family day care facilities are allowed conditional uses. For example, you might state that family day care facilities for up to 12 children are allowed conditional uses in the R-1, R-2, and R-3 zones, family day care facilities for up to 24 children are allowed conditional uses in the R-4, R-5, and R-5A zones, and impose no limit in the R-6 zone. You might also impose limits in the IR-1 and IR-2 zones.

Thank you for your consideration of this request. We would be happy to discuss this issue with you in person; please let us know if you would like to arrange a meeting.

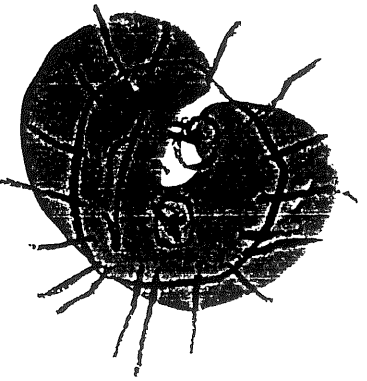
Sincerely,

John C. Knox  
Chairman

# Family Child Care



A  
Guide  
for  
Parents



## *What are the special features of Family Child Care?*

## *Responsibilities of Child Care Providers.*

### *What is Family Child Care?*

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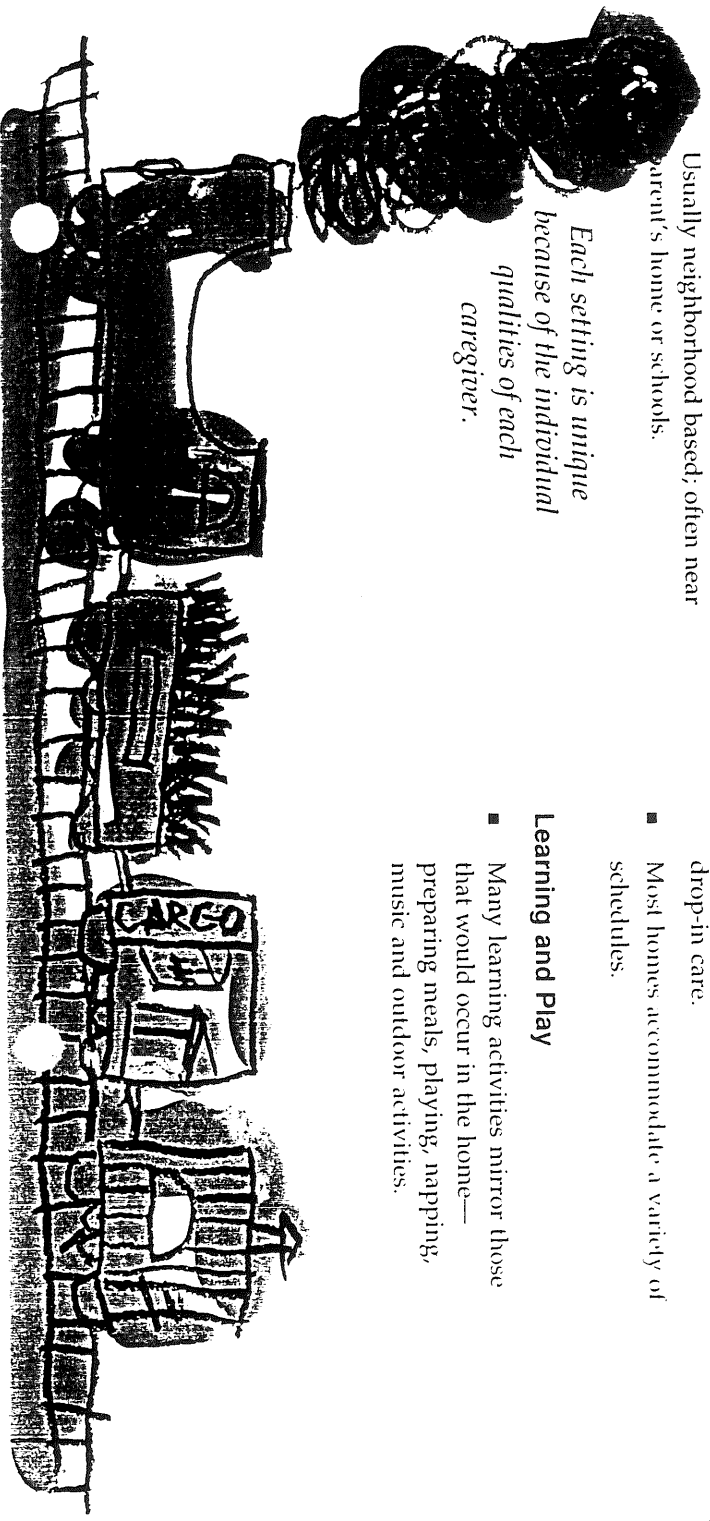
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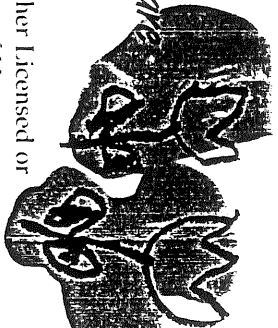
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c/o SMAAAA, P.O. Box 10480  
Portland, Maine 04104  
(207)871-7449

Elizabeth A. Della Valle, AICP

Attachment 5

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207-781-5105

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Portland Planning Board  
389 Congress Street  
Portland, ME 04101

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Similarly we question the need to require that solid waste facilities for a home day care for up to 12 children be screened on four sides [(3)e.viii.]. Is the volume of solid waste that is likely to be generated so much greater than that generated by an average family? Are we really talking about a dumpster? Or are we more likely to be talking about one or two extra garbage cans each week? At a minimum, this standard should be clarified to apply to "outdoor storage" of solid waste containers.

With respect to the issue of site plan review for day care facilities for up to 24 children [(3)e.v.], we question the need for full-blown site plan review before the Planning Board. These

facilities do need oversight to assure that likely traffic impacts and safety, appropriate solid waste disposal, and buffers against unreasonable noise impacts are acceptably dealt with, but we believe that these are all elements that can be handled with staff level review.

If the City wants to give the Board of Appeals authority to limit the size and/or operating hours of family day cares, we suggest that specific guidance in the form of standards to guide the decision-making process be built into this section [(3)e.vi.]. Is it the City's intent that the Board of Appeals be able to reduce a family day care to the size acceptable under home occupation provisions, Section 14-410, and if so, under what conditions? The Court has been very explicit about municipal legislative bodies providing specific direction to its Boards in the matter of conditional uses.

And finally, we urge you to carefully consider, particularly in this time of close political scrutiny of regulation, whether some elements of these proposed regulations (particularly absolute requirements for screening/buffering and full site plan review) justify the added expense to a group of small businesses that are meeting an important social need for a large number of Portland's working families. Are these regulations really necessary, valuable, and worth the expense to very small businesses? We need to be careful that in our zeal to regulate impacts that we don't unintentionally create disincentives for a valuable service for our community.

Thank you for the opportunity to comment on Portland's proposed Day Care Zoning Amendments. We will be pleased to review any future drafts of the ordinance prior to submission to the City Council.

Sincerely,



Elizabeth A. Della Valle  
AICP

cc: Gretchen Andres Greenberg, Child Care Connection

File:DCare.ccw

[BOA LETTERHEAD]

February 24, 1995

Portland City Council  
 389 Congress Street  
 Portland, ME 04101

Dear Mayor Paulson and Members of the Council:

On February 23, 1995, we granted a conditional use appeal at 100 Florida Avenue to change the use of the property from a single family dwelling to a commercial "family day care facility" for 24 children. We granted the appeal despite our reservations about the adverse impact such a large day care facility will have on the residential character of the neighborhood, which is in the R-3 zone.

The reason we granted the appeal is that we felt constrained by the City's Land Use Ordinance. Under the Ordinance, "family day care facilities" are allowed conditional uses in the R-3 zone (and virtually every other residential zone in the City) -- with no limitation on the number of children such facilities may serve or on its hours of operation. (See Ordinance Sections 14-68(3)(b) (R-1); 14-78(3)(b) (R-2); 14-88(4)(c) (R-3); 14-103(3)(c) (R-4); 14-118(3)(c) (R-5); 14-128(2)(b) (R-5A); 14-137(3)(d) (R-6).) Although some have argued that the word "family" before the term "day care facility" was intended to mean that such facilities should be small, the Ordinance itself does not support this interpretation.<sup>1</sup>

As you know, under the Ordinance's conditional use provisions the Board of Appeals has no authority to deny a permitted conditional use unless (1) there are unique or distinctive characteristics or effects associated with the proposed conditional use, (2) there will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area, and (3) such impact differs substantially from the impact which would normally occur from such a use in that zone. (Ordinance Section 14-474(c)(2).) We granted the Florida Street application because we did not hear evidence sufficient to convince us that the proposed 24-child day care would produce impacts of such a magnitude that they would adversely affect health, safety, or welfare in a way that would

<sup>1</sup> Use of the Ordinance's definition of a "family" would mean that the children would need to live in the facility and that the facility must be nonprofit. (Ordinance Section 14-47.)

Portland City Council  
Page 2  
February 24, 1995

differ substantially from any other day care facility allowed as a conditional use in the R-3 zone.

Because the Ordinance provides no support for a numerical cut-off (above which a day care causes unique adverse impacts in a particular zone), we have been unwilling to create an arbitrary number. The result is that larger and larger day care facilities are being allowed in seemingly incompatible residential neighborhoods. We fear that soon we may be faced with an application to locate a 50+ child day care in such a residential neighborhood. We do not believe it is our job, however, to legislate a numerical limit.

For this reason, we turn to you to impose such a limit. We believe the City needs limits on the number of children that can be served by residentially-located day care facilities as soon as possible. We propose simply adding numerical limits in the sections of the Ordinance that state that family day care facilities are allowed conditional uses. For example, you might state that family day care facilities for up to 12 children are allowed conditional uses in the R-1, R-2, and R-3 zones, family day care facilities for up to 24 children are allowed conditional uses in the R-4, R-5, and R-5A zones, and impose no limit in the R-6 zone. You might also impose limits in the IR-1 and IR-2 zones.

Thank you for your consideration of this request. We would be happy to discuss this issue with you in person; please let us know if you would like to arrange a meeting.

Sincerely,

John C. Knox  
Chairman

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Chairman Cole and Members of the Portland Planning Board

FROM: Deborah Andrews, Senior Planner

DATE: March 28, 1995

RE: Proposed day care zoning amendments

The Zoning Board of Appeals has requested that the Planning Board review the Land Use Code's current regulations governing day care facilities and consider amendments which would provide more specificity in distinguishing smaller home day cares from larger facilities and more guidance regarding appropriate locations for each. As Chairman Knox states in a recent letter to the Council (see Attachment 1), the ordinance currently allows "family day care facilities" as a conditional use in most residential zones of the city. "Family day care facilities" are not defined in the ordinance, nor are limits established on the number of children served in such centers or on hours of operation. Given this ambiguity and the constraints on the Zoning Board of Appeal's authority, the Board has found itself in the difficult position of allowing centers which it feels are too large for their residential context.

Enclosed for the Board's consideration (see Attachment 2) is a series of proposed amendments to the zoning and site plan ordinances. As the Board will note, conditional use standards have been added for day care facilities and home baby-sitting services in the R-1 - R-6 zones. The standards stipulate that, in all zones, facilities shall be operated by a resident of the building unless the structure was built for a purpose other than residential. The standards limit larger day care facilities in residential structures (serving up to 24 children) to arterial or collector streets, with a maximum capacity of 12 children for centers located in residential structures on local streets. The standards ensure that adequate screening and solid waste storage are provided and, in the case of larger facilities on collector streets, that a pick-up and drop-off site be provided on the lot. Facilities providing services to more than 12 children are subject to site plan review. Finally, the Zoning Board of Appeals is given specific authority to impose limits on the number of children served or on the hours of operation.

The Board will note that the term "family day care facility" has been eliminated and replaced with "day care facilities." This language has been checked for consistency with state definitions.

Mr. Knox, Chairman of the Zoning Board of Appeals, will attend the workshop to discuss the Board's concerns. Following the Board's workshop, staff is proposing to hold a workshop with day care providers to solicit their response to the draft amendments. A current list of facilities, with their capacity indicated, is enclosed as Attachment 3.

Attachments

1. Letter from John Knox
2. Draft amendments
3. List of Portland day care facilities



# City's Licensing Provisions

## Chapter 8

### DAY CARE FACILITIES\*

- Art. I. In General, §§ 8-1—8-20
- Art. II. License, §§ 8-21—8-40
- Art. III. Minimum Standards Concerning Physical Facilities, §§ 8-41—8-65
- Art. IV. Minimum Standards Concerning Equipment, §§ 8-66—8-85
- Art. V. Minimum Standards Concerning Foodstuffs and Utensils, §§ 8-86—8-100
- Art. VI. Minimum Standards Concerning Health and Medical Care, §§ 8-101—8-125
- Art. VII. Minimum Standards Concerning Staff, §§ 8-126—8-129

#### ARTICLE I. IN GENERAL

##### Sec. 8-1. Scope.

The rules and regulations of this chapter shall apply to all day care facilities, as defined herein.

##### Sec. 8-2. Definitions.

For the purpose of this chapter, the following terms and words shall have the meaning given herein:

*Applicant* is a person who submits to the city clerk an application for a permit or the renewal of a permit to conduct, operate or maintain a day care facility under this chapter.

*Day care facility* is any place or premises which provides or is established to provide day care service and may include, among other facilities, day nurseries, nursery schools, kindergartens, child play school or preschool, but excludes:

- (1) Any institution, school, home, place or facility operated by or under the jurisdiction of the state, any agency or political subdivision of the state, or by any other public body or public entity, or any parochial school;
- (2) Any educational, medical, hospital or day care institution, school, home, place or facility operated or maintained pursuant to state license or permit or under state supervision;
- (3) Any institution, school, home, place or facility providing day care service only to dependent, neglected or delinquent children committed thereto by a court of competent jurisdiction;
- (4) Any Sunday School conducted by a church; and

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\*State law references—Facilities for children and adults, 22 M.R.S.A. § 7701 et seq.; day care facilities, 22 M.R.S.A. § 8301 et seq.

**Sec. 8-6. Transportation.**

If transportation is provided for children attending the day care facility, it shall be provided in accordance with the laws and regulations of the state concerning transportation of school children. The facility shall furnish the city clerk with a copy of a certificate evidencing automobile liability insurance policy with not less than a three hundred thousand dollar (\$300,000.00) combined single limit. (Code 1968, § 302.16)

**Secs. 8-7—8-20. Reserved.****ARTICLE II. LICENSE\*****Sec. 8-21. Required.**

It shall be unlawful for any person to conduct, operate or maintain or permit to be conducted, operated or maintained, or to participate in the conduct, operation or maintenance of a day care facility within the city unless a valid license has been issued therefor as provided in this article and is in full force and effect. (Code 1968, § 302.2)

**Sec. 8-22. Application.**

Application for a license under this article shall be made to the city clerk in such form and manner as may be prescribed by the city clerk. The application shall include such information and data respecting the day care facility for which the license is requested as the several city departments may prescribe, including but not limited to:

- (1) A floor plan showing all of the rooms, indicating use for child caring purposes in the facility;
- (2) A statement of the purpose of the facility and a description of the program and activities designed to carry out these purposes;
- (3) Character references and certification of prior experience or training in child care for the director or regular staff member;
- (4) Evidence of financial ability to permit compliance with the standards of this chapter;
- (5) Evidence of the ability to secure a liability insurance policy with a combined single limit of three hundred thousand dollars (\$300,000.00); and
- (6) If the applicant is a corporation, the names of the officers, directors and stockholders owning more than ten (10) per cent of the outstanding stock. (Code 1968, § 302.3)

**Sec. 8-23. Investigation.**

Upon receipt of an application for a license under this article, the city clerk shall cause the application to be referred to the health authority, fire department and the building

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\*Cross reference—Licenses and permits generally, Ch. 15.

vote of its entire membership, permit exceptions to or variations from the specific terms of this chapter in such cases where the enforcement of the provisions of this chapter may result in undue hardship, subject always to the rules that the city council shall give due consideration to the purposes of the chapter in promoting public health, safety and welfare. (Code 1968, § 302.17)

**Secs. 8-29—8-40. Reserved.**

### ARTICLE III. MINIMUM STANDARDS CONCERNING PHYSICAL FACILITIES

**Sec. 8-41. Generally; fire protection.**

The building shall meet all requirements of this Code except that day care facilities operating continuously since August 1, 1961, which do not comply fully with such requirements for new buildings may continue to be so used under the following conditions: All heating equipment and fuel storage in the basement shall be enclosed with partitions and ceiling of one-hour fire resistance with a self-closing standard fire-resistant door on any opening to the enclosure; the cellar stairway shall be enclosed in basement with similar construction, and the entire basement and the stories in which the day care facility use is located shall be equipped with a standard automatic fire detection and alarm system with detectors installed in all locations specified by the chief of the fire department; or the basement shall be equipped with a standard automatic sprinkler system which shall be extended to any other part of the building specified by the chief of the fire department. (Code 1968, § 302.8(a))

**Cross reference**—Fire prevention and protection, Ch. 10.

**Sec. 8-42. Rooms below ground surface.**

Rooms shall not be used for the care of children if they are so located that the floor on any one of the four (4) sides is more than three (3) feet below the surface of the ground surrounding the building, unless the use is specifically approved by the fire department and health authority as to fire safety, dampness, light and ventilation. (Code 1968, § 302.8(b))

**Sec. 8-43. Rooms exclusively for children.**

Rooms regularly occupied by children must be entirely set apart for their exclusive use while they are in the building. (Code 1968, § 302.8(c))

**Sec. 8-44. Floor area.**

The floor area of quarters regularly occupied by the children, inclusive of all rooms of sufficient size to be suitable but exclusive of hallways, lockers, wash and toilet rooms, isolation rooms, kitchens and offices, shall contain a minimum of twenty (20) square feet of usable floor space per child. (Code 1968, § 302.8(d))

**Sec. 8-53. Play area.**

An outdoor play area shall be provided, which shall be sanitary and free from hazards. The play area shall be enclosed with fences or barriers high enough to keep the children within the area, and to prohibit vehicles from entering into or driving through the play area while in use by the children. All parts of the play area shall be in full view of the supervisor. (Code 1968, § 302.8(m))

**Secs. 8-54—8-65. Reserved.****ARTICLE IV. MINIMUM STANDARDS CONCERNING  
EQUIPMENT****Sec. 8-66. Telephone required.**

There shall be a telephone installed. (Code 1968, § 302.9(a))

**Sec. 8-67. First-aid kit.**

A first-aid kit, not less in quantity and type than that required for an approved Red Cross first-aid kit, shall be kept in the facility and readily available at all times. At least one staff member of those in charge of the children shall be qualified to administer first-aid. (Code 1968, § 302.9(b))

**Sec. 8-68. Educational and recreational equipment.**

Educational and recreational equipment shall be clean, safe, and easily accessible to the children. Such equipment shall be free from sharp, loose or pointed parts, and all paints used thereon shall be lead-free and all covering materials free from analine dyes or other toxic substances. (Code 1968, § 302.9(c))

**Sec. 8-69. Resting facilities.**

Resting facilities shall be provided for each child receiving care at the facility. A separate crib, a pad, or canvass or metal cot, and individual blankets or other covering shall be provided for each child. When cots or pads are in use, there shall be not less than two (2) feet of space on all sides except that adjacent to a wall. If not so spaced, each cot or pad shall be provided with a screen or partition running the full length of the cot or pad. Pillows and mattresses are prohibited for children unless entirely covered by a moisture proof material. (Code 1968, § 302.9(d))

**Sec. 8-70. Toilet and washing facilities.**

In child care facilities established after August 1, 1961, toilet and washing facilities shall be provided within the building in a separate room or space convenient to and on the same floor as the class or playroom. These facilities shall be provided with an approved hot and cold

**ARTICLE V. MINIMUM STANDARDS CONCERNING  
FOODSTUFFS AND UTENSILS****Sec. 8-86. Covered containers.**

All foodstuffs shall be kept in clean and covered containers. (Code 1968, § 302.10(a))

**Sec. 8-87. Refrigeration.**

Adequate mechanical refrigeration facilities shall be provided. There shall be a thermometer in the refrigerator and temperatures shall be maintained below fifty (50) degrees Fahrenheit. Milk and perishable foods shall be stored in the refrigerator. (Code 1968, § 302.10(b))

**Sec. 8-88. Eating and drinking utensils.**

Eating and drinking utensils, other than single service utensils, which are used by the children must have smooth, hard surfaces free from cracks or chips, and be stored and maintained in a sanitary condition. Eating and drinking utensils and all utensils used in the storage, preparation and serving of food shall be washed in warm water with soap or detergent and subsequently treated by immersion in water at a temperature of not less than one hundred seventy (170) degrees Fahrenheit, for not less than one minute, or by immersion in chlorine or other bactericidal solution. Drying towels, if used, are to be used for no other purpose. (Code 1968, § 302.10(c))

**Sec. 8-89. Garbage and rubbish containers.**

Garbage and rubbish shall be stored in metal containers with tightly fitting metal covers. These receptacles shall be emptied frequently and cleaned after emptying. (Code 1968, § 302.10(d))

**Secs. 8-90—8-100. Reserved.****ARTICLE VI. MINIMUM STANDARDS CONCERNING  
HEALTH AND MEDICAL CARE****Sec. 8-101. Number of children permitted.**

The number of children specified in the license is the maximum number permitted in the facility at any one time. (Code 1968, § 302.11(a))

**Sec. 8-102. Care of handicapped children.**

Handicapped children needing special care or who require extra individual attention shall not be admitted to a day care facility unless its staff includes persons trained to give the needed care and sufficient persons to do the extra work involved. (Code 1968, § 302.11(b))

**Sec. 8-110. Rest.**

A quiet period must be provided for each child, part or all of which should be taken lying on a cot or pad adequately covered. Children who are in the facility for more than four (4) hours shall have a rest period of one hour or longer, with the child lying down. During rest periods the room shall be well ventilated and an attendant on duty. (Code 1968, § 302.12(f))

**Sec. 8-111. Nutrition.**

(a) Nourishing foods, carefully prepared under sanitary conditions, shall be served in amounts fitted to the needs of each child. These may be provided by the day care facility, or brought from home. For children under care for periods of time specified below, meals shall be provided as follows:

- (1) For three (3) to four (4) hours: A light mid-morning or mid-afternoon snack.
- (2) For five (5) to seven (7) hours: One-third of the food needs for the day as one regular meal and one or more light snacks.
- (3) For nine (9) hours or more: At least two-thirds of the food needs for the day as two (2) regular meals and one or more light snacks.

(b) Adequate storage must be provided for lunches brought from home. If a child's lunch is furnished by his or her parent, he or she must, nevertheless, be given a mid-morning and/or a mid-afternoon snack provided by the facility. Fresh milk and dairy products served to children shall be pasteurized. Menus for the previous four (4) weeks shall be kept available for inspection at all times. (Code 1968, § 302.12(g))

**Sec. 8-112. Corporal punishment and dangerous substances and articles prohibited.**

Corporal punishment shall not be used. Medicines, poisons, firearms, sharp-pointed and sharp-edged instruments, matches and other potentially dangerous substances and articles must be kept out of reach of the children at all times. (Code 1968, § 302.12(h))

**Secs. 8-113–8-125. Reserved.****ARTICLE VII. MINIMUM STANDARDS  
CONCERNING STAFF****Sec. 8-126. Constant and competent supervision.**

Constant and competent supervision must be provided for all children. Either the executive in charge or some member of the staff who works regularly with the children shall have had at least one year of successful experience or training in the care of young children which experience is not limited to the care and custody of children of their own. (Code 1968, § 302.13(a))

8/21

## Day Care Amendments

### public comment:

Groveshen (Grovesburg) -  
rec'd 310 calls this year  
25-30% of calls from  
Portland families

### comment on 2 parts:

- residential use - keep language  
as written - don't go to over-  
occupation
- max capacity - in some  
areas, max of 12 children  
may be appropriate
- minimum lot size: heritage  
are more effective determinants



Charlotte Winslow - could easily  
accommodate more children

Neighborhood day care  
- take the item

✦  
by arbitrarily

- rather than blatantly restrict  
to a fixed #

- argues the larger <sup>issue</sup> facilitates  
a trial basis

- Marie Ascanio

- Debbie Flannagan

- Lorna Leo

- Gayle —

- why an absolute #?

Joligne - I don't understand  
the problem we're trying  
to solve

Orlando:

if the problem is simply that  
we've had a number  
of proposals

- the question should turn  
on size of lot - square  
footage <sup>size of structure</sup> given the  
demand # of support staff
- when we get beyond 12 could  
go to many
- troubled by residency issue  
w) fixed # - need to  
ask more sophisticated  
questions

Lidett - cannot support the way it's written -  
square footage, inc. that  
in the yard.  
- we can't take these out  
of the neighborhood  
- need to protect neighborhoods,  
too.

Paulson - agrees

Carman - recalls Florida  
Ave project - someone  
bought a vacant house  
& covenants to non-  
residential use  
at what point are we stepping  
over the line when a house  
is converted



perhaps we can address  
the issue another way

- we can't afford to lose  
hours to day care  
conversions

Hulow - I agree w/ Leeman,  
that we don't allow conversions  
for other businesses

Kane - everyone is in favor  
of family day care, but  
we're also concerned about  
maintaining neighborhoods.

Dyloque - more to talk  
~~staff~~ to meet w/ providers -  
not some fixed limit of 12  
but the way they

I don't want to foreclose  
opportunities - should  
allow discretion  
to our boards.

- need further staff work  
; perhaps a Council  
workshop

Campbell -

perhaps use 12 as a  
trigger - after 12  
other criteria would  
kick in for evaluation  
- also considering neighborhood  
integrity

Table - refer back to  
Planning Board - 90 days  
unanimous to table

AMENDMENTS TO ZONING AND SITE PLAN ORDINANCES

RE: DAY CARE REGULATIONS

CITY OF PORTLAND, APPLICANT

Submitted to:

Portland City Council  
Portland, Maine

July 28, 1995

## **I. Introduction**

The Planning Board is recommending to the City Council a series of zoning and site plan amendments which would regulate the establishment of day care facilities in Portland's residential zones. The major objective of the amendments would be to limit the scale and impacts of home-based day care facilities. The amendments were drafted in response to a request from the Zoning Board of Appeals, which has argued that current zoning regulations lack needed specificity to avoid inappropriately large day care operations in home settings.

