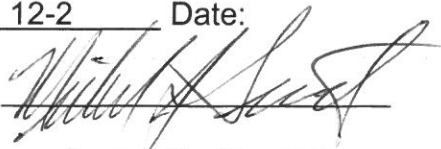


Site Plan Checklist

For formal applications – for both residential and nonresidential plans
 Town of Durham Planning Department
***To be filled out by the applicant/agent**

Project Name: Kappa Delta Sorority Map: 2 Lot: 12-2 Date: _____
 Applicant/agent: MJS Engineering, PC Michael Sievert Signature: 

Please see the Durham Site Plan Regulations for more information, in particular, Section 2.2 Formal Application Content. Note that various items may be submitted later.

| <u>General items</u> | Yes | No | N/A | Waiver Requested | Comments |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|-----------------|
| Application fee including fee for notices | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 15 copies of completed application | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 15 copies of letter of intent | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3 sets of full-size plans | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 15 sets of 11 X 17 reductions, including one sheet of site plan in color | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Electronic version of materials via email | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Completed abutters list (See Administrative Assistant) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Copy of existing covenants, easements, and deed restrictions | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

| <u>Plan Information</u> | Yes | No | N/A | Waiver Requested | Comments |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|-----------------|
| Basic information including: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| <ul style="list-style-type: none"> • Title sheet and index, when applicable • Title block • Name of Project • Date of preparation • North arrow • Scale • Legend • Revision block • Acreage and square footage of site • Vicinity sketch/location plan - not less than 1" = 1,000' • Aerial photo showing the site and proposed building footprint | | | | | |

Name and address of developer/applicant _____

| | Yes | No | N/A | Waiver Requested | Comments |
|---|-------------------------------------|--------------------------|--------------------------|-------------------------------------|----------|
| Name, stamp, and NH license # of surveyor, engineer, and/or architect | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Town tax map & lot #'s | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Street(s) and street name(s) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Approval block (for signature by staff attesting to Planning Board approval) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Deed information and references to related plans and subdivisions | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Surveyed property lines including: <ul style="list-style-type: none"> • existing and proposed bearings • existing and proposed distances • pins, stakes, bounds • monuments • benchmarks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | _____ |
| Information on abutting properties: <ul style="list-style-type: none"> • owner name • owner address • tax map and lot # • approximate building footprints • use | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Locations, widths, and types of easements | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <u>Zoning</u> | | | | | |
| Zoning designations of subject tract and in vicinity of tract | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Zoning requirements for district: <ul style="list-style-type: none"> • frontage • lot size and dimensions • all setbacks • lot coverage | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Zoning overlay districts, including Wetland, Shoreland, Aquifer, and Historic districts | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <u>Existing Topographic Features:</u> | | | | | |
| Contour lines (not to exceed two-foot intervals, except on steep slopes) and spot elevations | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

| | Yes | No | Waiver | | Comments |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|----------|
| | | | N/A | Requested | |
| Soil types and boundaries | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Soil test pit locations, profiles, and depth to water table and ledge | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| Percolation test locations and results | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| Water features (ponds, streams) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| Wetlands, including name of certified wetlands scientist | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Statement whether located in flood area, And, if so, 100 year flood elevation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Delineation of trees and open areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Overview of types of trees and vegetation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Stone walls and archaeological features | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| Locations of trails, paths, fences, and walls | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Other natural/cultural resources (significant trees, farmland, habitats, rock outcrops, historic structures, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |

Building Information

| | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|-------|
| Existing buildings/structures including square footage and use | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Proposed buildings/structures including <ul style="list-style-type: none"> • square footage • grades at foundation • first floor elevation • use • # bedrooms and beds per unit if residential | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Architectural renderings of proposed buildings and structures: <ul style="list-style-type: none"> • Showing all four sides • Drawn to scale with dimensions • Showing height • Showing exterior materials • Showing exterior colors • Name of architect/designer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

| | Yes | No | N/A | Waiver Requested | Comments |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|----------|
| <u>Circulation and Parking Plan</u> | | | | | |
| Existing and proposed driveways and access points including: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| • Width of opening | | | | | |
| • Turning radii | | | | | |
| • Cross section of driveway | | | | | |
| Pavement, curbing & edge treatment | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Traffic control devices, if appropriate: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Number of parking spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| • required by ordinance | | | | | |
| • proposed | | | | | |
| Parking layout and dimensions of spaces | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Handicap spaces and signage | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Loading area | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Pedestrian circulation plan (including existing sidewalks in vicinity, if any) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Bicycle racks, locations and design | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Buffers, landscaping & screening | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Snow storage areas and plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Proposed porous pavement | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Utilities

Show all pertinent existing and proposed profiles, elevations, materials, sizes, and details

| | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------|
| Water lines/well (with protective radius) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Sewer lines/septic and leaching areas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Pump stations | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| Fire hydrant location(s) and details | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Electric, telephone, cable TV | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Gas lines | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

| | | | | | |
|------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-----------------|
| Fire alarm connections | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | _____ |
| | Yes | No | N/A | Waiver Requested | Comments |
| Treatment of solid waste/dumpsters | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Stormwater Management

| | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|-------|
| Stormwater management system: pipes, culverts,, catch basins detention/ retention basins, swales, rip rap, etc. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Drainage study with calculations, impact analysis, and mitigation plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Grading (existing and proposed grades) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Erosion and sedimentation plan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Landscaping Plan

| | | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------|
| Demarcation of limits of construction, clear delineation of vegetation to be saved, and strategy for protecting vegetation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Proposed ground cover, shrubbery, and trees including: • botanical and common names • locations and spacing • total number of each species • size at installation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Planting plan (size of holes, depth of planting, soil amendments, etc.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Irrigation plan and details | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Protection of landscaping from vehicles (Curb stops, berm, railroad ties, etc) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Specification of all finished ground surfaces and edges (greenspace, mulch, asphalt, concrete, etc.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Fencing/screening | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Signage

| | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|-------|
| On-site traffic-control signs: | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Location and type of advertising signs: • Attached to building • Freestanding • Directional, if appropriate | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

| | Yes | No | Waiver | | Comments |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|----------|
| | | | N/A | Requested | |
| Dimensions of signs: • Height • Area • Setback | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Elevation drawings with colors & materials | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Type of Illumination, if proposed | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <u>Outdoor Lighting</u> | | | | | |
| Locations | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Height of fixtures | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Wattage | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Type of light (high pressure sodium, etc) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Design/cut sheets of fixtures | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Illumination study, if appropriate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <u>Other Elements</u> | | | | | |
| Construction management plan | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Energy checklist (may be submitted later) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Traffic study, if appropriate | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Proposed covenants, easements, and deed restrictions, if any | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| Fiscal impact study, if requested | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| System for addressing buildings and units | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Additional Comments:



TOWN OF DURHAM
Planning Department
8 Newmarket Road
Durham, NH 03824-2898
Phone (603) 868-8064
www.ci.durham.nh.us

Site Plan Application

Property Information

Property address/location: 25 Madbury Road

Tax map #: 2; Lot #'(s): 12-2; Size of site: _____ acres;

Zoning Districts

Zoning District: Central Business; Wetland Overlay District? Yes: ; No: X;

Shoreland Overlay District? Yes: ; No: X; Flood Overlay District? Yes: ; No: X;

Aquifer Overlay District? Yes: ; No: X; Historic District? Yes: ; No: X;

Proposed Project

Name of project (if applicable): Kappa Delta Sorority Expansion

Describe proposal – uses, square footage, parking spaces, floors, number of units, beds, etc.

