



TOWN OF DURHAM
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NOTICE OF DECISION

Project Name: Phi Sigma Sigma Sorority
Action Taken: APPROVAL
Project Description: Site Plan and Conditional use-adaptive reuse approval to convert a multi-unit residential property to a sorority.
Address: 2 Brook Way
Applicant: Phi Sigma Sigma Sorority
Property Owner: Paul Berton
Attorney: Chris Wyskiel
Map and Lot: Map 2, Lot 9-4
Zoning: Professional Office (PO)
Date of approval: April 5, 2017

General terms and conditions

- 1) Approval. The application is approved as submitted with all of the terms and conditions included below.
- 2) Building Code. This approval is for the site plan and conditional use only. Life safety code and building code review will be required as part of the building permit process when the construction plans are submitted. The building is currently sprinkled. The Fire Department will let the applicant know if any changes are needed to the sprinkler system or alarm system.
- 3) Signage. The standards in the Zoning Ordinance apply. No freestanding sign is allowed. In the image dated March 30, it is recommended that the wall sign be moved to the right to be centered under the second-floor horizontal window.
- 4) Parking. 37 spaces shall be available on site for the sorority residents, as required in the parking section of the zoning ordinance. The two accessible spaces is acceptable based on the number of parking spaces on site associated with the building.
- 5) Timing and vesting. It is understood that Phi Sigma Sigma may do the interior renovations for the Fall 2017 semester or later. If the work is done later, Phi Sigma Sigma may accommodate sorority members or others in the current dwelling units during the interim time, continuing the current use of a multi-unit residence/rooming house. During any time that the building is used as a multi-unit residence/rooming house, any requirements currently applicable to the existing building shall apply, including a maximum occupancy of 24 residents. Pursuant to the conditional use

provisions and RSA 674:39, the right to convert the use to a sorority under this approval shall be vested provided that active and substantial development is commenced within 36 months of this approval and substantially completed within 48 months of this approval. The applicant may phase construction as appropriate, in consultation with the Building Official.

- 6) Sorority. This approval is for a sorority not a fraternity. The approval applies to Phi Sigma Sigma or any other sorority recognized by the University of New Hampshire.
- 7) Alcohol. Alcohol may not be served or consumed within the building nor on this site. (This condition is consistent with the national policy for Phi Sigma Sigma and other sororities.)
- 8) Occupancy. The maximum permitted occupancy for this property under this approval is 36 residents in the sorority plus one on-site manager. In the event that this project does not proceed, the maximum permitted occupancy of this building is 24 residents.
- 9) Landscaping. The applicant may remove any of the arborvitae trees at its option. The applicant is encouraged to install landscaping around the front and side of the site, especially if the arborvitae are removed.
- 10) Sewer line. A sewer line for an adjacent property crosses the subject site. The applicant is encouraged, but not required, to resolve this issue with the neighbor.

Items to be completed prior to issuance of a building permit

- 11) Signatures. This form must be signed by the applicant and property owner, below.
- 12) Energy checklist. The applicant or the applicant's contractor/architect shall complete the energy checklist and meet with the Building Official and a representative of the Energy Committee. Any items agreed to by the applicant should be included in the building application. Compliance with items on the energy checklist is encouraged but not required (except for items otherwise required). The applicant is encouraged, but not required, to conform with the specifications contained in the January 10, 2017 memorandum from the applicant's architect Stephen Gibian.
- 13) Lighting. A lighting plan shall be submitted and approved for conformity with the Lighting Regulations in the Site Plan Regulations. All exterior lights, including existing and proposed must be fully screened. The proposed plan shall be submitted to the Police Department for an opportunity to provide suggestions.
- 14) Architectural design. The proposed elevations are approved including the building being fully re clad with the exceptions noted here. The vertical siding shown on the towers will be horizontal clapboard siding instead. The Town Planner shall provide minor suggested changes to the proposed porch designs and the architect and applicant shall coordinate with the Town Planner as reasonable on such possible modifications. The colors currently being applied are acceptable, including those shown in the application materials. The new siding material – pressed wood clapboards - being used currently is acceptable, though use of hardie-type fiber cement is preferable. Vinyl may

not be used on the building nor on any railings. It appears that the proposed porch railing is vinyl so an alternative material shall be submitted. [Note that use of white for the railing as proposed by the applicant is acceptable.]

- 15) Bicycle storage. 12 bicycle storage spots shall be established – 4 on the porch as depicted and 8 outside spaces. The applicant shall finalize the designs in coordination with the Town Planner.
- 16) Sidewalk. Submit specifications for new sidewalk around building including sidewalk width, construction cross section, and materials.
- 17) UNH agreements. An easement or other acceptable instrument must be fully executed with UNH regarding access to the site, encroachments, utilities, and other pertinent matters. (For good cause, this item may be addressed prior to a certificate of occupancy.)

Items to be completed prior to issuance of a certificate of occupancy

- 18) Recycling. The applicant shall develop a recycling program for the sorority in consultation with the Director of Public Works. The Department picks up recycling materials at no cost each Friday. The applicant could place bins throughout the sorority house with toters outside.
- 19) Recording. This notice must be recorded at the Strafford County Registry of Deeds.
- 20) Dumpster enclosure. The existing dumpster must be fully screened on the two westerly sides toward Strafford Avenue. It must be screened to a height of at least 6 feet using a fence or vegetation.

Findings of fact. As part of this review and approval the Durham Planning Board finds the following: **A)** The applicant submitted an application, supporting documents, and plans for the project; **B)** The Planning Board accepted the application as complete on December 14, 2016; **C)** The Planning Board held one public hearing on the application on April 5, 2017; **D)** 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 (except where waivers may have been granted); **E)** the Planning Board found that the eight criteria for conditional uses outlined in the Zoning Ordinance section 175-23 C. are adequately addressed in the applicant’s application for a conditional use; **F)** The Planning Board reviewed the minimal proposed changes in design in accordance with the Architectural Standards contained in the Site Plan Regulations; and **G)** This project is not considered to be a Development of Regional Impact; **H)** The application meets the habitable floor area requirements; **I)** The Durham Police Chief does not believe that a management plan is needed with this application for the sorority; **I)** The Planning Board granted waivers on December 14 for submission of traffic, parking, and fiscal impact studies, and accepting the existing conditions plan from 2007; **J)** A sorority is allowed in the PO District as a conditional use-adaptive reused; and **K)** The Planning Board duly approved the application as stated herein, including the conditional uses. Substantial records are

maintained of the process and documentation submitted in the Planning Department. A record of documentation and a timeline of the project will be prepared as needed.

Signature. Signature by the applicant below acknowledging all terms and conditions of this approval herein.

Phi Sigma Sigma National Housing Corporation

By: Sandy Grossman, Vice President, Duly Authorized
Signature of applicant (Phi Sigma Sigma)

Date

Fall Line Properties, LLC
(successor by Certificate of Conversion to
Fall Line Properties, Inc.)

By: Paul E. Berton, Its Member, Duly Authorized
Signature of property owner

Date

Andrew Corrow
Durham Planning Board Chair

Date