

ZBA CASE NO. ZBA FY 2005-00040Street address 382 North Pleasant StreetType of application: SP X VAR        Appeal        Comp       Application filed with Town Clerk: June 30, 2005Map 11C Parcel 118 Zone R-G Book 2155 Page 100  
7341 344Name of applicant: Michaelle L. BiddleAddress of applicant: P. O. Box 190 (96 Bridge Street), Hatfield, MA 01038Phone # (W)                      (H) 413-695-6229Name of owner: Michaelle L. BiddleAddress of owner: samePhone # (W)                      (H) sameDate of transmittals: 7/25/05; sub 7/29/05Transmitted to: Planning / Engineer / Select / Cons Com / Bldg. Com / Health /  
Historic / Fire / DPWTransmittal answer received:                     Abutters list received                     Legal notice in paper: July 27 and August 3, 2005Notice of hearing mailed to abutters: 7/28/05Viewing packet sent to Board: 8/5/05Viewing letter sent to petitioners: 8/5/05Site visited: August 9, 2005Public hearing scheduled for: August 11, 2005Result of hearing:  
Withdrawn        Approved        Denied ✓ Continued noIf continued, to when:                      Result: Denied.Deadline for filing decision with Town Clerk:                     Decision filed with Town Clerk: 10/14/05Notice of filing decision mailed to abutters: 10/17/05

Sitting Board:

Chair SimpsonClerk RisingFord

MAY 12, 2005

The resident manager at Alpha Delta Phi 382 North Pleasant St.  
Is  
David Stryer He lives in room 2

The Owner Manager of the House is  
David W. Biddle  
96 Bridge Street  
Hatfield Ma. 01038

413 695-6229

Received -  
Building Inspection Department - David W. Biddle  
Fire Department - David W. Biddle  
Amherst Police - Ben M. #98

# UMass banishes two frats

## Violations cited

By TOM MARSHALL  
Staff Writer

AMHERST — Two fraternities have been suspended for three years by the University of Massachusetts, after repeated fire and health code violations convinced officials only a harsh sanction would send the proper message.

The banishment marks the first time in recent memory fraternities have been closed down by the university.

*"Why is it that (they) covered  
the smoke detectors  
with foil?"*

*Michael Gargano, vice chancellor  
for student affairs*

"We just thought it would be best for the fraternities to take a time-out," said Michael Gargano, vice chancellor for student affairs and campus life. He said the Sigma Alpha Mu and Alpha Tau Gamma houses had also violated student conduct pledges related to safety.

Sigma Alpha Mu on North Pleasant Street was temporarily closed in early May by the Amherst Fire Department after inspectors found 19 fire, safety, and health code violations. They included smoke detectors that had been covered with aluminum foil, exposed wiring, overloaded circuits and blocked exits.

The fraternity was also under a Housing Court safety order stemming from a condemnation of the building in 2003.

And six Alpha Tau Gamma residents were ordered to leave their Sunset Avenue building on May 9 after a town health inspector found code violations, including missing fire extinguishers, faulty doors, overstuffed storage rooms and roof holes from an April arson fire that had not been repaired.

Gargano said the fraternity members and their national organizations had been notified of the sanction, which takes effect immediately.

He predicted the houses would eventually return as stronger and more responsible entities, but said members would have to do some soul-searching first.

"Why is it that (they) covered the smoke detectors with foil?" he asked. "When they can come to that type of discussion, they'll realize it was their behavior that led to the conditions."

# Frats banned for 3 years

■ Continued from Page A1

## Veritable 'death penalty'

While some fraternities or sororities have lost off-campus housing privileges in the past, the suspensions of Sigma Alpha Mu and Alpha Tau Gamma go a step further by barring all activities on or off-campus by the organization.

That means current sophomores might not see the return of their fraternity before they graduate, with the sanction serving in effect as a "death penalty" against the organization.

"Some people would see it that way," said Michael Wiseman, campus director of fraternities and sororities.

Gargano said it was possible the organizations could be reinstated early — but only if they suspended all activities. "If it's not operated underground as a rogue fraternity, we'll certainly allow them to return earlier than a three-year suspension," he said.

Both buildings, along with three adjacent fraternities, are owned by the ATG Corp., and all but the Alpha Tau Gamma facility are said to be for sale.

The university also plans to convene disciplinary hearings this week with two other organizations that Gargano declined to name. But he confirmed officials were taking a close look at one other fraternity, Sigma Phi Epsilon, which was temporarily closed in May by the fire department for alarm, ventilation, and health code violations. "I will say that Sig Ep is on our radar screen," Gargano said.

## New fraternities coming

Despite such problems, Gargano said other UMass fraternities and sororities had a good year in terms of behavior, scholarship, philanthropy and community service.

And three new fraternities will be arriving on campus over the next year, he said. Pi Kappa Phi will be taking new members beginning this fall, while Tau Kappa Epsilon and Alpha Sigma Phi will be arriving in the spring and fall of 2006 respectively.

"Actually, I am a big fan of the Greek community," Gargano added. "When Greek life is managed and supported properly, it really does contribute to the undergraduate experience in a very substantial way."

While private colleges in the Northeast are increasingly doing away with fraternities and sororities, Gargano said they remain an important part of campus life for many public universities across the nation, as well as an important recruitment tool for UMass.

Wiseman said the university has provided more resources to strengthen his office, with glossy new pamphlets on Greek life for this fall's student orientation packets.

Some critics have pointed to fraternities and sororities as institutions that help to fragment universities along racial and class lines. But Wiseman said the opposite was also true, with all organizations — including those that are predominantly Latino, Asian, or African-American — becoming more diverse.

Carolyn

Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2302

INSPECTION SERVICES DEPARTMENT  
Phone (413) 256-4030 • Fax (413) 256-4076  
Email: [inspections@amherstma.gov](mailto:inspections@amherstma.gov)

January 5, 2006

Michaëlle Biddle  
96 Bridge St  
Hatfield, MA 01038

Re: 382 North Pleasant St

Dear Mrs. Biddle,

This letter is regarding property owned by you and is located at 382 North Pleasant Street in Amherst. This property is currently occupied by a Fraternity known as Alpha Delta Phi.

A Fraternity House has operated at 382 North Pleasant Street in the past under a special permit granted by the Amherst Zoning Board of Appeals.

On June 30, 2005 an application to renew special permit ZBA FY2003-00044 was submitted to the town. This application # is Zoning Board of Appeals ZBA-05-00040.

On August 11, 2005 a public hearing before the Zoning Board of Appeals was held. At the hearing testimony was provided by a number of individuals, Mr. Rising a member of the Zoning Board of appeals moved to close the evidentiary part of the hearing. Motion was passed.

On September 7, 2005 a public meeting was held by the Zoning Board of Appeals, The Board deliberated this application and at the end of deliberations the Zoning Board of Appeals voted unanimously to deny to renew a special permit that would allow the continued use of a Fraternity House and/or a Boarding House on the premises at 382 North Pleasant Street.

An appeal on your behalf by Attorney Mark Tanner has been filed in Hampshire County Superior Court. The appeal document is dated October 27, 2005

After conferring with Town Attorney Alan Seawald it is the opinion that the continuing use of this building as a Fraternity House and/or a Boarding House is a violation of the Amherst Zoning Bylaw.

This letter serves two purposes, one as a **"Notice of Violation"** and second as a **"Cease and Desist Order"** in accordance with the Amherst Zoning Bylaw.

All codes referenced within this letter are from the Town of Amherst Zoning By-law amended through May 2005 unless otherwise noted.



Violation:

This property is located within an R-G Zoning District. At one time a special permit from the Amherst Zoning Board of Appeals was required to permit this type of use in the area where your building is located. Under current regulation a Fraternity Use is not allowed in this district. Section 3.326

At a September 7, 2005 public meeting of the Zoning Board of Appeals Board, a request to renew special permit # FY2003-00044 was denied by the Zoning Board of Appeals. This property continues to be operated as a Fraternity House in violation of Amherst Zoning By-law section 3.326.

- 11.42 If the Commissioner finds a violation or prospective violation, the Commissioner shall give immediate notice in writing to the owner and to the occupant of the premises and shall order the person(s) in lawful control of the premises to cease and desist and refrain from such violation. Any person aggrieved by said decision or, any officer or Board of the Town, may within 30 days appeal to the Board of Appeals
- 11.43 If after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, and Town Manager shall, upon notice from the Building Commissioner forthwith make applications to the Superior Court for an Injunction or order restraining the violation and shall take such other action as is necessary to enforce the provision of this Bylaw.
- 11.44 If after action by the Building Commissioner, appeal is taken to the Board of Appeals, and after a public hearing, the Board of Appeals finds that there has been a violation or prospective violation, the Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been
- 11.45 Any violation of the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense.

In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense.

- 11.46 Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six months after issuance of the permit; additionally, in cases involving construction begun within such six-month period, such construction shall be continued through to completion as continuously and expeditiously as is reasonable

This is a "Cease and Desist Order" in accordance with Amherst Zoning Bylaw sections 3.326 and 11.45. You have thirty days from the date of receipt of this notice to have this violation corrected.

In the R-G Zoning district a building can be used as a single family dwelling by right. The town of Amherst Zoning Bylaw section 12.14 defines a family in part, as a group of unrelated individuals not to exceed 4 persons.

If the number of occupants is reduced to a maximum of 4 unrelated, you apply for a change of use permit, and once a change of use permit is issued, the use of the building would be in compliance with the Town of Amherst Zoning Bylaw.