The current and proposed use is a sorority. The existing square footage is 9,843sf and the proposed is 18,818sf. The building will be increased by (1) floor, and the number of beds remains the same, but reconfigured for better use. The number of parking spaces is 23, and there is no change.

Utility Information

Town water? yes X no ; How far is Town water from the site? _____

Town sewer? yes X no ; How far is Town sewer from the site? _____

Property Owner

Name (include name of individual): Alpha Sigma House Corp. of Kappa Delta Sorority

Mailing address: c/o In Demand Realty P.O. Box 9 Somersworth, NH 03878

Telephone #: 603-740-4999 Email: idr@indemandrealty.com

Applicant/Developer (if different from property owner)

Name (include name of individual): MJS Engineering, P.C. Michael Sievert

Mailing address: P.O. Box 359 Newmarket, NH 03857

Telephone #: 603-659-4979 Email: mjs@mjs-engineering.com

(over)

Engineer/Surveyor

Name (include name of individual): MJS Engineering, P.C. Michael Sievert

Telephone #: 603-659-4979 Email: mjs@mjs-engineering.com

Architect/Building Designer

Name (include name of individual): A. G. Architects, P.C. Art Guadano

Telephone #: 603-743-3700 Email: art@agarchitects.com

Other Professional/Designer/Agent

Provide name(s) and contact information: Brian Blair idr@indemandrealty.com

Submission of application

This application must be signed by the property owner, applicant/developer (if different from property owner), *and/or* the agent. If not by the property owner, then a separate statement from the owner authorizing submission of the application with the authorization to enter the property (below) is required.

I(we) hereby submit this Site Plan application to the Town of Durham Planning Board and attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. I(we) understand that any additional costs for review of this application will be borne by the owner/applicant.

Signature of property owner: _____

Date: _____

Signature of applicant/developer: _____

Date: _____

Signature of agent: 

Date: 11-19-18

(over)

Authorization to enter property

I(we) hereby authorize members of the Durham Planning Board, Planning Department, and other pertinent Town departments, boards and agencies to enter my/our property for the purpose of evaluating this application including performing any appropriate inspections during the application phase, review phase, post-approval phase, construction phase, and occupancy phase. This authorization applies specifically to those people legitimately involved in evaluating, reviewing, or inspecting this specific application/project. It is understood that these people must use all reasonable care, courtesy, and diligence when entering the property.

Signature of property owner: _____

Date: _____

Signature of property owner: _____

Michael J. ... Agent

Date: 11-19-18



TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898
603/868-8064
www.ci.durham.nh.us

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

Date: 11-19-18

Name of Applicant: Alpha Sigma House Corp. of Kappa Delta Sorority

Location of Property: 25 Madbury Road

Tax Map and Lot Number: Map 2/Lot 12-2

Name of Plan:

- a Conditional Use Permit application
- a letter of intent detailing the proposal
- a letter of authorization (if applicable)
- all applicable fees
- a list of the names and addresses of all the abutters within 300' feet of the subject property, as shown in town records not more than five (5) days before the day of filing; and a listing of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property
- Copies of the current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the property.
- five copies, 24" x 36" and ten additional copies at 11" x 17" of the plat.

The Plan shall show (only if applicant is not submitting a Site Plan Review or Subdivision Application):

- Title Block with title, owner's name and address, date, scale and name, address and seal of the preparer of the plan
- names of owners of abutting properties
- North Arrow and bar scale
- locus plan sat a minimum scale of one (1) inch equals one thousand (1,000) feet showing required information
- Surveyed property lines of the parcel showing their bearings;
- Location and layout of existing and proposed structures and buildings;

- Existing and proposed contours at two (2) foot intervals for the entire site. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid;
- Area of entire parcel in acres and square feet;
- Zoning and special district boundaries;
- Deed reference and tax map number;
- Location width, curbing and paving of access ways, egress ways and streets within the site;
- Location and layout of all on-site parking and loading facilities;
- Location and size of all municipal and non-municipal utilities and appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground, and the location of wells and septic systems;
- Type and location of solid waste disposal facilities;
- Location, elevation and layout of catch basin and other surface drainage features;
- Location of all physical/natural features including: water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stone walls;
- N/A Dimensions and area of all property to be dedicated for public use of common ownership;
- Location of 100 year flood hazard boundaries;
- N/A Date and permit numbers of all required state and federal permits.
- Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of the parcel;
- Dimensions, area and minimum setback requirements on all existing and proposed lots;
- Proposed landscaping plan including size and type of plant material;
- Pedestrian walks providing circulation through the site;
- Location and size of proposed and existing signs, walls and fences;
- Location and type of lighting for outdoor activities; and
- Location, widths and purposes of any easements or rights-of-way.
- Total on-site square footage of impervious surfaces.
- Letter to Planning Board detailing how application meets the criteria for approval set out in Section 175-23(C)
- Applicant has met with neighbors to discuss project and concerns.

Written waivers from these requirements may be requested with specific justification to the requirements of Section 12.02 of the Site Plan Review Regulations for the Town of Durham.

The applicant is reminded that they need to place a sign on the property measuring 2'x3' at least ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. The sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered.



