



**TOWN OF DURHAM**  
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***Town Planner's Recommendation***  
**Wednesday, November 6, 2013**

XII. **25 Madbury Road** – Formal site plan application for the **addition of 8 parking spaces** and associated drainage improvements. Alpha Sigma House Corp. of **Kappa Delta Sorority**, applicant; Michael Sievert, MJS Engineering, engineer; Robbi Woodburn, Woodburn & Co., landscape architect. Tax Map 2, Lot 12-2. Central Business Zoning District. The public hearing is closed.

➤ I recommend approval. There are a few items to finalize below.

Please note the following:

- Dave Cedarholm is satisfied with the plan. He is sending me an email confirming this.
- The applicant has approval from the Sorority to submit the plan (August 26, 2013 letter)
- The application was accepted as complete on September 13.
- The public hearing was held and closed on October 9
- The Planning Board received a “retaining wall detail” (wall profile) on October 9. The plans also show a detail section of the wall showing its structure. What other details are needed for the retaining wall? A wall elevation? More information on the underdrain systems?
- Mr. Sievert will ask the sorority how they want to treat the bicycle rack. There is a bicycle rack already on the property at the far end of the existing parking lot, just beyond, on the grass. There was no obvious other location recognized at the site walk. It was discussed relocating it next to a basement window but it was not clear that this would be a better location due to the basement window. The applicant said they do not wish to create new covered parking and the nature of the proposed site plan is arguably not appropriate to require new covered parking.
- Clarify whether any approval or easement will be needed from the adjacent lot for construction staging.
- According to Mike Sievert this is being designed so that the subject improvements could be made now, prior to the redevelopment of Madbury Commons.
- Shrubbery should be added to buffer the existing parking spaces. This can be done with 3 viburnums in front and 5 along the side. The parking section of the zoning ordinance requires that parking lots be screened (section 175-116 C.). This area is grandfathered but new on-site development triggers fixing the nonconformity when appropriate (based on scope and type of new development). I think it is appropriate in this case, as the expansion of the parking area is closely related to this issue.
- Does the Planning Board think that a performance bond is needed for the minimal scope of landscaping, i.e. is it the intent of the ordinance to require it for installations of this type? (See 175-116 I.)

**\*Draft\***  
**NOTICE OF DECISION**

**Project Name:** Kappa Delta Sorority Parking Lot Expansion  
**Address:** 25 Madbury Road  
**Applicant:** Alpha Sigma House Corporation of Kappa Delta Sorority  
**Engineer:** Mike Sievert, MJS Engineering  
**Property Owner:** Alpha Sigma House Corporation  
**Map and Lot:** Map 2, Lot 12-2  
**Zoning:** Central Business District  
**Date of approval:** November 6, 2013

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"Applicant", herein, refers to the property owner, business owner, individual(s), or organization submitting this application and to his/her/its agents, successors, and assigns.

**Precedent Conditions**

[Office use only. Date certified: \_\_\_\_\_ ; CO signed off \_\_\_\_\_ ; As-built's received? \_\_\_\_\_ ; All surety returned: \_\_\_\_\_ ]

All of the precedent conditions below must be met by the applicant, at the expense of the applicant, prior to the plans being certified by the Planning Department. Certification of the plans is required prior to commencing any construction. Once these precedent conditions are met and the plans are certified the approval is considered final.

**\*\*\*Please note. If all of the precedent conditions are not met within 6 calendar months to the day of the board's approval - by May 6, 2014 - the board's approval will be considered to have lapsed and resubmission of the application will be required (unless an after-the-fact extension is granted by the Planning Board). It is the sole responsibility of the applicant (or his/her agent) to ensure that these conditions are met by this deadline. We urge the applicant to carefully track his/her progress in meeting the individual conditions. See RSA 674:39 on vesting.**

- 1) Plan modifications. Make the following modifications to the plan drawings:
  - a) Add "retaining wall detail" to the plans.
  - b) Show detail of stockade fence including height
  - c) Show limits of construction and clarify how trees will be protected.
  - d) Add porous pavement sign, which shall read as follows: "Note. Porous asphalt pavement for stormwater management. Semi-annual vacuuming is required. The following are prohibited: winter sanding, seal coating, tractor trailers/heavy load vehicles, handling of hazardous materials."

- e) Add approval block on each page of drawings for signature of Planning Department. It should read: “Final Approval by Durham Planning Board. Certified by \_\_\_\_\_ Date \_\_\_\_\_”
  - f) Remove stone check dam from details unless it will be incorporated into the plans.
  - g) Add 3 viburnums in front and 5 along the side of the existing parking area.
- 2) Plan notes. Add the following notes (or equivalent) to the plan drawings:
- a) “For more information about this site plan, or to see the complete plan set, contact The Town of Durham Planning Department, 15 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
  - b) “All outside construction activity related to the development of this site is restricted to the hours of 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturday”.
- 3) Inspectors. Make appropriate arrangements with the Town for inspectors to be on hand, paid for by the applicant, when the retaining wall is built and the porous pavement installed.
- 4) Landscaping surety. Provide landscaping surety per Section 175-120 L. of the Zoning Ordinance.
- 5) Signature. Sign this notice at the bottom.
- 6) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town: (a) one large set of mylars; (b) one large set of black line drawings; (c) one set of 11"x17" drawings; plus (d) one electronic version by pdf or CD. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.

**General and Subsequent Terms and Conditions**

All of the conditions below are attached to this approval.

- 1)# Site work. No site work may be undertaken until: a) all of the precedent conditions are met; b) the preconstruction meeting with Town staff has taken place; and c) all appropriate erosion and sedimentation control structures are in place. These erosion and sedimentation control measures and the orange fence must be in place prior to the preconstruction meeting in order that they may be inspected at the meeting. Contact the Planning Department to arrange for the preconstruction meeting.
- 2) As built. Two as-built drawings measuring 11x17” shall be submitted. The as-built drawings must include the following language or equivalent: “This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and certified by the Planning and Development Department except for the following significant modifications: ...”. If no significant modifications were made simply state “none”. Otherwise, itemize the modifications on the as-built.

- 3) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town.
- 4) Approval. All of the documentation submitted in the application package by the applicant and any requirements imposed by other agencies are part of this approval unless otherwise updated, revised, clarified in some manner, or superseded in full or in part. In the case of conflicting information between documents, the most recent documentation and this notice herein shall generally be determining.
- 5) Other permits. It is the responsibility of the applicant to obtain all other local, state, and federal permits, licenses, and approvals which may be required as part of this project. Contact the Town of Durham Code Enforcement Department at 868-8064 regarding building permits.
- 6) Findings of fact. a) The applicant submitted an application, supporting documents, and plans for the project; b) The Planning Board accepted the application as complete on September 25, 2013, held a site walk on October 4, 2013, and held a public hearing on October 9, 2013; c) The Planning Board reviewed the application in accordance with state law, the Durham Zoning Ordinance, the Durham Site Plan Regulations, and other applicable law and found that the application meets all requirements; and e) The Planning Board duly approved the application as stated herein.

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Signature of applicant

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date