



**TOWN OF DURHAM**  
8 NEWMARKET RD  
DURHAM, NH 03824-2898  
603/868-8064  
[www.ci.durham.nh.us](http://www.ci.durham.nh.us)

### **NOTICE OF DECISION**

**Project Name:** Kappa Delta – Building expansion, building renovation, site changes, and conditional uses

**Action Taken:** APPROVAL

**Project Description:** Includes conditional uses for: 1) expansion of use; 2) exceeding 30 feet in building height; and 3) construction within the Wetland Conservation Overlay District.

**Address:** 25 Madbury Road

**Property Owner:** Alpha Sigma House Corporation

**Architect:** Art Guadano, AG Architects

**Engineer:** Mike Sievert, MJS Engineering

**Map and Lot:** Map 2, Lot 12-2

**Zoning:** Central Business District

**Date of approval:** **January 23, 2019**

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

“Applicant,” herein refers to the applicant and his/her/their/its agents, successors and assigns.

### **CONDITIONS PRECEDENT**

All of the conditions precedent below must be met by the applicant prior to the plans being certified by the Town Planner. Certification of the plans is required prior to issuance of a building permit or performing any significant site work. Once these conditions precedent 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 July 23, 2019 - the Planning Board's approval will be considered to have lapsed. Extension(s) may be granted by the Planning Board for reasonable cause. It is the sole responsibility of the applicant (or his/her agent) to ensure that the precedent conditions are met by this deadline. See RSA 674:39 on vesting. No changes to the plans that were reviewed and approved by the Planning Board on January 23, 2019 may be made except for the specific required changes that follow.

### **Plan Modifications**

- 1) **Plan modifications.** Make the following modifications to the plans/plan set that were reviewed and approved by the Planning Board (Items do not need to be physically constructed as a precedent condition):
  - a) **Rip rap.** Rip rap shall be installed at the outlet to mitigate potential erosion as recommended by the Conservation Commission.
  - b) **Lighting.** Adjust the lighting plan so that no footcandle count exceeds 12, the maximum permitted in the district.
  - c) **Survey.** Incorporate accurate survey bearings and distances on all pertinent sheets.

### **Notes on Plans**

- 2) **Notes on plans.** Add the following notes on the plans/plan set that were reviewed and approved by the Planning Board:
  - a) **Construction hours.** “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 9:00 a.m. to 6:00 p.m. Saturday”.
  - b) **Additional information.** “For more information about this site plan, or to see the complete plan set, contact the Town of Durham Planning Department, 8 Newmarket Road, Durham, NH 03824. (603) 868-8064.”
  - c) **Notice of decision.** “It is the applicant’s, site contractor’s, and building contractor’s responsibility to follow all requirements related to this site plan approval. Please review these plans and the Planning Board Notice of Decision carefully. Contact the Durham Planning Department at (603) 868-8064 with any questions or concerns.”
  - d) **Blasting.** “Blasting and on-site chipping (of stone) is restricted to the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.”
  - e) **Occupancy.** This plan is approved for a maximum of 45 residents which includes 43 members of the sorority, the house director, and one guest. Any proposed increase in occupancy will require a new conditional use.

### **Other Conditions Precedent**

- 3) **Other permits.** Any required state and federal permits shall be obtained with copies of permits delivered to the Planning Department.
- 4) **Town Permits.** Any required town permits shall be obtained including a new or revised Utility Connection Permit if required.

- 5) Lighting. Provide more specific cut sheets of all lighting details to ensure that the lights are fully shielded.
- 6) Final drawings. The following complete sets of final approved drawings shall be submitted for signature (except the electronic version) by the Town Planner: a) one large set of black line drawings (plus a second set if the applicant wants a signed set); b) one set of 11"x17" drawings; plus c) one electronic version by pdf. Each individual sheet in every set of drawings must be stamped and signed by the land surveyor, engineer, or architect responsible for the plans.
- 7) Signature. Signature by the applicant at the bottom acknowledging all terms and conditions of this approval herein.

### **CONDITIONS SUBSEQUENT AND GENERAL TERMS**

All of the conditions below are also attached to this approval. All work shall be completed and all required conditions shall be met prior to issuance of a certificate of occupancy unless otherwise specified or a surety acceptable to the Town is posted.