PLANNING DEPARTMENT

Town of Durham

8 Newmarket Road

Durham, NH 03824-2898

Phone (603) 868-8064

www.ci.durham.nh.us

CONDITIONAL USE APPLICATION

Date: 11-19-18

Property information

Property address/location: 25 Madbury Road

Tax map #: 2; lot #'(s): 12-2; Zoning District: Central Business

Property owner

Name (include name of individual): Alpha Sigma House Corp. of Kappa Delta Sorority

Mailing address: c/o In Demand Realty P.O. Box 9 Somersworth, NH 03878

Telephone #: 603-740-4999 Email: idr@indemandrealty.com

Engineer, Surveyor, or Other Professional

Name (include name of individual): MJS Engineering, P.C. Michael Sievert

Mailing address: P.O. Box 359 Newmarket, NH 03857

Telephone #: 603-659-4979 Email address: mjs@mjs-engineering.com

Proposed project

What is the proposed project? An expansion and remodel of the existing sorority

Which provision in the zoning ordinance calls for this conditional use? _____

Use as a sorority

Justification for granting the conditional use: It is an existing use

Have you completed the conditional use checklist? yes

Have you addressed the eight conditional use criteria? yes

(over)

Other Information

Please note the following:

- Coordinate with Michael Behrendt, the Durham Town Planner, at 868-8064 or mbehrendt@ci.durham.nh.us about the process and any additional information that may be needed.
- Coordinate with the Karen Edwards, the Planning Department Administrative Assistant, at 868-8064 or kedwards@ci.durham.nh about preparing the list of abutters. All property owners within 300 feet of the site will be notified of the application and public hearing.
- Please be sure to attend all meetings of the Planning Board and the Conservation Commission, if the latter will be making a recommendation.
- The Planning Board may schedule a site walk after the first meeting.
- A public hearing will be held on the application. A sign must be placed on the property at least 10 days prior to the hearing.
- The applicant will need to address the eight general conditional use criteria. For conditional uses within the Wetland or Shoreland Overlay Districts additional criteria must be addressed by the applicant.
- For conditional uses within the Wetland or Shoreland Overlay Districts, the application will be presented to the Conservation Commission for a recommendation.
- See Article VII in the Durham Zoning Ordinance for additional information about conditional uses.

Submission of application

This application must be signed by the property owner(s) *and/or* the agent.

I(we) attest to the best of my(our) knowledge that all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As agent, I attest that I am duly authorized to act in this capacity.

Signature of property owner: _____

Date: _____

Signature of agent: _____

Date: 11-19-18



5 Railroad Street • P. O.Box 359
Newmarket, NH 03857
Phone: (603) 659-4979
Email: mjs@mjs-engineering.com

Letter of Intent – Site Plan and Conditional Use Permit Applications for
Kappa Delta Sorority
Located at 25 Madbury Road, Tax Map 2 / Lot 12-2

November 17, 2018

1.0 Project Purpose

The intent of this project is to permit the construction of a new building addition and remodel the existing interior of the existing building to improve living conditions and provide accessibility. Site improvements include new entrances, grading and stormwater treatment.

2.0 Existing Conditions

The subject parcel is located in the Central Business Zoning District (CBD). The parcel is bordered on the south and west by Madbury Commons, the north by another sorority and the east by Madbury Road. The parcel has approximately 152' of frontage on Madbury Road, which is also the main access to and from the parcel. The existing structure is a 2-1/2 story building occupied by the Kappa Delta Sorority with 22 paved parking spaces. The southerly portion of the parking lot is a porous parking area and provides stormwater treatment for the existing parcel. Municipal water and sewer, overhead utilities and natural gas serve the property from Madbury Road. There are no changes proposed to the parking as part of this proposal.

3.0 Redevelopment Proposal

Kappa Delta Sorority is proposing to renovate and expand their existing building in order to improved living conditions and to provide accessibility. The building currently has bedrooms located in the basement, and additional bedrooms/bunk rooms on the upper floors. The existing third floor bedrooms are located under a sloped roof line, hence the 2-1/2 story designation. The proposed improvements include renovating the second floor, reconstructing the third floor and roof, and adding a three-story addition with a basement to the northwesterly rear corner of the existing building. The new addition will include an accessible entrance and accessible bedrooms on the first floor. The site changes include an accessible walkway, minor grading at the front of the parcel and a reconstructed paver stone patio, small retaining wall and underground stormwater treatment facility which meets or exceeds the Town stormwater requirements.

Approvals Being Requested from the Planning Board

The Site Plan Review Regulations and Zoning Regulations will require the following approvals based on the current proposed development scope of work.

1. Planning Board Approvals:

- Site Plan approval for construction of the new addition and site improvements per RSA 674:43 and the Durham Site Plan Review Regulations.
- Conditional Use permit, pursuant to Article XII.1;175-53 Table of Uses, Category of Use IV: Institutional use Fraternity/Sorority.
- Conditional Use Permit, pursuant to Article XIII, Section 175-61; A.1, A.3, A.4 and A.5, of the Wetland Conservation Overlay District for construction of utilities including sewer and gas, a non-residential building within the upland buffer strip in a commercial or office-residential zoning district, a precast block retaining wall and the construction of outdoor recreational facilities that do not require the construction of buildings or structures.

A. *Request for Site Plan Approval*

In accordance with the site plan review regulations, this submission package includes the Application and Site Plan Review Checklist, and also the following plans are included:

1. Existing Conditions Plan
2. Site Plan
3. Grading, Drainage, Utility & Erosion Control Plans
4. Detail Sheets
5. Drainage Report/Stormwater Management Plan (Report)
6. Architectural design sheets

B. *Conditional Use Permit approval;*

In accordance with the conditional use regulations, this submission package includes the CUP Application along with the above listed plans and supporting documentation.

The statements below demonstrate how this development project complies with the provisions of the general conditions for a Conditional Use Permit contained within Article VII, Section 175-23.C of the Town of Durham Zoning Ordinance and specific conditions for a CUP contained within Section 175-61.B for the Wetlands Conservation Overlay (WCO). The numbering below coincides with the applicable sections. The plans incorporate best management practices for the construction and thereby satisfy the CUP criterion.

175-23.C

1. Site Suitability:

The property is suitable for the proposed expansion because the use currently exists on the site and has since at least 1996. This expansion will provide significantly improved living conditions and accessibility.

(a) The access to the site is existing, currently provides adequate access and is not changing. Pedestrian access is provided to and from the site by existing sidewalks along Madbury Road. The site is directly connected to the downtown via sidewalks and other public accesses through adjacent parcels.

(b) Adequate emergency services can be provided with no issue and this expansion does not change the access. Pedestrian access is available to the site and a connection into town currently exists. The site is serviced by municipal water and sewer and natural gas and will remain unchanged; the schools will not be impacted by this development; solid waste will be handled onsite with disposal by a private waste company via the screened dumpster and the owner has an existing recycling program in place.