Failure to comply with this order will result with this office taking further action.

Please notify and inform this office in writing of your intentions on having this matter corrected.

If you are aggrieved by the Zoning decisions made with regard to this violation notice, you may file an appeal with the Town of Amherst Zoning Board of Appeals in accordance with Amherst Zoning Bylaw.

#### SECTION 10.1 APPEALS

Appeals to the Board of Appeals may be taken by any persons aggrieved by reason of their inability to obtain a permit or enforcement action from any administration office under the provisions of said Chapter 40A, or by the regional planning agency, or by any person, including an officer or board of the Town or of an abutting Town aggrieved by an order or decision of the Building Commissioner, Local Inspector, or other administrative official, in violation of any provision of said Chapter or the Zoning Bylaw of the Town of Amherst.

Any such appeal must be filed with the Board within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

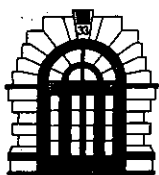
You may contact me at 256-4030 with any questions/concerns you may have concerning this matter.

Sincerely,



Mark A. Snow  
Assistant Building Commissioner

Cc: Bonnie Weeks – Building Commissioner/Zoning Enforcement Officer  
Charles Moody – Chapter House President  
Carolyn Holstein – Zoning Office  
Christine Brestrup – Zoning Office



**BACON &  
WILSON**

— P.C. —

**MORSE  
& SACKS**

ATTORNEYS AT LAW

31 TRUMBULL ROAD  
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PHONE (413) 584-1287

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SPRINGFIELD, MA 01103-2003  
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PHONE (413) 781-0560

9 CHAPEL STREET  
WESTFIELD, MA 01085-3009  
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HYMAN G. DARLING  
MARK J. BEGLANE  
GARY G. BRETON  
MICHAEL J. COYNE  
KENNETH J. ALBANO  
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GINA M. BARRY\*  
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ADAM J. BASCH\*\*  
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BRETT A. KAUFMAN  
TODD C. RATNER  
HARLEY M. SACKS\*\*  
MARK A. TANNER\*\*  
\*ADMITTED ALSO IN CT  
\*\*ADMITTED ALSO IN NY

OF COUNSEL  
ELIZABETH A. GINTER

RETIRED  
PHILIP C. SMITH  
JAMES M. SWEENEY.

GEORGE A. BACON  
(1869-1945)  
PETER D. WILSON  
(1908-1989)  
JUSTIN COHEN  
(1913-1987)  
JAY A. GABRIEL  
(1960-2004)

www.bacon-wilson.com

**RECEIVED**

OCT 31 2005

AMHERST PLANNING DEPT.

October 27, 2005

COPY

**VIA HAND-DELIVERY**

Town Clerk  
Town of Amherst, Massachusetts  
4 Boltwood Ave  
Amherst, MA 01002

**NOTICE TO TOWN CLERK PURSUANT TO G.L. c. 40A § 17**

I, Mark A. Tanner, Attorney for the Plaintiff, Michaelle Biddle., hereby provide notice that the Plaintiff has appealed the Decision of the Amherst Zoning Board of Appeals, filed with the City Clerk on or about October 14, 2005.

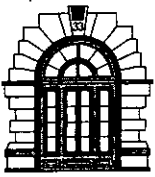
Said Zoning Board of Appeals Decision denied the Applicant's application for relief in the form of a special permit.

A copy of the Complaint is attached hereto, all pursuant to Mass. Gen. Laws. c. 40A, §. 17.

DATE: October 27, 2005

\_\_\_\_\_  
Mark A. Tanner, Esq.  
BBO #649532  
**BACON & WILSON, P.C.**  
**MORSE & SACKS**  
31 Trumbull Road  
Northampton, MA 01060  
(413) 584-1287





**BACON &  
WILSON**

— P.C. —

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(1960-2004)

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COPY

October 27, 2005

**VIA HAND DELIVERY**

Hampshire County Superior Court  
Attn: Civil Clerk  
15 Gothic Street  
Northampton, MA 01060

**RE: *Michaelle Biddle v. Tom Simpson, Ted Rising and Barbara Ford*  
as they Constitute the Amherst Zoning Board of Appeals**

Dear Clerk of the Civil Court:

Enclosed herewith for filing please find the Plaintiff's Complaint and Civil Action Cover Sheet for the above-captioned matter.

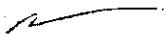
I have also enclosed a check for \$280.00 which represents the filing fee and the cost of one Summons.

If you have any questions, please do not hesitate to call. Thank you for your courtesies in this matter.

Very truly yours,

  
Mark Tanner

cc: client

CIVIL ACTION COVER SHEET		Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT County: <b>HAMPSHIRE</b>		Docket Number	
PLAINTIFF(S) <b>MICHAELLE BIDDLE</b>		DEFENDANT(S) <b>TOM SIMPSON, TED RISING AND BARBARA FORD AS THEY CONSITUTE THE AMHERST ZONING BOARD OF APPEALS</b>			
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Mark A. Tanner BACON & WILSON, P.C. MORSE & SACKS 31 Trumbull Rd. Northampton, MA 01060 (413) 584-1287 (413) 584-0453 Board of Bar Overseers number: 649532		ATTORNEY (if known)  N/A			
Origin code and track designation					
Place an x in one box only:					
<input checked="" type="checkbox"/> 1. FO1 Original Complaint		<input type="checkbox"/> 4. FO4 District Ct. Appeal c231, s. 97 & 104 (After Trial) (X)			
<input type="checkbox"/> 2. FO2 Removal to Sup. Ct. c231, s. 104 (Before trial) (F)		<input type="checkbox"/> 5. FO5 Reactivated after Rescript, Relief from Judgment/ Order (Mass. R Civ. P. 60) (X)			
<input type="checkbox"/> 3. FO3 Restransfer to Sup. Ct. C.231, s. 102C (X)		<input type="checkbox"/> 6. E10 Summary Process Appeal (X)			
TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)					
CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?		
C02	Zoning Appeal	( F )	( ) Yes (X) No		
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; Indicate single damages only.					
TORT CLAIMS (Attach additional sheets as necessary)					
A. Documented medical expenses to date:					
1. Total hospital expenses.....					\$
2. Total Doctor expenses.....					\$
3. Total chiropractic expenses.....					\$
4. Total physical therapy expenses.....					\$
5. Total other expenses (describe).....					\$
Subtotal					\$
B. Documented lost wages and compensation to date.....					\$
C. Documented property damages to date.....					\$
D. Reasonably anticipated future medical and hospital expenses.....					\$
E. Reasonably anticipated lost wages.....					\$
F. Other documented items of damages (describe).....					\$
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)					
					\$.....
					TOTAL \$
CONTRACT CLAIMS (Attach additional sheets as necessary)					
Provide a detailed description of claim(s):					TOTAL
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT					
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages of the various methods."					
Signature of Attorney of Record 					Date: October 27, 2005
Mark A. Tanner					

**COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT**

**HAMPSHIRE, ss.**

**SUPERIOR COURT DEPT.  
CIVIL ACTION NO.**

**Michaelle Biddle,  
Plaintiff**

**v.**

**Tom Simpson, Ted Rising and Barbara Ford  
as they Constitute the  
Amherst Zoning Board of Appeals,  
Defendants**

---

**APPEAL PURSUANT TO MASS GEN. LAWS 40A § 17**

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1. Michaelle Biddle (hereinafter "Plaintiff") is a natural person with a residential address of 96 Bridge Street Hatfield, MA 01038
2. The Plaintiff is a "party in interest" with respect to the locus as that term is defined in Mass. Gen. Laws. c. 40A § 11 as she is the lawful owner of the real property located at 382 North Pleasant Street, Amherst, Massachusetts by way of a deed recorded at **Book 2155 Page 100** in the Hampshire County, Massachusetts Registry of Deeds.
3. The Defendant, Tom Simpson, is a natural person residing at 110 Blackberry Lane, Amherst, Massachusetts, and is a member of the Zoning Board of Appeals for the Town of Amherst, Massachusetts.
4. The Defendant, Ted Rising, is a natural person residing at 326 Pine Street, Amherst, Massachusetts, and is a member of the Zoning Board of Appeals for the Town of Amherst, Massachusetts.

5. The Defendant, Barbara Ford, is a natural person residing at 300 Flat Hills Road, Amherst, Massachusetts, and is a member of the Zoning Board of Appeals for the Town of Amherst, Massachusetts.
6. The Defendant, Amherst Zoning Board of Appeals, is a municipal board organized pursuant to Mass Gen laws c. 40A § 12.
7. On or about June 30, 2005 the Plaintiff filed an application for a special permit to allow continued use of 382 North Pleasant Street, Amherst, Massachusetts (hereinafter "Premises") as a "so called" fraternity house.
8. On or about August 9, 2005 a "site visit" was conducted by the Amherst Zoning Board of Appeals.
9. On or about August 11, 2005 a public hearing was held before the Amherst Zoning Board of Appeals on the Plaintiff's application.
10. On or about September 7, 2005 a public hearing was held before the Amherst Zoning Board of Appeals on the Plaintiff's application.
11. On or about October 14, 2005, a Decision was filed with the Clerk for the Town of Amherst, Massachusetts denying the Plaintiff's application.
12. A copy of such Decision, filed on or about October 14, 2005, is attached hereto and incorporated herein as **Attachment A**.

