

Town of Glenburn  
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## Planning Board Minutes

Tuesday, March 12, 2024

**Public Hearing** To hear testimony and receive public comment on a request from Sandra Spiller and the Linda Boyle Nature Center, Inc. for a Land Use Permit to develop and operate an environmentally based forestry preschool for a maximum of 49 preschoolers ages 3 to 5. The property is located at 865 Pushaw Road, Glenburn Tax Map 11/Lot 15.

Brenda Moody opened the Public Hearing at 6:30 PM.

Engineer Jim Kiser gave an overview of what the applicants are proposing. They are requesting to develop and operate an environmentally based forestry preschool for children ages three to five. This is a private school. The building will be 5,000 square feet with three classrooms. The intent is to have classrooms both outside and inside.

1. A resident asked what an MDOT permit that Mr. Kiser mentioned was for?

Mr. Kiser stated that this is a State maintained road, and the rules of the State of Maine are whenever there is a new entrance onto the roadway, you are required to get a permit from DOT so that they can ensure that those entrances go in the appropriate location with appropriate sight distances, and that they know what kind of traffic will be entering and exiting the entrance. They also want to know what kind of drainage will be impacted, what culverts and ditch lines are needed and things of that nature. It is a tracking system for MDOT.

2. David Mitchell abuts this property from the other end in Orono, and he stated that he has been in the gravel pit several times. He states that the land is horrendous. There is a thirty-foot drop-off into water, and there is slate and construction material that has been buried there for years. What type of land reconstruction are they looking to do to secure this property is safe for 3 to 5-year-old kids?

Mr. Kiser stated that it is a former gravel pit, and the kids will not be going out by themselves. They will always have adults with them. There will be a pathway system around the pit. This is a forestry school which is a nature based, educational program with involvement with the kids. There will be a lot of outside activity. Walkways will go out through the bridges, etc.

3. Brian Morrissey asked about traffic. They are talking about 49 preschoolers under 5 years old that parents are dropping off and picking up. That is approximately 50 cars in the morning and 50 cars at night on Pushaw Road which already has heavy traffic in early morning and after work.

Applicant Sandra Spiller stated that the drop-off and pick-up hours will be very staggered. Drop-off will start at 6 or 6:30 AM and pick-up will go until 5 or 5:30 PM. There will be different times of day that children will be attending. Some will have all day programs, others will be parttime. There will never be 50 cars arriving at (for example) 7 AM. Mr. Morrissey stated that there still will be an extra 100 vehicles a day going up and down Pushaw Road daily.

Mr. Kiser stated that doing the Institute of Transportation Engineers (ITE) traffic evaluation, they have come up with less than 50 cars on the peak hour for the roadway. That is not much for concern. When it goes to 100 cars in the peak hour a traffic permit is required by the DOT.

4. Mr. Morrissey stated that he is also concerned with issues such as lighting, security, and what happens after hours. Will this become a hangout for young adults to drive down back where nobody can see them to drink all night?

Mr. Kiser said that this will be a preschool and he does not think there will be any nighttime parties.

5. Mr. Morrissey asked about the location of the driveway being right over the crest of the hill? There is a 45 mile-per-hour speed limit but everybody goes much faster.

Mr. Kiser stated that they cannot do anything about the speed limit from the standpoint of going above the limit, but the sight distance is adequate for that posted speed limit

6. Does this now become a school zone? If so, it restricts neighbors from doing a lot of things.

Mr. Kiser stated that he was not sure if private schools are school zoned, and he will look further into it.

7. If it is determined to be a school zone will they drop the speed limit?

Mr. Kiser stated that they will not change the speed limit. The State is the only one that can monitor speed limits, and to get the speed limit changed you would have to petition the State. If it is a school zone, the speed limit will be dropped through that limited area but only during certain hours of the day.

8. Will there be any posted signage?

Mr. Kiser advised that there will be signage identifying the property.

9. The town spend a lot of time five or six years ago developing a zoning ordinance to keep neighborhoods as they are.

Mr. Kiser stated that this is a rural zone, and a private school is a permitted use in that zone.

10. Scott Pelletier stated that he is an abutter to the property to the North. He referred to traffic. With 49 students and 10 staff, that would be 59 vehicles coming and going probably twice a day, plus service vehicles in and out. He addressed the blind spot coming from the South. Going 50 to 55 MPH in that area, that is a very short response time for someone that is pulling out of that area onto Pushaw Road. It may be within the State guidelines, but on an icy or snowy or wet road it may not be adequate. Aside from that, he is concerned about traffic going from Pushaw Road onto Broadway. Even if the additional cars are staggered, this is going to make a significant delay for people going to work.

Abutting Property Owner Rights—Mr. Pelletier stated that according to the IF&W a firearm cannot be discharged within 500 feet of a public school's property. Does this pertain to a private

school? Mr. Pelletier does not know. If so, property rights of nine abutters and a total of 76 acres would be affected. This does not include any restrictions that the State of Maine may have.