(c) The environmental constraints on and adjacent to the property are minimal. The site is not within the floodplain, has no wetlands nor steep slopes. However, the development proposal incorporates a balanced environmental design approach by minimizing grading changes, and providing stormwater treatment. The stormwater collection/treatment system is classified by the NHDES as a best management practice incorporating filtration and detention. The stormwater system will collect, treat, and improve the quality of the stormwater runoff and reduce the peak flow discharged from the site. The existing landscaping is very adequate and there is minimal landscape improvements being added to the north where the new accessible access is being constructed.

(d) The site is suitable because of the availability of appropriate utilities to serve the existing and intended use and the stormwater system will meet LID standards and provide collection, filtration, some infiltration, and detention.

2. External Impacts:

The external impacts of the proposed use on the abutting properties and the neighborhood will be no greater than the impacts of adjacent existing uses or other uses permitted in the zone:

- The traffic generated by the use will not change because the number of tenants is not increasing. Therefore, there will not be a negative impact to the surrounding properties or public ways as it currently exists and similar to all the other surrounding uses. The proposed building expansion will have minimal impact to abutting properties with respect to noise, odors, vibrations, fumes, and lighting because the use is already in place, the proposed parking area is unchanged. Dust is not an issue and trash removal is provided and is adequate to properly serve the lot uses.
- *The location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use will have no adverse effect on the surrounding environment and will not discourage the appropriate and orderly development and use of the land and buildings in the neighborhood because:*
 - The proposed development complies with all of the above requirements because it is an existing structure being used as a sorority and has been for the past 20 years.

- The design of the structure is similar to all of the surrounding 3-4 story mixed use buildings and several other fraternities and sororities in the neighborhood.
- Landscaping and lighting will meet the latest site plan requirements.

3. Character of the site development:

The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts of the use on the neighborhood because:

- The parking lot remains unchanged and is similar in size to the parking lots on the adjacent properties.
- The parking lot is existing and is mostly to the site and rear of the parcel and is no different than parking on adjacent properties.
- Adequate vehicular and pedestrian access to and within the property is provided from existing streets and sidewalks.

4. Character of the buildings and structures:

The design of any new buildings or structures and the modifications of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood because:

- The scale, materials, grade and other site amenities conforms to the development standards within the regulations and is similar to other existing structures on and adjacent to the site. In fact, this building is much closer in scale and character to the several other fraternities and sororities in the neighborhood than the mixed use building on the adjacent parcel.

5. Preservation of natural, cultural, historic, and scenic resources:

The proposed use of the site, including all related development activities, shall preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties because:

- The existing property affords no significant wildlife habitat, is absent of graveyards, wetlands and floodplains, and preserves the existing building character with very minimal changes to the front of the parcel.

6. Impact on property values:

The proposed development will not cause or contribute to a significant decline in property values of adjacent properties:

- The renovation and expansion provides for improved bedroom sizes and configuration, removes bedrooms from the basement, provides accessibility and will complement adjacent properties. This renovation/expansion will increase the value of this and surrounding properties because of all the improvements.

7. Availability of Public Services and Facilities:

- The site is serviced by municipal water and sewer and this will not change with this proposal.
- Solid waste will be stored in the onsite dumpster and collected and disposed via a private waste disposal company.

- Drainage will be controlled on site and released at a lesser rate than existing as documented in the included Drainage Analysis. The quality of the stormwater leaving the site will be equal to or improved from the existing condition.
- Electric, telephone, and data utilities will be changed to underground from an existing pole on Madbury Road.
- Police and Fire Department review and comment is conducted as part of the application. This site has a central and easily accessible location from the police and fire departments via town roads and there are not changes proposed to this layout.
- The intended use will not cause a demand on any of the municipal services as there is no increase in occupants.

8. Fiscal impacts:

- The facility will not have a negative fiscal impact as there are no school age children living on the site, and no municipal facilities used at the site.
- Solid Waste/Recycling will be handled by a private contractor and paid for directly by the property owner.
- Maintenance of the site is the owner's responsibility.

175-61.B

1. *There is no alternative location on the parcel that is outside of the WCO District that is feasible for the proposed use.*

The building currently exists and was originally constructed in or around the early 1900's with additions on both the north and south around 1965 when the wetland conservation district was not in place as it is today. The wetland is located on the adjacent parcel, but the buffer extends onto this parcel. Given the disposition of the lot with the large front yard and parking lot to the south, this is the only location on the lot for the small addition, which has a minimal impact to the integrity of the building with respect to architecture, size and scale. There is already an existing patio on the parcel in this location, which is being constructed and a stormwater treatment system is being constructed under this area to collect and treat the runoff from the existing roof and the new addition. No alternative location on the parcel that is outside the WCO District is available that would allow the proposed use without a large negative impact to the proposed development and surrounding properties.

2. *The amount of soil disturbance will be the minimum necessary for the construction and operation of the facilities as determined by the Planning Board.*

The proposed site layout and associated grading and drainage design has been prepared with the primary intent of minimizing soil disturbance by constructing a small retaining wall to maintaining the existing grades and vegetation to the extent feasible. The soil disturbance for this construction is limited to the northwestern side of the site for the building addition, stormwater collection and treatment and patio. The project does not disturb the remaining 80% of the lot.

3. *The location, design, construction, and maintenance of the facilities will minimize any detrimental impact on the wetland and mitigation activities will be undertaken to counterbalance any adverse impacts.*

Every feasible effort has been made in the design of the site layout and grading to minimize any detrimental impacts described above and mitigation activities incorporated as well.

These include:

- Providing a significant renovation of the interior to maximize the existing space, and thereby minimize the need for an addition.
 - Minimizing grading changes and applying jute matting erosion control to the slopes to provide greater slope stability.
 - Use of temporary erosion control measures like silt soxx; construction of a permanent stormwater control systems in addition to the porous pavement that was previously installed to control stormwater from the site;
 - Reconstructing the existing roof runoff from the building, which flows directly to the wetland from the parcel by constructing a new collection and treatment system for runoff from the existing and proposed addition.
4. *Restoration activities will leave the site, as nearly as possible, in its pre-existing condition and grade at the time of application for the Conditional Use Permit.*

Any disturbances outside of the current limits of disturbance on the property will be fully restored and re-vegetated.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely;

A handwritten signature in cursive script that reads "Michael J. Sievert". The signature is written in black ink and is positioned above the typed name.

