



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: **Lee Cooperative Nursery School**
Project Description: Establish nursery school in St. George's Episcopal Church
Address: **1 Park Court**
Applicant: Lee Cooperative Nursery School
Property Owner: St. George's Episcopal Church
Map and Lot: Tax Map 4, Lot 54-2
Zoning: Church Hill
Date of approval: **June 26, 2013**

The application was approved by the Planning Board on June 26, 2013 with the following terms and conditions:

- 1) **Hours of operation.** The hours for the nursery school operation are 8:00 a.m. to 1:00 p.m., Monday through Friday. Occasional special events, board meetings, and administrative functions may occur outside of those hours.
- 2) **Plan of space.** A certificate of occupancy will be needed. A plan of the space will need to be submitted to the Building Official prior to issuance of a certificate of occupancy.
- 3) **Health and Human Services.** Approval from the NH Department of Health and Human Services will be needed prior to issuance of a certificate of occupancy.
- 4) **Fencing.** As long as the fencing for the proposed playground area is less than six feet in height [four feet is proposed] the fencing would not be required to meet the setbacks.
- 5) **HDC.** Approval from the Historic District Commission will be needed for any fencing and exterior signage.
- 6) **Parking.** Required parking for a day care facility (the closest definition in the Parking Ordinance) is 1 space per 6 supervised children plus 1 per employee. If the maximum number of children expected is 12 and the maximum number of expected workers at any time is 2 then the required number of parking spaces is 4. It is understood that the church is allowing use of 4 parking spaces (undesignated) by the nursery school. If the number of children and/or workers increases at any time then the number of allocated parking spaces must increase accordingly.
- 7) **Information submitted.** All of the written and email information included in this application is part of this approval, unless otherwise superseded.

- 8) Findings of fact: a) The application was accepted as complete on June 10, 2013; b) a public hearing was held on June 26, 2013; c) The nursery school is not considered an accessory use to the church because it will be operated by an independent organization independently from the church; d) A nursery school is allowed by Conditional Use in the Church Hill Zoning District. The applicant responded to the eight criteria in their letter of intent, the Planning Board duly reviewed the criteria, and determined that the criteria were met; e) The application is classified as a “nursery or pre-school” rather than a child care center (pursuant to the definitions in the ordinance) so the performance standards for a child care center (regarding setbacks for the play area and location on a minor street) do not apply; f) The applicant paid all of the necessary fees. The Planning Board waived the \$500 application fee pursuant to the request submitted in writing by the applicant; g) The Planning Board did not think that a site walk was necessary; h) The space is now used as a Sunday school for the church but is not used during the week; i) The applicant met with the Technical Review Group on June 4, 2013 and there were no particular concerns; j) Additional parking capacity should not be needed for this use as the Parking Ordinance allows for shared parking with multiple uses with non-conflicting parking demands (per Section 175-114 Share Parking of the ordinance). The peak use for the church would not coincide with the nursery school’s use; k) No changes to the site are contemplated except for installation of a fenced playground and a sign.