Amendments are proposed for the following sections of the zoning ordinance: Sec. 14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-132, 14-145.3, 14.145.9 and 14-147.5. The amendments would add conditional use standards for day care facilities in the R1, R2, R3, R4, R5, R5A, R6, IR1, IR2 and R-P zones. Section 14-524 of the Site Plan Ordinance is to be amended as well.

## **II. Background**

On March 28th, John Knox, Chairman of the Zoning Board of Appeals, appeared before the Planning Board to request a review of the Land Use Code's current regulations governing day care facilities. Specifically, Mr. Knox asked that the Planning Board recommend to the City Council zoning amendments which would control the size and effects of home-based day cares in residential zones. The Zoning Board of Appeals requested the amendments after a number of conditional use applications before the Board highlighted the fact that the ordinance currently does not set limits on the number of children which can be served in a home day care. Lacking sufficient direction from the ordinance itself, the Zoning Board of Appeals has found itself in the difficult position of allowing home-based centers which it felt were too large for their residential neighborhood context.

The Planning Board held two workshops on the subject and staff held a separate workshop with day care providers to solicit their response to draft amendments and learn more about needs and trends in the day care industry. Three day care providers summarized the concerns of that community at the Planning Board's second workshop. A public hearing was held on June 27th, notice for which appeared in the June 20th and 21st editions of the Portland Press Herald. In addition, 112 notices were sent to Portland day care providers.

## **III. Summary of Current Day Care Regulations**

Currently, home-based day cares for six (6) or fewer children are considered home occupations and are allowed as a permitted use in all residential zones. Home-based establishments serving more than 6 children are termed "family day care facilities" or "home baby-sitting services" in the ordinance and, along with nursery schools and kindergartens, are listed as conditional uses in the City's residential zones.



The ordinance does not make any distinction between facilities which are located in residences and those which are located in churches, schools or other non-residential structures. Only the general conditional use standards included in Sec. 14-474 of the zoning ordinance are available to the Zoning Board of Appeals in considering whether a proposed facility will have an undue adverse impact. The Zoning Board of Appeals has held the view that, notwithstanding their discomfort with several recent proposals for larger home-based day cares, these general conditional use standards provide no support for a numerical cut-off and generally give insufficient authority to deny large home-based day cares except in extreme circumstances.

#### IV. Summary of Proposed Conditional Use Standards

Proposed is a series of conditional use standards which would apply specifically to day care facilities and home baby-sitting services in every residential zone in the city. The rationale for each standard is summarized below:

##### 1. Owner Occupancy or Residential Use Requirement

Consistent with the Planning Board's established position on preserving residential uses in residential zones, the Board made clear from the outset that it wanted to discourage the wholesale conversion of residential structures for day care use only. The only question debated by the Board was whether the ordinance should require that the day care be operated by the resident of the structure or whether the maintenance of one or more residential uses in the structure was sufficient.

Day care operators testified during the workshop that "burn-out" is a real issue for providers and that day cares could be better sustained if the provider had the option of living elsewhere. They also cited several local examples where a day care is run out of a relative's house.

Ultimately, the Board decided to recommend requiring only that one or more residential uses be maintained in the structure (See Item # (3) e.i. under Conditional Use Standards). If the Council determines that actual owner-occupancy is preferable to provide a greater level of neighborhood stability, then the following alternative language could be considered:

The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

## 2. Maximum Capacity

The key issue which prompted the Zoning Board of Appeal's request to the Planning Board was a concern about the number of children which can/should be served in a home day care setting. Initially it was suggested that a distinction might be considered between day cares in residential structures located on arterials/collector streets and those located on local streets and that larger-capacity home day cares might be acceptable on arterials/collectors. The Planning Board did not respond favorably to this option, citing numerous decisions where the Board has rejected efforts to treat residential structures on arterials differently than those on local streets. In the Board's view, home day cares serving more than 12 children assume a more commercial character with impacts inappropriate to residential neighborhoods. Just as it has generally resisted appeals for bonafide commercial conversions of residential structures, large day cares in residential structures were felt to be closely akin to commercial uses in terms of their impact.

In establishing a limit of 12 children, it should be noted that this number corresponds to the State's definition of "family child care" facilities. According to the Maine Department of Human Services a "family child care" serves "12 or fewer children" (see Attachment 3). While the state does not prohibit larger numbers of children in residential structures, it would not define such centers as "family" child care centers.

## 3. Screening

Also included in the proposed amendments is a standard requiring screening and buffering from surrounding residences. This can be accomplished with landscaping and/or fencing. It should be noted that the state requires a fenced-in play area for the safety of the children. The conditional use amendment is aimed primarily at reducing impacts on abutters. It should also be noted that this requirement would apply to all day care facilities, in residential structures or otherwise.

## 4. Screening of Solid Waste

Like the requirement to screen or buffer play areas, the proposed amendments include a provision requiring screening of solid waste. This too would apply to all day care facilities.

## 5. Site Plan Review Requirement

As the Council will note, the proposed conditional use standards apply to all day care facilities in residential neighborhoods. While standards i and ii address home-based day cares, standard iv addresses day care facilities in non-residential structures, where 12 or more children can be served. In such instances, the conversion of an existing building triggers site plan review. This is appropriate, as the impacts associated with the operation approximate those of a commercial enterprise in a residential zone. Traffic circulation, parking, etc. are relevant concerns.

In conjunction with this added conditional use standard, the Site Plan Ordinance needs to be amended as well. (See Sec. 14-522 (13)--page 10 of proposed amendments.) The Council will note that, according to the amendment language, the conversion of an existing building for a day care facility serving 12 or more is considered a minor development and thus subject to administrative review only.

**V. Conformance with the Comprehensive Plan**

As noted in this previous section of this report, the proposed zoning and site plan amendments are consistent with other city planning initiatives and development decisions where the question of residential conversions and compatible non-residential uses have been at issue. Time after time the Planning Board and Council have attempted to limit incursions of commercial or other higher-intensity uses in residential neighborhoods and, where they have been allowed, attempted to mitigate their impacts with appropriate review standards.

**VI. Planning Board Recommendation**

Based on the findings and information presented in Planning Report #27-95, the Board found that the proposed zoning and site plan amendments are consistent with the City of Portland's Comprehensive Plan and voted to recommend to the City Council that these amendments be adopted.

The Planning Board's final vote on the amendments was 3-2 (DeCoursey, McQuinn opposed; Hagge, Carroll absent.) It should be noted that the two votes in opposition were for different reasons. Mr. DeCoursey could not support the amendments as he felt there had been no experience to demonstrate that larger home-based day cares had an adverse impact on their respective neighborhoods. Mr. McQuinn, on the other hand, felt that 12 children in a home day care constitutes a business use, not appropriate for a residential zone.

Attachments:

1. Original request from Zoning Board of Appeals
2. Brochure defining family child care
3. Letters

# City of Portland, Maine

## IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137,  
14-145.3, 14-145.9, 14-147.5 (ZONING ORDINANCE)  
§14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby  
amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a  
conditional use permit, subject to the provisions of section 14-474  
(conditional uses) of this article and any special provisions,  
standards or requirements specified below:

(3) *Other:*

- b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~
- e. ~~Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:~~
  - i. ~~The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.~~
  - ii. ~~The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.~~
  - iii. ~~Outdoor play areas shall be screened and buffered from surrounding residences with~~

landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

iii. Outdoor play areas shall be screened and

buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

3. That Section 14-88(4) of the Portland City Code is hereby amended as follows:

**Sec. 14-88. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(4) *Other:*

- b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~
- c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

- iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

4. That Section 14-103(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-103. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~
- d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.



- iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

5. That Section 14-118(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-118. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.;~~
- d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

- iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

6. That Section 14-128(2) of the Portland City Code is hereby amended as follows:

**Sec. 14-128. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(2) *Other:*

- b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~
- c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

- iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

7. That Section 14-137(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-137. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- d. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~
- f. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

- iii. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
- v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

8. That §14-145.3(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-145.3. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- b. ~~Nursery schools, and kindergarten, and day care facilities for seven (7) or more children;~~
- g. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - iii. Outdoor play areas shall be screened and

buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

9. That §14-145.9(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-145.9. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergarten, and day care facilities for seven (7) or more children;~~

f. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

iii. Outdoor play areas shall be screened and buffered from surrounding residences with

landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

10. That section 14-147.5 of the Portland City Code is hereby amended to add a new subsection (2), said subsection to read as follows:

**Sec. 14-147.5. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(2) Any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot.

9. That Section 14-522 of the Portland City Code is hereby amended as follows:

**Sec. 14-522. Definitions.**

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

*Minor development* means and includes any of the following unless (1) the development is major development; or (2) the development is single-family development subject to the provisions of section 14-524(b):

(12) Special needs independent living units;

(13) The conversion of any existing building or portion of any existing building into a day care facility that provides services to more than twelve (12) children.

[BOA LETTERHEAD]

February 24, 1995

Portland City Council  
389 Congress Street  
Portland, ME 04101

Dear Mayor Paulson and Members of the Council:

On February 23, 1995, we granted a conditional use appeal at 100 Florida Avenue to change the use of the property from a single family dwelling to a commercial "family day care facility" for 24 children. We granted the appeal despite our reservations about the adverse impact such a large day care facility will have on the residential character of the neighborhood, which is in the R-3 zone.

The reason we granted the appeal is that we felt constrained by the City's Land Use Ordinance. Under the Ordinance, "family day care facilities" are allowed conditional uses in the R-3 zone (and virtually every other residential zone in the City) -- with no limitation on the number of children such facilities may serve or on its hours of operation. (See Ordinance Sections 14-68(3)(b) (R-1); 14-78(3)(b) (R-2); 14-88(4)(c) (R-3); 14-103(3)(c) (R-4); 14-118(3)(c) (R-5); 14-128(2)(b) (R-5A); 14-137(3)(d) (R-6).) Although some have argued that the word "family" before the term "day care facility" was intended to mean that such facilities should be small, the Ordinance itself does not support this interpretation.<sup>1</sup>

As you know, under the Ordinance's conditional use provisions the Board of Appeals has no authority to deny a permitted conditional use unless (1) there are unique or distinctive characteristics or effects associated with the proposed conditional use, (2) there will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area, and (3) such impact differs substantially from the impact which would normally occur from such a use in that zone. (Ordinance Section 14-474(c)(2).) We granted the Florida Street application because we did not hear evidence sufficient to convince us that the proposed 24-child day care would produce impacts of such a magnitude that they would adversely affect health, safety, or welfare in a way that would

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<sup>1</sup> Use of the Ordinance's definition of a "family" would mean that the children would need to live in the facility and that the facility must be nonprofit. (Ordinance Section 14-47.)



Portland City Council  
Page 2  
February 24, 1995

differ substantially from any other day care facility allowed as a conditional use in the R-3 zone.

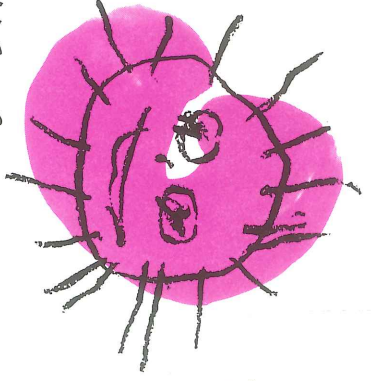
Because the Ordinance provides no support for a numerical cut-off (above which a day care causes unique adverse impacts in a particular zone), we have been unwilling to create an arbitrary number. The result is that larger and larger day care facilities are being allowed in seemingly incompatible residential neighborhoods. We fear that soon we may be faced with an application to locate a 50+ child day care in such a residential neighborhood. We do not believe it is our job, however, to legislate a numerical limit.

For this reason, we turn to you to impose such a limit. We believe the City needs limits on the number of children that can be served by residentially-located day care facilities as soon as possible. We propose simply adding numerical limits in the sections of the Ordinance that state that family day care facilities are allowed conditional uses. For example, you might state that family day care facilities for up to 12 children are allowed conditional uses in the R-1, R-2, and R-3 zones, family day care facilities for up to 24 children are allowed conditional uses in the R-4, R-5, and R-5A zones, and impose no limit in the R-6 zone. You might also impose limits in the IR-1 and IR-2 zones.

Thank you for your consideration of this request. We would be happy to discuss this issue with you in person; please let us know if you would like to arrange a meeting.

Sincerely,

John C. Knox  
Chairman



### What is Family Child Care?

Family Child Care is child care regulated by the Maine Department of Human Services, for 12 or fewer children.

- Care for small groups of children that generally takes place in the home of the caregiver.
- The most prevalent form of child care in Maine (and the country), especially for infants and toddlers.
- Usually neighborhood based; often near parent's home or schools.

Each setting is unique because of the individual qualities of each caregiver.

### What are the special features of Family Child Care?

#### Diversity in ages and program

- Some homes care for children whose ages range from infancy to school age.
- Some homes care for only infants, or only school age children.
- Some homes have planned programs while others are less structured.

#### Flexibility

- Some homes offer traditional daytime hours.
- Some homes offer early morning, evening, or weekend care.
- Some homes only enroll children full-time.
- Some homes offer part-time or drop-in care.
- Most homes accommodate a variety of schedules.

#### Learning and Play

- Many learning activities mirror those that would occur in the home—preparing meals, playing, napping, music and outdoor activities.

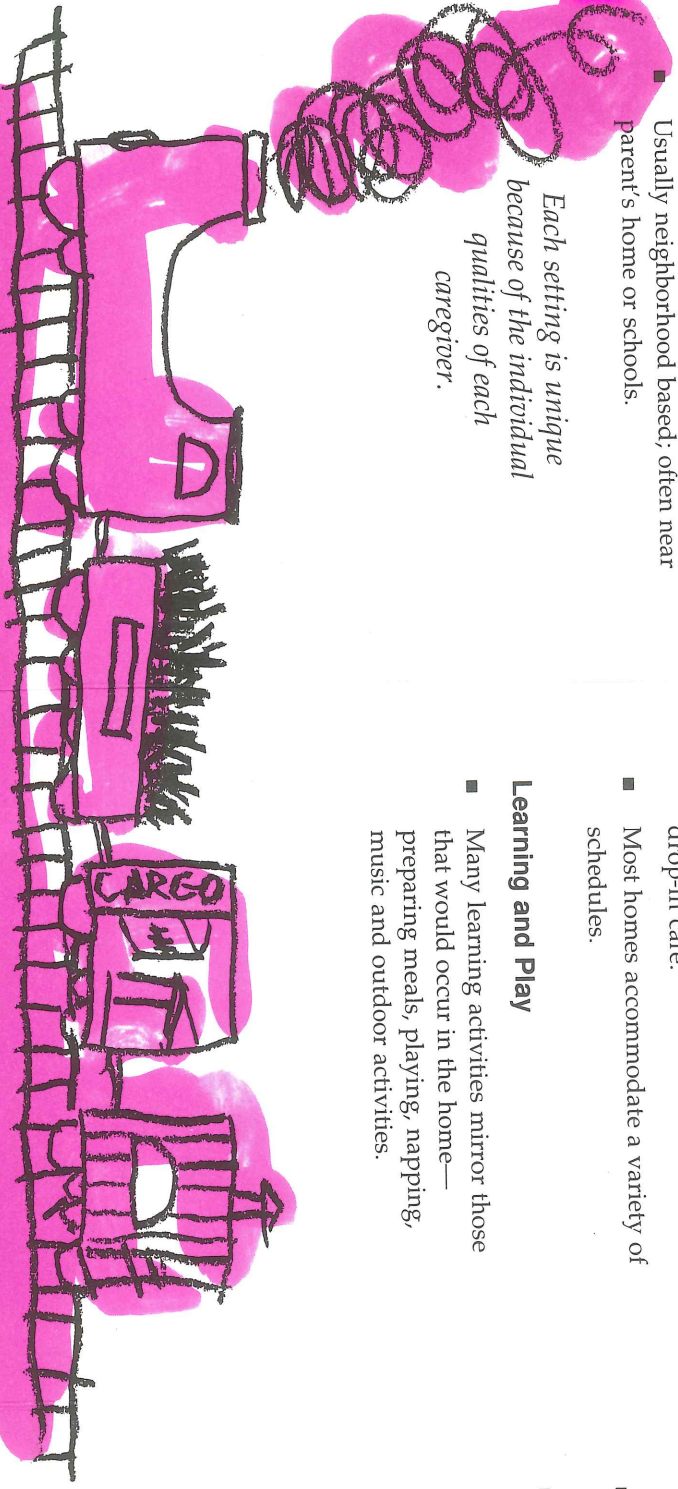
### Responsibilities of Child Care Providers.

- A safe environment for your child.
- The same one or two people caring for your child.
- Open communication (frequent updates on your child's progress).
- Open access to the home.
- Advance notice of any changes, when at all possible.
- Written policies and contract for services.

Good Child Care is a partnership between parents and providers.

### Responsibilities of Parents.

- Respect for providers and their important work.
- Open communication (inform the provider of any changes that may affect your child.)
- Agreement in terms of hours, fees, emergency numbers, etc.
- Identification of back up options when provider is unavailable (sickness or vacation).
- Alternative arrangements for sick children.
- Prompt payment (Remember: parents' checks are the provider's payroll.)



**Elizabeth A. Della Valle, AICP**

Attachment 3

24 Pine Lane, Cumberland Foreside, ME 04110  
207-781-5105

April 24, 1995

Kenneth Cole, III, Chair  
Portland Planning Board  
389 Congress Street  
Portland, ME 04101

Dear Mr. Cole:

These comments on the Proposed Day Care Zoning Amendments have been prepared on behalf of Celia Della Valle Worrey, the owner/operator of "Almost Home," a family day care licensed for up to 12 children by the State of Maine and permitted as a conditional use by the City of Portland.

Celia Worrey and a number of other dedicated residents provide a vital public service for Portland's working class --day care in a home-like setting. Almost Home and other day cares like it offer families a welcome alternative to either an institutional-scaled setting for their infants, toddlers, and pre-schoolers or staying at home (presuming that a nanny or extended family arrangement is beyond the reach of most).

We agree that it is reasonable to distinguish between family day care for up to 12 children and day care facilities for up to 24 children [(3)e.ii.-iii.]. The larger scale of the day care facility is likely to generate greater impacts, principally traffic, noise, and solid waste (safety being addressed by State licensing requirements). Residency in the home is likely to encourage greater accountability to immediate neighbors. But we are confused by the Draft Ordinance provisions which control family day care more strictly than nursery schools and kindergartens [(3)b]. Nursery schools and kindergartens typically offer ½-day programs and serve a greater number of children --thus they tend to have a greater number of drop-offs/pick-ups, parking, solid waste needs, and noise impacts.

We agree that play areas for family day cares should be fenced, but for very different reasons than those stated in the Draft Ordinance Section (3)e.iv. --for safety reasons (which is the basis for the State's requirement for a fenced-in play area). We question the need to systematically require family day cares for up to 12 children to screen and buffer play areas to minimize visual and noise impacts. It is conceivable that a regular family home could host as many children and their friends on a fairly regular basis. If the City feels that screening and buffering is necessary for certain situations, then we suggest that the Board of Appeals be allowed to require screening/buffering to minimize the impacts of noise when it reviews a request for a conditional use permit rather than automatically requiring this provision for all situations.

Similarly we question the need to require that solid waste facilities for a home day care for up to 12 children be screened on four sides [(3)e.viii.]. Is the volume of solid waste that is likely to be generated so much greater than that generated by an average family? Are we really talking about a dumpster? Or are we more likely to be talking about one or two extra garbage cans each week? At a minimum, this standard should be clarified to apply to "outdoor storage" of solid waste containers.

With respect to the issue of site plan review for day care facilities for up to 24 children [(3)e.v.], we question the need for full-blown site plan review before the Planning Board. These

facilities do need oversight to assure that likely traffic impacts and safety, appropriate solid waste disposal, and buffers against unreasonable noise impacts are acceptably dealt with, but we believe that these are all elements that can be handled with staff level review.

If the City wants to give the Board of Appeals authority to limit the size and/or operating hours of family day cares, we suggest that specific guidance in the form of standards to guide the decision-making process be built into this section [(3)e.vi.]. Is it the City's intent that the Board of Appeals be able to reduce a family day care to the size acceptable under home occupation provisions, Section 14-410, and if so, under what conditions? The Court has been very explicit about municipal legislative bodies providing specific direction to its Boards in the matter of conditional uses.

And finally, we urge you to carefully consider, particularly in this time of close political scrutiny of regulation, whether some elements of these proposed regulations (particularly absolute requirements for screening/buffering and full site plan review) justify the added expense to a group of small businesses that are meeting an important social need for a large number of Portland's working families. Are these regulations really necessary, valuable, and worth the expense to very small businesses? We need to be careful that in our zeal to regulate impacts that we don't unintentionally create disincentives for a valuable service for our community.

Thank you for the opportunity to comment on Portland's proposed Day Care Zoning Amendments. We will be pleased to review any future drafts of the ordinance prior to submission to the City Council.

Sincerely,



Elizabeth A. Della Valle  
AICP

cc: Gretchen Andres Greenberg, Child Care Connection

File:DCare.ccw





# HOUSE OF REPRESENTATIVES

STATE HOUSE AUGUSTA 04333-0002

287 1400

Hon. Elizabeth Mitchell

130 Eastern Promenade  
Portland, Maine 04101  
Tel: 207-775-1346

|                   |                         |         |                            |
|-------------------|-------------------------|---------|----------------------------|
| Post-It* Fax Note | 7671                    | Date    | # of pages ▶               |
| To                | <i>Richard Anderson</i> | From    | <i>Rep. J. E. Mitchell</i> |
| Co./Dept.         |                         | Co.     |                            |
| Phone #           |                         | Phone # | <i>289 1439</i>            |
| Fax #             | <i>874-8716</i>         | Fax #   |                            |

June 27, 1995

Kenneth Cole  
Dept. of Planning & Urban Development  
City Hall  
389 Congress Street  
Portland, Maine 04101

Dear Chairman Cole and Members of the Committee:

I am writing to express my concern about the proposed zoning changes for residential day care facilities. While I recognize that some clarification of regulations may be both timely and appropriate, I urge your consideration of the impact on working families.

As a member of the Human Resources Committee in the Maine Legislature and as a working parent, I am acutely aware of day care needs in our state and in Portland. While I understand the needs to maintain the integrity of residential areas, it is critical to ensure that access to day care is not limited further.

I understand that the proposals in front of you would limit hours of operation of day care facilities. Many Maine families who work anywhere from L.L. Bean to Nissen, work odd hours and rely on day care during evenings and weekends. Without access to day care, these parents are unable to work.

I am also concerned about the requirement of owner occupancy. While I understand the desire to ensure that day care centers are small and well-supervised, I know of day care providers who rent their buildings though the buildings remain residential. Please do not overly restrict day care providers with this provision.

While limiting the number of children may be appropriate, I urge you not to make your regulations duplicative with the state. Day care centers are already heavily regulated and it is important that we do not excessively burden providers.

Thank you very much for your consideration. I would be happy to meet or talk with you about this or other issues. Hopefully, we will adjourn someday. Best of luck in your deliberations.

Sincerely,

J. Elizabeth Mitchell  
State Representative

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137,  
14-145.3, 14-145.9, 14-147.5 (ZONING ORDINANCE)  
§14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~
- e. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.
  - ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures, unless the additional standards in subsection vi are met. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home

**City of Portland  
Memorandum**

**TO:** Natalie Burns, Associate Corporation Counsel

**FROM:** Barbara Barhydt, Senior Planner *Barbara*

**DATE:** May 22, 1996

**RE:** Day Care Zoning Amendments

Alex, Deb and I have been working on revising the day care zoning amendments that had been forwarded to City Council from the Planning Board. The original Day Care Zoning Amendments did not permit larger centers (with more than 12 children) in residential districts. Councilor DeLogue requested that the amendments be revised to allow larger day care centers in residential areas where they may be compatible due to oversized lots or unusual conditions.

We analyzed residential lot sizes and examined existing day care sites in Portland. We were not able to develop a definition or description of when a lot could be considered unique and suitable for a larger scale day care center based solely on lot size.

In pursuit of an alternate approach to this issue, Deb drafted a revision that offered a qualitative standard for evaluating day care centers serving more than 12 children. A copy of the amendment (paragraph iii) is attached along with the original proposed amendments. We presented this draft to a focus group composed of day care providers and a neighborhood resident in April. The providers were comfortable with the proposed standard; however, the resident wanted specific and measurable standards.

I reviewed local regulations collected by the American Planning Association and I surveyed municipalities in Cumberland County. This provided us with a range of standards used in local codes to regulate day care centers. I am seeking your assistance to draft ordinance language with quantitative standards and revise Deb's qualitative standard, if necessary. We are suggesting that day care centers with 12 to 24 children proposed in residential districts shall meet the following standards:

- a) A minimum of 50 square feet of outdoor play per child;
- b) A play area shall be located in the side and rear yards only;
- c) Outside play areas shall be fenced with a minimum four foot fence;
- d) A ten foot landscaped buffer outside of the fenced play area is required meeting the city's landscape standards;
- e) The minimum lot size required for a day care center with 12 to 24 children is 20,000 square feet; and
- f) Safe and adequate parking and vehicular circulation to service the needs of staff and clientele is required, which must be provided without negatively impacting the residential



character of the lot and neighborhood.

As a goal for these amendments, we would like to state that a Day Care Center serving 12 to 24 children in a residential district shall be compatible with the residential character of the neighborhood and shall not materially reduce the privacy of adjoining property owners.

We will present these amendments to the focus group and this item is scheduled for the Planning Board workshop on June 11th. I believe we want to present all three options to the Planning Board for their consideration:

- a) The original proposal, which did not permit larger day care centers in residential districts;
- b) Deb's qualitative standards; and
- c) The quantitative standards.