Michael J. Sievert PE
MJS Engineering



5 Railroad Street • P.O. Box 359
Newmarket, NH 03857
Phone: (603) 659-4979
Email: mjs@mjs-engineering.com

November 18, 2018

Durham Planning Board
8 Newmarket Road
Durham, NH 03824

Re: Waiver request for Kappa Delta Sorority Site plan and Conditional Use permit application Tax Map 2 Lot 12-2

Dear Chairman:

On behalf of our client Kappa Delta Sorority, MJS Engineering is formally requesting a waiver from the *Site Plan Regulations Section 2.2; 4.a) Formal application content requirement to provide surveyed property lines showing bearings and distances.*

The reason for this request is because there is a survey of the adjacent lot, which surrounds this parcel on two sides. The right of way of Madbury Road is well established. The surveyors were able to find the existing northeasterly monument in the field, therefore it allowed the boundaries to be established with very good accuracy.

If you require additional information or have any questions or comments, please call (603) 659-4979 x302.

Sincerely,

A handwritten signature in black ink that reads 'Michael J. Sievert'. The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Michael J. Sievert PE
President



PO Box 9
Somersworth, NH 03878-0009
(603) 740-4999

Alpha Sigma House Corporation of Kappa Delta Sorority

October 19, 2018

Durham Planning and Zoning Boards
Town of Durham
8 Newmarket Road
Durham, New Hampshire 03824

RE: Kappa Delta Sorority
25 Madbury Road
Durham, New Hampshire 03824

Dear Chairpersons,

I hereby authorize Michael J. Sievert, P.E. of MJS Engineering and Art Guadano of AG Architects, PC to represent us at the Durham Planning and Zoning Boards, and any and all technical review committee meetings for variance, conditional use and site plan approvals. The subject parcel is shown on Tax Map 2 as Lot 12-2 located at 25 Madbury Road.

Sincerely,

Brian T. Blair - In Demand Realty, LLC
Authorized Agent for
Alpha Sigma House Corporation of Kappa Delta Sorority

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Theta Gamma of Delta Zeta House Corporation (formerly known as Sigma Omicron Corporation), a New Hampshire voluntary corporation with an address of 25 Madbury Road, Durham, County of Strafford, and State of New Hampshire 03824

for consideration paid, hereby grants to Alpha Sigma House Corporation of Kappa Delta Sorority, a New Hampshire voluntary corporation with a mailing address of P. O. Box 368, Durham, New Hampshire 03824

with WARRANTY COVENANTS, the following described premises:

A certain tract of land with the buildings thereon situate on the westerly side of Madbury Road in Durham, County of Strafford and State of New Hampshire, being shown as Lot 1 on a plan entitled "Re-Subdivision of Land in Durham, New Hampshire prepared for Theta Gamma of Delta Zeta House Corp." dated August 4, 1980 by John W. Durgin Associates, Inc., recorded in the Strafford County Registry of Deeds as Plan 21-86, bounded and described as follows:

Beginning at an iron rod on the westerly side of Madbury Road, being the southeastern corner of the within conveyed premises and the northeastern corner of land now or formerly of Gangwer Realty, Inc.; thence S 82° 42' 25" W along said Gangwer Realty, Inc. property a distance of 133.38 feet to an iron rod; thence S 81° 32' 25" W along said Gangwer Realty, Inc. property and property now or formerly of Jesse P. Gangwer a distance of 34.32 feet to an iron rod at Lot 2 on said plan; thence N 02° 09' 40" E along said Lot 2 a distance of 181.12 feet to an iron rod at land now or formerly of Ernest J. Cutter; thence S 87° 29' 40" E along said Cutter land and land now or formerly of Alpha-Chi-Omega Corporation a distance of 163.80 feet to an old bolt on the westerly side of Madbury Road; thence S 01° 35' 35" W along said Madbury Road a distance of 151.91 feet to the point of beginning.

TOGETHER with the right to enough space on Lot #2 as shown on said Plan #21-86 to park eight (8) automobiles as more specifically set forth in deed dated January 14, 1981 and recorded in the Strafford County Registry of Deeds at Book 1060, Page 313; and TOGETHER with a right-of-way to pass and repass over the abutting land now or formerly of Jesse P. Gangwer and June A. Gangwer and Gangwer Realty Inc. as shown on said Plan #21-86 for the purpose of parking automobiles or other means of transportation on Lot #2 on said plan as more specifically set forth in Easement dated January 14, 1981 and recorded in the Strafford County Registry of Deeds at Book 1060, Page 318.

The above-described premises herein conveyed are subject to a buffer easement dated January 14, 1981 and recorded in the Strafford County Registry of Deeds at Book 1060, Page 320.

Meaning and intending to convey a portion of the premises conveyed to the grantor by deeds of Mary C. Langley dated July 17, 1930 and November 10, 1954 and recorded in the Strafford County Registry of Deeds at Book 441, Page 129 and Book 637, Page 367. See change of corporate name filed at the State of New Hampshire Secretary of State's Office on October 4, 1963 and May 2, 1968.

Signed this 1st of MAY, 1996.

Theta Gamma of Delta Zeta House Corporation
By Patricia M. Cole, President

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this, the 1st of MAY, 1996, before me, the undersigned Officer, personally appeared Patricia M. Cole, duly authorized President of Theta Gamma of Delta Zeta House Corporation, known to me, or satisfactorily proven, to be the persons whose name is subscribed to the foregoing instrument, and acknowledged that she executed the same for the purposes set forth therein.

Justice of the Peace/Notary Public
My Commission Expires 12/3/97

96 MAY - 1 PM 4: 05
REGISTER OF DEEDS
STRAFFORD COUNTY

005446

STATE OF NEW HAMPSHIRE
DEPARTMENT OF REVENUE ADMINISTRATION
REAL ESTATE TRANSFER TAX
XXX3 THOUSAND XX3 HUNDRED AND X11 DOLLARS
213134
05-01-96 \$3311.00
VOID IF ALTERED

BK / 859 PG 0532

Tax Stamp: \$ _____
Recording Fee: \$ _____
L-Chip Surcharge: \$ _____

Return to:

Philip S. Mehall
Attorney at Law
27 Congress Street, Suite 205-6
Salem, MA 01970

EQUIPMENT LOCATION EASEMENT

THIS EQUIPMENT LOCATION EASEMENT (this “**Easement**”) is made and entered into as of January 20, 2015 by and between ALPHA SIGMA HOUSE CORPORATION OF KAPPA DELTA SORORITY, A VIRGINIA CORPORATION, a New Hampshire non-profit corporation having a principal office at 25 Madbury Road, Durham, NH 03824 (“**Grantor**”) and GP MADBURY 17, LLC, a New Hampshire limited liability company having a principal office at 22 Rosemary Lane, Durham, NH 03824 (“**Grantee**”). Grantor and Grantee are collectively referred to herein as the “**Parties**” and individually as a “**Party**”.

A. Grantor is the owner of real property located at 25 Madbury Road, Durham, New Hampshire described in Exhibit A hereto and said property abuts Grantee’s property described below.