**COUNT ONE**  
**Mass. Gen. Laws. c. 40A § 17**

13. The Plaintiff hereby specifically re-alleges and incorporates by reference all of the foregoing paragraphs as set forth in the Plaintiff's Complaint and makes them a part hereof.
14. The decision of the Zoning Board of Appeals for the Town of Amherst, Massachusetts exceeds its authority, is arbitrary and capricious, and/or rests on legally untenable ground.

**COUNT TWO**  
**Mass. Gen. Laws. c. 249 § 4**

15. The Plaintiff hereby specifically re-alleges and incorporates by reference all of the foregoing paragraphs as set forth in the Plaintiff's Complaint and makes them a part hereof.
16. In the event that the Plaintiff is unable to obtain relief pursuant to Mass. Gen. Laws. c. 40A § 17, the Plaintiff requests that this Court review the Zoning Board for the Town of Amherst actions *in the nature of certiorari* and determine that in making its decision, Zoning Board for the Town of Amherst, Massachusetts exceeded its authority, acted arbitrarily and capriciously, and that the Zoning Board's Decision rests on legally untenable ground.

**COUNT THREE**  
**Declaratory Judgment**

16. An actual controversy has arisen between the parties as to the lawfulness of the zoning by-law for the Town of Amherst, Massachusetts.

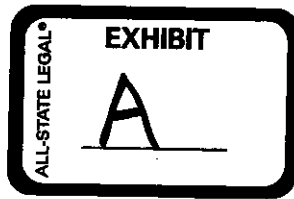
17: Certain provisions of the zoning by-law for the Town of Amherst, Massachusetts are unlawful, unconstitutional, and must be struck by this Court.

WHEREFORE, the Plaintiff requests an entry of Judgment by the Court, annulling the Decision of the Amherst Zoning Board of Appeals, striking any unlawful or unconstitutional provisions of the Amherst zoning by-law and allowing such further relief that this Court deems just and reasonable.

Respectfully Submitted this 21<sup>st</sup> Day of October, 2005.

The Plaintiff,  
Michaelle Biddle  
By Her Attorney,

  
Mark A. Tanner, Esq.  
BBO# 649532  
**BACON & WILSON, P.C.**  
**MORSE & SACKS**  
31 Trumbull Road  
Northampton, MA 01060  
(413) 584-1287



**Town of Amherst**  
**Zoning Board of Appeals - Special Permit**

***DECISION***

**Applicant:** Michaelle Biddle, c/o David Biddle

**Date Application filed with the Town Clerk:** June 30, 2005

**Nature of request:** To renew Special Permit FY2003-00044 under Section 9.22 of the Zoning Bylaw to allow continued use of the premises as a fraternity house, to change the length of the permit to five (5) years and to allow the property to be used as a boarding house if it is felt that this would help provide greater control of the occupants by the landlord.

**Location of property:** 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zoning District)

**Legal notice:** Published on July 27<sup>th</sup> and August 3<sup>rd</sup>, 2005 in the Daily Hampshire Gazette and sent to abutters on July 28, 2005.

**Board members:** Tom Simpson, Ted Rising and Barbara Ford

**Submissions:** The applicant submitted with the application:

- A site plan of the property, drawn by David Miller, dated August 1975
- Floor plans of the building, including the top three floors with 10 student bedrooms, 3 baths and kitchen; the basement contains a party room, bar and boiler room.
- A management plan for the Alpha Delta Phi fraternity, stating that Mr. Biddle would be the primary caretaker of the property.

Town staff submitted the following:

- A letter to David & Michaelle Biddle and Charles Moody, Chapter President, dated May 2, 2005 from Mark Snow, Building Inspector, concerning a list of fire and building code violations from an inspection on April 27, 2005
- A letter to David & Michaelle Biddle and Dave Stryer, resident manager, dated June 6, 2005 from Mark Snow, Building Inspector with another "Notice of Violation" from an inspection on May 31, 2005. Ten (10) pages of pictures dated May 31, 2005 showed the problems still existing.
- Photographs dated 7/26/05 from Inspection Services showing the overflowing dumpster used by the fraternity house
- Photographs dated 8/8/05 from Inspection Services showing a sofa, chair and mattress added to the overflowing dumpster used by the fraternity house.
- A memo to the Board from zoning staff dated August 5, 2005, concerning the distinction between boarding houses and a fraternity in terms of Section 9.22 of the Zoning Bylaw
- A memo to the Board dated August 9, 2005 from Michael Zlogar, Assistant Fire Chief, and William Klaus, Fire Prevention Officer outlining 6 safety problems and 4 violations of the ZBA 2003 Special Permit.
- A memo to the Board dated August 10, 2005 from Mark Snow, Assistant Building

Commissioner, concerning conditions of Special Permit FY2003-00044 that are "areas of concern."

- A memo to the Board dated August 24, 2005 outlining some recommendations from the Planning Director for regular inspections and possible conditions if the Board voted to renew the Special Permit

Submitted at the hearing by a neighbor - a 5-page police report of police calls from 8/17/03 to 7/4/05 for fights, liquor law violations, noise complaints, still alarms, arrests, etc.

**Site Visit:** August 9, 2005

The Board met with Mr. Biddle and the fraternity president at the site. They observed:

- The interior of the house – the three floors of bedrooms, plus the basement party room.
- The table and grill in the front lawn
- The overall run-down condition of the property and house
- The lack of dumpster on the property
- The unchanged rutted condition of the driveway
- The fraternity next-door to the south, the fraternities across the street, and the residential neighborhood to the west and south of the property.

**Public Hearing:** August 11, 2005

David Biddle, the primary manager, represented the applicant at the hearing. Chuck Moody, chapter president of the Alpha Delta Phi Fraternity, also was present.

Mr. Biddle asked for renewal of Special Permit FY2003-00044, to extend the renewal period to five years, and/or to have permission for a rooming house on the premises.

Mr. Biddle said that the Alpha Delta Phi fraternity is a coed fraternity nationally, but is a male chapter at the University of Massachusetts. He stated that the fraternity is a good group of young men, except that there have been more inspections than usual in the past year. All fraternities are inspected every six months by the Town's Inspection Services and Fire Department, but continue to be re-inspected until the violations are changed and the safety codes are met.

Mr. Biddle stated that there had been no police activity in the last two years, and that his job is to educate the students to be responsible citizens. He said that he does a "good job at it."

Mr. Biddle said that the house could be a rooming house, but it's more difficult to interview and rent to individual students than it is to a group.

Board Chair Tom Simpson stated that the applicant must choose one type of use or the other, and the Board will act on that choice. Section 3.01 of the Zoning Bylaw prohibits more than one principal use on site, or to switch use after the fact. Neither boarding houses nor fraternities are allowed in a General Residence district; the fraternity is permitted under a Special Permit as a non-conforming use that had continued since the Bylaw changed. A boarding house could be considered as a non-conforming use not "substantially more detrimental to the Neighborhood than the existing non-conforming use" (Section 9.22 of the Bylaw).

Mr. Biddle responded that he would prefer the fraternity. However, the number of students living in the house is less – currently there are 10 or 11. The 1981 Special Permit for a sorority allowed 24



residents; the 2001 & 2003 Special Permits for the fraternity allowed 18 students. A rooming house would allow him to have a higher occupancy than just the fraternity members.

Mr. Simpson asked how the applicant has adhered to the conditions of the previous permit. Mr. Biddle responded "pretty well" – but he said that the residents had a question about the type of furniture allowed outside. The wording of the 2003 permit's conditions is unclear. The fraternity members now understand that the restriction is to the use of upholstered furniture outside on the porch or on the lawn.

Mr. Biddle said that there have been mistakes about furniture use outside. He also said that the alumni have disregarded the rules, and other misbehavior has been caused by non-fraternity visitors from out of town. He now takes a more firm line on unacceptable behavior.

Mr. Biddle stated that he has a receipt that the resident manager is registered with the Police Department. His name is David Stryer, and he lives in room #2 of the house.

Mr. Simpson asked about non-fraternity members living in the house. The memo from the Fire Department, dated August 9, 2005, stated that "during regular inspections we have found residents living in the building who are not fraternity members." Chuck Moody, Chapter President, testified that no one other than members live at the house.

Mr. Simpson asked about the dumpster. The site plan approved in 2003 showed a dumpster located in the back of the property. Moreover, Condition #11 of the 2003 Special Permit requires that all trash be disposed of in a closed dumpster located at the approved location, that the dumpster be emptied weekly by a professional hauler, and that no trash would be stored otherwise. The Inspection Services reports/pictures show that this condition has not been upheld.

Mr. Biddle responded that there had been two dumpsters side-by-side on Fearing Street, which was too many he felt. One also served his other property, the first house on Fearing Street, a four-family house. He had "pulled" one dumpster, then dragged the dumpster from the Alpha Delta Phi house and combined it with a third property on the corner – the Lambda Chi Fraternity. He stated that he did this because the driveway of Alpha Delta Phi was often blocked with cars and the refuse truck often could not get to the fraternity's dumpster.

The Board asked Building Commissioner Bonnie Weeks to verify the current location of the dumpster. Ms. Weeks replied that it currently is located along Fearing Street behind the Lambda Chi fraternity, not in the location approved by the Board for the 2003 Special Permit.

Mr. Biddle said that he could put another dumpster on the fraternity property. He would like it in the front near North Pleasant Street so that it would not be blocked by cars parked in the driveway.