We are available to meet with you to discuss this proposal at your convenience. Thank you.

cc. Alexander Jaegerman, Chief Planner  
Deborah Andrews, Senior Planner

## Day Care Zoning Amendments

**The following is a draft provision intended to address circumstances in which larger home-based day care facilities (serving more than 12 children) might be permitted.**

- iii. Facilities located in residential structures shall be allowed to accommodate more than 12, but not more than 24, children only where the subject lot is well in excess of the minimum lot size for the zone and the average lot sizes of the surrounding neighborhood. The lot shall feature a large yard area useable for outdoor play with ample setback and screening from surrounding residences, as well as safe and adequate parking and vehicular circulation to service the needs of staff and clientele, which can be provided without negatively impacting the residential character of the lot and neighborhood.

# City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137,  
14-145.3, 14-145.9, 14-147.5 (ZONING ORDINANCE)  
§14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby  
amended as follows:

## Sec. 14-68. Conditional uses.

The following uses are permitted only upon the issuance of a  
conditional use permit, subject to the provisions of section 14-474  
(conditional uses) of this article and any special provisions,  
standards or requirements specified below:

(3) Other:

b. ~~Nursery schools, and kindergartens, and family day  
care facilities or home babysitting services not  
permitted as a home occupation under section 14-  
410.~~

e. ~~Day care facilities or home babysitting services  
not permitted as a home occupation under section  
14-410, subject to the following conditions:~~

i. ~~The facility shall be located in a structure  
in which one or more residential uses is  
located, unless the facility is located in a  
structure that has not been used as a  
residence in whole or in part within the five  
years immediately preceding the application  
for a day care or home babysitting use.~~

ii. ~~The maximum capacity shall be twelve (12)  
children for facilities located in residential  
structures. There shall be no maximum limit  
on the number of children in a facility  
located in a structure that has not been used  
as a residence in whole or in part within the  
five years immediately preceding the  
application for a day care or home babysitting  
use.~~

*except as  
specified in  
paragraph iii  
below*

→

iii

iii. ~~Outdoor play areas shall be screened and  
buffered from surrounding residences with~~

landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

Sec. 14-78. Conditional uses.

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) Other:

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

iii. Outdoor play areas shall be screened and



**TO:** Natalie Burns, Associate City Planner  
**FROM:** Barbara Barhydt, Senior Planner  
**DATE:** May 22, 1996  
**RE:** Day Care Zoning Amendments

Alex, Deb and I have been working on revising the day care zoning amendments that had been forwarded to City Council from the Planning Board. The original Day Care Zoning Amendments did not permit larger centers (with more than 12 children) in residential districts. Councilor DeLogue requested that the amendments be revised to allow larger day care centers in residential areas where they may be compatible due to oversized lots or unusual conditions.

We analyzed residential lot sizes and examined existing day care sites in Portland. We were not able to develop a definition or description of when a lot could be considered unique and suitable for a larger scale day care center based solely on lot size.

In pursuit of an alternate approach to this issue, Deb drafted a revision that offered a qualitative standard for evaluating day care centers serving more than 12 children. A copy of the amendment (paragraph iii) is attached along with the original proposed amendments. We presented this draft to a focus group composed of day care providers and a neighborhood resident in April. The providers were comfortable with the proposed standard; however, the resident wanted specific and measurable standards.

I reviewed local regulations collected by the American Planning Association and I surveyed municipalities in Cumberland County. This provided us with a range of standards used in local codes to regulate day care centers. I am seeking your assistance to draft ordinance language with quantitative standards and revise Deb's qualitative standard, if necessary. We are suggesting that day care centers with 12 to 24 children proposed in residential districts shall meet the following standards:

- a) A minimum of 50 square feet of outdoor play per child;
- b) A play area shall be located in the side and rear yards only;
- c) Outside play areas shall be fenced with a minimum four foot fence;
- d) A ten foot landscaped buffer outside of the fenced play area is required meeting the city's landscape standards;
- e) The minimum lot size required for a day care center with 12 to 24 children is 20,000 square feet; and
- f) Safe and adequate parking and vehicular circulation to service the needs of staff and clientele is required, which must be provided without negatively impacting the residential

O:\PLAN\ORDAMEND\DAYCARE\NATALIE.WPD

character of the lot and neighborhood.

As a goal for these amendments, we would like to state that a Day Care Center serving 12 to 24 children in a residential district shall be compatible with the residential character of the neighborhood and shall not materially reduce the privacy of adjoining property owners.

We will present these amendments to the focus group and this item is scheduled for the Planning Board workshop on June 11th. I believe we want to present all three options to the Planning Board for their consideration:

- a) The original proposal, which did not permit larger day care centers in residential districts;
- b) Deb's qualitative standards; and
- c) The quantitative standards.

We are available to meet with you to discuss this proposal at your convenience. Thank you.

cc. Alexander Jaegerman, Chief Planner  
Deborah Andrews, Senior Planner



Deb - Please review and let me know if this reflects our conversation - Thanks

City of Portland  
Memorandum

DRAFT

**TO:** Natalie Burns, Associate Corporation Counsel  
**FROM:** Barbara Barhydt, Senior Planner  
**DATE:** May 22, 1996  
**RE:** Day Care Zoning Amendments

Alex, Deb and I have been working on revising the day care zoning amendments that had been forwarded to City Council from the Planning Board. The original Day Care Zoning Amendments did not permit larger centers (with more than 12 children) in residential districts. Councilor DeLogue requested that the amendments be revised to allow larger day care centers in residential areas where they may be compatible due to oversized lots or unusual conditions.

We analyzed residential lot sizes and examined existing day care sites in Portland. We were not able to develop a definition or description of when a lot could be considered unique and suitable for a larger scale day care center.

In response to our limited ability to define a unique lot, Deb drafted a revision that offered a qualitative standard for evaluating day care centers serving more than 12 children. A copy of the amendment (paragraph iii) is attached along with the original proposed amendments. We presented this draft to a focus group composed of day care providers and a neighborhood resident in April. The providers were comfortable with the proposed standard; however, the resident wanted specific and measurable standards.

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- b) A play area shall be located in the side and rear yards only;
- c) Outside play areas shall be fenced with a minimum four foot fence;
- d) A ten foot landscaped buffer outside of the fenced play area is required meeting the city's landscape standards;
- e) The minimum lot size required for a day care center with 12 to 24 children is 20,000 square feet; and
- f) Safe and adequate parking and vehicular circulation to service the needs of staff and clientele is required, which must be provided without negatively impacting the residential



character of the lot and neighborhood.

As a goal for these amendments, we would like to state that a Day Care Center serving 12 to 24 children in a residential district shall be compatible with the residential character of the neighborhood and shall not materially reduce the privacy of adjoining property owners.

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cc. Alexander Jaegerman, Chief Planner  
Deborah Andrews, Senior Planner

# DayCare

Bottom line -

\* many communities do not allow more than 12 in a neighborhood

only in non-residential areas

12-24 provisions:

A. Play Area / Child

50 sq. ft. provided for play area.

B. Outdoor Play Area and Fencing / Severeing  
a) required

C. Lot Size

20,000 minimum.

D. refer to qualitative standard

E. Dispersion

F.

TO: Deborah Andrews and Alexander Jaegerman  
FROM: Barbara Barhydt *Barbara*  
DATE: May 9, 1996  
RE: Review of Local Regulations for Day Care Centers

On March 14, 1996, we met with Day Care providers and a neighborhood resident to discuss the proposed zoning revisions for Day Care Centers. There was support for the amendments from the providers; however, the neighborhood representative suggested that quantitative, rather than qualitative, standards should be included in the City's draft amendments.

I have gathered zoning information from some of the communities in this region and a summary of the local requirements is attached. I have also received information from APA. You are welcome to review these materials in their entirety. I have attached several excerpts from local regulations that I found to be useful. Please note that many communities do not allow centers with more than 12 children in residential districts.

Below is a brief summary of the quantitatively standards that I found in my research. Please review these options and consider whether this approach and specific standards should be considered for Portland. I would like your guidance on this before I proceed any further. Let's meet during the week of May 13th to discuss these options. Thank you.

### Summary of Day Care Standards

#### A. Play Area per Child

a) In general, 35 to 75 square feet per child was the range for this standard, if required. Some ordinances excluded infants from this calculations. One community listed in the Zoning Report required Day Care centers to have a minimum lot size of 6,000 square feet and then required 200 square feet per child up to 40 children with an additional 100 square feet for each child over 40.

#### B. Outdoor Play Area and Fencing/Screening

✓ a) Required in side or rear yards;

b) Fencing around the outside play area is required in some communities. When specified, the fence requirement ranges in height from 4 to 6 feet. A waiver may be offered if the area is protected by location and natural barriers.

✓ c) Landscaped buffers ranging in width of 10 to 20 feet are required, occasionally. In at least one case, the 10 foot landscaped buffer is required outside of the fenced play area. (Refer to notes on Yarmouth and Westbrook.) Colorado Springs required that the play space be at least 5 feet from any lot line and that the play area shall be screened from adjacent residential properties when necessary and appropriate to reduce play area sounds.



### C. Lot sizes

- a) Some localities set minimum lot sizes, including in one case minimum lot sizes for non-conforming lots, and minimum street frontage requirements.
- b) In certain districts, Scarborough requires a minimum lot size plus 800 square feet per child over the first 12. Nursery Schools are required to have a minimum lot size plus 75 square feet for each child over 12.

### D. Parking, Access, Traffic

- a) Many ordinances required one parking space for each employee and volunteer worker not living on the site.
- b) A safe loading and unloading area for the children is often required. In addition, some ordinances required adequate access to the facility with minimal disruption to local traffic and circulation. I have not come across any compatibility standards for these improvements.
- c) Some communities limit day care centers to major arterials and/or collectors.
- d) Scarborough requires off-street parking for all non-resident employees. It also requires the driveways of child care facilities must be configured so that vehicles dropping off and picking up children are not required to back up into the driveway or into the street in order to exit the facility. They do not have a standard regarding compatibility.

### E. Dispersion

- a) There are communities that require a separation or dispersion of day care centers. The required distance ranges from 500 feet to 1000 feet.
- b) Scarborough requires the following: No such facility shall be situated in any location where the distance between the facility's driveway entrance and the driveway entrance of another child or adult day care facility or a home occupation is less than five times the minimum street frontage requirement for the zoning district, measured along the sidelines of streets.
- c) The Zoning Report lists the following example: The Zoning Board of Appeals shall consider the density of existing day care facilities in the area. Such density shall be limited to two day care centers per square mile, excluding those facilities existing in a church or temple. Such square mile shall be measured as a circle whose center point shall be the proposed day care facility and whose radius shall be 2,975 feet.

### F. Neighborhood Compatibility and Privacy

- a) Walnut Creek requires that proposed facilities be compatible with the surrounding neighborhood.
- b) Walnut Creek also requires that the use does not materially reduce privacy, otherwise enjoyed by residents of adjoining property. It also states as a separate standard that seeks by design and layout of the site, to avoid noise which may be a nuisance to neighbors.
- c) The Zoning Report lists one example for architectural appearance and conversion of buildings; however they do not name the community. It states, "The applicant shall show that the day care center will be located in a building which if vacated would be readily convertible or reconvertible to a single family residence meeting the requirements of all applicable codes, ordinances, and regulations. The proposed structure and its appurtenances shall be architecturally compatible with surrounding structures."

Compatibility is judged by the ZBA, Planning Commission, and Architectural Commission.

G. Hours of Operation

a) When specified, the range of hours of operation generally go from 6:30 a.m. to 7:30 p.m. or they may require that the hours are approved by the reviewing body. There are some with longer hours and a few that address night time hours. Cape Elizabeth specifies that no outside play shall be allowed before 9 a.m. on Saturdays, Sundays, and Holidays.

**DAY CARE REGULATIONS - COMPARISON -Annotated List of requirements (indoor requirements not listed)**

**Yarmouth**

- 1) Minimum of 75 square feet of out door play area per child. This play area may be located in the side and rear yards only.
- 2) Four foot fence around outdoor play area unless the area can be determined to be well protected by location and natural barriers.
- 3) Parking- one off street space for each employee and volunteer worker not living on site. A parking area shall be designed to provide a safe location for loading and unloading children.
- 4) Hours of operation 6:30 a.m. to 7:30 p.m.
- 5) Play areas for Day Care Center facilities shall have a minimum six foot setback where outdoor play areas abut developed lots. Day Care Facilities over 20 children shall have a landscaped buffer in a 10 foot setback area as specified in (other section).
- 6) No day care facility shall be located on a lot less than 24,000 square feet
- 7) Group Day Care Home shall have at least 1,000 square feet of lot area per children received into the home including the family's children under first grade.

**Gorham -**

Day Care Home (12 or fewer) are a home occupation and under certain zones as special exceptions. Home occupation shall not utilize more than 20% of the total floor area of the dwelling. Day Care Centers (more than 13 children) are special exceptions in a "Roadside Office District".

**Scarborough**

2 or less- none

3-6 - family day care - go in any residential or business zone

7-12- family day care - allowed in all residential

13+ child care facility **not** allowed in residential districts

**Conditions required on child and adult day care facilities**

- 1) shall provide outdoor play or recreation areas as required by state regulations.
- 2) all outdoor play or recreation areas shall be fenced....
- 3) located on lots which comply fully with the minimum lot area and minimum street frontage requirements.
- 4) Non-conforming lots - lists minimum lot sizes for each district - ranging in size from 60,000 to 7,500 square feet.
- 5) No such facility shall be situated in any location where the distance between the facility's driveway entrance and the driveway entrance of another child or adult day care facility or a home occupation is less than five time the minimum street frontage requirement for the zoning district, measured along the sidelines of streets. Where the facilities subject to this restriction are in different zoning districts with different street frontage requirements, the larger requirement shall apply.
- 6) show sewage disposal is adequate-

7) not in "multiplex" housing units

Group Day Care Homes, Day Care Center Facilities and Nursery Schools

1) Access shall be permitted on from streets of higher classification than a local residential street

2) off street parking shall be provided for all non-resident employees.

3) Driveways of child care facilities must be configured so that vehicles dropping off and picking up children are not required to back up into the driveway or into the street in order to exit the facility.

4) In RFM, RF, and R-2 districts, Nursery Schools and Day Care Center Facilities must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 800 square feet for each additional child, based on maximum licensed capacity. In all other districts, Nursery Schools must provide total lot area which equals or exceeds the sum of the minimum lot area required in the zoning district for the first twelve children plus 75 feet for each additional child, based on maximum licensed capacity.

(Have Scarborough's Special Exception Standards on file.)

### **Westbrook**

1) minimum of 75 square feet of outdoor play area per child - rear or side yards only.

2) all play areas fenced with a minimum four foot fence.

3) One off-street parking space for each employee and volunteer worker not living on site shall be provided for a Day Care Home.

4) one off-street parking space for each employee and volunteer worker shall be provided for a Day Care Center and Nursery School. In addition, one parking space for every six children shall be provided on site.

5) A parking area shall be designed to provide a safe location for loading and unloading children.

6) Hours of operation shall be approved by the Planning Board

7) The owner shall receive the approval from the Plumbing Inspector that the sewage disposal system can handle the needs of the proposed use or get the approval of the City Engineer that the proposal meets the requirements of the Westbrook Sewer System.

8) Day Care Centers and Nursery Schools are prohibited within multi-family housing unless a separate facility is available solely for the use within the development and the proposal meets all of the conditional use standards of this ordinance.

9) Day Care Centers and Nursery Schools shall provide a minimum of a ten foot landscaped buffer outside of the fenced outdoor play area and meeting the landscaping requirements of this ordinance.

10) In non-residential zones when the provision of Section 20 apply, then only the outdoor play area may extend into the 50 foot buffer area by a maximum of 40 feet.

Fencing for out door play areas for Day Care homes shall be setback a minimum of four feet from side and rear property lines if not otherwise governed by Section 25.

Definitions - Day Care Center - 13+ children under 16 years

Day Care Home - 3-12 children under 16 years of age and separate definition of Nursery School



Day Care centers allowed in Residential and Business zones as a conditional use. Permitted as an accessory use in the Industrial District.

### **South Portland**

Day Care Centers: Facilities serving more than twelve (12) individuals (child day care, adult day care or both) either on a regular or a non-recurring basis.

Family Day care home. A facility serving up to six (6) individuals (child day care, adult day care or both) either on a regular or non-recurring basis and classified as a home occupation if it is located in the operator's residence.

Group Day care home: A facility serving seven to twelve individuals....

Home Occupation: An occupation or profession which is: customarily carried on in a dwelling unit or in building or accessory structure....

- occupation shall be carried on wholly within the principal building
- not more than 2 persons outside of the family shall be employed in the home occupation
- no exterior display, no exterior signs (except as permitted) no exterior storage of materials....
- no nuisance ...
- no more than 25% of total floor area

### **Cape Elizabeth**

Day Nursery -

7 a.m. to 7 p.m.

fenced outside area with a minimum of 75 square feet/child

no outside play shall be allowed before 9 a.m. on Saturdays, Sundays, and Holidays

Adequate lighting shall be provided at the vehicle drop-off and pick-up area

Exempt  
Walnut Creek

An Applicant's Guide to Procedures for: LARGE FAMILY DAY CARE HOME PERMIT  
Page 3

An application must be complete in order to be scheduled for a meeting. Applications are set for consideration between three and five weeks after being filed. A provider may not operate with more than six children until the application has been approved by the Zoning Administrator.

Large family day care home permits are exempt from the environmental review process as per Health and Safety Code Section 1597.46(b).

Large Family Day Care Home Permit Requirements.

The Zoning Administrator shall grant a large family day care home permit to the applicant only upon the finding that the proposed use:

1) Complies with all City restrictions and regulations on yards, building height, setback and lot coverage standards in the zone in which the residence is located. In P-D, H-P-D and commercial zones where no standards are specified, the Zoning Administrator shall have the authority to establish reasonable standards for yards, building height setbacks, and lot coverage.

2) Is either situated on a lot zoned for single-family dwellings or meets a minimum standard of 75 square feet of outdoor activity space for each child who is not an infant. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. This space requirement can be waived if the applicant can demonstrate that there is a public park, school or other public open area which is in close proximity to the large family day care home;

3) Is compatible with the surrounding neighborhood;

4) Is located more than 500 feet from any other large family day care home or child day care center. Exceptions which decrease or eliminate this distance requirement may be approved by the Zoning Administrator;

5) Does not materially reduce the privacy otherwise enjoyed by residents of adjoining property;

6) Provides one off-street parking space for each employee who is not a resident of the premises, in addition to what the zone would otherwise require;

7) Provides adequate drop-off facilities at a standard of one parking space for every 12 children enrolled to avoid interference with traffic and promote the safety of children;

8) Provides adequate access to the facility with minimal disruption to local traffic and circulation;

9) Seeks, by design and layout of the site, to avoid noise which may be a nuisance to neighbors.

AN ORDINANCE OF THE TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH AMENDING CHAPTER 16 OF THE  
"REVISED GENERAL ORDINANCES OF THE TOWNSHIP  
OF MIDDLETOWN" ADOPTED 1983 AS  
PREVIOUSLY AMENDED AND SUPPLEMENTED

MONMOUTH

WHEREAS, the Township Committee of the Township of Middletown has determined that a substantial need exists for child care services and facilities throughout the region; and

WHEREAS, the Township Committee is of the opinion that local zoning regulations should be established which address this need by removing unnecessary obstacles and detriments to those wishing to operate child care services; and

WHEREAS, the Township Committee has determined certain standards can be established which permit the operation of child care services in residential areas while still projecting existing residences from avoidable negative impacts; and

WHEREAS, the Township Committee finds that the following standards and regulations will achieve the intent to promote the establishment of much needed child care services while protecting residential property owners from all potentially adverse impacts.

NOW, THEREFORE, BE IT ORDAINED that Chapter 16 of the Planning and Development Regulations of the Township of Middletown, County of Monmouth, and the State of New Jersey, be and the same is hereby amended and supplemented as follows:

SECTION 1: Article 2, Chapter 16-2.3, Definitions of the Code of the Township of Middletown is hereby amended as follows:

"Child Care Center" means any home or facility by whatever name known, and licensed by the State Division of Youth and Family Services, which is maintained for the care, development or supervision of six or more children under six years of age who attend for less than 24 hours a day. For a facility that is located in a sponsor's home, the children residing in the home or legally related to the sponsor shall not count towards the minimum number of children that would require it to be licensed.

"Day Care Center" means the same as Child Care Center.

"Family Day Care Home" means any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child care services:

- a. The child being cared for is legally related to the provider; or
- b. The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for care is being provided.

"Home Day Care" means any private residence providing child care services for three or fewer children where no payment for care is being provided for any of the children. Children legally related to the provider or operator shall not be included in the total number of children receiving child care services. Home day care shall be a permitted accessory use in all residential dwellings.

SECTION 2: Article 8, Chapter 16 is hereby amended by adding Chapter 16-8.51 Child Care Centers and Family Day Care Homes, as follows:  
16-8.51 Child Care Centers and Family Day Care Homes

#### Child Care Centers

##### A. Locational Standards

1. Child Care Centers shall be a permitted use in all zones except M-C (Marine-Commercial) M-1 (Light Industrial), R-1 and R-2 (Planned Adult Community), and RHA (Senior Citizen Housing). Child Care Center's shall be permitted, subject to a Conditional Use Permit in all single family residential and two family zones.
2. In single family and two family zones, child care centers shall not permitted unless the lot has frontage on a primary or secondary arterial road.
  - a. In the case of a corner lot where one street is a local or collector road, access may be taken from either road.
  - b. In the case of a through lot where one street is a local or collector road, access shall not be taken from the local or collector road unless specifically approved by the Board upon finding as follows:
    1. All existing access is taken from the local or collector road.
    2. Access to other than the local or collector road would result in substantial environmental disturbance.
    3. That the use of the local or collector road will not result in excessive disruption of an existing residential neighborhood.
3. The maximum number of children permitted in a child care center located in a single family or two family residential zone shall be thirty (30).
4. In single family or two family zones no child care center shall be established within 1,500 lineal feet of another child care center. The distance shall be measured from property line to property line.

##### B. Required Approvals

1. All child care centers shall require minor site plan approval except where new construction of a principle building is involved, major site plan approval may be required pursuant to Chapter 16-2.3.
2. Within 90 days of the issuance of a certificate of occupancy the operator must submit to the construction official a copy of a valid license to operate, issued by the Division of Youth and Family Services.
3. All child care centers shall be inspected at least annually by the Township Health Department pursuant to Chapter 12 of the State Sanitary Code, and by the Township Combustibles Department pursuant to the Uniform Fire Code.

4. Any child care center proposed to be located within a development which has a Homeowner's Association, must obtain approval from the Homeowner's Association prior to obtaining a certificate of occupancy for the child care center.

C. Development Standards

1. In addition to the standards contained in each zone district in which child care centers are permitted, the following standards shall also apply. Where there exists a conflict between standards contained in other sections of the ordinance this section shall be controlling:
  - a. All child care centers shall provide both indoor and outdoor play areas. Outdoor play areas must be completely fenced and provided with a latched gate. Fence height shall not be less than four feet or more than six feet. Where a facility will be licensed to accommodate 15 or more children solid fencing will be required where the play area abuts another residential property.
  - b. Adequate and safe space must be provided on-site to allow pick-up/drop-off of children. Pick-up/drop-off areas must be designed so as to prevent children from having to walk in a public street prior to entering the child care center facility.
  - c. Adequate and safe parking shall be provided on site. Two on site parking spaces shall be provided, plus one space for each seven children, based upon the maximum number permitted for the facility by the Division of Youth and Family Service's or the Township whichever is less. On-site parking shall be situated so as not to interfere with outdoor play areas. Parking spaces may be tandem or side by side, but shall not be located closer than 5 feet from any property line abutting another residential property.
  - d. Detached accessory buildings may be used as child care centers or as a portion of a child care center as long as the use of the building is approved by the Division of Youth and Family Services.
  - e. Child care centers in residential zones shall be required to maintain the residential character of all principle and accessory structures. This shall not apply to an existing commercial structure in a residential zone.
  - f. Child care centers in residential zones shall be permitted an additional 5% of lot coverage over the maximum permitted in the zone district in which it is located.
  - g. Child care centers in residential zones shall be permitted one freestanding or building sign. Said sign shall not exceed two square feet in area. In the case of a freestanding sign, the sign shall not exceed four feet in height and may be located in the front yard. Signs shall not be internally illuminated and must be designed in a manner compatible with the building exterior.

- h. Adequate exterior lighting shall be provided for all pick-up/drop-off areas. However, lighting shall be designed so as not to impact adjacent properties negatively.
- i. Where a child care center is provided in a dwelling which will continue to be used as such, the owner or tenant occupying the dwelling must also be the operator of the child care center.
- j. Outdoor play areas shall not be permitted in any front yard unless the property is a corner or through lot, and the Board finds that a front yard is the most appropriate location and will not detract from the character of a neighborhood.

FAMILY DAY CARE HOME

- A. Family day care homes are hereby deemed to be a home occupation. As such, a family day care home shall be permitted in all residential zones and all dwellings, subject to the provision's applicable to all home occupations provided in Chapter 16-2.3. (Per N.J.S.A. 40:55D-66.4).

SECTION 3: Article 9, Chapter 16 is hereby amended by adding Chapter 16-9.19 Child Care Centers, as follows:

16-9.19 Child care centers

Child care centers which will be licensed to accommodate more than 30 children, as defined in Section 16.2.3 shall be permitted as a conditional use in all residential zones in which child care centers are permitted in Chapter 16-8.51, subject to the following conditions.

- A. All standards contained in Section 16-8.51

SECTION 4: Article 10, Chapter 16-10.4 is hereby amended as follows:

- C. Conditional Uses.

- 6. Child care centers subject to the provisions of Chapter 16-8.51.

SECTION 5: Article 10, Chapter 16-10.5 is hereby amended as follows:

- C. Conditional Uses.

- 6. Child care centers subject to the provisions of Chapter 16-8.51.

SECTION 6: Article 10, Chapter 16-10.6 is hereby amended as follows:

- C. Conditional Uses.

- 8. Child care centers subject to the provisions of Chapter 16-8.51.

SECTION 7: Article 10, Chapter 16-10.7 is hereby amended as follows:

- C. Conditional Uses.

- 7. Child care centers subject to the provisions of Chapter 16-8.51.

\*<sup>2</sup>  
- Past draft had going to site plan for minor development - more than 12 - How was that used -

I think we lost this for non-residential structures

Home based day cares - 6 or fewer children  
- are considered home occupations & allowed as permitted use.