B. Grantee is the owner of real property located at 17 and 21 Madbury Road, Durham, New Hampshire described in Exhibit B hereto.

C. In order for Grantee to locate certain equipment on Grantor’s property Grantee has requested, and Grantor has agreed to grant, the Easement set forth herein.

NOW, THEREFORE, for and in consideration of the mutual benefits, Grantor and Grantee agree as follows:

I. Equipment Location Easement. Grantor, its heirs, successors and assigns, grants to Grantee, its heirs, successors and assigns, a permanent assignable easement and right-of-way in, under, across and over the approximately nine hundred thirty four (934) square foot cross-hatched area (the “**Easement Area**”) designated on the plan recorded simultaneously herewith and named “SKC-3: Proposed Cooling Tower and Transformer Pad Location Plan prepared for Madbury Commons” prepared by MJS Engineering, P.C., dated September 29, 2014 and revised October 8 and November 17, 2014 (the “**Easement Plan**”), with the right of immediate entry and continued access, for the

purpose of constructing certain concrete pads and retaining wall and the location and maintenance of transformers and a cooling tower.

2. Acquisition and Continuing Costs. Grantee shall pay to the Grantor the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) in exchange for the Easement. The payment shall be made in two installments, the first installment of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750.00) upon the signing of this Easement and the second installment of Eight Thousand Seven Hundred and Fifty Dollars (\$8,750.00) September 1st 2015. Grantee also agrees to reimburse Grantor, within fifteen (15) days of the date of payment thereof, for real estate taxes derived or resulting from, directly or indirectly, the Easement Area and the mechanical structures and associated site improvements now or hereafter placed on Grantor's land or otherwise resulting from, directly or indirectly, this Easement. The real estate tax burden shall be calculated: (a) based on that portion of the real estate taxes attributable to the Easement Area; and (b) by reviewing the values placed on the mechanical structures and associated site improvements that will be listed on the Town of Durham's property tax card for 25 Madbury Road or otherwise utilized in the calculation of the Grantor's real estate tax burden. On a continuing basis, Grantee shall bear the costs, expenses, and risks arising out of or in any way relating to the construction, operation, landscaping, maintenance and repair of the Easement Area at a level to maintain consistency with Grantor's property for the purposes set forth in Section 1 above.

3. Grantor's Retained Rights. Grantor retains the right to freely use and enjoy its interest in the Easement Area insofar as the exercise thereof does not endanger or unreasonably interfere with the purpose of this Easement. Interference by Grantor includes, but shall not be limited to, the construction of any building, shed, deck or other structure within the Easement Area, substantially change the grade or slope, the installation of any pipes, or the paving of the Easement Area without the consent of Grantee, which consent shall not unreasonably be withheld.

4. Easement to Run with Land. This Easement and all other covenants, agreements, rights and obligations created hereby, shall run with Grantee's property situate at 17 and 21 Madbury Road, Durham, New Hampshire, and shall be binding on and inure to the benefit of all persons having or acquiring fee title to the Grantee's property situate at 17 and 21 Madbury Road, Durham, New Hampshire, all upon the terms, provisions and conditions set forth herein. This Easement and all the rights and obligations of the Grantor and Grantee with respect to this Easement set forth herein will commence as of the date hereof and shall, except as otherwise provided herein, continue in perpetuity.

5. Rules and Regulations. In connection with its use of this Easement, Grantee and its occupants, tenants, invitees, agents, contractors, customers, guests, employees, successors and assigns shall comply with all reasonable rules and regulations promulgated by Grantor relating to the use of this Easement.

6. Limitation on Liability. Grantee agrees that, notwithstanding any provision of this Easement to the contrary, neither Grantor nor any of Grantor's officers, directors, members, managers, employees, agents, representatives, successors or assigns shall be personally liable for any breach of or other action related to this Easement, but rather Grantee shall look solely to Grantor's interest in the Grantor's property situate at 25 Madbury Road, Durham, New Hampshire. Notwithstanding the foregoing, Grantee acknowledges and agrees that this Section does not grant Grantee any lien or similar rights with respect to the Grantor's property or other assets of Grantor.

7. Indemnification.

7.1 Grantee shall indemnify, defend and hold Grantor harmless from and against any and all liability, loss, cost, damage or expense, including reasonable attorneys' fees, incurred by Grantor in connection with: (a) the use by Grantee or its occupants, tenants, invitees, agents, contractors, customers, guests, employees, successors and assigns of this Easement; or (b) the construction, operation, landscaping, maintenance and repair of the Easement Area.

7.2 Grantee agrees to defend with counsel acceptable to Grantor and indemnify Grantor and hold Grantor harmless from and against all claims of whatever nature arising from any act, omission, negligence or willful misconduct of Grantee, its officers, directors, members, managers, representatives, agents, employees, invitees, licensees or contractors, their heirs, executors, administrators, successors and assigns, in or about the Easement Area, or arising from any accident, injury or death caused to any person, or any damage whatsoever to any property of any person, arising out of the Easement granted herein to Grantee. Excluded from this indemnity are claims exclusively arising from the gross negligence or willful misconduct of Grantor, its officers, directors, agents, employees, licensees, contractors or invitees. This indemnity and hold harmless agreement shall include indemnity against all costs, expenses and liabilities incurred in or in connection with any such claim or proceeding brought thereon, in the defense thereof, including attorneys' fees. Grantee shall not settle or compromise any claim without the prior written consent of Grantor.

7.3 In addition, Grantee agrees to defend with counsel acceptable to Grantor and indemnify Grantor and hold Grantor harmless from and against all claims arising from the discharge or other release into, onto, over, under or around the Grantor's property from the Easement Area of any hazardous waste, material or substance, excluding any discharge of hazardous waste to the extent caused solely by Grantor, its officers, directors, agents, employees, invitees, licensees or contractors. The term "hazardous waste" means any such materials, waste, contaminant or other substances as defined by cumulative reference to the following sources as amended from time to time: (a) the Resource Conservation and Recovery Act of 1976, 42 USC Section 601 *et. seq.* (RCRA); (b) the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 USC Section 961 *et. seq.* (CERCLA); (c) Superfund Amendment and Reauthorization Act of 1986, 42 USC Section 6901 *et. seq.* (SARA, amending CERCLA); (d) Federal Water Pollution Control Act; (v) New Hampshire RSA 147 and

147-A and 147-B; and (e) any federal, state or local regulations, rules or orders issued or promulgated, now or hereafter, under or pursuant to any of the foregoing or otherwise by any department, agency or other administrative, regulatory or judicial body. Grantee shall not settle or compromise any claim without the consent of Grantor. The obligations hereunder of Grantee shall not extend to any act, omission or negligence occurring after termination by Grantor of the Easement granted herein to Grantee.