Board member Ted Rising responded, and listed a number of other violations of the 2003 Special Permit:

- 1) A dumpster in the front of the building would not be acceptable. North Pleasant Street is a major entrance to the University and the neighborhood is residential.
- 2) The driveway continues to be rutted and in poor condition (condition #18)
- 3) The recreation area in the back is not cared for and in poor repair.
- 4) The front yard has a picnic table and barbecue, which is not allowed according to the permit. (conditions #7 & 12).

- 5) The entire outside of the property is "an eyesore"
- 6) The inside is very poor – a new housekeeper is needed.

Mr. Biddle responded that the back porch is very small. The volley ball court is used regularly and gets new sand every year. The picnic table and barbecue have been in the front for years – the front porch and yard is the locus of socialization for the fraternity.

Mr. Biddle stated that it's a constant job of trying to keep the house neat. He goes by the house several times a week and inspects for cleaning. The members are delighted to clean. There are two house managers who clean, and the others break things.

Board member Barbara Ford said that the Resident Manager who lives in Room #2 should have the responsibility to keep the place in good repair and not intrusive noise-wise; even the regular inspections by the Town have not been successful in keeping the management under control.

Mr. Biddle concurred that there were beer cans littered in the basement party room.

Ms. Ford asked if the parking could be improved with designated areas. Mr. Biddle responded that he has tried painting parking spaces along the driveway, but it doesn't last on the gravel and dirt there. Moreover, there has been a debate about exiting over the Lambda Chi property to Fearing Street. Often there are many cars parked in the back and cars cannot get through. Designating parking spots would not solve this problem.

The Board noted that there also should be shrubs and appropriate screening to separate the two fraternity properties along the driveway and in the back open area.

Board Chair Mr. Simpson opened the hearing for public comments. Ten (10) people and two (2) Town staff seated in the audience had comments/complaints, mainly centered on the management of the fraternity.

Joan Burgess, 36 Mount Pleasant Street, had five questions about: the number of violations filed with the police involving the house, a barking dog, limiting parking on the property, and not extending the permit for five years.

Elisa Rubenstein, 38 Fearing Street, stated her concerns about the garbage and dumpster. One dumpster for 3 places is not sufficient – garbage was overflowing all summer. She objected to the extension of the permit, and stated that there should be stricter conditions placed on the permit.

Bernie Rubenstein, 38 Fearing Street, said that he was concerned about the appearance of the neighborhood. He wants the conditions of the Special Permit enforced.

Ed Sunderland, 315 Lincoln Avenue, stated that he has had many interactions with Mr. Biddle, and found him congenial. But trash has gotten ahead of the applicant, and he needs to get it under control. Both parking and the dumpster are problems. He said that cars should be towed immediately if they block the driveway.

John Fox, 90 Fearing Street, stated that the property is always unsightly. He asked that the permit be limited to two (2) years, and that more stringent conditions be added so that the property will be cleaned up.

Mary Sunderland, 315 Lincoln Avenue, stated that trash is a terrible issue. There have been many weeks in a row when the overflowing dumpster is not emptied.

Mark Snow, Assistant Building Commissioner, stated that the neighbor's concerns have been the focus of official letters to Mr. Biddle and the fraternity. The Inspection and Fire Department letters were submitted to the Zoning Board prior to the hearing. There are fire and safety inspections every six months. They do not fine the fraternity with violations, but have shut it down. The residents have to go elsewhere until the violations are corrected.

Bill Klaus, Fire Department Inspector, stated that the fraternity building is a real fire hazard. Also, the dumpster is illegal - it is continually overflowing and is overflowing at every inspection. Cars always are blocking the driveway, and ambulances or other emergency vehicles cannot access the property. The unkempt driveway is difficult for emergency vehicles. Seven people died in fires at off-campus housing last year in the United States. He does not want it to happen here.

Sy Friedman, 10 Allen Street, stated that all three properties at the corner need separate dumpsters. He said that even with a two-year Special Permit there are ongoing problems.

Irene Friedman, 10 Allen Street, stated that there is not enough supervision for either of Mr. Biddle's properties in the area. She did call the dog warden for a continually barking dog at the four-plex (the multi-family on Fearing Street).

Niall Emmart, Allen Street, said that related to the poor management of the property, the neighborhood has become "party central". He asked the Police Department for a report of problems at the property for the last two years, and received a five (5) page listing of violations. He submitted this report to the Board. There were 17 instances of police calls at the property in the last two years, with four (4) arrests. The property is out of control, he said. Mr. Emmart suggested that the Town exert better supervision since it is not being done by the petitioner.

Winnifred Manning, 61 Fearing Street, said that she was at the last ZBA hearing concerning the property two years ago. She heard all the same neighborhood complaints and the same promises by the petitioner. She finds it discouraging that attention falls off after the Special Permit is issued. She suggested that if the permit conditions are not met on a monthly basis, then the permit should not be issued.

Some neighbors listed above spoke again, all stating that the property should be put "on probation" for review by the Board every six months. If conditions are not met, the permit would be revoked.

Mr. Biddle stated that the police visits were news to him. He said that those arrested were not members of the fraternity.

Chuck Moody, fraternity president, stated that for a full semester the fraternity had no social events. The police incidents occurred outside or next door, and don't think that the fraternity was involved.

Mr. Simpson commented on the large number of still alarms in the report. Details included dumpster fires, general smoke alarms, false alarms and smoking inside the building near an alarm.

Mr. Biddle said that there was a wrong computer chip in the alarm, and it was fixed two years ago. But Mr. Simpson noted that the alarms continued for the last two years, with the last date July 4<sup>th</sup>.

four weeks earlier. Mr. Biddle said that he didn't know the cause.

Mr. Biddle said that with regards to the dumpster, when people move out, they throw things at the dumpster. Lambda Chi was the main violator. He said that he spent \$4000 on trash pickups in 2004. Except for the end of the year, the trash is picked up, and is okay, he alleged.

Mr. Biddle went on to say that the Town does not allow more than one pickup per week. The Board replied that this is not the case. The Board of Health regulations require regular pickups as needed, whether it is daily or weekly, with weekly at a minimum, not maximum.

Mr. Emmart testified that it is not just the dumpster that's a problem; the main concern for him is the crazy neighborhood feel on the weekends. Even if people are arrested outside the fraternity house, it affects all that live there. His main concern is making the neighborhood safer.

Ms. Burgess noted that the police records indicate that a lot of residents' property tax dollars are spent for police and fire department activity at the location under consideration.

Ms. Rubenstein said that if there is no room for parking or for a dumpster, why is this Special Permit given? The July photographs in particular submitted by Inspection Services show what is there regularly – a mess and the lid always open. This is dangerous and a public health hazard.

Board member Ms. Ford said that the site plan for the property is not adequate. She said that she doesn't want to give a Special Permit if better information is not submitted. She wants more details of the management and a more comprehensive site plan submitted by the petitioner prior to the Board's deliberations.

Mr. Rising MOVED to CLOSE the evidentiary part of the hearing. Ms. Ford seconded the motion, and the vote to close the hearing was unanimous.

**Public Meeting:** September 7, 2005

At the deliberative part of the hearing, Board member Mr. Rising began with a review of the 5-page police report that had been submitted at the hearing. He said that the document showed an unreasonable number of calls. Every time the police or fire departments are called, it costs the Town money, and it takes the police and firemen away from something else they could be doing. It doesn't matter if the calls are false alarms or not, a reasonably run fraternity would not have these calls. Mr. Rising counted 25 fire calls that were labeled "still alarm".

Mr. Rising stated that he faults the management for the lack of compliance with the 2003 Special Permit. Problems have been ongoing in a number of areas:

- The number of fire calls and still alarms
- The inadequate trash management
- The complaints of the neighbors
- The noise disturbances
- The poor parking management and the blocking of trash collection or emergency vehicles.
- The parties on the street

Mr. Rising said that this is all evidence of inadequate and negligent management, and the past keeps repeating itself. He went through the site, and read the inspections reports. He has seen

many fraternities - as a fraternity member himself and as UMass faculty. He could not live in such a house, nor does he want his children or other parent's children to live in such conditions.

Ms. Ford agreed with Mr. Rising. If the Special Permit is allowed, but with very strict conditions, it would be hard to manage or enforce them from the Town's point of view. She questioned why it is deemed habitable in the first place. Allowing young people to live in a building like that is dangerous, she said.

Board Chair Mr. Simpson noted that he sat on the 2003 Special Permit decision, and the testimony was the same then. The Board must decide whether continuing the non-conforming use is appropriate and upholds the well-being of all the Town's citizens (Article 1 of the Zoning Bylaw.) If the permit is denied, a dozen people then will be looking for housing, he noted. UMass is using all the extra motel rooms at the moment, so finding housing will be difficult if the permit is denied.

The Chair recognized Mr. Biddle during the deliberations. Mr. Biddle stated that the fraternity has taken too much time to manage, and he does not want to continue renting to the fraternity after this year. In the spring, he plans to come to the ZBA for a Special Permit for a two-family dwelling. He has talked to the fraternity members and told them that they must move out by June, 2006.

Mr. Biddle went on to say that all the rooms were painted this past summer, but the Board did not visit any of the rooms during the site visit. He said that the trash is gone; a dumpster is in place; the house is livable. He also said that both the Fire and Inspections Departments want to continue the Special Permit.

Mr. Biddle said that he could follow the strict conditions of the August 25, 2005 memo sent by the zoning assistant. He will fill in the holes in the driveway. He is ready to work with the Board to make the last year of the fraternity successful.