② PORTLAND FAMILY CHILD CARE HOMES

12 : Under  
1

NAME ADDRESS ZIP TOTAL CAPACITY

CBL #

| NAME                         | ADDRESS                      | ZIP   | TOTAL CAPACITY |
|------------------------------|------------------------------|-------|----------------|
| CHERYL BRETT                 | 42 LAFAYETTE ST              | 04101 | 8              |
| DEBRA WILDES                 | 95 MUNJOY SOUTH (TOWNHOUSES) | 04101 | 6              |
| DOROTHY ROSE                 | 14 LOCUST ST.                | 04101 | 12             |
| FREDA ANDERSON               | 99 MUNJOY SOUTH              | 04101 | 10             |
| JEANETTE HORNE               | 96 MUNJOY SOUTH TOWNHOUSE    | 04101 | 6              |
| JUDITH MARDEN                | 21 CEDAR STREET              | 04101 | 12             |
| LISA CHRISTIAN               | 27 MUNJOY ST.                | 04101 | 9              |
| PATRICIA ANN WHEELER         | 19 LARCH ST.                 | 04101 | 6              |
| CHARLOTTE WINSLOW            | 19 CAPISIC STREET            | 04102 | 12             |
| CORNERSTONE CHILDREN'S HOUSE | 431 BRIGHTON AVE.            | 04102 | 12             |
| DELIA FOLEY                  | 214 TAFT STREET              | 04102 | 6              |
| ERICA ANDERSON/LORNA LEO     | 223 BRACKETT ST.             | 04102 | 12             |
| GENTLY NOW DAY CARE          | 837 BRIGHTON AVENUE          | 04102 | 12             |
| HERITAGE DAY CARE            | 1914 CONGRESS ST.            | 04102 | 12             |
| JANE FLAHERTY                | 87 HOLM AVE.                 | 04102 | 12             |
| JOYCE FOSS                   | 240 DANFORTH ST. APT. 107    | 04102 | 6              |
| JULIE OTTE                   | 4 CANDLEWYCK TERRACE         | 04102 | 8              |
| LISA BUTTS                   | 17 FREDERIC STREET           | 04102 | 8              |
| LUCIE TRUDEAU                | 47 TYNG STREET               | 04102 | 6              |
| MARION DOYLE                 | 47 TYNG ST.                  | 04102 | 6              |
| MARY LEMAY                   | 287 HOLM AVE                 | 04102 | 5              |
| MILDRED RICHARDSON           | 11 WOODFIELD ROAD            | 04102 | 8              |
| PENNY DEROCHE                | 36 ROBERTS ST.               | 04102 | 12             |
| RHONDA FOLEY                 | 23 RUDMAN RD.                | 04102 | 8              |
| ROSE MARIE FELKER            | 14 POWSLAND ST. APT. #3      | 04102 | 6              |
| RUTHI HOWE                   | 58 ROWE AVE                  | 04102 | 8              |
| SANDRA AMOROSO               | 801 BRIGHTON AVENUE          | 04102 | 12             |
| TINA ANDERSON                | 10 A DEANE STREET            | 04102 | 8              |
| TORI LYNCH                   | 13 DEVON ST.                 | 04102 | 8              |
| ALISON LAROCHE               | 85 AVALON RD.                | 04103 | 6              |
| ALLISON & ROBERT WEIMER      | 282 MARLBORO RD.             | 04103 | 11             |
| AMY BOLDOC                   | 18 READ ST. #1               | 04103 | 12             |
| ANN MCDUFFIE                 | 112 RIVERSIDE ST.            | 04103 | 12             |
| ANNE SALAMONE                | 6 RICHARDSON STREET          | 04103 | 12             |
| BARBARA CONNELLY             | 99 E. COMMONWEALTH DR.       | 04103 | 6              |
| BARBARA FECTEAU              | 168 DOROTHY STREET           | 04103 | 5              |
| BEVERLY DESCHAMBEAULT        | 49 PRIMROSE LANE             | 04103 | 8              |
| BRENDA AXELSEN               | 5 BRAMBLEWOOD                | 04103 | 8              |
| CARLA SAVINO                 | 148 BRAINTREE ST.            | 04103 | 8              |
| CELIA WORREY                 | 162 WOODLAWN AVENUE          | 04103 | 12             |
| CIRCLE TIME PRESCHOOL        | 364 WASHINGTON AVE.          | 04103 | 12             |
| DARLENE NAPOLITANO           | 56 BERNARD ROAD              | 04103 | 10             |
| DEBBIE FLANAGAN              | 35 BERRY AVENUE              | 04103 | 12             |
| DIANE MATHIEU                | 30 BARCLAY AVENUE            | 04103 | 12             |
| DIANNE TRYNOR                | 78 BAILEY AVENUE             | 04103 | 12             |

6,130  
5,788

14-A-13  
3-6-11

PORTLAND FAMILY CHILD CARE HOMES

| NAME                          | ADDRESS                | ZIP   | TOTAL CAPACITY |
|-------------------------------|------------------------|-------|----------------|
| GAIL COTE                     | 501 SUMMIT STREET      | 04103 | 12             |
| GAIL KELLY                    | 276 MARLBOROUGH ROAD   | 04103 | 8              |
| JANICE GAUDET                 | 126 SHERWOOD ST.       | 04103 | 12             |
| JEANNIE KRUPSKI               | 114 HARTLEY ST.        | 04103 | 12             |
| JOAN'S PLACE                  | 38 RAY STREET          | 04103 | 12             |
| JOANN SMITH                   | 234 WASHINGTON AVE     | 04103 | 6              |
| JOANNE ANANIA                 | 65 BERKLEY STREET      | 04103 | 8              |
| KAREN MCILWAIN, DEBBIE BEVERI | 664 ALLEN AVE.         | 04103 | 8              |
| Laurie Gagnon                 | 104 PROVIDENCE ST.     | 04103 | 6              |
| LORI & JOEL HARRISON          | 61 HUNTINGTON AVENUE   | 04103 | 8              |
| LOUISE & STEVE MARTIN         | 22 EASTMAN AVE.        | 04103 | 12             |
| MARIE ASCANIO                 | 105 WASHINGTON AVE.    | 04103 | 12             |
| MARY REILLY                   | 129 BRENTWOOD ST.      | 04103 | 8              |
| NANCY GAVEL                   | 77 WALTON STREET       | 04103 | 12             |
| PAM THURSTON                  | 57 DEERING RUN         | 04103 | 11             |
| PAT ROE                       | 156 MAINE AVE          | 04103 | 8              |
| PAULA SMALL                   | 49 SAWYER STREET       | 04103 | 12             |
| SALLY EPISCOPO                | 239 AUBURN STREET      | 04103 | 6              |
| SHANNON RAFFERTY              | 13 SANBORN ST.         | 04103 | 8              |
| SHERRY PIERSON                | 44 WHITTIER ST.        | 04103 | 8              |
| SHERYL TREADWELL              | 142 CONCORD STREET     | 04103 | 12             |
| ST. JOSEPH'S MANOR CHILD      | 171 WASHINGTON AVENUE  | 04103 | 12             |
| STEVE SMITH                   | 85 DOLE DRIVE          | 04103 | 10             |
| SUSAN JOHNSTON                | 66 JACKSON STREET      | 04103 | 12             |
| SUZANNE KAKLEGIAN             | 88 PRESUMPCOT STREET   | 04103 | 10             |
| TAMMIE GARLAND                | 90 E. COMMONWEALTH DR. | 04103 | 6              |
| THERESA FAHERTY               | 68 PENNELL AVE.        | 04103 | 6              |
| VICKI CRONIN                  | 183 CORNELL STREET     | 04103 | 12             |
| WILDA THERIAULT               | 112 FRONT ST.          | 04103 | 5              |

19,530<sup>A</sup> 12 - 20,694<sup>B</sup> 6,500 min lot size.



① PORTLAND CHILD CARE CENTERS - > 12 children served

\* Indicates residential structure, residential zone

| NAME                              | ADDRESS                        | ZIP   | TOTAL CAPACITY                                   |
|-----------------------------------|--------------------------------|-------|--|
| ✓ CATHEDRAL AFTER SCHOOL          | 14 LOCUST ST.                  | 04101 | 20   |
| ✓ CATHERINE MORRILL DAY NURSER    | 96 DANFORTH ST.                | 04101 | 85   |
| ✓ CHILDREN'S ODYSSEY              | 134 PARK ST.                   | 04101 | 30   |
| ✓ CUMMINGS CDC PROP               | 134 CONGRESS                   | 04101 | 20   |
| ✓ KENNEDY PARK CDC PROP           | 58 BOYD ST.                    | 04101 | 20   |
| ✓ PROP HEAD START AND CHILD CA    | 510 CUMBERLAND AVE.            | 04101 | 59   |
| ✓ REICHE/PROP AFTER SCHOOL        | 510 CUMBERLAND AVE.            | 04101 | 20   |
| ✓ ST. ELIZABETH'S CHILD DEV CT    | 87 HIGH STREET                 | 04101 | 92   |
| ✓ WAYNFLETE AFTERSCHOOL PRO       | 360 SPRING ST.                 | 04101 | 40   |
| ✓ YMCA                            | 70 FOREST AVENUE               | 04101 | 80   |
| ✓ YWCA CHILD CARE SERVICES        | 87 SPRING STREET               | 04101 | 49   |
| ✓ BREAKWATER AFTER SCHOOL         | 856 BRIGHTON AVENUE            | 04102 | 49   |
| ✓ HORIZONS CHILD CARE             | 192 BRACKETT STREET            | 04102 | 43   |
| ✓ LIL' FIREHOUSE, STATION 11      | 23 ORONO RD. HALL SCHOOL       | 04102 | 48   |
| ✓ MASTERPIECE LEARNING CENTER     | 130 ST. JOHN ST.               | 04102 | 52   |
| ✓ NOAH'S ARK                      | 1520 WESTBROOK STREET          | 04102 | 50   |
| ✓ SAGAMORE CHILD DEV. CENTE       | 21 POPHAM ST.                  | 04102 | 23   |
| ✓ ST. PATRICK'S SCHOOL            | 1251 CONGRESS ST.              | 04102 | 40   |
| ✓ UNUM CHILD DEVELOPMENT CENTE    | 2195 CONGRESS STREET           | 04102 | 65   |
| ✓ * WESTSIDE CHILD DEVELOPMENT C  | -64 CLARK STREET, APT. 1       | 04102 | 15 - 3,857 sq ft.                                |
| ✓ BACK COVE CHILDREN'S CENTER     | 28 VANNAH AVENUE               | 04103 | 30   |
| ✓ CHILDREN'S CO-OP DAYCARE        | 302 STEVENS AVE                | 04103 | 17   |
| ✓ FIRST LUTHERAN SCHOOL AGE C     | 132 AUBURN STREET              | 04103 | 40   |
| ✓ * LITTLE FOLK CARE CENTER       | -1171 WASHINGTON AVE.          | 04103 | 17 - no address in computer - St. Joseph's Manor |
| ✓ LITTLE FOLKS CARE CENTER        | 1340 RIVERSIDE STREET          | 04103 | 20   |
| ✓ PORTSIDE LEARNING CENTER        | 1600 FOREST AVE                | 04103 | 40   |
| ✓ RIVERTON CHILD DEV. CTR.        | 102-104 RIVERTON PARK          | 04103 | 20   |
| ✓ THE CHILDREN'S EXPRESS          | 1359 WASHINGTON AVE            | 04103 | 49   |
| ✓ THE CHILDREN'S EXPRESS          | 535 OCEAN AVENUE               | 04103 | 79   |
| ✓ TRINITY DAY CARE                | 113 COYLE STREET               | 04103 | 35   |
| ✓ USM CHILDCARE-PORTLAND          | 96 FALMOUTH STREET (MAILING)   | 04103 | 61   |
| ✓ * WESTBROOK COLL CHILD. CTR     | -721 STEVENS AVENUE            | 04103 | 50 - no address in computer                      |
| ✓ PREBLE LEARNING CENTER          | P.O. Box 10008 331 Cumberland  | 04104 | 45   |
| ✓ WESTWOOD CHILDREN'S CENTER      | P.O. Box 1768 1037 Forest Ave. | 04104 | 30   |
| ✓ YMCA (LONGFELLOW SCHOOL)        | 432 STEVENS AVENUE             | 04104 | 20   |
| ✓ YMCA BAXTER AFTER SCHOOL        | 70 FOREST AVE                  | 04104 | 35   |
| ✓ EAST END CHILDREN'S WORKSHOP    | 10 MAYO STREET/P.O. Box 7355   | 04112 | 61   |
| ✓ * A CHILD'S PLACE (D. FLANAGAN) | -100 FLORIDA AVENUE            | 24    | - 1,753 sq ft.                                   |

③ PORTLAND NURSERY SCHOOLS

| NAME                         | ADDRESS             | ZIP   | TOTAL CAPACITY |
|------------------------------|---------------------|-------|----------------|
| BRIGHT BEGINNINGS MONTESSORI | ✓14 LOCUST STREET   | 04101 | 24             |
| CHILDREN'S CO-OP NURSERY     | ✓32 THOMAS ST.      | 04101 | 20             |
| BREAKWATER NURSERY SCHOOL    | ✓856 BRIGHTON AVE.  | 04102 | 36             |
| ST. PATRICK'S NURSERY        | ✓251 CONGRESS ST.   | 04103 | 30             |
| STEVEN'S AVENUE CO-OP        | ✓699 STEVENS AVE.   | 04102 | 18             |
| WAYNFLETE NUSERY SCHOOL      | ✓380 SPRING ST.     | 04102 | 20             |
| ART PLAY                     | ✓524 ALLEN AVE.     | 04103 | 20             |
| BACK COVE LEARNING CENTER    | ✓2 WANNAH AVENUE    | 04103 | 20             |
| FIRST LUTHERAN PRESCHOOL     | ✓132 AUBURN ST.     | 04103 | 32             |
| PRVTC EARLY CHILDHOOD PROGRA | ✓196 ALLEN AVE      | 04103 | 36             |
| STEVENS AVE CHURCH NURSERY   | ✓790 STEVENS AVENUE | 04103 | 25             |

**DRAFT**

**CITY OF PORTLAND  
ZONING PROPOSAL FOR CHILD CARE CENTERS**

**Proposal:**

On , 1995, the City Council considered zoning amendments for child care centers. Councilor DeLogu suggested that the proposed conditional use standards include flexible lot size provisions for oversized residential lots, which may accomodate larger child care facilities with more children.

It is proposed that a child care provider with a residential structure on a lot with less than or equal to the minimum required lot area may apply for a day care home with a maximum of twelve (12) children. In Option 1, if the lot exceeds the minimum lot size, a provider could apply for a facility to serve more children based on a formula of one additional child per each 1,000 square feet of lot area beyond the minimum zoning requirement. In Option 2, a day care facility would need 1,500 square feet of additional lot area for each additional child beyond the twelve (12) children in a family day care. In each of these options, a day care facility would need to meet all of the conditional use standards, including the proposed lot size calculations.

The chart below is a tally of the number of lots available within the City's residential zones, which fall into several lot size categories:

**Option 1**

- a) lots with less than or equal to the required minimum lot size, thus a day care home with twelve (12) children would be the maximum number of children allowed;
- b) lots with 1,000 to 6,999 square feet beyond the minimum required lot size, thus a center with a maximum of thirteen (13) to seventeen (17) children could be considered;
- c) lots with 7,000 to 11,999 square feet beyond the minimum required lot size, thus a center with a maximum of eighteen (18) to twenty-three (23) children could be considered;
- d) lots with 12,000 square feet or more beyond the minimum required lot size, thus a center with a maximum of 24 children could be considered.

**Option 2**

- a) lots with less than or equal to the required minimum lot size, thus a day care home with twelve (12) children would be the maximum number of children allowed;
- b) lots with 1,500 to 8,999 square feet beyond the minimum required lot size, thus a center with a maximum of thirteen (13) to seventeen (17) children could be considered;
- c) lots with 9,000 to 17,999 square feet beyond the minimum required lot size, thus a center with a maximum of eighteen (18) to twenty-three (23) children could be considered;
- d) lots with 18,000 square feet or more beyond the minimum required lot size, thus a center with a maximum of 24 children could be considered.

**CHILD CARE CENTER PROPOSAL**

**OPTION 1**

**NUMBER OF RESIDENTIAL LOTS BY ZONE AND SQUARE FEET\***

| <b>ZONE</b> | <b>Min. Lot<br/>Sq. Ft.</b> | <b>MIN. LOT SIZE PLUS 1,000 SQ. FT. INCREMENTS</b> |   |   |                                  |
|-------------|-----------------------------|--|---|---|----------------------------------|
|             |                             | <b>No. Min.<br/>Lots</b>                           | <b>1000-5999 sq. ft.<br/>13-17 Children</b> | <b>6000 -11999 sq. ft.<br/>18-23 Children</b> | <b>12000+ sq. ft.<br/>Max 24</b> |
| R-1         | 15000                       | 13   | 14  | 3   | 38                               |
| R-2         | 10000                       | 655  | 530   | 185   | 236                              |
| R-3         | 6500                        | 3046   | 2613  | 748   | 646                              |
| R-4         | 6000                        | 72   | 75  | 40  | 20                               |
| R-5         | 6000                        | 2257   | 1149  | 291   | 388                              |
| R-6         | 4500                        | 2266   | 402   | 69  | 82                               |
| IR-1        | 40000                       | 486  | 29  | 16  | 133                              |

\* Assumption: one additional child per each 1,000 sq. ft. beyond minimum lot size

# DRAFT

## OPTION 2

### MINIMUM LOT SIZE PLUS 1,500 SQUARE FOOT INCREMENTS\*

| <u>ZONE</u> | <u>Min. Lot</u> | <u>1,500 SQ.FT. LOT INCREMENTS</u> |                          |                           |                       |
|-------------|-----------------|------------------------------------|--------------------------|---------------------------|-----------------------|
|             | <u>Sq. Ft.</u>  | <u>No. Min.</u>                    | <u>1500-8999 sq. ft.</u> | <u>9000-17999 sq. ft.</u> | <u>18000+ sq. ft.</u> |
|             |                 | <u>Lots</u>                        | <u>13-17 children</u>    | <u>18-23 children</u>     | <u>Max. 24</u>        |
| R-1         | 15000           | 14                                 | 13                       | 6                         | 34                    |
| R-2         | 10000           | 701                                | 603                      | 139                       | 163                   |
| R-3         | 6500            | 3506                               | 2674                     | 456                       | 417                   |
| R-4         | 6000            | 85                                 | 84                       | 29                        | 9                     |
| R-5         | 6000            | 2461                               | 1134                     | 183                       | 307                   |
| R-6         | 4500            | 2357                               | 362                      | 41                        | 59                    |
| IR-1        | 40000           | 489                                | 40                       | 21                        | 113                   |

\*Assumption: one additional child per each 1,500 sq. ft. beyond minimum lot size

Feb. 26, 1996

## Day Care Zoning Amendments

**The following is a draft provision intended to address circumstances in which larger home-based day care facilities (serving more than 12 children) might be permitted.**

- iii. Facilities located in residential structures shall be allowed to accommodate more than 12, but not more than 24, children only where the subject lot is well in excess of the minimum lot size for the zone and the average lot sizes of the surrounding neighborhood. The lot shall feature a large yard area useable for outdoor play with ample setback and screening from surrounding residences, as well as safe and adequate parking and vehicular circulation to service the needs of staff and clientele, which can be provided without negatively impacting the residential character of the lot and neighborhood.



# City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137,  
14-145.3, 14-145.9, 14-147.5 (ZONING ORDINANCE)  
§14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby amended as follows:

## Sec. 14-68. Conditional uses.

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) Other:

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

e. ~~Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:~~

i. ~~The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.~~

ii. ~~The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.~~

*except as specified in paragraph iii below*

→ iii

iii. ~~Outdoor play areas shall be screened and buffered from surrounding residences with~~

landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

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## Day Care Zoning Amendments

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*except as specified in paragraph iii below*

→

iii

iii. Outdoor play areas shall be screened and buffered from surrounding residences with

landscaping and/or fencing to minimize visual and noise impacts.

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iii. Outdoor play areas shall be screened and



MAINE/LOCAL

# Council won't buy day care rules

● The proposals are sent back to the Planning Board who are asked to come up with a less restrictive alternative.

By **SCOTT THOMSEN**  
Staff Writer

Day care operators won a temporary reprieve Monday night when the Portland City Council tabled a proposal that would make it tougher to open large day care centers in residential areas.

Members of the Zoning Board of Appeals had asked the council to limit the number of children who could be cared for in homes.

Councilors said they didn't like proposals to allow no more than 12

children in a neighborhood day care center and to prohibit houses from being converted into day care centers with no residential uses.

Councilors sent the proposals back to the Planning Board and asked that a less restrictive alternative be brought to the council within 90 days.

Currently, home-based day care for up to six children is allowed in residential areas with no restrictions. Larger facilities can operate with conditional use permits.

Of the dozens of day care centers in Portland, four are home-based facilities that serve more than 12 children. Any changes would not affect facilities already operating.

"I'm troubled when it comes to solving discretion by a fixed number," Councilor Orlando Delogu said.

"The average shoe size is 9 1/2 C, but if we gave everyone in this room a 9

1/2 C, I'm sure some people would be uncomfortable. Leaving it as a conditional use allows a wide variety of options. All conditional uses can be denied."

Several applications in the past two years for large day care operations serving up to 30 children in residential neighborhoods prompted the request for new regulations, said John Knox, chairman of the Zoning Board of Appeals.

Without better guidelines, he said, the board was reluctant to deny any application for a conditional use permit. Some of them were approved and others withdrawn, he said.

"It's the larger ones we're concerned about," Chief Planner Alex Jaegerman said. "Right now, you could take a house and convert it to day care and maybe nobody lives there. It's a business use."

Several day care operators argued that stricter rules would limit the few options parents have for day care.

Debbie Flanagan, who operates a large neighborhood day care on Florida Avenue, said that, under the proposed changes, the next day care center like hers that wanted to open would have to do so in a commercial area such as a strip mall.

"As a parent, you want your children in a nice, safe environment," she said. "I strongly believe the children belong in neighborhoods."

In other action Monday night, the council voted unanimously to declare Wednesday "Sea Dogs Day" in honor of the Portland Sea Dogs clinching a berth in the AA Eastern League playoffs.

Congress Street is scheduled to be closed for a Sea Dogs Day celebration between Elm Street and Preble Street from 11:45 a.m. to 1:15 p.m.

## Day Care Zoning Amendments

**The following is a draft provision intended to address circumstances in which larger home-based day care facilities (serving more than 12 children) might be permitted.**

- iii. Facilities located in residential structures shall be allowed to accommodate more than 12, but not more than 24, children only where the subject lot is well in excess of the minimum lot size for the zone and the average lot sizes of the surrounding neighborhood. The lot shall feature a large yard area useable for outdoor play with ample setback and screening from surrounding residences, as well as safe and adequate parking and vehicular circulation to service the needs of staff and clientele, which can be provided without negatively impacting the residential character of the lot and neighborhood.



# City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137,  
14-145.3, 14-145.9, 14-147.5 (ZONING ORDINANCE)  
§14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby  
amended as follows:

Sec. 14-68. Conditional uses.

The following uses are permitted only upon the issuance of a  
conditional use permit, subject to the provisions of section 14-474  
(conditional uses) of this article and any special provisions,  
standards or requirements specified below:

(3) Other:

b. ~~Nursery schools, and kindergartens, and family day  
care facilities or home babysitting services not  
permitted as a home occupation under section 14-  
410;~~

e. ~~Day care facilities or home babysitting services  
not permitted as a home occupation under section  
14-410, subject to the following conditions:~~

i. ~~The facility shall be located in a structure  
in which one or more residential uses is  
located, unless the facility is located in a  
structure that has not been used as a  
residence in whole or in part within the five  
years immediately preceding the application  
for a day care or home babysitting use.~~

ii. ~~The maximum capacity shall be twelve (12)  
children for facilities located in residential  
structures. There shall be no maximum limit  
on the number of children in a facility  
located in a structure that has not been used  
as a residence in whole or in part within the  
five years immediately preceding the  
application for a day care or home babysitting  
use.~~

*except as  
specified in  
paragraph iii  
below*

→ iii

iii. ~~Outdoor play areas shall be screened and  
buffered from surrounding residences with~~

landscaping and/or fencing to minimize visual and noise impacts.

iv. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

v. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be located in a structure in which one or more residential uses is located, unless the facility is located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

ii. The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that has not been used as a residence in whole or in part within the five years immediately preceding the application for a day care or home babysitting use.

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*except as  
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→ iii

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iii. Outdoor play areas shall be screened and



Deb -

I was thinking about our meeting with Alex + 2 thoughts came to mind (playing devil's advocate of course):

1. If we say 1 acre - Maria A ~~does~~ would be non-conforming - she has just under an acre. 40,000 ~~sq~~ ft would be a standard she could meet.

2. As a general matter - if we set a lot size - are we encouraging providers to consolidate lots + bldgs. Is this a positive or negative impact?