#### **Conditions to be met prior to commencing site work**

- 8) Site work. No significant site work (including any significant clearing of the site) or ground disturbance may be undertaken until:
  - a) all of the conditions precedent are met;
  - b) the preconstruction meeting with Town staff has taken place (Contact Michael Behrendt, Town Planner, to arrange for the meeting);
  - c) limits of clearing have been established in the field and approved by the Public Works Department; and
  - d) all appropriate erosion and sedimentation control structures are in place.
  - e) These erosion and sedimentation control measures and designation of the limits of clearing must be in place prior to the pre-construction meeting in order that they may be inspected at the meeting.

#### **Conditions to be met prior to issuance of any certificate of occupancy**

- 9) As-built drawings. One set of full size, one set of 11" x 17", and one electronic copy of as-built ("record") drawings of all buildings, structures, infrastructure, utilities, drainage structures, roads, parking areas, and other pertinent elements shall be provided prior to the certificate of occupancy (unless a surety to cover the cost of the as-built drawings is given). The plans shall be stamped and signed by the Engineer or Surveyor and include the following language or comparable: "This as-built drawing substantially conforms with the final plans approved by the Town of Durham Planning Board and

certified by the Planning Department except for the following significant modifications: ....”. If no significant modifications were made simply state “none”. Otherwise, itemize the modifications on the as-built or on an accompanying letter.

- 10) Improvements. All on-site and off-site improvements included in this approval shall be completed prior to issuance of a certificate of occupancy unless an acceptable surety is posted.
- 11) Phasing. The proposed phasing for the project is approved. Certificates of occupancy may be issued for separate phases as appropriate. The Building Official may specify any requirements to ensure safe and adequate access and use of the building for each phase.
- 12) Fees. All outstanding fees shall be paid.
- 13) Other applicable requirements. All other applicable requirements of this site plan, this Notice of Decision, and other terms and conditions must be satisfied prior to issuance of a certificate of occupancy.

**Other terms and conditions**

- 14) Recording. This notice of decision must be recorded at the Registry of Deeds within 14 days of certification of the plans.
- 15) Recycling. The applicant shall maintain a recycling program as specified in the application correspondence. The applicant shall use recycling bins through the site and the Town Department of Public Works shall empty them curbside twice each week.
- 16) Energy Checklist. The applicant is encouraged (but not required) to comply with the items as noted in the completed energy checklist.
- 17) Police Recommendations. It is recommended (but not required herein) that the applicant install video monitoring in any interior common stairwells or hallways or exterior walkways for theft prevention and resident safety and to enhance the police department’s ability to resolve criminal acts. It is also recommended that hardware include window locks, dead bolts for doors, interior door hinges and well lit interior corridors, and that all common building entrances have locks that automatically catch when the door closes.
- 18) Sprinklers. The building or any portions of the building shall have sprinkler systems if so determined by the Durham Fire Department.
- 19) Minor changes. Any changes to the approved plans shall be reviewed in accordance with the Planning Board’s Rules of Procedure..

- 20) Weekend clean ups. The applicant is strongly encouraged (in accordance with Chapter 118 of the Durham Town Code) to inspect and to clean up the site, as needed, on Friday, Saturday, and Sunday mornings.
- 21) Execution. The project must be built and executed exactly as specified in the approved application package unless changes are approved by the Town as provided in this document (See Minor Changes provision herein).
- 22) Approval. All of the documentation submitted in the application package by the applicant – including site plans, architectural plans, construction management plan, application materials, and commentaries from 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 be determining.
- 23) Completion. The project shall be completed by August 30, 2024.

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 January 9; **B)** The Planning Board held a *site walk* on December 19 and a *public hearing* on the application on January 9 and January 23, 2018; **C)** The applicant revised and *updated the plans* and other documentation several times pursuant to comments from the Planning Board, public, and Technical Review Group, and other Town boards and committees; **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 or variances 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 the three required conditional uses; **F)** The Town Planner reviewed the design in accordance with the *Architectural Standards* contained in the Site Plan Regulations and stated that he believes the plan is in conformance; and **G)** This project is *not considered to be a DRI* (Development of Regional Impact); and **h)** 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(s). As the applicant(s), I/we accept and acknowledge all of the terms and conditions of this approval herein.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of applicant

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of applicant

\_\_\_\_\_  
Signature of Planning Board Chair

\_\_\_\_\_  
date

\_\_\_\_\_  
Printed name of Planning Board Chair