Board Chair Simpson asked the Board members their thoughts - would they be willing to renew the Special Permit with strict conditions until May 31, 2006?

Member Rising said no, he will vote against renewal. The recommendations of the August 25<sup>th</sup> memo require constant checking, too much time by Town staff, and tax dollars of Amherst citizens.

Member Ford said that she is reluctant to vote for renewal, given the difficulties of enforcement.

Building Commissioner Bonnie Weeks said that often if a fraternity is closed down, it goes underground, and is even more difficult to control. Perhaps if the Board required house parents to live with the fraternity, that may help. Plus the previous conditions of the 2003 permit could be more clearly stated

Chair Simpson suggested that the Board go through Section 10.38 of the Bylaw and make specific findings before voting.

#### **Findings:**

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 - The Board found that, in some ways, the proposal is suitably located in the neighborhood in which it's proposed, since there are other fraternities in the area. On the other hand, this use is

not suitable because the area is now a residential district and the non-conforming fraternity use, as managed, has proven to be detrimental to the area.

10.381 – The proposal is not compatible with existing uses permitted by right – i.e., the single family homes - in the General Residence Zoning District.

10.382 & 10.383 – The proposal has constituted a nuisance due to noise and visually offensive structures with the party atmosphere and the unkempt condition of the house, driveway and dumpster. The proposal is a hazard to abutters, given the submitted 5 pages of police and fire calls in the last two years. The public statements of the abutters underscore the negative impact of the petitioner and fraternity to abide by the conditions of the previous Special Permit.

10.384 & 10.385 – Adequate facilities have not been provided for the proper operation of the proposed use in that the poor condition of the driveway, the unkempt condition of the house, the extra furniture and recreation in the front lawn, the failed inspections by the Town's Inspection Services and Fire Department all show neglect and poor management of the house. The surrounding area has been negatively impacted as a result of this neglect.

10.386 – The proposal does not meet the parking requirements of the Bylaw or the previously approved site plan. Nine parking places are shown on the 2004 site plan for the 10-12 residents, but the testimony indicates that many more cars are on the property on a regular basis.

10.387 & 10.388 – The proposal does not provide convenient and safe vehicular movement within the site or adjacent streets, in that the crowded parking inhibits access and movement within and off the site. The site has proven not to be accessible for either emergency vehicles or the dump trucks to remove trash on a regular basis.

10.389 – The proposal has not provided adequate methods of disposal in that the petitioner removed the dumpster after the 2003 Special Permit was granted. The Fire Department reports stated that the shared dumpster was continually overflowing, and the pictures and reports submitted, plus the neighbors' testimony underscored the finding that the management has failed to meet Health Department standards and keep the property free of waste.

10.396 – The proposal has not provided screening for the dumpster, which has been observed to be continually open/overflowing. The Board also felt that better screening and definition of the property lines was in order, since the three properties at the corner of North Pleasant and Fearing Streets apparently share vehicular egress.

10.398 – The proposal has been shown not to be in harmony with the general purpose and intent of the Bylaw since the conditions of previous Special Permits were not complied with. The result has been that the health, safety, convenience and general welfare of the fraternity residents and surrounding area have been endangered and ignored.

#### Zoning Board Decision:

Ted Rising made a motion to DENY the application; Barbara Ford seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to DENY a Special Permit to Michaelle Biddle to allow continued use of the premises at 382 North Pleasant Street as a fraternity or as a boarding house (Map 11C / Parcel 118, R-G Zone).

TOM SIMPSON

TED RISING

BARBARA FORD

FILED THIS 14th

day of October

2005 at 11:34 AM

in the office of the Amherst Town Clerk Carolyn Holstan

TWENTY-DAY APPEAL period expires, November 30 2005.

NOTICE OF DECISION mailed this 17th day of October 2005

to the attached list of addresses by CAROLYN HOLSTAN for the Board.

**BOARD OF APPEALS  
AMHERST, MASSACHUSETTS  
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Michaelle L. Biddle

To Renew Special Permit FY2003-00044 under Section 9.22 of the Zoning Bylaw to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two years, and to allow this property to be used as a boarding house if it is felt that this would help provide greater control of the occupants by the landlord.

On the premises of Michaelle L. Biddle

At or on 382 North Pleasant Street

Map 11C, Parcel 118, R-G Zoning District

NOTICE of hearing as follows mailed (date) 7/28/05  
to attached list of addresses and published in the Daily Hampshire Gazette  
dated 7/27/05 & 8/28/05

**Public Notices**

The Amherst Zoning Board of Appeals will meet on **THURSDAY, August 11, 2005**, at 7:30 P.M. in the **TOWN ROOM OF THE AMHERST TOWN HALL**, to conduct the following business:

**PUBLIC HEARINGS:**

**ZBAFY2005-00040 - Michaelle Biddle**  
- seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years and to allow this property to be used as a boarding house if the Board determines that such a use would provide greater control of the occupants by the landlord than a fraternity house use would provide, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

**ZBA FY2005-00041 - Joel Greenbaum**  
- seeks a Special Permit under Sections 3.325 and 9.22 of the Zoning Bylaw to remove a 25' x 25' barn and replace it with a 30' x 40' mixed-use addition consisting of a real estate office on the first floor and a four (4) bedroom apartment on the second and third floors, at 15 Hallock Street (Map 11C, Parcel 197, B-L Zone).

**ZBA FY2006-00001 - David Clark**  
- seeks a Special Permit under Sections 3.352 1, 5.041 and 5.042 of the Zoning Bylaw to operate an Italian-style coffee shop serving light European fare, open until 1 a.m. serving alcohol, with seasonal outdoor dining and live entertainment, at 28 Amity Street (the Amherst Cinema Building) (Map 14A, Parcel 254, B-G Zone).

**TOM SIMPSON, CHAIR  
AMHERST ZONING BOARD OF  
APPEALS  
July 27, August 3**

Hearing date and place 8/11/05 First Floor Meeting Room, Amherst Town Hall  
SITTING BOARD and VOTE TAKEN:

Tom Simpson - NO; Ted Rising - NO; Barbara Ford - NO

DECISION: Application **DENIED**.

Commonwealth of Massachusetts  
County of Hampshire  
The Superior Court

CIVIL DOCKET# HSCV2005-00250-A

RE: **Biddle v Simpson, Mbr et al**

TO: Mark A Tanner, Esquire  
Morse & Sacks  
31 Trumbull Road  
Northampton, MA 01060

COPY FOR  
YOUR INFORMATION

**TRACKING ORDER - F TRACK**

You are hereby notified that this case is on the **fast (F) track** as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

<b><u>STAGES OF LITIGATION</u></b>	<b><u>DEADLINE</u></b>
Service of process made and return filed with the Court	11/17/2005
Response to the complaint filed (also see MRCP 12)	
All motions under MRCP 12, 19, and 20 filed	03/26/2006
All motions under MRCP 15 filed	03/26/2006
All discovery requests and depositions completed	08/23/2006
All motions under MRCP 56 served and heard	09/22/2006
Final pre-trial conference held and firm trial date set	10/22/2006
Case disposed	12/21/2006

The final pre-trial deadline is **not the scheduled date of the conference**. You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

This case is assigned to session **A** sitting in **CtRm 2- 3rd fl** at Hampshire Superior Court.

Dated: 10/27/2005

Harry Jekanowski, Jr.  
Clerk of the Courts

Location: CtRm 2- 3rd fl  
Telephone: (413) 584-5810 ext. 287

**RECEIVED**  
NOV 14 2005  
AMHERST PLANNING DEPT.



15 Allen Street  
Amherst, MA 1002

June 10, 2003

Zoning Board of Appeals  
Town Of Amherst  
4 Boltwood Avenue  
Amherst, MA 01002

Received  
Planning Department  
6/11/03

Dear members of the board,

I am writing in regards to ZBA FY 2003-00044 – Michaelle Biddle seeks to renew special permit ZBA-2001-00026 for the fraternity house at 382 North Pleasant Street. Unfortunately, I will not be able to attend the meeting on June 12<sup>th</sup>, as I will be out of town on business.

I wish to complain about level of noise and other disturbances that come from the fraternity houses along North Pleasant Street. In particular, Mr. Biddle's property at 382 N. Pleasant and the property located at 374 N. Pleasant. I own and live in the house just behind them at 15 Allen Street (my property abuts Mr. Biddle's). When I bought this house in January 2002, I knew that it would be loud because I have often lived in student neighborhoods, but I was not prepared for the sheer scope of the problem. There have been innumerable instances of loud parties, drunken screaming and shrieking, basket ball practice with accompanied booing and cheering, loud live music, drumming practice, fights, drunken brawls, etc. The disturbances are not limited to Friday and Saturday night, they are frequently in the middle of the week and sometimes they run until 2, 3 or even 4 in the morning. This may sound like an exaggeration, but it is not. I have enclosed a copy of the emergency response records from the police department for the addresses 382 N. Pleasant and 374 N. Pleasant for the past 12 months.

I have spoken to the police on several occasions about the problem. They have told me that they can respond and warn the fraternities to keep it down, they can break up an on-going party, and that they can even make arrests in some circumstances. But, as they've said, "boys will be boys", and anything they can do will most likely have only a temporary effect, in a few weeks it will be the same as before.

My other neighbors are great – Sigma Kapa is a sorority house next door, Hillel House is also on North Pleasant Street. They are all quiet and very considerate. It's just some bad apples that cause all of the problems. Mr. Biddle should pick tenants that are compatible with the rest of the neighborhood and good tenants do exist!