① PORTLAND CHILD CARE CENTERS - > 12 children served

\* Indicates residential structure, residential zone

| NAME                              | ADDRESS                        | ZIP   | TOTAL CAPACITY                                 |
|-----------------------------------|--------------------------------|-------|--|
| ✓ CATHEDRAL AFTER SCHOOL          | 14 LOCUST ST.                  | 04101 | 20   |
| ✓ CATHERINE MORRILL DAY NURSER    | 96 DANFORTH ST.                | 04101 | 85   |
| ✓ CHILDREN'S ODYSSEY              | 134 PARK ST.                   | 04101 | 30   |
| ✓ CUMMINGS CDC PROP               | 134 CONGRESS                   | 04101 | 20   |
| ✓ KENNEDY PARK CDC PROP           | 58 BOYD ST.                    | 04101 | 20   |
| ✓ PROP HEAD START AND CHILD CA    | 510 CUMBERLAND AVE.            | 04101 | 59   |
| ✓ REICHE/PROP AFTER SCHOOL        | 510 CUMBERLAND AVE.            | 04101 | 20   |
| ✓ ST. ELIZABETH'S CHILD DEV CT    | 87 HIGH STREET                 | 04101 | 92   |
| ✓ WAYNFLETE AFTERSCHOOL PRO       | 360 SPRING ST.                 | 04101 | 40   |
| ✓ YMCA                            | 70 FOREST AVENUE               | 04101 | 80   |
| ✓ YWCA CHILD CARE SERVICES        | 87 SPRING STREET               | 04101 | 49   |
| ✓ BREAKWATER AFTER SCHOOL         | 856 BRIGHTON AVENUE            | 04102 | 49   |
| ✓ HORIZONS CHILD CARE             | 192 BRACKETT STREET            | 04102 | 43   |
| ✓ LIL' FIREHOUSE, STATION 11      | 23 ORONO RD. HALL SCHOOL       | 04102 | 48   |
| ✓ MASTERPIECE LEARNING CENTER     | 130 ST. JOHN ST.               | 04102 | 52   |
| ✓ NOAH'S ARK                      | 1520 WESTBROOK STREET          | 04102 | 50   |
| ✓ SAGAMORE CHILD DEV. CENTE       | 21 POPHAM ST.                  | 04102 | 23   |
| ✓ ST. PATRICK'S SCHOOL            | 1251 CONGRESS ST.              | 04102 | 40   |
| ✓ UNUM CHILD DEVELOPMENT CENTE    | 2195 CONGRESS STREET           | 04102 | 65   |
| ✓ * WESTSIDE CHILD DEVELOPMENT C  | -64 CLARK STREET, APT. 1       | 04102 | 15 - 3,557 sq ft.                              |
| ✓ BACK COVE CHILDREN'S CENTER     | 28 VANNAH AVENUE               | 04103 | 30   |
| ✓ CHILDREN'S CO-OP DAYCARE        | 302 STEVENS AVE                | 04103 | 17   |
| ✓ FIRST LUTHERAN SCHOOL AGE C     | 132 AUBURN STREET              | 04103 | 40   |
| ✓ * LITTLE FOLK CARE CENTER       | -1171 WASHINGTON AVE.          | 04103 | 17 - no address in computer St. Joseph's Manor |
| ✓ LITTLE FOLKS CARE CENTER        | 1340 RIVERSIDE STREET          | 04103 | 20   |
| ✓ PORTSIDE LEARNING CENTER        | 1600 FOREST AVE                | 04103 | 40   |
| ✓ RIVERTON CHILD DEV. CTR.        | 102-104 RIVERTON PARK          | 04103 | 20   |
| ✓ THE CHILDREN'S EXPRESS          | 1359 WASHINGTON AVE            | 04103 | 49   |
| ✓ THE CHILDREN'S EXPRESS          | 535 OCEAN AVENUE               | 04103 | 79   |
| ✓ TRINITY DAY CARE                | 113 COYLE STREET               | 04103 | 35   |
| ✓ USM CHILDCARE-PORTLAND          | 96 FALMOUTH STREET (MAILING)   | 04103 | 61   |
| ✓ * WESTBROOK COLL CHILD. CTR     | -721 STEVENS AVENUE            | 04103 | 50 - no address in computer                    |
| ✓ PREBLE LEARNING CENTER          | P.O. Box 10008 331 Cumberland  | 04104 | 45   |
| ✓ WESTWOOD CHILDREN'S CENTER      | P.O. Box 1768 1037 Forest Ave. | 04104 | 30   |
| ✓ YMCA (LONGFELLOW SCHOOL)        | 432 STEVENS AVENUE             | 04104 | 20   |
| ✓ YMCA BAXTER AFTER SCHOOL        | 70 FOREST AVE                  | 04104 | 35   |
| ✓ EAST END CHILDREN'S WORKSHOP    | 10 MAYO STREET/P.O. Box 7355   | 04112 | 61   |
| ✓ * A CHILD'S PLACE (D. FLANAGAN) | -100 FLORIDA AVENUE            |       | 24 - 1,753 Sq. Ft. H-3                         |

3/6



③ PORTLAND NURSERY SCHOOLS

| NAME                         | ADDRESS              | ZIP   | TOTAL CAPACITY |
|------------------------------|----------------------|-------|----------------|
| BRIGHT BEGINNINGS MONTESSORI | ✓ 14 LOCUST STREET   | 04101 | 24             |
| CHILDREN'S CO-OP NURSERY     | ✓ 32 THOMAS ST.      | 04101 | 20             |
| BREAKWATER NURSERY SCHOOL    | ✓ 856 BRIGHTON AVE.  | 04102 | 36             |
| ST. PATRICK'S NURSERY        | ✓ 1251 CONGRESS ST.  | 04102 | 20             |
| STEVEN'S AVENUE CO-OP        | ✓ 699 STEVENS AVE.   | 04102 | 18             |
| WAYNFLETE NUSERY SCHOOL      | ✓ 360 SPRING ST.     | 04102 | 20             |
| ART PLAY                     | ✓ 524 ALLEN AVE.     | 04103 | 20             |
| BACK COVE LEARNING CENTER    | ✓ 2 VANNAH AVENUE    | 04103 | 20             |
| FIRST LUTHERAN PRESCHOOL     | ✓ 132 AUBURN ST.     | 04103 | 32             |
| PRVTC EARLY CHILDHOOD PROGRA | ✓ 196 ALLEN AVE      | 04103 | 36             |
| STEVENS AVE CHURCH NURSERY   | ✓ 790 STEVENS AVENUE | 04103 | 25             |

11  
27  
39

② PORTLAND FAMILY CHILD CARE HOMES

12 1/2 Under

| NAME                         | ADDRESS                       | ZIP   | TOTAL CAPACITY |
|------------------------------|-------------------------------|-------|----------------|
| CHERYL BRETT                 | ✓42 LAFAYETTE ST              | 04101 | 8              |
| DEBRA WILDES                 | ✓95 MUNJOY SOUTH (TOWNHOUSES) | 04101 | 6              |
| DOROTHY ROSE                 | ✓14 LOCUST ST.                | 04101 | 12             |
| FREDA ANDERSON               | ✓99 MUNJOY SOUTH              | 04101 | 10             |
| JEANETTE HORNE               | ✓96 MUNJOY SOUTH TOWNHOUSE    | 04101 | 6              |
| JUDITH MARDEN                | ✓21 CEDAR STREET              | 04101 | 12             |
| LISA CHRISTIAN               | ✓27 MUNJOY ST.                | 04101 | 9              |
| PATRICIA ANN WHEELER         | ✓19 LARCH ST.                 | 04101 | 6              |
| CHARLOTTE WINSLOW            | ✓19 CAPISIC STREET            | 04102 | 12             |
| CORNERSTONE CHILDREN'S HOUSE | ✓431 BRIGHTON AVE.            | 04102 | 12             |
| DELIA FOLEY                  | ✓214 TAFT STREET              | 04102 | 6              |
| ERICA ANDERSON/LORNA LEO     | ✓223 BRACKETT ST.             | 04102 | 12             |
| GENTLY NOW DAY CARE          | ✓837 BRIGHTON AVENUE          | 04102 | 12             |
| HERITAGE DAY CARE            | ✓1914 CONGRESS ST.            | 04102 | 12             |
| JANE FLAHERTY                | ✓87 HOLM AVE.                 | 04102 | 12             |
| JOYCE FOSS                   | ✓240 DANFORTH ST. APT. 107    | 04102 | 6              |
| JULIE OTTE                   | ✓4 CANDLEWYCK TERRACE         | 04102 | 8              |
| LISA BUTTS                   | ✓17 FREDERIC STREET           | 04102 | 8              |
| LUCIE TRUDEAU                | ✓47 TYNG STREET               | 04102 | 6              |
| MARION DOYLE                 | ✓47 TYNG ST.                  | 04102 | 6              |
| MARY LEMAY                   | ✓287 HOLM AVE                 | 04102 | 5              |
| MILDRED RICHARDSON           | ✓11 WOODFIELD ROAD            | 04102 | 8              |
| PENNY DEROCHE                | ✓36 ROBERTS ST.               | 04102 | 12             |
| RHONDA FOLEY                 | ✓23 RUDMAN RD.                | 04102 | 8              |
| ROSE MARIE FELKER            | ✓14 POWSLAND ST. APT. #3      | 04102 | 6              |
| RUTHI HOWE                   | ✓58 ROWE AVE                  | 04102 | 8              |
| SANDRA AMOROSO               | ✓801 BRIGHTON AVENUE          | 04102 | 12             |
| TINA ANDERSON                | ✓10 A DEANE STREET            | 04102 | 8              |
| TORI LYNCH                   | ✓13 DEVON ST.                 | 04102 | 8              |
| ALISON LAROCHE               | ✓95 AVALON RD.                | 04103 | 6              |
| ALLISON & ROBERT WEIMER      | ✓282 MARLBORO RD.             | 04103 | 11             |
| AMY BOLDOC                   | ✓18 READ ST. #1               | 04103 | 12             |
| ANN MCDUFFIE                 | ✓1412 RIVERSIDE ST.           | 04103 | 12             |
| ANNE SALAMONE                | ✓6 RICHARDSON STREET          | 04103 | 12             |
| BARBARA CONNELLY             | ✓99 E. COMMONWEALTH DR.       | 04103 | 6              |
| BARBARA FECTEAU              | ✓168 DOROTHY STREET           | 04103 | 5              |
| BEVERLY DESCHAMBEAULT        | ✓49 PRIMROSE LANE             | 04103 | 8              |
| BRENDA AXELSEN               | ✓5 BRAMBLEWOOD                | 04103 | 8              |
| CARLA SAVINO                 | ✓148 BRAINTREE ST.            | 04103 | 8              |
| CELIA WORREY                 | ✓162 WOODLAWN AVENUE          | 04103 | 12             |
| CIRCLE TIME PRESCHOOL        | ✓1364 WASHINGTON AVE.         | 04103 | 12             |
| DARLENE NAPOLITANO           | ✓56 BERNARD ROAD              | 04103 | 10             |
| DEBBIE FLANAGAN              | ✓35 BERRY AVENUE              | 04103 | 12             |
| DIANE MATHIEU                | ✓30 BARCLAY AVENUE            | 04103 | 12             |
| DIANNE TRYNOR                | ✓78 BAILEY AVENUE             | 04103 | 12             |

PORTLAND FAMILY CHILD CARE HOMES

| NAME                          | ADDRESS                 | ZIP   | TOTAL CAPACITY |
|-------------------------------|-------------------------|-------|----------------|
| GAIL COTE                     | ✓501 SUMMIT STREET      | 04103 | 12             |
| GAIL KELLY                    | ✓276 MARLBOROUGH ROAD   | 04103 | 8              |
| JANICE GAUDET                 | ✓126 SHERWOOD ST.       | 04103 | 12             |
| JEANNIE KRUPSKI               | ✓114 HARTLEY ST.        | 04103 | 12             |
| JOAN'S PLACE                  | ✓38 RAY STREET          | 04103 | 12             |
| JOANN SMITH                   | ✓1234 WASHINGTON AVE    | 04103 | 6              |
| JOANNE ANANIA                 | 65 BERKLEY STREET       | 04103 | 8              |
| KAREN MCILWAIN, DEBBIE BEVERI | ✓664 ALLEN AVE.         | 04103 | 8              |
| LAURIE GAGNON                 | ✓104 PROVIDENCE ST.     | 04103 | 6              |
| LORI & JOEL HARRISON          | ✓61 HUNTINGTON AVENUE   | 04103 | 8              |
| LOUISE & STEVE MARTIN         | ✓22 EASTMAN AVE.        | 04103 | 12             |
| MARIE ASCANIO                 | ✓1105 WASHINGTON AVE.   | 04103 | 12             |
| MARY REILLY                   | ✓129 BRENTWOOD ST.      | 04103 | 8              |
| NANCY GAVEL                   | ✓77 WALTON STREET       | 04103 | 12             |
| PAM THURSTON                  | 57 DEERING RUN          | 04103 | 11             |
| PAT ROE                       | ✓156 MAINE AVE          | 04103 | 8              |
| PAULA SMALL                   | ✓49 SAWYER STREET       | 04103 | 12             |
| SALLY EPISCOPO                | ✓239 AUBURN STREET      | 04103 | 6              |
| SHANNON RAFFERTY              | ✓13 SANBORN ST.         | 04103 | 8              |
| SHERRY PIERSON                | ✓44 WHITTIER ST.        | 04103 | 8              |
| SHERYL TREADWELL              | ✓142 CONCORD STREET     | 04103 | 12             |
| ST. JOSEPH'S MANOR CHILD      | ✓1171 WASHINGTON AVENUE | 04103 | 12             |
| STEVE SMITH                   | ✓85 DOLE DRIVE          | 04103 | 10             |
| SUSAN JOHNSTON                | ✓66 JACKSON STREET      | 04103 | 12             |
| SUZANNE KAKLEGIAN             | ✓88 PRESUMPCOT STREET   | 04103 | 10             |
| TAMMIE GARLAND                | ✓90 E. COMMONWEALTH DR. | 04103 | 6              |
| THERESA FAHERTY               | ✓68 PENNELL AVE.        | 04103 | 6              |
| VICKI CRONIN                  | ✓183 CORNELL STREET     | 04103 | 12             |
| WILDA THERIAULT               | ✓112 FRONT ST.          | 04103 | 5              |

19,530<sup>A</sup>

12 - 20,694<sup>B</sup>

6,500 min lot size.



on card stock

## MEETING CONFIRMATION

~~HT~~ SUBJECT: DAY CARE ZONING AMENDMENTS

DATE: THURSDAY, MARCH 14

TIME: 7:00 pm.

LOCATION: Room 209 Portland City Hall.

Please call ~~J~~ <sup>Jim Andrews (874-8300 ext. 8726)</sup> if you cannot attend. ~~Call~~  
Thank you.

Send to:

Gretchen Greenberg  
Child Care Connections  
~~HT~~ P.O. Box 10480  
Portland

Marie Ascanio  
1105 Washington Ave.

Paul Kendrick  
25 Morse St.

Jobbie Flanagan  
180 Florida Ave.

Charlotte Winslow  
19 Caprice St.

**CHILD CARE CENTER PROPOSAL**  
**MINIMUM LOT SIZE PLUS 1,000 SQUARE FOOT INCREMENTS**  
 Assumption: one additional child per each 1,000 square feet beyond minimum lot size

| <u>ZONE</u> | <b>1,000 SQ. FT. LOT INCREMENTS</b> |                            |                             |                       |
|-------------|-------------------------------------|----------------------------|-----------------------------|-----------------------|
|             | <u>MIN. LOT SIZE</u>                | <u>1,000-6,999 sq. ft.</u> | <u>7000 -16,999 sq. ft.</u> | <u>17000+ sq. ft.</u> |
|             | Maximum 12 childrer                 | 13-17 Children             | 18-23 Children              | Maximum 24 children   |
| R-1         | 13                                  | 14                         | 4                           | 37                    |
| R-2         | 655                                 | 578                        | 161                         | 212                   |
| R-3         | 3046                                | 2829                       | 567                         | 611                   |
| R-4         | 72                                  | 88                         | 31                          | 16                    |
| R-5         | 2257                                | 1232                       | 230                         | 366                   |
| R-6         | 2266                                | 424                        | 51                          | 78                    |
| IR-1        | 486                                 | 30                         | 21                          | 127                   |

**MINIMUM LOT SIZE PLUS 1,500 SQUARE FOOT INCREMENTS**  
 Assumption: one additional child per each 1,500 square feet beyond minimum lot size

| <u>ZONE</u> | <b>1,500 SQ.FT. LOT INCREMENTS</b> |                            |                            |                        |
|-------------|------------------------------------|----------------------------|----------------------------|------------------------|
|             | <u>MIN. LOT SIZE</u>               | <u>1,500-8,999 sq. ft.</u> | <u>9000-17,999 sq. ft.</u> | <u>18,000+ sq. ft.</u> |
|             | Maximum 12 childrer                | 13-17 children             | 18-23 children             | Maximum 24 children    |
| R-1         | 14                                 | 13                         | 6                          | 34                     |
| R-2         | 701                                | 603                        | 139                        | 163                    |
| R-3         | 3506                               | 2674                       | 456                        | 417                    |
| R-4         | 85                                 | 84                         | 29                         | 9                      |
| R-5         | 2461                               | 1134                       | 183                        | 307                    |
| R-6         | 2357                               | 362                        | 41                         | 59                     |
| IR-1        | 489                                | 40                         | 21                         | 113                    |

Feb. 12, 1996

For 12-24 kids

generously oversized lot

over mid lot size

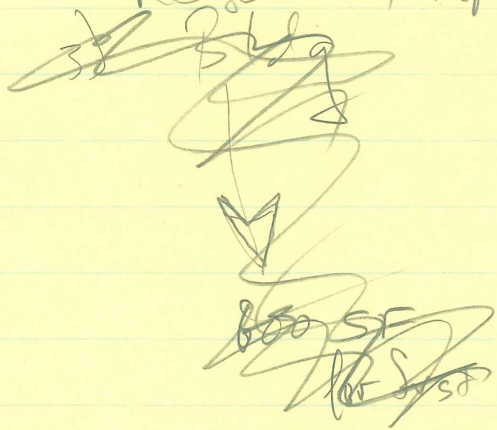
large yard area (Min 1000 SF) useable for outdoor play space with ample setbacks and screening from surrounding residences,

Per kid over 12)

2) lot should have adequate parking and circulation to serve the needs of staff and clients, which ~~is not~~ <sup>is</sup> provided without

negatively impacting

damaging the residential character of the neighborhood



63  
64  
127

10/11

What was the state's requirement re: <sup>outdoor</sup> play area / lot  
(<sup>new</sup> sufficient size for safe play)

current minimum lot sizes

R<sub>1</sub> - 15,000 sq. ft.

R<sub>2</sub> - 10,000 sq. ft.

R<sub>3</sub> - 6,500 sq. ft.

~~R<sub>4</sub>~~ - 6,000

R<sub>5</sub> - 6,000

R<sub>5a</sub> - 6,000

R<sub>6</sub> - 4,500

IR<sub>1</sub> - 40,000 w/ public water  
60,000 w/out public water

IR<sub>2</sub> - 20,000

minimum lot size

need 1,000 sq. ft./kid



PORTLAND CHILD CARE CENTERS, HOMES, AND NURSERY SCHOOLS

| NAME                          | ADDRESS                  | ZIP   | PHONE                    | TOTAL CAPACITY |
|-------------------------------|--------------------------|-------|--------------------------|----------------|
| KELLY CHABOT & DONNA          | 1364 WASHINGTON AVE.     | 04103 | (207) 878-8697           | 12             |
| LAURI-ANN MCLELLAN            | 96 PENNELL AVE.          | 04103 | (207) 797-9222           | 8              |
| LAURIE GAGNON                 | 104 PROVIDENCE ST.       | 04103 | (207) 775-2734           | 6              |
| LISA FOURNELLE                | 872 RIVERSIDE ST.        | 04103 | (207) 797-9548           | 6              |
| LORI HARRISON                 | 61 HUNTINGTON AVENUE     | 04103 | (207) 797-6437           | 6              |
| LOUISE MARTIN                 | 22 EASTMAN AVE.          | 04103 | (207) 797-5305           | 6              |
| LYNN PY                       | 394 WOODFORD STREET      | 04103 | (207) 772-7083           | 8              |
| MARIE ASCANIO                 | 1105 WASHINGTON AVENUE   | 04103 | (207) 878-3511 <i>as</i> | 12+12          |
| MARY REILLY                   | 129 BRENTWOOD ST.        | 04103 | (207) 773-6391           | 8              |
| MELANIE HUNTER                | 126 CONCORD STREET       | 04103 | (207) 774-9103           | 10             |
| NANCY GAVEL                   | 77 WALTON ST.            | 04103 | (207) 772-3577           | 11             |
| NANCY MIKULANECZ              | 3 DEMEREST ST.           | 04103 | (207) 878-3137           | 8              |
| PAM THURSTON                  | 57 DEERING RUN           | 04103 | (207) 797-4428           | 12             |
| PAT ROE                       | 156 MAINE AVE            | 04103 | (207) 797-6806           | 10             |
| PAULA SMALL                   | 49 SAWYER ST.            | 04103 | (207) 775-5428           | 6              |
| PLEASANT DAY NURSERY SCHOOL   | 970 FOREST AVENUE        | 04103 | (207) 878-2089           | 100            |
| PORTSIDE LEARNING CENTER      | 1600 FOREST AVE          | 04103 | (207) 797-7821           | 60             |
| PRVTC EARLY CHILDHOOD OCC     | 196 ALLEN AVE            | 04103 | (207) 874-8165           | 36             |
| RIVERTON CHILD DEV. CTR.      | 102-104 RIVERTON PARK    | 04103 | (207) 874-1140           | 20             |
| SALLY EPISCOPO                | 239 AUBURN STREET        | 04103 | (207) 797-3646           | 6              |
| SHERRY PIERSON                | 44 WHITTIER ST.          | 04103 | (207) 774-6674           | 8              |
| SHERYL TREADWELL              | 142 CONCORD STREET       | 04103 | (207) 773-8839           | 12             |
| ST. JOSEPH'S MANOR CHILD      | 1171 WASHINGTON AVENUE   | 04103 | (207) 797-0600           | 12             |
| STEVENS AVE CHURCH NURSER     | 790 STEVENS AVENUE       | 04103 | (207) 797-4573           | 25             |
| SUSAN JOHNSTON                | 66 JACKSON STREET        | 04103 | (207) 797-9236           | 12             |
| SUZANNE KAKLEGIAN             | 88 PRESUMPCOT ST.        | 04103 | (207) 772-9082           | 10             |
| TAMMIE GARLAND                | 90 E. COMMONWEALTH DR.   | 04103 | (207) 797-7512           | 7              |
| THE CHILDREN'S EXPRESS        | 1359 WASHINGTON AVE      | 04103 | (207) 797-8837           | 24             |
| THE CHILDREN'S EXPRESS        | 535 OCEAN AVENUE         | 04103 | (207) 761-3922           | 79             |
| THERESA FAHERTY               | 68 PENNELL AVE.          | 04103 | (207) 797-6702           | 6              |
| TRINITY DAY CARE              | 113 COYLE STREET         | 04103 | (207) 761-0655           | 35             |
| USM CHILDCARE-PORTLAND        | 96 FALMOUTH STREET       | 04103 | (207) 780-4125           | 63             |
| VICI NOILES                   | 64 INVERNESS ST.         | 04103 | (207) 775-2714           | 6              |
| VICKI CRONIN                  | 183 CORNELL STREET       | 04103 | (207) 797-3093           | 12             |
| WESTBROOK COLL CHILD. CTR     | 721 STEVENS AVENUE       | 04103 | (207) 797-9366           | 60             |
| WESTWOOD CHILDREN'S CENTER    | 587 OCEAN AVE            | 04103 | (207) 775-0413           | 24             |
| WILDA THERIAULT               | 112 FRONT ST.            | 04103 | (207) 775-2883           | 5              |
| PREBLE CHAPEL CHILD CARE      | 331 CUMBERLAND AVE       | 04104 | (207) 874-1073           | 27             |
| YMCA BAXTER AFTER SCHOOL      | 70 FOREST AVE            | 04104 | (207) 874-1111           | 35             |
| YMCA LONGFELLOW BEF/AFT       | 70 FOREST AVE            | 04104 | (207) 874-1111           | 20             |
| YMCA N. CLIFFORD AFTER SCHOOL | TRANSPORT TO BAXTER SCH. | 04104 | (207) 874-1111           | 20             |
| EAST END CHILDREN'S WORKSHOP  | 10 MAYO STREET           | 04112 | (207) 772-5467           | 61             |