7.4 The Grantee agrees that it will include Grantor as an additional insured on its general liability insurance (with coverages reasonably acceptable to the Grantor, its successors and assigns) throughout the term of this Easement.

8. Miscellaneous.

8.1 Counterparts. This Easement may be executed in several counterparts, and each counterpart shall constitute one Easement binding on all parties hereto, notwithstanding that all of the parties are not signatories to an original or same counterpart.

8.2 Successors and Assigns. This Easement shall be binding on Grantee's respective successors and assigns.

8.3 Section Headings. The Section headings herein are inserted only for convenience and reference and shall in no way define, limit, or prescribe the scope or intent of any provisions of this Easement.

8.4 Entire Agreement. This Easement contains the entire agreement of the parties hereto with respect to the subject matter hereof and no prior written or oral agreement shall have any force or effect or be binding upon the parties hereto.

8.5 Waivers. No provision of this Easement shall be deemed waived except by a writing executed by the party against whom the waiver is sought to be enforced. No waiver of any provision of this Easement shall be deemed a continuing waiver of such provision or deemed a waiver of any other provision of this Easement.

8.6 Notices. Any notice required or permitted to be given under this Easement shall be in writing and shall be deemed to have been given when delivered by overnight delivery service showing receipt of delivery, or by personal delivery. Such notices shall be sent to the Parties at the following addresses, or such other address as may otherwise be indicated by any such Party in writing.

| | |
|----------------|---|
| If to Grantor: | Barrett C. Bilotta, Manager GP Madbury 17, LLC 22 Rosemary Lane Durham, NH 03824 Fax: 603.590.6824 Email: bbilotta@goldengoosecapital.com |
|----------------|---|

With a copy to: Philip S. Mehall
Attorney at Law
27 Congress Street, Suite 205-6
Salem, MA 01970
Fax: 978.910.0266
Email: pmehall@mehall-law.com

If to Grantee: Alpha Sigma House Corporation of Kappa
Delta Sorority, A Virginia Corporation
c/o In Demand Realty, LLC
25 Madbury Road
Durham, NH 03824
Fax: 603.740.4999
Email: brian@indemandrealty.com

With a copy to: Gregory D. Wirth, Esq.
The Law Offices of Gregory D. Wirth, P.L.L.C.
100 Main Street, Suite 111
P.O. Box 2209
Dover, NH 03821-2209
Fax: 603.516.2210
Email: gwirth@gwirthlaw.com

Notices as aforesaid shall be effective upon the earlier of the next Business Day after delivery to an overnight delivery service, postage prepaid, or when actual person delivery.

8.7 Amendment. This Easement may not be amended or terminated except by a written instrument signed by the then-fee-owner of those properties situate at 17, 21 and 25 Madbury Road, Durham., New Hampshire.

8.8 Default. (a) If any party hereto breaches any provision of this Easement and fails to cure such breach within ten (10) days after receipt of written notice thereof, the non-defaulting party shall have the right to enforce the terms and provisions of this Easement by any proceeding at law or in equity. The failure by any Party to enforce this Easement or any term or provision hereof shall in no event be deemed a waiver of the right to do so thereafter; (b) In the event the Grantee fails and/or refuses to timely pay to the Grantor the sum of Eight Thousand Seven Hundred Fifty Dollars (\$8,750.00) on or prior to September 1, 2015 as provided for in Paragraph 2 herein (subject to the cure period provided for in clause (a) of this Section 8.8), or otherwise fails and/or refuses to timely comply with the provisions of Paragraph 2 herein, this Easement, with the exception of the indemnification provisions provided for herein, shall be terminated and be of no further force or effect.

8.9 Arbitration. All disputes arising out of, or in connection with, this Easement shall be resolved by arbitration before a single arbitrator pursuant to the

Commercial Arbitration Rules of the American Arbitration Association, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The place of arbitration shall be Portsmouth, New Hampshire. The Parties shall share the cost of the arbitrator, however, the substantial prevailing Party in any arbitration brought to enforce or interpret this Easement shall be awarded its costs and reasonable attorney's fee.

8.10 Usage of Terms. When the context in which words are used herein indicates that such is the intent, words in the singular number shall include the plural and vice versa. All pronouns and any variations thereof shall be deemed to refer to all genders.

8.11 Authority to Execute. Each person executing this Easement represents and warrants that it is duly authorized to execute this Easement by the Party on whose behalf it is so executing.

8.13 Disclaimer of Joint Venture. This Easement is not intended to create a joint venture, partnership or agency relationship between Grantor and Grantee and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

8.12 Survival. All terms, covenants, releases, and indemnities which are intended to survive termination or expiration of this Easement, specifically including the indemnification provisions provided for in Paragraph 7 hereof, shall survive such termination or expiration.

8.13 Governing Law. This Guaranty, the rights of the Parties and all proceedings arising in whole or in part under or in connection herewith, shall be governed by and construed in accordance with the domestic substantive laws of the State of New Hampshire, without giving effect to any choice or conflict of law provision or rule that would cause the application of the laws of any other jurisdiction.

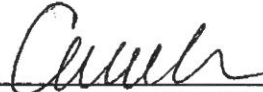
8.14 Construction. The parties hereto have participated jointly in the negotiation and drafting of this Easement. In the event an ambiguity or question of intent or interpretation arises, this Easement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Easement.

8.15 Termination. In the event of the termination or other lapse of this Easement, the Grantee shall, at its sole cost and expense, return the Easement Area to its condition immediately prior to the execution of this Easement.

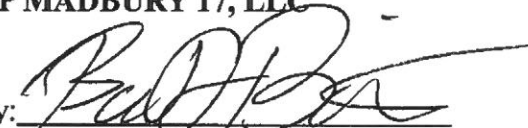
[Remainder of Page Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Easement as of the date first written above.

**ALPHA SIGMA HOUSE CORPORATION OF
KAPPA DELTA SORORITY, A VIRGINIA
CORPORATION**

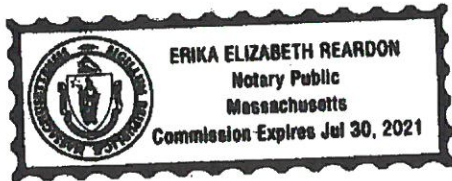
By: 
Carrie Landa, President

GP MADBURY 17, LLC

By: 
Barrett C. Bilotta, Manager

STATE OF Massachusetts
COUNTY OF Suffolk

The foregoing instrument was acknowledged before me this ___ day of January, 2015, by Carrie Landa, President of Alpha Sigma House Corporation of Kappa Delta Sorority, A Virginia Corporation, a New Hampshire non-profit corporation, on behalf of said corporation.