This is a serious problem for the neighborhood and I believe that there needs to be a process to decrease the number of disturbances, perhaps with the help of the university Greek affairs office, neighborhood meetings, the Amherst police, and Mr. Biddle, but ultimately, if that all fails, the town should revoke the special permit to operate the fraternities.

I would like to request that the Zoning Board of Appeals extend the special permit to Mr. Biddle but to review it every six months or at least every year. This will give Mr. Biddle some incentive to help try to resolve the problem of the number of disturbances. Further I would request that Mr. Biddle be required to hire a property manager whose number is available to residents in the neighborhood.

Thank you for your attention to this matter.

Yours faithfully,

NIAL D. EMMART

Niall D. Emmart

## Amherst Police Department

Page: 1

Selective Search From: 05/23/2002 Thru: 05/29/2003

0000 - 2359

Printed: 05/29/2003

For Jurisdiction: Amherst, MA

For Date: 09/10/2002 - Tuesday

Call Number	Time	Call Reason	Action	Priority	Duplicate
02-10444	0117	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Call Closed By: 989 - LaLumiere, M Call Action By: 989 - LaLumiere, M Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 09/10/2002 0119 989 - LaLumiere, M Calling Party: @ NORTH PLEASANT ST - AMHERST, MA 01002 413 Post: 120 Bonnayer, J Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Post: 440 Walsh, S Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Post: 1BP1 Johnson, J Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Narrative: 09/10/2002 0120 Worthley, W Modified By: 09/10/2002 0129 LaLumiere, M					

RP reports loud voices, yelling from listed location. ID#90 advises that they gave a verbal warning to OLLILA, Thomas at 382.

Narrative: 09/10/2002 0134 Bonnayer, J  
 ID#90 verbal warning for noise issued to Carl J. Iannacci  
 dob 10/25/82, Niall D. Kiely dob 07/24/82, Jonathan T.  
 Caruso dob 05/25/82, and Cory B. Rosenberg dob 05/29/83.

Narrative: 09/10/2002 0328 Johnson, J  
 reviewed by #81

For Date: 10/04/2002 - Friday

Call Number	Time	Call Reason	Action	Priority	Duplicate
02-12044	0006	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 10/04/2002 0008 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 Post: 120 Johnson, J Post: 421 Walsh, S Post: 110 Donah, M Narrative: 10/04/2002 0008 Worthley, W Modified By: 10/04/2002 0033 Worthley, W					

RP reports a loud party somewhere on North Pleasant St. He did not have an exact address, stated we could not miss it. Loud stereo, windows open. ID# 81 also spoke to the President of #389 North Pleasant St, Richard GRAHM 11/8/79. They also had a loud party and were advised.

Narrative: 10/04/2002 0024 Johnson, J  
 Modified By: 10/04/2002 0025 Worthley, W  
 Very Cooperative. Spoke w/ president Thomas OLLILA 1/24/81 and fraternity brothers Jonathan CARUSO 5/25/82 and Cory ROSENBERG 5/29/83 of 382 N. Pleasant St.

For Date: 04/27/2003 - Sunday

## Amherst Police Department

Page: 1

Selective Search From: 05/23/2002 Thru: 05/29/2003 0000 - 2359

Printed: 05/29/2003

or Jurisdiction: Amherst, MA

or Date: 09/14/2002 - Saturday

all Number	Time	Call Reason	Action	Priority	Duplicate
2-10670	0405	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 966 - Turcotte, T Location: 374 NORTH PLEASANT ST Party Entered By: 09/14/2002 0407 966 - Turcotte, T Calling Party: @ - AMHERST, MA 01002 413 Post: 120 Rhoades, D Disp-0407 Clrd-0415 Post: 130 Johnson, J Disp-0407 Arvd-0415 Clrd-0415 Narrative: 09/14/2002 0407 Turcotte, T Modified By: 09/14/2002 0415 Turcotte, T RP reports that there are 15 - 20 people milling around the area outside the building. ID81 reports that there was a fight prior to PAD's arrival and the remaining crowd is still hyped up. She spoke to WARING, Nathaniel 4/5/83 and GREER, David 11/21/81. Warning issued to those two parties.					

For Date: 11/09/2002 - Saturday

02-14189	0253	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST Party Entered By: 11/09/2002 0254 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 413 Post: 110 Donah, M Disp-0256 Arvd-0300 Clrd-0318 Post: 111 Walsh, C Disp-0256 Arvd-0259 Clrd-0318 Narrative: 11/09/2002 0254 Worthley, W Modified By: 11/09/2002 0317 Worthley, W RP reports loud party on the porch of listed location. ID# 77 with a warning to Michael KERR from that location. Narrative: 11/09/2002 0614 Donah, M 11/09/2002 0614. Reviewed by #87					

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03-6556	1740	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 04/27/2003 1742 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 413 Post: 320 Guzik, G Disp-1800 Arvd-1803 Clrd-1812 Post: 310 Geary, D Disp-1800 Arvd-1806 Clrd-1812 Narrative: 04/27/2003 1742 Worthley, W RP reports loud music coming from listed location. Narrative: 04/27/2003 1808 Guzik, G Modified By: 04/27/2003 1812 Worthley, W VERBAL WRNG TO PRESIDENT OF ALPHA DELTA PHI 382 N PLEASANT ST FOR LOUD STEREO. COREY ROSENBERG.					

ce: 09/08/2002 - Sunday

Incident Report - Fire 1

12 0036 Phone - Still Alarm  
Call Taker: 981 - Worthley, W  
Location: LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 09/08/2002 0039 981 - Worthley, W  
Modified By: 09/08/2002 0309 981 - Worthley, W  
Calling Party: CITIZENS, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2  
InSrvce-0100  
Cleared By: 985 - Alvaro, J  
Fire Unit: 51E3-Support-ENGINE 3  
InSrvce-0100  
Cleared By: 985 - Alvaro, J  
EMS Unit: 51A14-AMBULANCE  
InQrtsUnavl-0105 InSrvce-0105  
Narrative: 09/08/2002 0110 Worthley, W  
Modified By: 09/08/2002 0310 Worthley, W  
RP reports alarm sounding at listed location. Capt CHILDS reports alarm is OOS. Fire watch has been established by a 51E3 member, Mark. Fevin GLADU taking over fire watch.

Disp-0039 Arvd-0042 Clrd-0100

Disp-0039 Arvd-0042 Clrd-0100

Disp-0043 Arvd-0043 Clrd-0058

r To Fire Case: 02-894-IN

Date: 09/14/2002 - Saturday

Verbal Warning Issued 2

10670 0405 Phone - Noise Complaint  
Call Taker: 966 - Turcotte, T  
Location: 374 NORTH PLEASANT ST  
Party Entered By: 09/14/2002 0407 966 - Turcotte, T  
Calling Party: @ FEARING ST - AMHERST, MA 01002 413-  
Post: 120 Rhoades, D  
Post: 130 Johnson, J  
Narrative: 09/14/2002 0407 Turcotte, T  
Modified By: 09/14/2002 0415 Turcotte, T  
RP reports that there are 15 - 20 people milling around the area outside the building.  
ID81 reports that there was a fight prior to PAD's arrival and the remaining crowd is still hyped up. She spoke to WARING, Nathaniel 4/5/83 and GREER, David 11/21/81. Warning issued to those two parties.

Disp-0407 Clrd-0415  
Disp-0407 Arvd-0415 Clrd-0415

or Date: 10/12/2002 - Saturday

Incident Report - Fire 1

02-12595 1328 Phone - Still Alarm  
Call Taker: 966 - Turcotte, T  
Location: 374 NORTH PLEASANT ST  
Party Entered By: 10/12/2002 1329 966 - Turcotte, T  
Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2  
InQrtsUnavl-1340 InSrvce-1340  
Narrative: 10/12/2002 1329 Turcotte, T  
Rp reports a fire alarm at location.  
Resident calls to report there is no smoke or flame in the building and believes it was set off by cigarette smoke or shower steam.

Disp-1329 Arvd-1331 Clrd-1335

Refer To Fire Case: 02-1050-IN

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For Jurisdiction: Amherst, MA

For Date: 07/27/2002 - Saturday

Call Number	Time	Call Reason	Action	Priority	Duplicate
02-7663	0040	Phone - Still Alarm	Incident Report - Fire	1	
Call Taker: 981 - Worthley, W					
Location: 374 NORTH PLEASANT ST					
Party Entered By: 07/27/2002 0044 981 - Worthley, W					
Calling Party: CITIZENS, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512					
Fire Unit: 51E2-Pumper-ENGINE 2					
InQrtsUnavl-0102 InSrvce-0102					
Narrative: 07/27/2002 0044 Worthley, W					
RP reports alarm sounding at listed location.					