*back on the left message for 14th.*



PORTLAND CHILD CARE CENTERS, HOMES, AND NURSERY SCHOOLS

| NAME                                   | ADDRESS                                   | ZIP              | PHONE                     | TOTAL CAPACITY |
|--|---|------------------|---------------------------|----------------|
| BRIGHT BEGINNINGS MONTESS              | 14 LOCUST ST.                             | 04101            | (207) 772-2833            | 24             |
| CATHEDRAL AFTER SCHOOL                 | 14 LOCUST ST.                             | 04101            | (207) 775-1491            | 20             |
| CATHERINE MORRILL DAY NURSERY          | 96 DANFORTH ST.                           | 04101            | (207) 874-1115            | 85             |
| CHERYL BRETT                           | 42 LAFAYETTE ST                           | 04101            | (207) 772-8150            | 6              |
| CHILDREN'S NURSERY SCHOOL              | 32 THOMAS ST.                             | 04101            | (207) 799-7906            | 20             |
| CUMMINGS CDC PROP                      | 134 CONGRESS                              | 04101            | (207) 874-1140            | 20             |
| CYNTHIA GOODHUE                        | 59 GRANT ST. APT. 2                       | 04101            | (207) 772-2085            | 8              |
| DEBBIE BONNVIE                         | 41 MERRILL ST.                            | 04101            | (207) 879-0853            | 12             |
| DEBRA WILDES                           | 95 MUNJOY SOUTH (TOWNHOUSES)              | 04101            | (207) 774-3747            | 8              |
| DOROTHY ROSE                           | 14 LOCUST ST.                             | 04101            | (207) 772-6785            | 12             |
| EAST END CHILDREN'S WORKSHOP           | 48 MOODY ST.                              | 04101            | (207) 772-5468            | 35             |
| FREDA ANDERSON                         | 99 MUNJOY SOUTH                           | 04101            | (207) 772-7215            | 10             |
| JEANETTE HORNE                         | 96 MUNJOY SOUTH TOWNHOUSE                 | 04101            | (207) 774-0034            | 6              |
| JUDITH GIUSTI                          | 41 MUNJOY SO.                             | 04101            | (207) 772-3852            | 8              |
| JUDITH MARDEN                          | 21 CEDAR STREET                           | 04101            | (207) 871-7763            | 8              |
| KENNEDY PARK CDC PROP                  | 58 BOYD ST.                               | 04101            | (207) 874-1140            | 20             |
| KINDERCARE YMCA                        | 70 FOREST AVE                             | 04101            | (207) 874-1111            | 20             |
| LISA CHRISTIAN                         | 58 CONGRESS ST #3                         | 04101            | (207) 761-1575            | 7              |
| SALLY MCCLOSKEY                        | 104 MUNJOY SOUTH                          | 04101            | (207) 772-0985            | 5              |
| ST. ELIZABETH'S CHILD DEV CT           | 87 HIGH ST                                | 04101            | (207) 871-7444            | 75             |
| WAYNFLETE AFTERSCHOOL PRO              | 360 SPRING ST.                            | 04101            | (207) 774-5721            | 40             |
| YMCA                                   | 70 FOREST AVENUE                          | 04101            | (207) 874-1111            | 83             |
| <del>YMCA WESTBROOK</del>              | <del>70 FOREST AVENUE (MAIN OFFICE)</del> | <del>04101</del> | <del>(207) 874-1111</del> | <del>20</del>  |
| YWCA                                   | 87 SPRING STREET                          | 04101            | (207) 874-1130            | 34             |
| YWCA PRESCHOOL PROGRAM                 | 23 ORONO RD. HALL SCHOOL                  | 04101            | (207) 772-2912            | 60             |
| BETTY WRIGHT                           | 31 TAYLOR STREET                          | 04102            | (207) 874-0960            | 8              |
| BREAKWATER NURSERY SCHOOL              | 856 BRIGHTON AVE.                         | 04102            | (207) 772-8689            | 36             |
| BREAKWATER SCHOOL AFTERCARE            | 856 BRIGHTON AVE.                         | 04102            | (207) 772-9237            | 49             |
| CHARLOTTE WINSLOW <i>Windsor Woods</i> | 19 CAPISIC STREET                         | 04102            | (207) 772-1736            | 12             |
| CINDY PARKER                           | 431 BRIGHTON AVE.                         | 04102            | (207) 773-6779            | 12             |
| DELIA FOLEY                            | 214 TAFT STREET                           | 04102            | (207) 775-5342            | 6              |
| GENIVIEVE TRUEWORTHY                   | 70 WHITNEY AVE.                           | 04102            | (207) 772-7226            | 6              |
| HERITAGE DAY CARE                      | 1914 CONGRESS ST.                         | 04102            | (207) 773-6334            | 12             |
| HORIZONS CHILD CARE                    | 192 BRACKETT STREET                       | 04102            | (207) 839-8200            | 43             |
| JOYCE FOSS                             | 240 DANFORTH ST. APT. 107                 | 04102            | (207) 774-5531            | 6              |
| JULIE OTTE                             | 4 CANDLEWYCK TERRACE                      | 04102            | (207) 774-6874            | 8              |
| KOALA CHILD KARE                       | 2195 CONGRESS STREET                      | 04102            | (207) 775-1946            | 64             |
| LORNA LEO                              | 223 BRACKETT ST.                          | 04102            | (207) 773-8490            | 12             |
| LORRAINE MCDADE                        | 837 BRIGHTON AVENUE                       | 04102            | (207) 772-5918            | 12             |
| LUCIE TRUDEAU                          | 47 TYNG STREET                            | 04102            | (207) 761-2775            | 6              |
| MARION DOYLE                           | 47 TYNG ST.                               | 04102            | (207) 773-8971            | 6              |
| MARY LEMAY                             | 287 HOLM AVE                              | 04102            | (207) 774-5366            | 5              |
| MILDRED RICHARDSON                     | LL WOODFIELD ROAD                         | 04102            | (207) 775-0865            | 8              |
| NOAH'S ARK                             | 1520 WESTBROOK STREET                     | 04102            | (207) 772-9691            | 55             |



PORTLAND CHILD CARE CENTERS, HOMES, AND NURSERY SCHOOLS

| NAME                           | ADDRESS                     | ZIP   | PHONE          | TOTAL CAPACITY |
|--------------------------------|-----------------------------|-------|----------------|----------------|
| PENNY DEROCHE                  | 36 ROBERTS ST.              | 04102 | (207) 772-5632 | 12             |
| REICHE/PROP AFTER SCHOOL       | 166 BRACKETT ST.            | 04102 | (207) 874-1140 | 20             |
| RHONDA NORTON FOLEY            | 23 RUDMAN RD.               | 04102 | (207) 773-9042 | 6              |
| ROSA TRUE HEAD START PROP      | 143 R STATE ST. ST. LUKES   | 04102 | (207) 874-1140 | 42             |
| RUTHI HOWE                     | 58 ROWE AVE                 | 04102 | (207) 773-2801 | 8              |
| SAGAMORE CHILD DEV. CENTER     | 21 POPHAM ST.               | 04102 | (207) 874-1140 | 23             |
| SANDRA AMOROSO                 | 801 BRIGHTON AVENUE         | 04102 | (207) 773-1637 | 12             |
| ST. PATRICK'S SCHOOL           | 1251 CONGRESS ST.           | 04102 | (207) 772-2521 | 40             |
| STEVEN'S AVENUE CO-OP          | 699 STEVENS AVE.            | 04102 | (207) 772-1688 | 18             |
| WAYNFLETE NUSERY SCHOOL        | 360 SPRING ST.              | 04102 | (207) 774-5721 | 20             |
| WESTSIDE CHILD DEVELOPMENT CTR | 64 CLARK STREET             | 04102 | (207) 772-9817 | 18             |
| ANN MCDUFFIE                   | 1412 RIVERSIDE ST.          | 04103 | (207) 878-2847 | 12             |
| ANN WILSON                     | 246 AUBURN TERRACE APT. 120 | 04103 | (207) 797-9544 | 6              |
| ANNE SALAMONE                  | 6 RICHARDSON ST             | 04103 | (207) 879-6004 | 12             |
| ANNE TALIENTO                  | 48 STURDIVANT DRIVE         | 04103 | (207) 797-6743 | 6              |
| ART PLAY                       | 524 ALLEN AVE.              | 04103 | (207) 773-6069 | 20             |
| BACK COVE CHILDREN'S CENTER    | 28 VANNAH AVENUE            | 04103 | (207) 774-8323 | 12             |
| BARBARA CONNELLY               | 99 E. COMMONWEALTH DR.      | 04103 | (207) 797-4622 | 6              |
| BARBARA FECTEAU                | 168 DOROTHY STREET          | 04103 | (207) 878-3045 | 5              |
| BEVERLY DESCHAMBEAULT          | 49 PRIMROSE LANE            | 04103 | (207) 797-2628 | 6              |
| BRENDA AXELSEN                 | 66 DEERING RUN              | 04103 | (207) 797-0778 | 11             |
| CATHY AMABILE                  | 99 SAUGUS ST.               | 04103 | (207) 797-3832 | 6              |
| CELIA WORREY                   | 162 WOODLAWN AVENUE         | 04103 | (207) 797-6234 | 12             |
| CHILDREN'S CO-OP DAYCARE       | 302 STEVENS AVE             | 04103 | (207) 774-9029 | 17             |
| CHILDREN'S ODYSSEY             | 9 FALMOUTH STREET           | 04103 | (207) 773-8446 | 20             |
| CLAIRE SMITH                   | 85 DOLE DRIVE               | 04103 | (207) 797-0515 | 10             |
| CONNIE LERMAN, STEPHANIE BRE   | 16 WILLIAM STREET           | 04103 | (207) 773-4563 | 12             |
| CYNTHIA MCGOVERN               | 181 LEXINGTON AVE.          | 04103 | (207) 878-2877 | 12             |
| DARLENE NAPOLITANO             | 56 BERNARD ROAD             | 04103 | (207) 797-7542 | 10             |
| DEBBIE FLANAGAN                | 35 BERRY AVENUE             | 04103 | (207) 797-8124 | 12             |
| DIANE MATHIEU                  | 30 BARCLAY AVE.             | 04103 | (207) 797-6397 | 12             |
| DIANNE TRYNOR                  | 78 BAILEY AVENUE            | 04103 | (207) 797-4064 | 8              |
| FIRST LUTHERAN PRESCHOOL       | 132 AUBURN ST.              | 04103 | (207) 797-2525 | 36             |
| FIRST LUTHERAN SCHOOL AGE C    | 132 AUBURN STREET           | 04103 | (207) 797-2525 | 40             |
| GAIL COTE                      | 501 SUMMIT STREET           | 04103 | (207) 797-9647 | 12             |
| GAIL KELLY                     | 276 MARLBOROUGH ROAD        | 04103 | (207) 797-9644 | 8              |
| GINA FITZPATRICK               | 61 HOMESTEAD AVE            | 04103 | (207) 797-2896 | 6              |
| JANICE GAUDET                  | 126 SHERWOOD ST.            | 04103 | (207) 774-5336 | 12             |
| JEANNIE KRUPSKI                | 114 HARTLEY ST.             | 04103 | (207) 761-4214 | 12             |
| JOAN NAIGLE                    | 38 RAY ST                   | 04103 | (207) 797-6985 | 12             |
| JOAN PALMER                    | 33 CLINTON ST.              | 04103 | (207) 773-8768 | 8              |
| JOANN SMITH                    | 1234 WASHINGTON AVE         | 04103 | (207) 797-2876 | 6              |
| KATHIE BROWN                   | 40 GLENWOOD AVE.            | 04103 | (207) 773-1617 | 8              |

*A Child's Home 878-9484*

Child Care in non-commercial structures in Zones limited to residential uses may soon be a thing of the past. If you would like to see Day Care continue in your school districts and away from Commercial Zones, We need to speak up now. Please fill out & return A.S.A.P if you feel the same way - Li'l FRHS

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

it is out of the heavy traffic areas. we also were lucky enough to have the day care in the school so that my son could go to pre-school and get use to the surroundings. the day care is in our neighborhood and my son feels safe.

**Name:** Susan Wilby  
**address:** 16 Aspen Dr  
Payson AZ  
01102



# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because: *I want my child to be in a residential away from cars, traffic and noise.*

**Name:** *Nancy Jones*  
**address:** *01 Forest Park #2  
P.Hd. 04101*

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

Its bad enough that we need 2 ~~f~~ incomes today which requires us to put children in day care. I can't imagine having to send my baby to a facility like the one on St. John St. or any other such busy commercial area.

Please vote to keep daycares in Residential neighborhoods to make ~~the~~ their days seem more family oriented rather than business oriented, I implore you.

I grew up in a neighborhood, did you? I'd like the same for my child. Thankyou for listening

**Name:** Anne Archambault

**address:** 154 Stevens Ave  
Portland  
773-9697



# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial

**area because:** I want my child to have a home environment. I feel this type of environment is important ~~to~~ his development and growth. I also feel that his daycare is smaller and the teacher to child ratio is greater, resulting in better quality care. I like the outside environment that he plays in. A back yard with trees and grass - versus a fenced in, sand filled, cage.

I feel that when I bring my child to this home daycare it is truly home away from home. It has a home environment and therefore psychologically it gives me a piece of mind. He's happy, I'm happy, making it a wonderful, ~~peace~~ loving, nurturing atmosphere that I know doesn't exist in institutional daycares.

**Name:** Yolanda Cherubin

**address:** 21 Nutter Way  
Scarborough, ME  
04074

\*Dad works in Portland  
moved from Capisic St about 6m ago

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

In today's society both parents have to work, childcare is a necessity. It is hard enough as a parent to leave your child with someone else. It is somewhat comforting to know that your child is being cared for in a home located in a residential neighborhood and is able to grow in an environment similar to ~~your~~ own at home.

**Name:** Todd & Bonnie STEWART

**Address:** 409 PALMER AVE.  
Portland, ME 04103

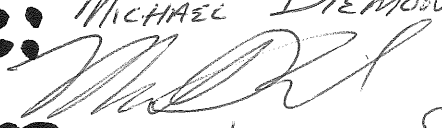
# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

HE IS A RESIDENT OF THAT NEIGHBORHOOD AND SHOULD BE PERMITTED TO SPEND HIS AFTER SCHOOL TIME IN A HOME ENVIRONMENT. SETH IMMENSELY ENJOYS HIS "HOME" TIME; AND THE LIL FIREHOUSE DAYCARE PROVIDES THIS TO HIM. A COMMERCIAL ZONE DAYCARE COULD NOT. FOR PRE-SCHOOL CHILDREN, MANY OF WHOM SPEND 40 HOURS OR MORE PER WEEK FROM AGE 6 MONTHS OR YOUNGER, A RESIDENTIAL "HOME" ENVIRONMENT IS ESSENTIAL. "INSTITUTIONALIZING" OUR CHILDREN ~~THEY~~ FROM INFANCY ON WOULD ROB THEM OF ANY OPPORTUNITY OF A HOME-LIKE UPBRINGING FOR THEIR LIFE. THINK ABOUT IT.

THERE EXISTS MUCH RHETORIC ABOUT LOSE OF FAMILY IN THESE TIMES, FOR MANY (PERHAPS MOST) CHILDREN TODAY DAY CARE MUST PROVIDE A FUNDAMENTAL PORTION OF "FAMILY".

Name: MICHAEL DIAMOND  
  
address: 64 HASTINGS ST.  
PORTLAND ME.

04102  
761-6992

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

It is much more convenient for our family. We like the "homey" down to earth atmosphere as it feels more like a home environment vs. a cold, less inviting type of facility. Having her pre-house 2 in Hill School has been wonderful for my daughter as it will help with her transition/continuity into kindergarten. She knows many of the teachers & feels very comfortable there.

My son also does before school care which also creates a very safe & comfortable environment

**Name:** Gary & Bonita Libby  
**Address:** 3 Donald St  
Portland, ME  
04102

(207) 773-1644

Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

Name: Mrs. Ackhambant  
P.O. Box 424  
address: N. Waterboro

Planning Board;

I/we am a parent of  
a child(s) in Child Care in  
a facility located in a  
residential neighborhood.

I chose this over a commercial  
area because:

Name: Ed & Kim Anderson

address: 183 Warwick St  
FERRAND, MA  
04102



# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

(I know) my child is safe going from school right to day care without leaving the building. I really enjoy the location + staff of the Day care.

**Name:** Kelly Beeman

**address:** 19 Gorges Street  
Portland, Me.  
04102



# Planning Board;

**I**/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

I want my child to be in a childcare in the neighborhood he lives in and is familiar with. It also gives him a sense of security to be in a familiar neighborhood. I am also concerned about transportation. If my child is not in his neighborhood childcare I could not work and go to school. I have no way or time to transport the child from school to his childcare if it were located in a non-residential ~~too~~ location. Location was one of the primary reasons for choosing my son's daycare.

**Name:** Christine Doyle

**Address:** 10 Godfrey St.  
Portland, ME  
04102

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial

area because: Daycares in residential areas allow children to remain in a familiar neighborhood, have a short car ride to care, and most importantly they are in an area where they are not disturbing anyone and people are expecting them and tend to drive at a slow pace and watch what they are doing because there are no other distractions or business traffic.

**Name:** Emily Vankemen  
**Address:** 88 Edgeworth Ave  
Portland Me  
04103

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

My children can go directly from day care to school, or school to day care. I therefore know where they are at all times. By having the day care in the school, I don't have to worry about my child being transported from school to a commercial area or how I will get my child transported. I feel that the day care at school is more in tune with my child's needs (I've had my children in commercial day care's in the past) and they feel more safe and secure in the school setting, as do I.

**Name:** Maureen Valentine

**Address:** 23 Bennett St  
Portland, ME

05/02

Planning Board;

I/we am a parent of  
a child(s) in Child Care in  
a facility located in a  
residential neighborhood.

I chose this over a commercial  
area because:

of the warm  
family environment instead of  
institutional setting.

Name: Ed & Linda Diste

address: 233 Joy Valley Rd  
Saco, ME

# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

- ① MUCH PREFERRED ENVIRONMENT OVER COMMERCIAL AREA FACILITIES.
- ② CONVENIENCE OF LOCATION FROM HOME AND WORK.
- ③ QUALITY OF CHILDCARE.

Name: ABBY SNYDER

address: 33 FARMONT  
PORTLAND, ME.



# Planning Board;

I/we am a parent of a child(s) in Child Care in a facility located in a residential neighborhood.

I chose this over a commercial area because:

The child care is co-located with my child's school and it is in a safe, familiar environment,

Name: KEVIN & LINDA  
MARKEE

address: 22 KEVINWORTH ST

AMENDMENTS TO ZONING AND SITE PLAN ORDINANCES

RE: DAY CARE REGULATIONS

CITY OF PORTLAND, APPLICANT

Submitted to:

Portland Planning Board  
Portland, Maine

June 27, 1995



## I. Introduction

At the request of the Zoning Board of Appeals, the Planning Board is considering a series of zoning and site plan amendments which would regulate the establishment of day care facilities in Portland's residential zones. The major objective of the amendments would be to limit the scale and impacts of home-based day care facilities.

Amendments are proposed for the following sections of the zoning ordinance: Sec. 14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-132, 14-145.3, 14.145.9 and 14-147.5. The amendments would add conditional use standards for day care facilities in the R1, R2, R3, R4, R5, R5A, R6, IR1, IR2 and R-P zones. Section 14-524 of the Site Plan Ordinance is to be amended as well.

Notice of the public hearing appeared in the June 20th and 21st editions of the Portland Press Herald. 112 notices were sent to Portland day care providers registered with Child Care Connections.

## II. Background

On March 28th, John Knox, Chairman of the Zoning Board of Appeals, appeared before the Planning Board to request a review of the Land Use Code's current regulations governing day care facilities.

Specifically, Mr. Knox asked that the Planning Board recommend to the City Council zoning amendments which would control the size and effects of home-based day cares in residential zones. The Zoning Board of Appeals requested the amendments after a number of conditional use applications before the Board highlighted the fact that the ordinance currently does not set limits on the number of children which can be served in a home day care. Lacking sufficient direction from the ordinance itself, the Zoning Board of Appeals has found itself in the difficult position of allowing home-based centers which it felt were too large for their residential neighborhood context.

The Planning Board held two workshops on the subject and staff held a separate workshop with day care providers to solicit their response to draft amendments and learn more about needs and trends in the day care industry. Three day care providers summarized the concerns of that community at the Planning Board's second workshop.

## III. Summary of Current Day Care Regulations

Currently, home-based day cares for six (6) or fewer children are considered home occupations and are allowed as a permitted use in all residential zones. Home-based establishments serving more than 6 children are termed "family day care facilities" or "home baby-sitting services" in the ordinance and, along with nursery schools and kindergartens, are listed as conditional uses in the City's residential zones.

The ordinance does not make any distinction between facilities which are located in residences and those which are located in churches, schools or other non-residential structures. Only the general conditional use standards included in Sec. 14-474 of the zoning ordinance are available to the Zoning Board of Appeals in considering whether a proposed facility will have an undue adverse impact. The Zoning Board of Appeals has held the view that, notwithstanding their discomfort with several recent proposals for larger home-based day cares, these general conditional use standards provide no support for a numerical cut-off and generally give insufficient authority to deny large home-based day cares except in extreme circumstances.

#### IV. Summary of Proposed Conditional Use Standards

Proposed is a series of conditional use standards which would apply specifically to day care facilities and home baby-sitting services in every residential zone in the city. The rationale for each standard is summarized below:

##### 1. Owner Occupancy or Residential Use Requirement

Consistent with the Planning Board's established position on preserving residential uses in residential zones, the Board made clear from the outset that it wanted to discourage the wholesale conversion of residential structures for day care use only. The only question debated by the Board was whether the ordinance should require that the day care be operated by the resident of the structure or whether the maintenance of one or more residential uses in the structure was sufficient.

Day care operators testified during the workshop that "burn-out" is a real issue for providers and that day cares could be better sustained if the provider had the option of living elsewhere. They also cited several local examples where a day care is run out of a relative's house.

The enclosed draft shows the option of requiring only that one or more residential use be maintained in the structure (See Attachment 1--3 e.i.). If the Board determines that actual owner-occupancy is preferable to provide a greater level of neighborhood stability, then the following alternative language could be considered:

The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.



## 2. Maximum Capacity

The key issue which prompted the Zoning Board of Appeal's request to the Planning Board was a concern about the number of children which can/should be served in a home day care setting. Initially it was suggested that a distinction might be considered between day cares in residential structures located on arterials/collector streets and those located on local streets and that larger-capacity home day cares might be acceptable on arterials/collectors. The Planning Board did not respond favorably to this option, citing numerous decisions where the Board has rejected efforts to treat residential structures on arterials differently than those on local streets. In the Board's view, home day cares serving more than 12 children assume a more commercial character with impacts inappropriate to residential neighborhoods. Just as it has generally resisted appeals for bonafide commercial conversions of residential structures, large day cares in residential structures were felt to be closely akin to commercial uses in terms of their impact.

In establishing a limit of 12 children, it should be noted that this number corresponds to the State's definition of "family child care" facilities. According to the Maine Department of Human Services a "family child care" serves "12 or fewer children" (see Attachment 3). While the state does not prohibit larger numbers of children in residential structures, it would not define such centers as "family" child care centers.

## 3. Screening

Also included in the proposed amendments is a standard requiring screening and buffering from surrounding residences. This can be accomplished with landscaping and/or fencing. It should be noted that the state requires a fenced-in play area for the safety of the children. The conditional use amendment is aimed primarily at reducing impacts on abutters. It should also be noted that this requirement would apply to all day care facilities, in residential structures or otherwise.

## 4. Screening of Solid Waste

Like the requirement to screen or buffer play areas, the proposed amendments include a provision requiring screening of solid waste. This too would apply to all day care facilities.

## 5. Site Plan Review Requirement

As the Board will note, the proposed conditional use standards apply to all day care facilities in residential neighborhoods. While standards i and ii address home-based day cares, standard iv addresses day care facilities in non-residential structures, where 12 or more children can be served. In such instances, the conversion of an existing building triggers site plan review. This is appropriate, as the impacts associated with the operation approximate those of a commercial enterprise in a residential zone. Traffic circulation, parking, etc. are relevant concerns.

In conjunction with this added conditional use standard, the Site Plan Ordinance needs to be amended as well. (See Sec. 14-522 (13)--page 2 of Attachment 1.) The Board will note that, according to the amendment language, the conversion of an existing building for a day care facility serving 12 or more is considered a minor development and thus subject to administrative review only.

**V. Conformance with the Comprehensive Plan**

As noted in this previous section of this report, the proposed zoning and site plan amendments are consistent with other city planning initiatives and development decisions where the question of residential conversions and compatible non-residential uses have been at issue. Time after time the Planning Board has attempted to limit incursions of commercial or other higher-intensity uses in residential neighborhoods and, where they have been allowed, attempted to mitigate their impacts with appropriate review standards.

**VI. Motion for the Board to Consider**

Based on the findings and information presented in Planning Report #27-95, the Board finds that the proposed zoning and site plan amendments are consistent with the City of Portland's Comprehensive Plan and recommends to the City Council that these amendments be enacted.

**Possible substitute amendment for standard i:**

- i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

**Attachments:**

1. Proposed Zoning and Site Plan Amendments
2. Original request from Zoning Board of Appeals
3. Brochure defining family child care
4. Letters

1. That Section 14-68(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~
- e. ~~Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:~~
  - i. ~~The facility shall be located in a structure in which one or more residential use is located, unless the facility is located in a structure that was not designed, built or used as a residence.~~
  - ii. ~~The maximum capacity shall be twelve (12) children for facilities located in residential structures. There shall be no maximum limit on the number of children in a facility located in a structure that was not designed, built or used as a residence.~~
  - iii. ~~Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.~~
  - iv. ~~Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.~~
  - v. ~~Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.~~



Language for RP Zone ; Site Plan  
Amendment

8. That section 14-147.5 of the Portland City Code is hereby amended to add a new subsection (2), said subsection to read as follows:

**Sec. 14-147.5. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(2) Any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot.

9. That Section 14-522 of the Portland City Code is hereby amended as follows:

**Sec. 14-522. Definitions.**

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

*Minor development* means and includes any of the following unless (1) the development is major development; or (2) the development is single-family development subject to the provisions of section 14-524(b):

(12) Special needs independent living units;

(13) The conversion of any existing building or portion of any existing building into a day care facility that provides services to more than twelve (12) children.

**CHILD CARE allows parents to work.**

**CHILD CARE is an integral fabric of our community as schools, hospitals and public safety services.**

**Welfare reform won't work without CHILD CARE.**

**CHILD CARE is a necessary component to economic revitalization.**

- **671 calls** were received from Portland residents seeking child care (*Source: Child Care Connections, 1/94 - 6/95*)

This is what we hear from working parents about the proximity of their child care:

*"I would really like my child to be close to my home, so both my husband and I can pick her up."*

*"My child attends school, and the child care needs to be on the bus route; near the school or in my neighborhood."*

*"I need child care close to home because I don't have transportation."*



Planning Board present:

Debbie Flanagan

44 daycare centers in residential neighborhoods

- daycares are allowed in residential neighborhoods - just not in residential structures.

Cde  
Delaney  
Williams  
Cavan  
McQuinn

- want floor

minimum lot sizes + Scarborough  
require 800 additional square feet of area per add. child

Cde's amendment:

e2  
has not been known - concerned about #'s, also concerned w/ use as a residence in whole or in part within the last 5 years.

if it's going to be a business, it's a business  
~~thinking~~ thinking about it as an abattoir

Tanna - staff has done a good job  
Drafting a compromise  
12 seems like a reasonable compromise

eliminate  
designed a bill  
4-1-1 measure

January

primarily 1-5 - and a small portion apply to retail use  
↓ 1-5 opposed

amended  
3-2 in favor  
Delaney, McQuinn  
opposed



# HOUSE OF REPRESENTATIVES

STATE HOUSE AUGUSTA 04333-0002

207 1400

Hon. Elizabeth Mitchell  
130 Eastern Promenade  
Portland, Maine 04101  
Tel: 207-775-1346

| Post-It* Fax Note | 7671                    | Date    | # of pages ▶               |
|-------------------|-------------------------|---------|----------------------------|
| To                | <i>Deborah Anderson</i> | From    | <i>Rep. J. E. Mitchell</i> |
| Co./Dept.         |                         | Co.     |                            |
| Phone #           |                         | Phone # | <i>289 1439</i>            |
| Fax #             | <i>874-8716</i>         | Fax #   |                            |

June 27, 1995

Kenneth Cole  
Dept. of Planning & Urban Development  
City Hall  
389 Congress Street  
Portland, Maine 04101

Dear Chairman Cole and Members of the Committee:

I am writing to express my concern about the proposed zoning changes for residential day care facilities. While I recognize that some clarification of regulations may be both timely and appropriate, I urge your consideration of the impact on working families.

As a member of the Human Resources Committee in the Maine Legislature and as a working parent, I am acutely aware of day care needs in our state and in Portland. While I understand the needs to maintain the integrity of residential areas, it is critical to ensure that access to day care is not limited further.