Erika E. Reardon
Justice of the Peace/Notary Public
My Commission Expires: July 30, 2021
Notary Seal or Stamp:

STATE OF NEW HAMPSHIRE
COUNTY OF Rockingham

The foregoing instrument was acknowledged before me this 20th day of January, 2015, by Barrett C. Bilotta, Manager of GP Madbury 17, LLC, a New Hampshire limited liability company, on behalf of said limited liability company.

Sandra L. LaRose
Justice of the Peace/Notary Public
My Commission Expires: December 20, 2018
Notary Seal or Stamp:

SANDRA L. LaROSE, Notary Public
My Commission Expires December 20, 2018

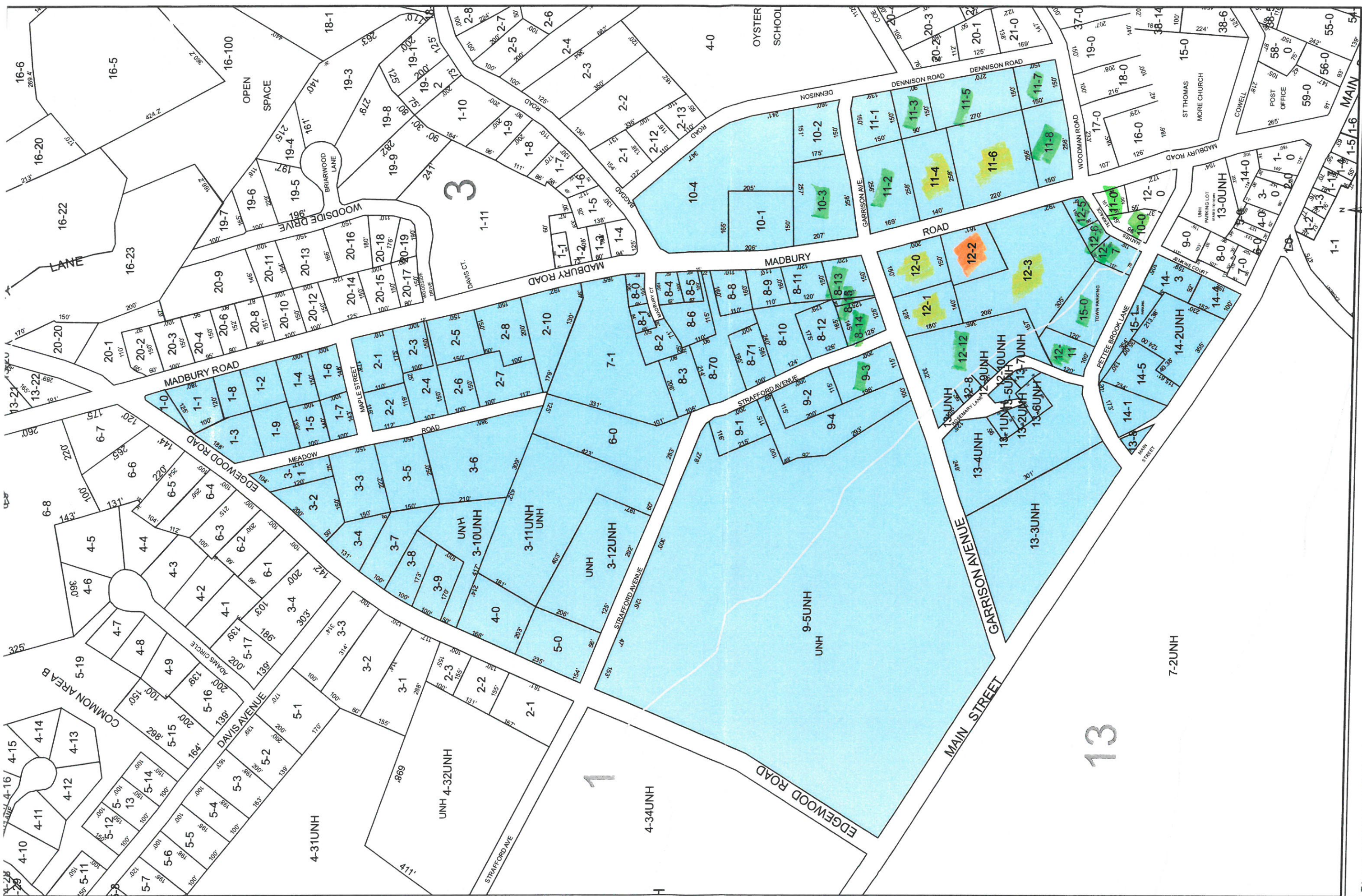


LIST OF OWNERS OF ABUTTING PROPERTY

(This includes property directly across the street or streams from the land under consideration. **List must also include any and all preparers of plans, studies, etc...**)

PLEASE PROVIDE NAME & MAILING ADDRESS

| | |
|--|---|
| <p>MAP 2/LOT 12-7 10 Mathes Terrace</p> <p>10 MATHES TERRACE, LLC 10 MATHES TERRACE DURHAM, NH 03824</p> | <p>MAP 4/LOT 10-0 12 Mathes Terrace</p> <p>12 MATHES TERRACE, LLC 12 MATHES TERRACE DURHAM, NH 03824</p> |
| <p>MAP 2/LOT 15-0 Pettee Brook Parking Lot</p> <p>TOWN OF DURHAM 8 NEWMARKET ROAD DURHAM, NH 03824</p> | |
| <p>MAP 2/LOT 12-11 10 Pettee Brook Lane</p> <p>IONIAN PROPERTIES, LLC 263 CENTRAL AVENUE DOVER, NH 03820</p> | |
| <p>MAP 2/LOT 12-12 18 Garrison Avenue</p> <p>GAMMA THETA CORPORATION JOSEPH BERWANGER, PRESIDENT 27 CHISHOLM FARM DRIVE STRATHAM, NH 03885</p> | |
| <p>MAP 2/LOT 8-15</p> <p>NO KNOWN OWNER</p> | |
| | |



This map was originally produced by Strafford Regional Planning Commission in October 2004, and was updated by the Town of Durham in January 2017.

THIS MAP IS FOR ASSESSMENT PURPOSES
IT IS NOT INTENDED FOR LEGAL DESCRIPTION OR CONVEYANCE.

Legend

-  Adjacent Map Sheets
-  Current Map Sheet

PROPERTY MAP

DURHAM
NEW HAMPSHIRE



Map 2

1 inch = 428 feet