Refer To Fire Case: 02-722-IN

For Date: 08/11/2002 - Sunday

02-8545	0230	Initiated - Disturbance - General	Services Rendered	1	
Call Taker: 989 - LaLumiere, M					
Location: [AMH 2801] FEARING/NUTTING - 374 NORTH PLEASANT ST					
Initiated By: 4BP1 - Rivera, C					
Party Entered By: 08/11/2002 0232 989 - LaLumiere, M					
Calling Party: APD, ID80 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011					
Party Entered By: 08/11/2002 0233 989 - LaLumiere, M					
Calling Party: ***UNKNOWN***					
Post: 4BP1 Rivera, C					
Post: 110 Johnson, J					
Vehicle Entered By: 08/11/2002 0235 989 - LaLumiere, M					
Vehicle: BLU 1991 CHEV CAVALI Reg: PC MA 56LH00					
Owner: ALLEN, RYAN HEATH @ 60 LOUDVILLE RD - EASTHAMPTON, MA 01027					
Narrative: 08/11/2002 0232 LaLumiere, M					
Modified By: 08/11/2002 0252 LaLumiere, M					
ID#80 out at location with ID# 81. Individuals having a party and got into a verbal argument. Parties worked out there dispute before units arrived.					
Narrative: 08/11/2002 0300 Rivera, C					
reviewed #80 - 08/11/2002 0301					
Narrative: 08/11/2002 0658 Johnson, J					
reviewed #81					

For Date: 09/04/2002 - Wednesday

02-10010	0059	Initiated - Liquor Law Violation			
Call Taker: 989 - LaLumiere, M					
Location: 374 NORTH PLEASANT ST					
Initiated By: 4BP1 - Reardon, J					
Party Entered By: 09/04/2002 0100 989 - LaLumiere, M					
Calling Party: APD, ID80/85 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011					
Party Entered By: 09/04/2002 0109 989 - LaLumiere, M					
Involved Party: ETHIER, JON JOSEPH @ 309 FLAGLER DR - HOLDEN, MA 01520					
SSN: - DOB: 06/02/1983					
Post: 4BP1 Reardon, J					
Narrative: 09/04/2002 0100 LaLumiere, M					
Modified By: 09/04/2002 0107 LaLumiere, M					

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For Date: 10/17/2002 - Thursday

02-12843 0456 Phone - Suspicious Services Rendered 2  
 Call Taker: 981 - Worthley, W  
 Location: 374 NORTH PLEASANT ST  
 Party Entered By: 10/17/2002 0501 981 - Worthley, W  
 Calling Party: @ MA 413-  
 Race: W Sex: M  
 Post: 121 Laramee, W Disp-0500 Arvd-0501 Clrd-0513  
 Post: 1X1 Nelson, C Arvd-0501 Clrd-0512  
 Narrative: 10/17/2002 0501 Worthley, W  
 Modified By: 10/17/2002 0512 Worthley, W  
 RP reports two females that are trying to get into the house. He states that they are not wanted. ID# 43 reports alcohol involved.

For Date: 10/29/2002 - Tuesday

02-13554 1203 Phone - Animal Complaint Services Rendered 2  
 Call Taker: 977 - Curtin, M  
 Call Closed By: 966 - Turcotte, T  
 Call Action By: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 10/29/2002 1209 977 - Curtin, M  
 Modified By: 10/29/2002 1522 977 - Curtin, M  
 Calling Party: MARLBORO, MA 413-  
 Race: W Sex: M  
 Party Entered By: 10/29/2002 1211 977 - Curtin, M  
 Modified By: 10/29/2002 1524 977 - Curtin, M  
 Involved Party: RILEY, JOHN @ 60 FEARING ST - AMHERST, MA 01002 413-549-1213  
 Post: 220 Johnson, B Disp-1204 Arvd-1212 Clrd-1234  
 Cleared By: 966 - Turcotte, T  
 Location Change: DOG POUND [Created: 10/29/2002 1221]  
 Narrative: 10/29/2002 1209 Curtin, M  
 Modified By: 10/29/2002 1234 Turcotte, T  
 RP reports that he has a chocolate lab captured, Amherst Tags 00-473, believed to be owned by RILEY. ID#74 brought the animal to the shelter.  
 ID74 reports that the chocolate lab is in the pound and a message was left for ID 423.

For Date: 11/09/2002 - Saturday

02-14189 0253 Phone - Noise Complaint Verbal Warning Issued 2  
 Call Taker: 981 - Worthley, W  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 11/09/2002 0254 981 - Worthley, W  
 Calling Party: AMHERST, MA 01002 413-  
 Post: 110 Donah, M Disp-0256 Arvd-0300 Clrd-0318  
 Post: 111 Walsh, C Disp-0256 Arvd-0259 Clrd-0318  
 Narrative: 11/09/2002 0254 Worthley, W  
 Modified By: 11/09/2002 0317 Worthley, W  
 RP reports loud party on the porch of listed location. ID# 77 with a warning to Michael KERR from that location.  
 Narrative: 11/09/2002 0614 Donah, M  
 11/09/2002 0614. Reviewed by #87

For Date: 11/10/2002 - Sunday

02-14256 0256 Phone - Assist A F D Services Rendered 2  
 Call Taker: 989 - LaLumiere, M

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Location: 374 NORTH PLEASANT ST  
Party Entered By: 11/10/2002 0300 989 - LaLumiere, M  
Calling Party: - AMHERST, MA 01002 413-253-9266  
Post: 110 Bonnayer, J Disp-0258 Arvd-0300 Clrd-0307  
Post: 120 Donah, M Disp-0300 Arvd-0300 Clrd-0307  
Narrative: 11/10/2002 0300 LaLumiere, M  
Modified By: 11/10/2002 0337 LaLumiere, M

Rp reports there is a couch on fire in the middle of the road. ID#87 advises thta it is a small couch. ID#87 advises that AFD has extigused the couch. No one in the area admits to seeing anything.

Narrative: 11/11/2002 0303 Donah, M  
11/11/2002 0303. Reviewed by #87

For Date: 11/15/2002 - Friday

02-14534 0133 Initiated - T B L Violation

Call Taker: 989 - LaLumiere, M  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Initiated By: 110 - Donah, M  
Party Entered By: 11/15/2002 0137 989 - LaLumiere, M  
Modified By: 11/15/2002 0141 989 - LaLumiere, M  
Involved Party:

DOB: 07/04/1982 Race: U Sex: M

Post: 110 Donah, M Arvd-0133 Clrd-0245  
Narrative: 11/15/2002 0137 LaLumiere, M  
Modified By: 11/15/2002 0351 LaLumiere, M

ID#87 has under for minor in possion of an open container. ID#87 transporting to station starting mileage 3031 and ending mileage 3032. Neg M&W, Neg Q5 bop processed by 981.

Narrative: 11/15/2002 0740 Donah, M  
11/15/2002 0740. SEE Reviewed by #87

For Date: 11/27/2002 - Wednesday

02-15250 0129 Phone - Suspicious

Call Taker: 981 - Worthley, W  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 11/27/2002 0134 981 - Worthley, W  
Modified By: 11/27/2002 0348 981 - Worthley, W  
Calling Party: 374 NORTH PLEASANT ST - AMHERST, MA 01002 413

Race: U Sex: M

Party Entered By: 11/27/2002 0148 981 - Worthley, W  
Modified By: 11/27/2002 0346 981 - Worthley, W  
Involved Party: SWETT, STEPHEN @ 12 SANBORN ST - LOWELL, MA 01850-2524  
SSN: DOB: 11/18/1980 Race: U Sex: M  
Party Entered By: 11/27/2002 0222 981 - Worthley, W  
Modified By: 11/27/2002 0334 981 - Worthley, W  
Involved Party: DUFFEY, BRIAN R @ 747 MAIN ST - AMHERST, MA 01002  
SSN: DOB: 12/27/1979 Race: W Sex: M

Post: 120 Donah, M Disp-0130 Arvd-0131 Clrd-0453  
Post: 4HS1 Walsh, S Disp-0130 Arvd-0132 Clrd-0438  
Post: AOIC O' Connor, R. Arvd-0132 Clrd-0218  
Post: 110 Johnson, J Arvd-0137 Clrd-0233  
Post: 1X1 Nelson, C Arvd-0137 Clrd-0213

Narrative: 11/27/2002 0134 Worthley, W  
Modified By: 11/27/2002 0312 Worthley, W

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RP states that some individuals took a safe from listed location. He then stated that the safe has been returned. During the call, Jay MACDONALD, another party stated that they were chasing some individuals in the area. Umass notified.

For Date: 12/05/2002 - Thursday

02-15647 0413 Phone - Vandalism Services Rendered 3  
 Call Taker: 985 - Alvaro, J  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/05/2002 0414 985 - Alvaro, J 413-  
 Calling Party: SSN: DOB: 09/18/1982 Race: W Sex: F  
 Post: 220 Menard, W Disp-0415 Arvd-0418 Clrd-0438  
 Vehicle Entered By: 12/05/2002 0422 985 - Alvaro, J  
 Modified By: 12/05/2002 0424 985 - Alvaro, J  
 Vehicle: BLU 2000 CHEV CAVALIER Reg: PC MA 4194XF  
 Operator: CALL, JENIFER L @ 92 BURRINGTON RD - HEATH, MA 01346  
 SSN: DOB: 09/18/1982 Race: W Sex: F  
 Owner: CALL, JENIFER @ 10 BIRCH ST - GREENFIELD, MA  
 Narrative: 12/05/2002 0414 Alvaro, J  
 RP reports someone slashed the tires on her vehicle. She believes she knows who did it.

Narrative: 12/05/2002 0423 Alvaro, J  
 Modified By: 12/05/2002 0438 Alvaro, J  
 ID67 reports that the right passenger side rear tire was cut on listed vehicle. He is enroute with RP to a location where the suspect may be staying .. starting milage of 71574 .... 12/05/2002 0427. Ending is the same.  
 Robert CLUF out of Greenfield is the suspect.