I understand that the proposals in front of you would limit hours of operation of day care facilities. Many Maine families who work anywhere from L.L. Bean to Nissen, work odd hours and rely on day care during evenings and weekends. Without access to day care, these parents are unable to work.

I am also concerned about the requirement of owner occupancy. While I understand the desire to ensure that day care centers are small and well-supervised, I know of day care providers who rent their buildings though the buildings remain residential. Please do not overly restrict day care providers with this provision.

While limiting the number of children may be appropriate, I urge you not to make your regulations duplicative with the state. Day care centers are already heavily regulated and it is important that we do not excessively burden providers.

Thank you very much for your consideration. I would be happy to meet or talk with you about this or other issues. Hopefully, we will adjourn someday. Best of luck in your deliberations.

Sincerely,

*J. Elizabeth Mitchell*  
J. Elizabeth Mitchell  
State Representative

**CITY OF PORTLAND, MAINE**  
**MEMORANDUM**

**TO:** Chair Cole and Members of the Planning Board

**FROM:** Deborah Andrews, Senior Planner

**DATE:** May 23, 1995

**SUBJECT:** Proposed Zoning Amendments Re: Home Day Care Facilities

On March 28th, the Planning Board considered a request by the Zoning Board of Appeals to revisit current zoning regulations for day care facilities. The ZBA requested the workshop after a number of conditional use applications highlighted the fact that the ordinance currently does not set limits on the number of children which can be served in a home day care. (See Attachment 6.) Lacking sufficient direction from the ordinance itself, the ZBA has found itself in the difficult position of allowing home-based centers which it feels are too large for their residential context.

In preparation for the Planning Board's initial workshop, staff drafted a series of conditional use standards for day care facilities in the R1-R6 zones. (See Attachment 1 for the first draft.) The preliminary draft anticipated the possibility of home day care facilities housing as many as 24 children, but allowed such larger facilities only on arterial or collector streets. Home day cares on local streets were limited to a maximum of 12 children.

In reviewing the draft standards, several Planning Board members questioned the rationale for distinguishing between arterial and local streets and suggested that by allowing larger home day care facilities on arterials, the City would be directing the future of those areas toward non-residential uses. Also, several Board members expressed the view that 24 children in any home day care setting was excessive.

Following the Board's workshop, staff held a separate workshop with Portland day care providers to explain why zoning amendments are being considered and solicit feedback on the amendments as drafted. Fourteen day care providers attended the meeting, most of whom operated facilities for 12 or fewer children. Major concerns raised at the meeting were as follows:

- 1) In general, providers argued that parents strongly prefer home-based day cares over larger day care centers in non-residential buildings or neighborhoods and that any new regulations should acknowledge and accommodate this demonstrated preference.
- 2) Several questioned the requirement that the day care be operated by the resident of the facility (see Standard i of first draft), citing several local examples where a day care is run out of a relative's home or in a residential structure converted for day care use only.

- 3) Some providers argued that the City should not set fixed limits on the number of children served in home-based day cares, as there are some residential properties which can readily accommodate larger numbers without adverse impacts on neighbors. They noted that the State sets square footage standards at 35 sq. ft. of usable space per child.
- 4) Some argued that, generally speaking, there should be fewer regulations up front and, if necessary, more latitude given to the Zoning Board of Appeals to respond to relevant issues on a case by case basis.
- 5) Some questioned the requirement for screening and buffering and for screening of solid waste (particularly for facilities serving 12 or fewer children).
- 6) Some expressed concern about the potential of the Zoning Board of Appeals limiting hours of operation (see Standard vi of the first draft), citing the need for day cares for children of parents working 2nd and 3rd shifts.

Based on the Board's preliminary comments and input from providers, staff has prepared a revised draft for the Board's consideration (see Attachment 2). The revised draft sets a maximum capacity for home-based day cares at 12 children and eliminates all distinctions between arterials & local streets. Regarding the proposed maximum number, it is instructive to note that the Maine Department of Human Services defines "family child care" as serving "12 or fewer children." (See enclosed brochure.) While the State allows larger numbers in residential structures, it would not define such centers as "family" child care centers.

For discussion purposes, the revised draft also eliminates the owner occupancy requirement, but requires that a residential use be maintained in the building. This has the effect of providing more flexibility for providers but not displacing the residential use.

Finally, standard vi of the original draft has been eliminated. This standard authorized the ZBA to impose additional limits on the number of children served or hours of operation where adverse impacts could be demonstrated. If the number of children in home day cares is reduced to 12, it was felt this standard would be unnecessary.

On Tuesday, as suggested by the Board, representatives of the day care provider community will present their concerns about the proposed regulations and answer questions about day care trends in this area. A color-coded map also will be available which indicates the location of various categories of day cares.

#### Attachments

1. Original draft standards
2. Revised draft standards
3. Child Care Connection brochure
4. List of current facilities by category
5. Letter from Elizabeth DellaValle re: family child care
6. Letter from John Knox, ZBA Chairman

Attachment 1.  
(original draft)

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137, 14-147.5  
(ZONING ORDINANCE) §14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby  
amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a  
conditional use permit, subject to the provisions of section 14-474  
(conditional uses) of this article and any special provisions,  
standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day  
care facilities or home babysitting services not  
permitted as a home occupation under section 14-  
410.~~

e. ~~Day care facilities or home babysitting services  
not permitted as a home occupation under section  
14-410, subject to the following conditions:~~

i. ~~The facility shall be operated by the resident  
of the structure in which the facility is  
located, unless the facility is located in a  
structure that was not designed, built or used  
as a residence.~~

ii. ~~The maximum capacity shall be twenty-four (24)  
children for facilities located in residential  
structures on arterial or collector streets as  
delineated on the Maine Department of  
Transportation Map, a copy of which is on file  
in the Department of Planning and Urban  
Development, except as provided in subsection  
vi.~~

iii. ~~The maximum capacity shall be twelve (12)  
children for facilities located in residential  
structures on local streets as delineated on  
the Maine Department of Transportation Map, a  
copy of which is on file in the Department of  
Planning and Urban Development, except as~~



provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. ~~Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.~~ <sup>The</sup>

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not~~

**CITY OF PORTLAND, MAINE**  
**M E M O R A N D U M**

**TO:** Chairman Cole and Members of the Portland Planning Board

**FROM:** Deborah Andrews, Senior Planner

**DATE:** March 28, 1995

**RE:** Proposed day care zoning amendments

The Zoning Board of Appeals has requested that the Planning Board review the Land Use Code's current regulations governing day care facilities and consider amendments which would provide more specificity in distinguishing smaller home day cares from larger facilities and more guidance regarding appropriate locations for each. As Chairman Knox states in a recent letter to the Council (see Attachment 1), the ordinance currently allows "family day care facilities" as a conditional use in most residential zones of the city. "Family day care facilities" are not defined in the ordinance, nor are limits established on the number of children served in such centers or on hours of operation. Given this ambiguity and the constraints on the Zoning Board of Appeal's authority, the Board has found itself in the difficult position of allowing centers which it feels are too large for their residential context.

Enclosed for the Board's consideration (see Attachment 2) is a series of proposed amendments to the zoning and site plan ordinances. As the Board will note, conditional use standards have been added for day care facilities and home baby-sitting services in the R-1 - R-6 zones. The standards stipulate that, in all zones, facilities shall be operated by a resident of the building unless the structure was built for a purpose other than residential. The standards limit larger day care facilities in residential structures (serving up to 24 children) to arterial or collector streets, with a maximum capacity of 12 children for centers located in residential structures on local streets. The standards ensure that adequate screening and solid waste storage are provided and, in the case of larger facilities on collector streets, that a pick-up and drop-off site be provided on the lot. Facilities providing services to more than 12 children are subject to site plan review. Finally, the Zoning Board of Appeals is given specific authority to impose limits on the number of children served or on the hours of operation.

The Board will note that the term "family day care facility" has been eliminated and replaced with "day care facilities." This language has been checked for consistency with state definitions.



Mr. Knox, Chairman of the Zoning Board of Appeals, will attend the workshop to discuss the Board's concerns. Following the Board's workshop, staff is proposing to hold a workshop with day care providers to solicit their response to the draft amendments. A current list of facilities, with their capacity indicated, is enclosed as Attachment 3.

Attachments

1. Letter from John Knox
2. Draft amendments
3. List of Portland day care facilities

~~permitted as a home occupation under section 14-410;~~

- d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
- i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.
  - ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
  - v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
  - vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

3. That Section 14-88(4) of the Portland City Code is hereby amended as follows:

**Sec. 14-88. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(4) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential

structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

4. That Section 14-103(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-103. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) Other:

- c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~
- d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
- i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.
  - ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
  - v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
  - vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such

negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

5. That Section 14-118(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-118. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban



Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

6. That Section 14-128(2) of the Portland City Code is hereby amended as follows:

**Sec. 14-128. Conditional uses.**



The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(2) *Other:*

- b. Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.
- c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.
  - ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
  - v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.
  - vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served

by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

7. That Section 14-137(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-137. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

d. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

f. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24)

children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

Grotalen Granting -

Marie Ascaris - not clear how she'd like  
antennae handled

24 children in C. bldg.

you'll often hear from people they didn't  
know & ~~is~~ they came visited in  
the neighborhood.

John Flanagan -

built out around a wave outside  
the home

ready candidates? Joe: no

John - when a facility is no longer available  
you have the potential

conditional uses are subject to the conditions  
of individual use. Standard

provisions - local

John - people are looking for neighborhood - mixed use  
concerned about doing the residential  
component altogether

thinking about how mixed uses in neighborhoods  
we have a history

~~John DeLoach~~  
John DeLoach - when you start viewing a house from the house (the owner) you cannot see it from neighbors.

concerned about not having such a view requirement.

Kevin McQuinn - small lots <sup>the issue is</sup> ~~the~~ the density

John Carroll - important that it be over-occupied regardless of whether it is a residential bdg.

revised to it about time requirement.



either  
it's a  
home or  
it's not

ISSUES RAISED BY FIRST DRAFT:

(12 OR LESS)

- SHOULD SMALLER FACILITIES, BE REQUIRED TO SCREEN? OR SHOULD IT BE THE PREROGATIVE OF ZBA? STATE ALREADY REQUIRES FENCED-IN PLAY AREA
- SHOULD SMALLER FACILITIES BE REQUIRED TO SCREEN SOLID WASTE? DOES SCALE OF FACILITY WARRANT?
- SITE PLAN REVIEW FOR 12+ FACILITIES? - BETH D.V. RAISED ISSUE, BUT MISSED THE PT. THAT IT WOULD BE MINOR SITE PLAN  
*This is more consistent w/ other conditional uses.*
- ARGUMENT TO PUT MORE LATITUDE IN ZBA'S HANDS, LESS REGULATION UP FRONT BUT ZBA HAS TRADITIONALLY DEFINED ITS ROLE VERY NARROWLY; STATE DEFINES IT NARROWLY
- SHOULD ZBA <sup>be</sup> GIVEN MORE GUIDANCE/STANDARDS AS TO WHEN A REDUCTION IN SIZE OR HOURS IS APPROPRIATE?

EACH SITUATION IS UNIQUE, NOT SURE WHAT STANDARDS WOULD BE HELPFUL; NOT THE OTHER HANDS IN AN APPROPRIATE WAY - *under the cost of*

owner leaves the property

CONCERNS RE: OWNER OCCUPANCY REQUIREMENT -

- IS IT NECESSARY -
- OPTIONS
- COULD REQUIRE THAT HOUSE RESIDENTS BUT NOT NECESSARILY THE DAY CARE PROVIDER *has effect of not displacing residential use*
- COULD LEAVE AS IS
- FACILITY ALSO

what is your objective

4/24/95 Mtg w/ Patrick Day Care Providers - <sup>13</sup> 12 attending

licensed for 12 - Walton  
12 - Richardson

6+2                      Sarban  
"                          - Deering Way

Johnie Flannagan - Center for Florida

Marie Abramo - 2 for 12 - Wadlington

Gretchen Greenberg

Celia - Woodlawn Ave - licensed for 12

Charlotte Windsor - Capisic St. home + center

Lucy Trudene - 8

Marie Abramo - question about collectors; artifacts -  
what are they?

Gretchen - re: owner occupation  
could parameters be added.

Charlotte Windsor - she'll make a real issue about  
it - people want their kids

- 35 sq. ft of measurable space/child (subbranch)
- would bring children out of neighborhoods
- definite trend - people want kids to be in neighborhoods.
- for them to go out ;



owner-occupied requirement - even larger issue  
perhaps the real issue is that some live there

feel like there are

- how do you define residence in a structure? principal residence

- will there be any dispersion requirement?

- recommendation: stagger drop-off times to avoid

no restrictions on the # of children that can live on a street

agree that there should be some limit

- restriction of hours is a concern

- presumably no child care centers that provide off-  
hours care  
stuff work

- really what is the magnitude of the problem - im'lt this  
week

- there has been an influx recently because several centers  
who have been licensed by the state had never been  
licensed by the state - so it seems like a rash

Employee parking

parent:  
keep kids in the neighborhood

Definition

Child care, not day care

Marie Arcanio - <sup>ambivalent</sup> maybe I'm happy ~~to~~ w/ lower limits  
abd of part time - probably <sup>serve</sup> 40 families

What limits would you support?  
① finance  
② maintaining integrity of home

2A - 4 adults as providers

Charlotte - will fight to the death about collectors  
having larger #'s

children belong in neighborhoods

would support larger # in the hearts of inner neighborhoods

I have a problem w/ owner-occupied requirement  
according to the state,  
w/ 12 children you're considered a center - you shouldn't have to live there

want to avoid provider burn-out

providers -

would prefer identical terminology

- over-occupied

- what about sign restrictions? several would

① introduction of non-over. use

② displacement of history

③

key issues

- the numbers

- artworks handled distinctly

- over-occupancy





Return on 25<sup>th</sup>

Walden

only surprise

As a way of addressing the zoning Board of Appeals concerns we added <sup>a series of</sup> conditional use standards for day care facilities in the R-1 to R-6 zones.

first thing

- cut-off for home occ's: 6 children
- why <sup>we</sup> the collector streets & arterial concept as a way of organizing this
- the distinction between residential structures & otherwise
- by the time you get to 24 kids whether it's a residential structure or otherwise, it's no longer a "home occ."
- Dana & John - would prefer to go back to the zone concept
- by <sup>collector streets for</sup> together <sup>more intensive use</sup> these areas' future towards non-residential use - their values will reflect

3d more considered center  
12 - Under  
considered child care home

does it cover island zones, too?

Ken C.

could we also tighten the home occupation rules  
- sets limit

- need to have definition for conditional

- 24 in a residential neighborhood is excessive

- want a sense of the problem in the community

Ken: Don't prepare

- a graph of particular zones - where it's a permitted.  
map the centers

- hold preliminary workshop w/ staff; providers  
a second organized one

SENT BY:

Attachment 1

[BOA LETTERHEAD]

February 24, 1995

Portland City Council  
 389 Congress Street  
 Portland, ME 04101

Dear Mayor Paulson and Members of the Council:

On February 23, 1995, we granted a conditional use appeal at 100 Florida Avenue to change the use of the property from a single family dwelling to a commercial "family day care facility" for 24 children. We granted the appeal despite our reservations about the adverse impact such a large day care facility will have on the residential character of the neighborhood, which is in the R-3 zone.

The reason we granted the appeal is that we felt constrained by the City's Land Use Ordinance. Under the Ordinance, "family day care facilities" are allowed conditional uses in the R-3 zone (and virtually every other residential zone in the City) -- with no limitation on the number of children such facilities may serve or on its hours of operation. (See Ordinance Sections 14-68(3)(b) (R-1); 14-78(3)(b) (R-2); 14-88(4)(c) (R-3); 14-103(3)(c) (R-4); 14-118(3)(c) (R-5); 14-128(2)(b) (R-5A); 14-137(3)(d) (R-6).) Although some have argued that the word "family" before the term "day care facility" was intended to mean that such facilities should be small, the Ordinance itself does not support this interpretation.<sup>1</sup>

As you know, under the Ordinance's conditional use provisions the Board of Appeals has no authority to deny a permitted conditional use unless (1) there are unique or distinctive characteristics or effects associated with the proposed conditional use, (2) there will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area, and (3) such impact differs substantially from the impact which would normally occur from such a use in that zone. (Ordinance Section 14-474(c)(2).) We granted the Florida Street application because we did not hear evidence sufficient to convince us that the proposed 24-child day care would produce impacts of such a magnitude that they would adversely affect health, safety, or welfare in a way that would

<sup>1</sup> Use of the Ordinance's definition of a "family" would mean that the children would need to live in the facility and that the facility must be nonprofit. (Ordinance Section 14-47.)

Portland City Council  
Page 2  
February 24, 1995

differ substantially from any other day care facility allowed as a conditional use in the R-3 zone.

Because the Ordinance provides no support for a numerical cut-off (above which a day care causes unique adverse impacts in a particular zone), we have been unwilling to create an arbitrary number. The result is that larger and larger day care facilities are being allowed in seemingly incompatible residential neighborhoods. We fear that soon we may be faced with an application to locate a 50+ child day care in such a residential neighborhood. We do not believe it is our job, however, to legislate a numerical limit.

For this reason, we turn to you to impose such a limit. We believe the City needs limits on the number of children that can be served by residentially-located day care facilities as soon as possible. We propose simply adding numerical limits in the sections of the Ordinance that state that family day care facilities are allowed conditional uses. For example, you might state that family day care facilities for up to 12 children are allowed conditional uses in the R-1, R-2, and R-3 zones, family day care facilities for up to 24 children are allowed conditional uses in the R-4, R-5, and R-5A zones, and impose no limit in the R-6 zone. You might also impose limits in the IR-1 and IR-2 zones.

Thank you for your consideration of this request. We would be happy to discuss this issue with you in person; please let us know if you would like to arrange a meeting.

Sincerely,

John C. Knox  
Chairman



**CITY OF PORTLAND, MAINE**  
**M E M O R A N D U M**

**TO:** Chairman Cole and Members of the Portland Planning Board

**FROM:** Deborah Andrews, Senior Planner

**DATE:** March 28, 1995

**RE:** Proposed day care zoning amendments

The Zoning Board of Appeals has requested that the Planning Board review the Land Use Code's current regulations governing day care facilities and consider amendments which would provide more specificity in distinguishing smaller home day cares from larger facilities and more guidance regarding appropriate locations for each. As Chairman Knox states in a recent letter to the Council (see Attachment 1), the ordinance currently allows "family day care facilities" as a conditional use in most residential zones of the city. "Family day care facilities" are not defined in the ordinance, nor are limits established on the number of children served in such centers or on hours of operation. Given this ambiguity and the constraints on the Zoning Board of Appeal's authority, the Board has found itself in the difficult position of allowing centers which it feels are too large for their residential context.

Enclosed for the Board's consideration (see Attachment 2) is a series of proposed amendments to the zoning and site plan ordinances. As the Board will note, conditional use standards have been added for day care facilities and home baby-sitting services in the R-1 - R-6 zones. The standards stipulate that, in all zones, facilities shall be operated by a resident of the building unless the structure was built for a purpose other than residential. The standards limit larger day care facilities in residential structures (serving up to 24 children) to arterial or collector streets, with a maximum capacity of 12 children for centers located in residential structures on local streets. The standards ensure that adequate screening and solid waste storage are provided and, in the case of larger facilities on collector streets, that a pick-up and drop-off site be provided on the lot. Facilities providing services to more than 12 children are subject to site plan review. Finally, the Zoning Board of Appeals is given specific authority to impose limits on the number of children served or on the hours of operation.

The Board will note that the term "family day care facility" has been eliminated and replaced with "day care facilities." This language has been checked for consistency with state definitions.

Mr. Knox, Chairman of the Zoning Board of Appeals, will attend the workshop to discuss the Board's concerns. Following the Board's workshop, staff is proposing to hold a workshop with day care providers to solicit their response to the draft amendments. A current list of facilities, with their capacity indicated, is enclosed as Attachment 3.

Attachments

1. Letter from John Knox
2. Draft amendments
3. List of Portland day care facilities

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137, 14-147.5  
(ZONING ORDINANCE) §14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~

e. ~~Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:~~

i. ~~The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.~~

ii. ~~The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.~~

iii. ~~The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as~~

provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility or limitations upon the permitted hours of operation if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility or in the number of permitted hours of operation.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not~~

8. That section 14-147.5 of the Portland City Code is hereby amended to add a new subsection (2), said subsection to read as follows:

**Sec. 14-147.5. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(2) Any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot.

9. That Section 14-522 of the Portland City Code is hereby amended as follows:

**Sec. 14-522. Definitions.**

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

*Minor development* means and includes any of the following unless (1) the development is major development; or (2) the development is single-family development subject to the provisions of section 14-524(b):

(12) Special needs independent living units.

(13) The conversion of any existing building or portion of any existing building into a day care facility that provides services to more than twelve (12) children.

define City terms identically to the way the  
state defi

our def's should parallel the state's

have occupation : 6 + 2

family day care <sup>facility used, but</sup> is not defined in an ordinance.  
a correlated to state definition,

has never put any

list state definitions

consistent w/

no definitions, but standards

taken care of ambiguity - correlated state  
law -  
management

Call Grutchen

RECEIVED

MAR 20 1995

PORTLAND PLANNING OFFICE

Centers

Provider Summary Report for Database PROV

| Num  | Prov ID | Name                                 | Address                        | City     | St Zip   | Phone         | Location  |
|------|---------|--------------------------------------|--------------------------------|----------|----------|---------------|-----------|
| 647  | 497     | Back Cove Children's Cen             | 28 Vannah Avenue               | Portland | ME 04103 | (207)774-8323 | Col: Row: |
| 1204 | 815     | Breakwater School                    | 856 Brighton Avenue            | Portland | ME 04103 | (000)000-0000 | Col: Row: |
| 1005 | 295     | Bright Horizons                      | 2195 Congress Street           | Portland | ME 04102 | (207)828-1223 | Col: Row: |
| 1003 | 222     | Cathedral After School               | 14 Locust St.                  | Portland | ME 04101 | (207)775-1491 | Col: Row: |
| 247  | 185     | Catherine Morrill Day Nu             | 96 Danforth St.                | Portland | ME 04101 | (207)874-1115 | Col: Row: |
| 66   | 48      | Children's Co-op Daycare             | 302 Stevens Ave                | Portland | ME 04103 | (207)774-9029 | Col: Row: |
| 687  | 504     | Children's Odyssey                   | 134 Park St.                   | Portland | ME 04101 | (207)773-8446 | Col: Row: |
| 271  | 202     | Cummings CDC Prop                    | 134 Congress                   | Portland | ME 04101 | (207)874-1140 | Col: Row: |
| 490  | 188     | East End Children's Work             | P.O. Box 7355                  | Portland | ME 04112 | (207)772-5468 | Col: Row: |
| 531  | 447     | First Lutheran School Ag             | 132 Auburn Street              | Portland | ME 04103 | (207)797-2525 | Col: Row: |
| 324  | 251     | Horizons Child Care                  | 192 Brackett Street            | Portland | ME 04102 | (207)839-8200 | Col: Row: |
| 273  | 205     | Kennedy Park CDC PROP                | 58 Boyd St.                    | Portland | ME 04101 | (207)874-1140 | Col: Row: |
| 281  | 213     | <del>WATERBURY YWCA</del>            | 70 Forest Ave                  | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 245  | 184     | Lil' Firehouse, Station 1            | 23 Orono Rd. Hall School       | Portland | ME 04102 | (207)773-4977 | Col: Row: |
| 910  | 694     | Little Folk Day Care                 | 1171 Washington Ave.           | Portland | ME 04103 | (207)878-0602 | Col: Row: |
| 1009 | 612     | Masterpiece Learning-Po              | 130 St. John St.               | Portland | ME 04102 | (207)780-6502 | Col: Row: |
| 250  | 188     | Noah's Ark                           | 1520 Westbrook Street          | Portland | ME 04102 | (207)772-9691 | Col: Row: |
| 1    | 0       | Portside Learning Center             | 1600 Forest Ave                | Portland | ME 04103 | (207)797-7821 | Col: Row: |
| 191  | 144     | Preble Learning Center               | P.O. Box 10008                 | Portland | ME 04104 | (207)874-1073 | Col: Row: |
| 949  | 207     | Prop Head Start and Chil             | 510 Cumberland Ave.            | Portland | ME 04101 | (207)874-1140 | Col: Row: |
| 232  | 172     | <del>Riverto/PROP After School</del> | <del>510 Cumberland Ave.</del> | Portland | ME 04101 | (207)874-1140 | Col: Row: |
| 241  | 180     | Riverton Child Dev. Ctr.             | 102-104 Riverton Park          | Portland | ME 04103 | (207)874-1140 | Col: Row: |
| 233  | 173     | Sagamore Child Dev. Cent             | 21 Popham St.                  | Portland | ME 04102 | (207)774-6837 | Col: Row: |
| 73   | 54      | St. Elizabeth's Child De             | 87 High Street                 | Portland | ME 04101 | (207)871-7444 | Col: Row: |
| 83   | 64      | St. Patrick's School                 | 1251 Congress St.              | Portland | ME 04102 | (207)772-2521 | Col: Row: |
| 135  | 100     | The Children's Express               | 535 Ocean Avenue               | Portland | ME 04103 | (207)761-3922 | Col: Row: |
| 136  | 101     | The Children's Express               | 1359 Washington Ave            | Portland | ME 04103 | (207)797-8837 | Col: Row: |
| 262  | 196     | Trinity Day Care                     | 113 Coyle Street               | Portland | ME 04103 | (207)761-0653 | Col: Row: |
| 387  | 301     | USM Childcare-Portland               | 96 Falmouth Street (mail       | Portland | ME 04103 | (207)780-4125 | Col: Row: |
| 227  | 168     | Waynflete Afterschool Fr             | 360 Spring St.                 | Portland | ME 04101 | (207)774-5721 | Col: Row: |
| 24   | 19      | Westbrook Coll Child. Ct             | 721 Stevens Avenue             | Portland | ME 04103 | (207)797-9366 | Col: Row: |
| 1011 | 345     | Westside Child Developme             | 64 Clark Street, Apt. 1        | Portland | ME 04102 | (207)773-9817 | Col: Row: |
| 418  | 324     | Westwood Children's Cent             | P.O. Box 1768                  | Portland | ME 04104 | (207)777-0413 | Col: Row: |
| 392  | 305     | YWCA Foxton after school             | 77 Forest Ave                  | Portland | ME 04104 | (207)874-1111 | Col: Row: |
| 819  | 642     | YWCA Cumberland School A             | 77 Forest Ave (Main offi       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1017 | 508     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1018 | 509     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1019 | 510     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1020 | 511     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1021 | 512     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1022 | 513     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1023 | 514     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1024 | 515     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1025 | 516     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1026 | 517     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1027 | 518     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1028 | 519     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1029 | 520     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |
| 1030 | 521     | <del>YWCA Cumberland School A</del>  | <del>77 Forest Ave</del>       | Portland | ME 04101 | (207)874-1111 | Col: Row: |

