



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

MEMORANDUM

TO: Michael Behrendt, Town Planner

FROM: Audrey Cline, Code Administrator

DATE: July 30, 2019

RE: Sigma Alpha Epsilon, 28 Madbury Road

As you requested, I am providing you with comments on the application before the Planning Board for a Conditional Use of 28 Madbury Road. On January 26, 2019, an apparent violation of the previous Planning Board approval conditions was documented on security cameras.

The Planning Board, in its 2007 approval, required a House Parent to reside in the house, and a contingency plan if the House Parent were to resign. Judging by the activity on the video tape, any house parent present was closeting in their quarters and of no impediment to un-lawful behaviors taking place. It appears that conditions #1 & #2 pertaining to a house parent have not been in place.

As part of the Planning Board approval, building permits were required for upgrades and changes. Condition #3 in SAE correspondence states *"The lease between the chapter and SAE Financial Housing Corporation will state specifically that alcohol is prohibited in all common areas and anywhere outside the chapter house. The common area in the chapter house where large rooms existed in the past were converted into bedrooms and storage units. Please see Exhibit C. . ."*

Using the video of January 26, 2019, there appeared to be no less than three dozen individuals exiting the door from the basement to the first floor. This was in addition to many individuals in the common area of the first floor and those descending from the upper floors. At this point it is uncertain whether the storage compartments were installed or are still in place in the basement. I have attached a floor plan showing the intent of the condition.

Brothers are responsible to passing down expectations and requirements to neophytes, I suggest that this is a core expectation of Greek organizations. I urge to Planning Board to consider the reliability of this Fraternity based on past compliance when deliberating on this application.



SIGMA ALPHA EPSILON
BE TRUE.

Town of Durham
Attn: James B. Campbell
15 Newmarket Road
Durham, NH 03824

RE: 28 Madbury Road

Dear Mr. Campbell,

This letter is to follow up on the Conditional Use Permit submitted by Nick Isaak, on behalf of SAE Financial & Housing Corporation, formerly known as SAE Services, Inc. On April 4, 2007, the Durham planning board voted to allow a conditional use permit conditioned on certain conditions of approval. The conditions were to be met within six months or the applicant would have to come before the board for review of the conditions.

The purpose of the letter is to review each condition and ask the planning board for a two month extension to achieve the remaining conditions. The reasons for not finishing in the six months are numerous but include the speed of contractors, both the State Fire Marshall and the City Inspector holding certain projects up. However almost all conditions were met within the six months required. The only two conditions that are currently unmet are Condition #5 and Condition #6.

Condition #1: A house mother has been hired and will begin work when the building is ready for occupancy. I have attached her resume and she agreed to the job in October 2007. Please see Exhibit A.

Condition #2: The contingency plan is attached as Exhibit B.

Condition #3: The lease between the chapter and SAE Financial & Housing Corporation will state specifically that alcohol is prohibited in all common areas and anywhere outside the chapter house. The common areas in the chapter house where large rooms existed in the past were converted into bedrooms and storage units. Please see Exhibit C to see the before and after blue prints. This clearly shows the common areas where the chapter hosted parties in the past has been eliminated.

Condition #4: The chapter never lost recognition with the University. The chapter currently has a "colony" on campus and they are recognized by the University.

Condition #5: *Unmet currently because the remodeling is not finished.* I have attached the sprinkler system quote and when the water is turned on, we will provide the analysis

of the water and sprinkler system to the Durham Public Works Department and the Durham Fire Department. **Exhibit D** is the sprinkler system company we are using.

Condition #6: *Unmet currently because the remodeling is not finished.* The Fire alarm system is in place, however, it will not be functioning normal until the repair work is done. This should be functioning normal in four weeks. I have attached a copy of the proposal for the company we used as **Exhibit E**.

Condition #7: MJS Engineering submitted an engineering report for the parking lot that was approved. Lyman Construction did the work. Please see **Exhibit F** for the MJS Engineering Proposal and the Lyman Construction Proposal. **Exhibit G** is pictures of the parking lot since it has been redone.

Condition #8: MJS Engineering submitted an engineering report for the parking lot that was approved. Lyman Construction did the work. Please see **Exhibit F** for the MJS Engineering Proposal and the Lyman Construction Proposal. **Exhibit G** is pictures of the parking lot since it has been redone.

Condition #9: All Asbestos, lead paint and hazardous materials were removed by EnviroVantage. A copy of the proposal is attached as **Exhibit H**.

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

Condition #1: We are unsure if Nick Isaak, filed the Findings of Fact and Conditions of Approval within the seven days of the Chair's signature. We will file the Findings of Fact and Conditions of Approval as soon as possible if not already done at our own expense as outlined in the document.

Condition #2: Building Permits have been pulled and approved by Tom Johnson for all work being performed at 28 Madbury Road.

Condition #3: It is our intent to comply with all conditions.

Condition #4: The engineering report and Lyman Construction attested to the fact that ledge rock made condition #5 impossible to comply with therefore technical difficulties prevented it from occurring.

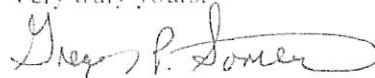
Condition #5: Dumpsters are screened. Please see **Exhibit I**.

Condition #6: MJS Engineering submitted an engineering report for the parking lot that was approved. Lyman Construction did the work. Please see **Exhibit F** for the MJS Engineering Proposal and the Lyman Construction Proposal. **Exhibit G** is pictures of the parking lot since it has been redone.

Condition #7: MJS Engineering submitted an engineering report for the parking lot that was approved. Lyman Construction did the work. Please see **Exhibit F** for the MJS Engineering Proposal and the Lyman Construction Proposal. **Exhibit G** is pictures of the parking lot since it has been redone.

Thank you very much for your time and if you have any questions or comments, please contact me at (773) 590-1056.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Greg P. Somers", with a stylized flourish at the end.

Gregory P. Somers, Esq.
Associate Executive Director
SAE Financial & Housing Corp.

GPS/gps
Enclosures