

To: Boothbay Planning Board
From: Mark Eyerman
Subject: Day Care
Date: March 5, 2019

At the last workshop there was a question about day care facilities. Here is what I was able to come up with.

Child Day Care

The state addresses four types of child care facilities as follows:

- *Legal Unlicensed Home Care* is the care of up to two unrelated children in a home. As the name implies no license is required but there are some standards for these facilities.
- *Family Child Care Programs* are issued a certificate to provide care for three to twelve children. Family Child Care Programs are located at a person's residence.
- *Child Care Facilities* are licensed. Child care facilities include small child care facilities and child care centers and are operated at a location other than a residence. Small Facilities provide child care for 3-12 children. Child care centers provide care and protection for thirteen (13) or more children under thirteen (13) years of age.
- *A Nursery School* is also licensed. These providers offer care for three or more children between the ages of 33 months and 8 years of age, and provide no more than two sessions per day. Each session cannot exceed three and one half (3 ½) hours in length.

The regulations are different depending on whether the care is provided in the home of the provider or not and the number of children at the facility.

The draft of Section 7 lists Day Care Center as a use. And there is a definition of a Day Care Center in the current ordinance and the draft of Section 2 that sets out what is included in this use. But the current definition doesn't match up with the current state system.

The key policy question for the Board is whether one use with one definition works or whether the ordinance should treat different types of day care facilities differently. It seems that an unlicensed home care falls under a home business. Then the others split between 3-12 and 13 or more children and in home or in a separate facility. In the Table

of Uses the Board addresses the scale issue by limiting Day Care Centers to 2,000 SF of floor area (medium-scale) in the R and R-C Districts. If the Board is comfortable with that we could revise the definition of Day Care Center to mirror the state as follows:

Day Care Center: A facility that provides care for children that is licensed or has a certificate from the State of Maine to operate as a Family Child Care Provider or Child Care Facility.

If the Board wants to distinguish among the types of facilities based on the number of children we could include the three types in the table or merge the two for 3-12 children into one use and then treat larger Day Care Centers as a second use.

Adult Day Care

The state also regulates adult day care facilities that provide services to more than two adults. The state calls these Adult Day Services Programs and there are different types depending on the services provided. The following is the definition from the state regulations:

Adult Day Services Program means a group program of care, therapeutic activities and supervision maintained or carried out on a regular basis by a person or persons in a private dwelling or other facility, for consideration, for any part of a day, for at least two (2) hours a day, for more than two (2) adults nineteen (19) years of age or older, who are not blood relatives and are coming to the facility for up to seven (7) days a week for the express purpose of participating in this program.

There is no provision for adult day care in the current ordinance or draft of Section 7. If the Board wants to address this we will need to add it to the Table of Land Uses and add a definition in Section 2. If we do that we can probably use the state definition.