Send to ONE YWCA (Portland)



# Family Child Care Homes

## Provider Summary Report for Database PROV

| Num  | Prov ID | Name                     | Address                  | City     | St Zip   | Phone         | Location |      |
|------|---------|--------------------------|--------------------------|----------|----------|---------------|----------|------|
| 976  | 724     | Alison LaRoche           | 95 Avalon Rd.            | Portland | ME 04103 | (207)797-8414 | Col:     | Row: |
| 914  | 696     | Allison & Robert Weimer  | 282 Marlboro Rd.         | Portland | ME 04103 | (207)797-5586 | Col:     | Row: |
| 1031 | 675     | Amy Bolduc               | 18 Read St. #1           | Portland | ME 04103 | (207)772-2273 | Col:     | Row: |
| 572  | 462     | Ann McDuffie             | 1412 Riverside St.       | Portland | ME 04103 | (207)878-2847 | Col:     | Row: |
| 1017 | 21      | Anne Salamone            | 6 Richardson Street      | Portland | ME 04103 | (207)879-6004 | Col:     | Row: |
| 19   | 15      | Barbara Connelly         | 99 E. Commonwealth Dr.   | Portland | ME 04103 | (207)797-4622 | Col:     | Row: |
| 114  | 86      | Barbara Fecteau          | 168 Dorothy Street       | Portland | ME 04103 | (207)878-3045 | Col:     | Row: |
| 206  | 153     | Betty Wright             | 31 Taylor Street         | Portland | ME 04102 | (207)874-0960 | Col:     | Row: |
| 678  | 512     | Beverly Deschambeault    | 49 Primrose Lane         | Portland | ME 04103 | (207)797-2628 | Col:     | Row: |
| 568  | 460     | Brenda Axelsen           | 5 Bramblewood            | Portland | ME 04103 | (207)797-0778 | Col:     | Row: |
| 608  | 483     | Celia Worrey             | 162 Woodlawn Avenue      | Portland | ME 04103 | (207)797-6234 | Col:     | Row: |
| 749  | 563     | Charlotte Winslow        | 19 Capisic Street        | Portland | ME 04102 | (207)772-1736 | Col:     | Row: |
| 623  | 103     | Cheryl Brett             | 42 Lafayette St          | Portland | ME 04101 | (207)772-8150 | Col:     | Row: |
| 462  | 44      | Circle Time Preschool    | 1364 Washington Ave.     | Portland | ME 04103 | (207)878-8697 | Col:     | Row: |
| 759  | 597     | Connie Lerman, Stephanie | 16 William Street        | Portland | ME 04103 | (207)773-4563 | Col:     | Row: |
| 1019 | 285     | Cornerstone Children's H | 431 Brighton Ave.        | Portland | ME 04102 | (207)773-6779 | Col:     | Row: |
| 361  | 281     | Darlene Napolitano       | 56 Bernard Road          | Portland | ME 04103 | (207)797-7542 | Col:     | Row: |
| 661  | 500     | Debbie Flanagan          | 35 Berry Avenue          | Portland | ME 04103 | (207)797-8124 | Col:     | Row: |
| 1053 | 565     | Debra Wildes             | 95 Munjoy South (Townhou | Portland | ME 04101 | (207)774-3747 | Col:     | Row: |
| 438  | 341     | Delia Foley              | 214 Taft Street          | Portland | ME 04102 | (207)775-5342 | Col:     | Row: |
| 700  | 547     | Diane mathieu            | 30 Barclay Avenue        | Portland | ME 04103 | (207)797-6397 | Col:     | Row: |
| 439  | 342     | Dianne Trynor            | 78 Bailey Avenue         | Portland | ME 04103 | (207)797-4064 | Col:     | Row: |
| 653  | 73      | Dorothy Rose             | 14 Locust St.            | Portland | ME 04101 | (207)772-6785 | Col:     | Row: |
| 29   | 22      | Erica Anderson/Lorna Leo | 223 Brackett St.         | Portland | ME 04102 | (207)773-8490 | Col:     | Row: |
| 372  | 290     | Freda Anderson           | 99 Munjoy South          | Portland | ME 04101 | (207)772-7215 | Col:     | Row: |
| 752  | 196     | Gail Kelly               | 276 Marlborough Road     | Portland | ME 04103 | (207)797-9644 | Col:     | Row: |
| 36   | 27      | Gently Now Day Care      | 837 Brighton Avenue      | Portland | ME 04102 | (207)772-5918 | Col:     | Row: |
| 1023 | 284     | Heritage Day Care        | 1914 Congress St.        | Portland | ME 04102 | (207)773-6334 | Col:     | Row: |
| 1252 | 840     | Jane Flaherty            | 97 Holm Ave.             | Portland | ME 04102 | (207)874-9038 | Col:     | Row: |
| 783  | 166     | Janice Gaudet            | 126 Sherwood St.         | Portland | ME 04103 | (207)774-5336 | Col:     | Row: |
| 299  | 239     | Jeanette Horne           | 98 Munjoy South Townhou  | Portland | ME 04101 | (207)774-0034 | Col:     | Row: |
| 525  | 183     | Jeanne Krupski           | 114 Hartley St.          | Portland | ME 04103 | (207)761-4214 | Col:     | Row: |
| 438  | 208     | Jean Palmer              | 23 Clinton St.           | Portland | ME 04103 | (207)773-8788 | Col:     | Row: |
| 120  | 93      | Jean's Place             | 38 Bay Street            | Portland | ME 04103 | (207)797-6985 | Col:     | Row: |

|      |     |                           |                         |          |          |               |      |      |
|------|-----|---------------------------|-------------------------|----------|----------|---------------|------|------|
| 832  | 647 | Joanne Anania             | 65 Berkley Street       | Portland | ME 04103 | (207)828-1750 | Col: | Row: |
| 287  | 213 | Joyce Foss                | 240 Danforth St. Apt. 7 | Portland | ME 04102 | (207)774-5531 | Col: | Row: |
| 8    | 144 | Judith Marden             | 21 Cedar Street         | Portland | ME 04101 | (207)871-7763 | Col: | Row: |
| 204  | 152 | Julie Otte                | 4 Candlewyck Terrace    | Portland | ME 04102 | (207)774-6874 | Col: | Row: |
| 1126 | 773 | Karen McIlwain, Dabbie Be | 66+ Allen Ave.          | Portland | ME 04103 | (207)878-9334 | Col: | Row: |
| 738  | 587 | Lauri-Ann McLellan        | 96 Pennell Avenue       | Portland | ME 04103 | (207)797-9222 | Col: | Row: |
| 588  | 472 | Laurie Gagnon             | 104 Providence St.      | Portland | ME 04103 | (207)775-2734 | Col: | Row: |
| 955  | 714 | Lisa Butts                | 17 Frederic Street      | Portland | ME 04102 | (207)773-3745 | Col: | Row: |
| 117  | 89  | Lisa Christian            | 27 Munjoy St.           | Portland | ME 04101 | (207)761-1575 | Col: | Row: |
| 592  | 475 | Lori Harrison/Home Away   | 61 Huntington Avenue    | Portland | ME 04103 | (207)797-6437 | Col: | Row: |
| 119  | 90  | Louise & Steve Martin     | 22 Eastman Ave.         | Portland | ME 04103 | (207)797-5305 | Col: | Row: |
| 341  | 265 | Lucie Trudeau             | 47 Tyng Street          | Portland | ME 04102 | (207)761-2775 | Col: | Row: |

page 1

Provider Summary Report for Database PROV

| Num  | Prov ID | Name                     | Address                 | City     | St Zip   | Phone         | Location |      |
|------|---------|--------------------------|-------------------------|----------|----------|---------------|----------|------|
| 698  | 546     | Lynn Py                  | 394 Woodford Street     | Portland | ME 04103 | (207)772-7083 | Col:     | Row: |
| 472  | 258     | Marie Ascanio            | 1105 Washington Ave.    | Portland | ME 04103 | (207)878-3511 | Col:     | Row: |
| 627  | 307     | Marion Doyle             | 47 Tyng St.             | Portland | ME 04102 | (207)773-8971 | Col:     | Row: |
| 38   | 29      | Mary Lemay               | 287 Holm Ave            | Portland | ME 04102 | (207)774-5366 | Col:     | Row: |
| 146  | 111     | Mary Reilly              | 129 Brentwood St.       | Portland | ME 04103 | (207)773-6391 | Col:     | Row: |
| 187  | 140     | Mildred Richardson       | 11 Woodfield Road       | Portland | ME 04102 | (207)775-0865 | Col:     | Row: |
| 666  | 502     | Nancy Gavel              | 77 Walton Street        | Portland | ME 04103 | (207)772-3577 | Col:     | Row: |
| 175  | 131     | Pam Thurston             | 57 Deering Run          | Portland | ME 04103 | (207)797-4428 | Col:     | Row: |
| 349  | 271     | Pat Roe                  | 156 Maine Ave           | Portland | ME 04103 | (207)797-6806 | Col:     | Row: |
| 1229 | 827     | Patricia Ann Wheeler     | 19 Larch St.            | Portland | ME 04101 | (207)774-7309 | Col:     | Row: |
| 1203 | 814     | Paula Small              | 49 Sawyer St.           | Portland | ME 04103 | (207)775-5428 | Col:     | Row: |
| 542  | 227     | Penny DeRoche            | 36 Roberts St.          | Portland | ME 04102 | (207)772-5632 | Col:     | Row: |
| 953  | 60      | Rainbow Day Care         | 301 Summit Street       | Portland | ME 04103 | (207)797-9647 | Col:     | Row: |
| 156  | 118     | Rhonda Foley             | 23 Rudman Rd.           | Portland | ME 04102 | (207)773-9042 | Col:     | Row: |
| 1255 | 842     | Rosemarie Feiker         | 14 Powsland St. Apt. #3 | Portland | ME 04102 | (207)874-7404 | Col:     | Row: |
| 239  | 178     | Ruthi Howe               | 58 Rowe Ave             | Portland | ME 04102 | (207)773-2801 | Col:     | Row: |
| 1025 | 602     | Sally Episcopo           | 239 Auburn Street       | Portland | ME 04103 | (207)797-3646 | Col:     | Row: |
| 192  | 83      | Sandra Amoroso           | 801 Brighton Avenue     | Portland | ME 04102 | (207)773-1637 | Col:     | Row: |
| 109  | 333     | Sherry Pierson           | 44 Whittier St.         | Portland | ME 04103 | (207)774-6674 | Col:     | Row: |
| 188  | 142     | Sheryl Treadwell         | P.O. Box 10370          | Portland | ME 04103 | (207)773-8839 | Col:     | Row: |
| 47   | 36      | St. Joseph's Manor Child | 1171 Washington Avenue  | Portland | ME 04103 | (207)797-0600 | Col:     | Row: |
| 1133 | 777     | Stephanie Breau          | 120 Dartmouth St.       | Portland | ME 04103 | (207)773-8867 | Col:     | Row: |
| 415  | 322     | Steve Smith              | 85 Dole Drive           | Portland | ME 04103 | (207)797-0515 | Col:     | Row: |
| 413  | 321     | Susan Johnston           | 66 Jackson Street       | Portland | ME 04103 | (207)797-9236 | Col:     | Row: |
| 220  | 164     | Suzanne Kaklegian        | 88 Presumpscot Street   | Portland | ME 04103 | (207)772-9082 | Col:     | Row: |
| 288  | 279     | Tammie Garland           | 90 E. Commonwealth Dr.  | Portland | ME 04103 | (207)797-7512 | Col:     | Row: |
| 1047 | 320     | Theresa Faherty          | 68 Pennell Ave.         | Portland | ME 04103 | (207)797-6702 | Col:     | Row: |
| 1109 | 762     | Tina Anderson            | 10 A Deane Street       | Portland | ME 04102 | (207)774-1373 | Col:     | Row: |
| 1248 | 839     | Tori Lynch               | 13 Devon St.            | Portland | ME 04102 | (207)772-7145 | Col:     | Row: |
| 639  | 495     | Vicki Cronin             | 183 Cornell Street      | Portland | ME 04103 | (207)797-3759 | Col:     | Row: |
| 417  | 323     | Wilda Theriault          | 113 Front St.           | Portland | ME 04103 | (207)775-2883 | Col:     | Row: |

# Nursery Schools

Provider Summary Report for Database PROV

| Num | Prov ID | Name                     | Address            | City     | St | Zip   | Phone         | Location  |
|-----|---------|--------------------------|--------------------|----------|----|-------|---------------|-----------|
| 356 | 275     | Art Play                 | 524 Allen Ave.     | Portland | ME | 04103 | (207)773-6069 | Col: Row: |
| 998 | 716     | Back Cove Learning Cente | 2 Vannah Avenue    | Portland | ME | 04103 | (207)774-8323 | Col: Row: |
| 134 | 424     | Breakwater Nursery Schoc | 856 Brighton Ave.  | Portland | ME | 04102 | (207)772-8689 | Col: Row: |
| 264 | 197     | Bright Beginnings Montes | 14 Locust Street   | Portland | ME | 04101 | (207)772-2833 | Col: Row: |
| 154 | 116     | Children's Co-op Nursery | 32 Thomas St.      | Portland | ME | 04101 | (207)799-7906 | Col: Row: |
| 255 | 191     | First Lutheran Preschool | 132 Auburn St.     | Portland | ME | 04103 | (207)797-2525 | Col: Row: |
| 420 | 325     | PRVTC Early Childhood Pr | 196 Allen Ave      | Portland | ME | 04103 | (207)874-8165 | Col: Row: |
| 791 | 622     | St. Patrick's Nursery    | 1251 Congress St.  | Portland | ME | 04102 | (207)772-2521 | Col: Row: |
| 337 | 259     | Steven's Avenue Co-op    | 699 Stevens Ave.   | Portland | ME | 04102 | (207)772-1688 | Col: Row: |
| 294 | 225     | Stevens Ave Church Nurse | 790 Stevens Avenue | Portland | ME | 04103 | (207)797-4573 | Col: Row: |
| 599 | 478     | Waynflete Nusery School  | 360 Spring St.     | Portland | ME | 04102 | (207)774-5721 | Col: Row: |



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

*Oh Deb...  
we have a little  
project here...  
for you or  
someone.  
Alyx*

**TO:** Alexander Jaegerman, Chief Planner  
**FROM:** P. Samuel Hoffses, Chief of Building Inspections  
**DATE:** December 19, 1994  
**RE:** Definitions

At the December 15, 1994 Board of Appeals meeting, it became quite obvious that there was a deficiency in our Land Use Code in the area of definitions. The Board spent approximately 2 hours on the wording of day care, day care facilities, day care centers and home babysitting services.

In our Land Use Code it speaks about family day care facilities or home babysitting services, but we only have a definition for day care facilities.

In today's complex society, it is very important to stay in touch with the terms of the time.

As you might be aware, the Board of Appeals' members are four attorneys, one accountant and one appraiser, one architect. At this meeting, we also had one attorney presenting an appeal and one opposing the appeal which really became apparent of the weakness in the Land Use Code.

In conclusion, I am requesting definitions for the following to be placed in the Land Use Code.

- a) Day Care
- b) Day Care Facility
- c) Day Care Center
- d) Family Day Care
- e) Nursery School
- f) Kindergarten
- g) Home Babysitting Service
  - dwelling unit
  - rooming unit

...and time (clock hours) of operation on the items A through G because this is becoming a very important issue.

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
John Knox, Chairman, Portland Board of Appeals  
Marge Schmuckal, Assistant Chief of Inspection Services

*Aley*  
Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

**CITY OF PORTLAND**

December 20, 1994

RE: 30 Barclay Avenue

Mrs. Diane Mathieu  
3 Hurley Lane  
Falmouth, ME 04105

Dear Mrs. Mathieu,

As you know, at its meeting of December 15, 1994, the Board of Appeals voted to permit the change of use from a single family owner occupied with day care for twelve children, to a single family with day care for twelve children not occupied by owner, at the above named address.

You should now come to this office, Room 315, to complete the change of use permit. A fee of \$25.00 will be charged for this permit change.

Sincerely,

Marge Schmuckal  
Asst. Chief of Inspection Services

/el

enclosure

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
David Jordan, Code Enforcement Officer



CITY OF PORTLAND, MAINE  
M E M O R A N D U M

**TO:** Alex Jaegerman, Chief Planner  
**FROM:** Natalie L. Burns, Associate Corporation Counsel  
**DATE:** October 13, 1993  
**RE:** Day Care Amendments

Attached is a copy of the day care amendments. I have made some minor changes in language, without changing the intent. However, I have the following questions:

1. On the size limits, you said people. Should this be children or children and staff? I have drafted it as children. *Right*
2. Did you want the first standard to apply only to the R-1 and R-2 zones? I have included it in all zones, being ever mindful of conversion issues in the R-5 and R-6 zones. *R-1, R2 only.*
3. I did not include the language on no size limits upon day cares in nonresidential buildings. However, this is the result since no size limit is imposed in the rest of the text (except for those placed upon residential structures).

*Natalie*  
Natalie L. Burns  
Associate Corporation Counsel

NLB:lab

*Does the arterial map have any kind of name?*

Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

March 16, 1995

RE: Day Care Changes

John Knox, Appeal Board Chairman  
44 Bramblewood Drive  
Portland, ME 04103

Dear John,

As I mentioned at the last Board of Appeals Meeting, when these proposed changes reach the Planning Board, they would like you to be present in order to explain the problems that the Appeals Board has been having in this area. I have just learned that at the Planning Board's next meeting on March 28, 1995; the Day care changes will be on the agenda. No day care providers will be present at that time.

Please set aside some time for this meeting on the 28th around 4:30 p.m. As soon as I can get any other specifics, I will forward them to you. I have requested the Planning Department to send you a copy of their agenda materials when they are available. If there are any conflicts with this time and date, please let me know as soon as possible.

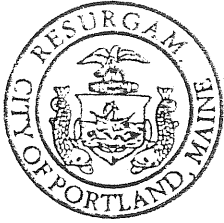
Sincerely,

Marge Schmuckal  
Asst. Chief of Inspection Services  
Zoning Administrator

/el

cc Joseph E. Gray, Jr., Director of Planning and Urban Development  
✓ Deb Andrews, Planning





CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: John Knox, Chair, Zoning Board of Appeals

FROM: Alexander Jaegerman, Chief Planner

DATE: February 24, 1995

RE: Daycare Zoning

We are aware of the issues surrounding daycare zoning faced by the Zoning Board of Appeals. This issue surfaced a little over a year ago, but the person involved did not pursue the amendments at that time. I would like to share with you the work that was done then to see to what extent it is relevant to the concerns you have encountered recently. I realize that there are some definition issues that need to be addressed as well. If you would like, we could meet with the Board in workshop to discuss the issue and get some further direction to take to the Planning Board. Otherwise, I can proceed with this text to the Planning Board review directly.

Please let me know if you think a workshop discussion would be useful. I understand that this is a matter of serious concern to the community and the ZBA and will attempt to resolve the matter in the near future.

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Marge Schmuckal, Zoning Administrator  
Deborah Andrews, Senior Planner  
Mayor Paulson and Members of the Portland City Council

Attachment

CITY OF PORTLAND, MAINE  
M E M O R A N D U M

TO: Alex Jaegerman, Chief Planner  
FROM: Natalie L. Burns, Associate Corporation Counsel  
DATE: October 13, 1993  
RE: Day Care Amendments

Attached is a copy of the day care amendments. I have made some minor changes in language, without changing the intent. However, I have the following questions:

1. On the size limits, you said people. Should this be children or children and staff? I have drafted it as children. *Right*
2. Did you want the first standard to apply only to the R-1 and R-2 zones? I have included it in all zones, being ever mindful of conversion issues in the R-5 and R-6 zones. *R-1, R2 only.*
3. I did not include the language on no size limits upon day cares in nonresidential buildings. However, this is the result since no size limit is imposed in the rest of the text (except for those placed upon residential structures).

*Natalie*  
Natalie L. Burns  
Associate Corporation Counsel

NLB:lab

*Does the arterial map have any kind of name?*

AMENDMENT TO PORTLAND CITY CODE  
§§14-68, 14-78, 14-88, 14-103, 14-118, 14-128, 14-137, 14-147.5  
(ZONING ORDINANCE) §14-524 (SITE PLAN ORDINANCE)  
RE: DAY CARE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

1. That Section 14-68(3) of the Portland City Code is hereby  
amended as follows:

**Sec. 14-68. Conditional uses.**

The following uses are permitted only upon the issuance of a  
conditional use permit, subject to the provisions of section 14-474  
(conditional uses) of this article and any special provisions,  
standards or requirements specified below:

(3) *Other:*

- b. Nursery schools, and kindergartens, and family day  
care facilities or home babysitting services not  
permitted as a home occupation under section 14-  
410;
- e. Day care facilities or home babysitting services  
not permitted as a home occupation under section  
14-410, subject to the following conditions:
  - i. The facility shall be operated by the resident  
of the structure in which the facility is  
located, unless the facility is located in a  
structure that was not designed, built or used  
as a residence.
  - ii. The maximum capacity shall be twenty-four (24)  
children for facilities located in residential  
structures on arterial or collector streets as  
delineated on the Maine Department of  
Transportation Map, a copy of which is on file  
in the Department of Planning and Urban  
Development, except as provided in subsection  
vi.
  - iii. The maximum capacity shall be twelve (12)  
children for facilities located in residential  
structures on local streets as delineated on  
the Maine Department of Transportation Map, a  
copy of which is on file in the Department of  
Planning and Urban Development, except as

provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility *or the hours of operation reduced.*

*a limit on the hours of operation*

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

2. That Section 14-78(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-78. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) Other:

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban

Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

3. That Section 14-88(4) of the Portland City Code is hereby amended as follows:

**Sec. 14-88. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(4) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as

provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

4. That Section 14-103(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-103. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~



d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban

Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

5. That Section 14-118(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-118. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

c. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

d. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as

provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

6. That Section 14-128(2) of the Portland City Code is hereby amended as follows:

**Sec. 14-128. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(2) *Other:*

b. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.~~

c. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:

i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.

ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban

Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

- viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

7. That Section 14-137(3) of the Portland City Code is hereby amended as follows:

**Sec. 14-137. Conditional uses.**

The following uses are permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(3) *Other:*

- d. ~~Nursery schools, and kindergartens, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410;~~
- f. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, subject to the following conditions:
  - i. The facility shall be operated by the resident of the structure in which the facility is located, unless the facility is located in a structure that was not designed, built or used as a residence.
  - ii. The maximum capacity shall be twenty-four (24) children for facilities located in residential structures on arterial or collector streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as provided in subsection vi.
  - iii. The maximum capacity shall be twelve (12) children for facilities located in residential structures on local streets as delineated on the Maine Department of Transportation Map, a copy of which is on file in the Department of Planning and Urban Development, except as

provided in subsection vi.

iv. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.

v. Facilities that will provide services to more than twelve (12) children shall require site plan review under Article V of this chapter.

vi. Notwithstanding subsections ii and iii, the board of appeals may impose further size limitations upon the number of children served by a facility if the board finds that the proposed facility will have an adverse effect upon the health, safety or welfare of the neighborhood and that such negative impact could be mitigated through a reduction in the number of children allowed to be served by the facility.

vii. On arterials and collector streets, as identified on the Maine Department of Transportation map, a copy of which is on file in the Department of Planning and Urban Development, a pick-up and drop-off site shall be provided on the lot of any day care facility that provides services to more than twelve (12) children.

viii. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.

8. That section 14-147.5 of the Portland City Code is hereby amended to add a new subsection (2), said subsection to read as follows:

**Sec. 14-147.5. Conditional uses.**

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(2) Any conditional use that is allowed as a conditional use in any residential zone abutting the lot. If there is no abutting residential zone, any conditional use that is allowed as a conditional use in the nearest residential zone to the lot.

9. That Section 14-522 of the Portland City Code is hereby amended



as follows:

**Sec. 14-522. Definitions.**

For the purposes of this article all terms and words shall have their ordinary meanings, except as defined herein.

*Minor development* means and includes any of the following unless (1) the development is major development; or (2) the development is single-family development subject to the provisions of section 14-524(b):

(12) Special needs independent living units-;

(13) The conversion of any existing building or portion of any existing building into a day care facility that provides services to more than twelve (12) children.





CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Alexander Jaegerman, Chief Planner

FROM: P. Samuel Hoffses, Chief of Building Inspections *PS*

DATE: December 19, 1994

RE: Definitions

At the December 15, 1994 Board of Appeals meeting, it became quite obvious that there was a deficiency in our Land Use Code in the area of definitions. The Board spent approximately 2 hours on the wording of day care, day care facilities, day care centers and home babysitting services.

In our Land Use Code it speaks about family day care facilities or home babysitting services, but we only have a definition for day care facilities.

In today's complex society, it is very important to stay in touch with the terms of the time.

As you might be aware, the Board of Appeals' members are four attorneys, one accountant and one appraiser, one architect. At this meeting, we also had one attorney presenting an appeal and one opposing the appeal which really become apparent of the weakness in the Land Use Code.

In conclusion, I am requesting definitions for the following to be placed in the Land Use Code.

- a) Day Care
- b) Day Care Facility
- c) Day Care Center
- d) Family Day Care
- e) Nursery School
- f) Kindergarten
- g) Home Babysitting Service
  - dwelling unit
  - rooming unit

...and time (clock hours) of operation on the items A through G because this is becoming a very important issue.

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
John Knox, Chairman, Portland Board of Appeals  
Marge Schmuckal, Assistant Chief of Inspection Services