Resource Protection Zone—Mr. Pelletier stated that a portion of this property is in the Resource Protection Zone. Over time, a portion of this land had overgrown with trees and became wooded. It was just recently mowed in an effort to convert it back into a field. Whether this is an issue or not Mr. Pelletier does not know; however, he has a gravel pit that abuts this property to the North. There was a newer section where some people had gone in and mined it out and it was still somewhat active. They found a part to the North that was grown in with vegetation and trees. Mr. Pelletier went to the DEP and told them that this was a pit and he wanted it grandfathered so that he did not have to file special extensions and permits to increase the size because it was already there. The DEP advised that as soon as a piece of property regenerates with vegetation and tree growth, it is no longer grandfathered. It becomes a woodland. If that holds true for this piece of property, that land in the resource protection zone that was just mowed was actually a wooded property that was mowed to turn into a field. Mr. Pelletier believes permits are required to take care of those situations because they are trying to protect this very fragile resource.

Bridge—Mr. Pelletier stated that a bridge was recently installed on the property. There was an old snowmobile trail in this resource protection. There were culverts installed and beavers flooded out the road. The culverts were just recently taken out and a bridge was built which is going to increase the water flow therefore reducing the footprint of the wetland in a resource protection zone. The water table will be lower, and the pond will get smaller in size.

Existing Pond—There is an existing pond at the base of the hill. The school will be at the top of the hill. It is in the Northwest corner of the lot. Some time ago, someone put in a culvert and pitched it to drain the water from that pond. They ditched the water flow into the resource protection zone which flows down into the Kenduskeag Stream which flows into the Penobscot River.

Previous Gravel Pit Owner—Mr. Pelletier stated that he has heard that when the previous pit owner was running out of gravel and most of the gravel was sold, he started to take construction debris on the property for payment including the old McDonald's Restaurant that was on Broadway. It is supposedly buried on site. If true, no one knows what kind of hazardous material may have been buried on this property.

Mr. Pelletier's biggest concern is property rights. His main purpose of buying the property was to hunt on it. Now, his rights for the property, especially hunting, will be restricted. Safety and common sense are something that he will need to seriously consider also.

11. David Mitchell stated the number "49" for the maximum allowance for children seems like an odd number. Is that because if you go to 50 children it changes the requirements and restrictions? Mrs. Spillane stated that it does change the requirements and restrictions. Does that mean that down the road, the number might change beyond 49 children? Mrs. Spillane stated that she was going to request a maximum of 40 children; however, the child care regulations for this category allows up to 49 children, so they decided to request the maximum allowance.
12. Edgar Lamb stated that he lives on Essex Street in Orono, and his land abuts this property to the East. His main concern is that if these trails are built and he has to then be 500 feet from the property line for him or his friends or relatives to discharge firearms, it is greatly impeding upon

his lot which is 2,640 feet by 660 feet. If he loses 500 feet off the back of his property that he can no longer use for hunting, it is infringing upon his rights as a landowner in that regard.

With no further comments or questions, Brenda Moody closed the Public Hearing at 7:03 PM.

### **Regular Planning Board Meeting**

#### **1. ROLL CALL**

Present were regular members Brenda Moody, Sharon Nason, Theresa Porter, Wayne McClay, and Ed Goodwin. Associate member Thomas Wolf was also present.

#### **2. Approval of the January 9, 2024 Planning Board Minutes**

Wayne McClay motioned to approve the January 9, 2024 minutes as written. The motion was seconded by Theresa Porter and approved with a 4-0 vote. Mr. Goodwin abstained.

#### **3. [PB024-02] Sandra Spiller and the Linda Boyle Nature Center, Inc. request for a Land Use Permit to develop and operate an environmentally based forestry preschool for a maximum of 49 preschoolers ages 3 to 5. The property is located at 865 Pushaw Road, Glenburn Tax Map 11/Lot 15.**

Mrs. Moody stated her opinion is that a site visit would be beneficial on this application requesting a preschool in the rural district of Glenburn, which by ordinance is allowed, and CEO Falvey agreed that a site visit would be beneficial.

Theresa Porter motioned that a site visit be conducted prior to further discussion. The motion was seconded by Sharon Nason and unanimously approved with a 5-0 vote. The Board selected Thursday, April 4<sup>th</sup> at 1 PM to meet at the property for a site visit. Mr. Kiser stated that he will have areas of interest flagged for the site visit.

Mr. Kiser asked if further questions from the public could be answered tonight, and Mrs. Moody stated that more facts are needed before the Board further discusses the application and answers questions. That will take place at the next Planning Board Meeting after the site visit which is on Tuesday, April 9<sup>th</sup> at 6:30 PM.

Theresa Porter motioned that the Board table this item until the next meeting after the site review. The motion was seconded by Ed Goodwin and unanimously approved with a 5-0 vote.

### **PLANNING BOARD ITEMS**

There were no Planning Board items.

### **CEO ITEMS**

There were no CEO items.

### **ADJOURNMENT**

Theresa Porter motioned to adjourn. The motion was seconded by Sharon Nason and unanimously approved with a 5-0 vote, and the March 12, 2024 Planning Board Meeting was closed at 7:16 PM.