



TOWN OF DURHAM
15 NEWMARKET ROAD
DURHAM, NH 03824-2898
603/868-8064 • 603/868-8065
FAX 603/868-8033
www.ci.durham.nh.us

Doc # 0031530 May 13, 2008 12:26 PM
Book 3643 Page 0855 Page 1 of 3
Register of Deeds, Strafford County

FINDINGS OF FACT AND CONDITIONS OF APPROVAL

Approval of an Application for Conditional Use Permit submitted by Nick Isaak, Durham, New Hampshire on behalf of SAE Services Inc., Evanston, Illinois, for the re-instating of a building into a fraternity house. The property involved is shown on Tax Map 2, Lot 11-2, is located at 28 Madbury Road and is in the Professional Office Zoning District.

FINDINGS OF FACT

1. The applicant submitted an Application for Conditional Use Permit with supporting documents on February 7, 2007.
2. The applicant submitted a copy of the Deed for the property on February 7, 2007.
3. The applicant submitted a letter from SAE Services Inc. on February 7, 2007, giving Nick Isaak permission to represent SAE Services Inc. before the Planning Board.
4. The applicant submitted an updated Application for Conditional Use Permit with the Approval Criteria on February 15, 2007.
5. The applicant submitted a site plan and floor plans on February 19, 2007.
6. The applicant submitted a graph of site data for the property on February 27, 2007.
7. A Site Walk of the property was held on March 10 2007.
8. A Public Hearing was held on March 14, 2007 and was continued to March 28, 2007.
9. The applicant submitted a job description for the "House Parent" on March 28, 2007.
10. Testimony was given by the University of New Hampshire and the Durham Police Department supporting the efforts of SAE Services, Inc.



CONDITIONS OF APPROVAL

The following conditions shall be met prior to the Signature of Approval on the Site Plan and Conditional Use Permit. These conditions shall be met within six months of the signing of these Findings of Fact and Conditions of Approval by the Chair of the Planning Board. If these conditions are not met within six months, the applicant must come before the Planning Board for review of the conditions:

1. Provisions, in writing, shall be made to have a house parent (or similar) who shall reside in the house and shall adhere to the job description provided to the Planning Board. In the temporary or short-term absence of the house parent, the house parent shall delegate authority to a specific person or persons.
2. A contingency plan shall be provided to the Durham Planning & Community Development Office in the case of a long-term absence of the house parent.
3. Provisions shall be provided prohibiting alcohol from all common areas, including the entire parcel outside of the house.
4. The applicant shall obtain and retain recognition from the University of New Hampshire to be a fraternity.
5. The applicant shall provide an analysis of the water and sprinkler system for review and approval by the Durham Public Works Department and the Durham Fire Department.
6. The fire alarms and all safety equipment need to be in place and functioning.
7. The final grading and drainage for the parking lot shall be approved by the Durham Public Works Department (with a maximum 22-foot wide driveway at Garrison Avenue).
8. The parking shall be adequately screened at the rear of the lot in accordance with Article XXII of the Zoning Ordinance.
9. If asbestos, lead paint or other hazardous material needs to be removed, the material shall be mitigated, removed or disposed of in accordance with all Town, State and Federal Regulations.

Conditions to be Met Subsequent to the Signature of Approval on the Site Plan and Conditional Use Permit:

1. These Findings of Fact and Conditions of Approval shall be recorded with the Strafford County Registry of Deeds, at the applicant's expense, within seven (7) days of the Chair's signature.


2. Building permits shall be obtained for all work being performed, and the building shall meet all building, fire and life safety codes.
3. If any of the conditions of approval for the Conditional Use Permit are not adhered to, the Conditional Use Permit may be suspended or revoked by the Zoning Administrator.
4. Utilities coming from the pole to the SAE House, between the SAE property, Map 2, Lot 11-2 and the abutting property, Map 2, Lot 11-4, shall be placed underground, unless ledge or other technical difficulties prevents this from occurring.
5. Dumpsters must be screened.
6. The existing footprint of the parking area shall not be increased in size.
7. Full cutoffs shall be used for lighting the parking area while maintaining adequate lighting for safety.

**CONDITIONALLY APPROVED AT THE PLANNING BOARD MEETING OF
APRIL 4, 2007.**

 8.1.07

Representative
SAE Services Inc.

Date

 APRIL 7, 2007

Richard Kelley, Chair Date
Durham Planning Board