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Town Planner's Recommendation
Lee Cooperative Nursery School
Wednesday, June 12, 2013

IX. Application for a Site Plan and Conditional Use Permit for a **nursery school** to be created in St. George's Episcopal Church, **1 Park Court**, submitted by the **Lee Cooperative Nursery School** (Andrea Warren, President). Tax Map 4, Lot 54-2, Church Hill Zoning District.

- I recommend Acceptance and setting a public hearing for June 26

Please note the following:

Administrative/process issues

- The proposed nursery school would not be considered an accessory use to the church because it will be operated by an independent organization independently from the church. Even if it were an accessory use to the church a conditional use would still be required per the table of uses.
- A nursery school is allowed by Conditional Use in the Church Hill Zoning District. The applicant responds to the eight criteria in their letter of intent.
- 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.
- See the applicant's letter requesting a waiver on the \$500 application fee. The applicant had to pay \$150 for the public notice plus \$161 for the abutter notices. They are requesting a waiver only for the \$500 application fee. Under the Site Plan Regulations the Planning Board is empowered to waive fees if it sees fit. I think this is appropriate given that: 1) the review is straightforward and has taken minimal time for staff; 2) there are minimal proposed changes to the site; and 3) the organization is a not-for-profit cooperative.
- I don't think that a site walk is needed unless the Planning Board would like to visit the site.
- The applicant said that there was another preschool in the space in 2008 or so, but we do not have any records in our files about this.
- The space is now used as a Sunday school for the church but is not used during the week.

- The applicant met with the TRG on June 4, 2013 and there were no particular concerns.
- A plan of the space will need to be submitted to the Building Official prior to issuance of a certificate of occupancy.
- As a precedent condition the applicant will need approval from the NH Department of Health and Human Services.

Substantive issues

- I would suggest including some flexibility in the permitted hours so that the applicant would not need to return to the board for an amendment should they wish to expand the hours. At present they operate from 9:00 am to 12:00 pm Monday through Friday.
- No changes to the site are contemplated except for installation of a fenced playground and a sign.
- The fencing for the playground would need to be approved by the Historic District Commission. This application could be submitted after Planning Board approval to be approved prior to issuance of a certificate of occupancy. The Historic District ordinance does not allow chain link fences in front or side yards if they would be visible from a public way. The fence would be visible from Park Court which is a Town street, but the fence would probably be considered to be in the rear yard. At any rate, use of vinyl rather than chain link would be preferred.
- The sign would also need to be approved by the Historic District Commission and could be submitted after Planning Board approval. The next HDC meeting is July 11 and the deadline for submission is Monday, July 1.
- 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.
- 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. The question arose at the TRG meeting whether there is a concern with the church leasing spaces to students. Is this relevant to the subject application? Does the board want to know the figures for parking - # of spaces, requirements for the church, # that are leased?
- Public Works will confirm water and sewer capacity but certainly thinks this is fine.
- We have a memo from the Police Chief stating that he has no concerns.
- The setbacks apply to structures. 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. One cannot tell from the drawing whether or not the playground meets the setbacks or not.