Narrative: 12/05/2002 0535 Menard, W  
 RP suspects Robert CLUF slashed the rear tire of her friends vehicles, Ma. 4194XF, while it was parked at the rear of the fraternity. CLUF may be staying with friend at #327 Lincoln Ave. Area search was Neg. RP will get more info on CLUF and contact ID #67. OK 67

Narrative: 12/05/2002 0718 Millar, J  
 reviewed by X1 ( ID#67 to follow up)

For Date: 12/14/2002 - Saturday

02-16209 1630 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/14/2002 1632 966 - Turcotte, T  
 Calling Party: CITIZEN, ALARM @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-1633 Arvd-1636 Clrd-1647  
 InQrtsUnavl-1655 InSrvce-1655  
 Narrative: 12/14/2002 1633 Turcotte, T



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RP reports a fire alarm at location.

Refer To Fire Case: 02-1303-IN

For Date: 12/20/2002 - Friday

02-16482 0239 Phone - Still Alarm Incident Report - Fire 1  
Call Taker: 985 - Alvaro, J  
Call Closed By: 981 - Worthley, W  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 12/20/2002 0240 985 - Alvaro, J  
Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2 Disp-0240 Arvd-0243 Clrd-0253  
InQrtsUnavl-0259 InSrvce-0259  
Dispatched By: 981 - Worthley, W  
Arrived By: 981 - Worthley, W  
Cleared By: 981 - Worthley, W  
Narrative: 12/20/2002 0240 Alvaro, J  
Modified By: 12/20/2002 2037 Curtin, M  
RP reports alarm sounding at listed location.

Refer To Fire Case: 02-1322-IN

For Date: 12/31/2002 - Tuesday

02-17011 0008 Phone - Still Alarm Incident Report - Fire 1  
Call Taker: 985 - Alvaro, J  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 12/31/2002 0010 985 - Alvaro, J  
Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2 Disp-0012 Arvd-0015 Clrd-0026  
InQrtsUnavl-0028 InSrvce-0109  
Narrative: 12/31/2002 0010 Alvaro, J  
RP reports alarm sounding at listed location.

Refer To Fire Case: 02-1342-IN

For Date: 01/01/2003 - Wednesday

02-17067 0112 Phone - Fight Services Rendered 1  
Call Taker: 977 - Curtin, M  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 01/01/2003 0115 981 - Worthley, W  
Calling Party: @ - AMHERST, MA 01002 508-864-3334  
Party Entered By: 01/01/2003 0129 977 - Curtin, M  
Involved Party: LEJEUNE, BRIAN A @ 19 DANNUNZIO AVE - ENFIELD, CT  
Party Entered By: 01/01/2003 0130 977 - Curtin, M  
Calling Party: C @ - WHATELY, MA 01093  
SSN: DOB: 01/26/1983 Race: W Sex: M  
Post: 110 Guzik, G Disp-0113 Arvd-0116 Clrd-0140  
Post: 120 Reardon, J Disp-0113 Arvd-0116 Clrd-0136  
Post: 440 Foster, D Disp-0113 Arvd-0113 Clrd-0136  
Tivnan, J  
Post: 1X1 Millar, J Disp-0113 Arvd-0114 Clrd-0140  
Post: 130 Rhoades, D Disp-0113 Arvd-0114 Clrd-0213  
Post: 40IC O' Connor, R Disp-0121 Arvd-0121 Clrd-0140  
Post: 4FP1 Williams, K Disp-0121 Arvd-0121 Clrd-0136  
Vehicle Entered By: 01/01/2003 0121 981 - Worthley, W  
Vehicle: GRN 1996 FORD UT EXPLORER Reg: PC MA 9422GT  
Owner: BRIDA, BRENDA J @ 7 STRAITS RD - HATFIELD, MA 01038-9777  
Vehicle Entered By: 01/01/2003 0122 977 - Curtin, M  
Vehicle: RED 1994 NISS SENTRA Reg: PC MA 475XTX  
Owner: ALICEA, BENITA @ 134 FARNUM DR - HOLYOKE, MA  
Vehicle Entered By: 01/01/2003 0123 981 - Worthley, W  
Vehicle: BLK 2000 DODG SE NEON Reg: PC MA 3160GC  
Owner: VAZQUEZ, LUZ @ 462 MAPLE ST - HOLYOKE, MA 01040-3755  
Vehicle Entered By: 01/01/2003 0124 977 - Curtin, M  
Vehicle: RED 1998 CHEV MALIBU Reg: PC MA 2905WZ

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Owner: BOAMPONG, JOHN @  
 Vehicle Entered By: 01/01/2003 0124 977 - Curtin, M  
 Vehicle: RED 1993 FORD EXPLORER Reg: PC MA 3373XE  
 Owner: ROSKE, DAWN @ 1301 CONWAY MA - ASHFIELD, MA  
 Vehicle Entered By: 01/01/2003 0124 981 - Worthley, W  
 Vehicle: RED 1992 FORD SE TEMPO Reg: PC MA 2823WZ  
 Owner: KLINE, STEPHEN J @ 37 MUNSON ST - CHESTERFIELD, MA 01012-9712  
 Vehicle Entered By: 01/01/2003 0125 977 - Curtin, M  
 Vehicle: BLK 1992 HOND CIVIC Reg: PC MA 2012NP  
 Owner: HOSTA, GEORGE @ 13 SHEEFIELD ST - EASTHAMPTON, MA  
 Vehicle Entered By: 01/01/2003 0126 977 - Curtin, M  
 Vehicle: GRN 1996 VOLK JETTA Reg: PC MA 4736TV  
 Owner: BRIGGS, AIMEE R @ 8 DEERFIELD DR - EASTHAMPTON, MA  
 Vehicle Entered By: 01/01/2003 0306 977 - Curtin, M  
 Vehicle: RED 1999 DODG RAMTRU Reg: PC MA 7327NH  
 Owner: SCAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA  
 Narrative: 01/01/2003 0113 Curtin, M  
 Modified By: 01/01/2003 0308 Curtin, M

RP reports approx 25 people in a fight near listed location, unsure about weapons but some people area throwing bottles around. ID#44 reports many parties fleeing, listed plates possibly vehicles of those involved. Listed location was shut down today, remaining persons have 30 minutes to vacate, ID#57 bringing 3 juveniles to station 45130-45132. ID#57 advises 75 people involved no active fighting scene, 175 people moved from inside 374, LAHTI responsible for clearing out building. LAHTI called back to advise building is clear. ID#85 advises MA REG 7327NH is only vehicle that remains in area. Juveniles brought to station were picked up by parents.

Narrative: 01/01/2003 0115 Worthley, W  
 Modified By: 01/01/2003 0134 Curtin, M

RP reports approx 25 people fighting behind listed location. She stated that she saw a silver object in someones hand. Also bottles being used.

Narrative: 01/01/2003 0524 Millar, J

X1 first on the scene, approx 35-45 people in middle of street. No active fighting, NO weapons seen or located and no reported injuries seen or reported. All ordered to leave area. Plate numbers taken of all vehicles exiting location.

Located large party at #374 No pleasant street which was reported "shut down" by AFD. All windows blocked by taped newspaper.

Located inside was approx 200 party guests and only one person IDed as house brother. (see ID#36 for name) House inside spray paints with "names and gang signs" some outside too. All inside ordered to leave building. Only a few refused and were later removed with help from friends/police.

House brother (located at scene by ID#36) ordered to remove all other parties hiding in room with in 20 minute. After then all located would be charged with trespassing.

03-5	0418	Initiated - Security Check	Services Rendered	3
	Call Taker:	977 - Curtin, M		
	Location:	[AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST		
	Initiated By:	120 - Reardon, J		
	Party Entered By:	01/01/2003 0422 977 - Curtin, M		
	Calling Party:	@ - MARLBORO, MA		
	SSN:	DOB: 11/12/1981	Race: W	Sex: M
	Party Entered By:	01/01/2003 0425 977 - Curtin, M		
	Involved Party:	SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA		
	SSN:	DOB:	Race: U	Sex: M
	Post:	120 Reardon, J	Arvd-0418	Clrd-0432
	Post:	130 Rhoades, D	Disp-0419	Arvd-0419 Clrd-0435

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Vehicle Entered By: 01/01/2003 0426 977 - Curtin, M  
 Vehicle: RED 1999 DODG RAM Reg: PC MA 7327NH  
 Operator: SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA  
 SSN: DOB: Race: U Sex: M  
 Owner: SCHAEFER, ADAM @ 4 DRIFTWOOD AVE - MARBLEHEAD, MA  
 Narrative: 01/01/2003 0422 Curtin, M  
 Modified By: 01/01/2003 0525 Curtin, M  
 ID#85 and 57 out at listed location, GREER and SCHAEFER are at location. Frat has been condemned, was cleared earlier today. GREER and SCHAEFER told to vacate.

Narrative: 01/01/2003 0549 Reardon, J  
 Modified By: 01/01/2003 0815 Reardon, J

ID#36 and #85 conducted a security check of condemned fraternity located at 374 North Pleasant Street. Notices posted on the 3rd floor door, other notices probably removed during the 300+ party earlier in the shift. Two male parties were discovered/identified, advised of the buildings status and removed without incident. Reviewed by ID#85.

03-19 1342 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/01/2003 1345 966 - Turcotte, T  
 Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-1345 Arvd-1347 Clrd-1400  
 InQrtsUnavl-1409 InSrvce-1409  
 Narrative: 01/01/2003 1345 Turcotte, T  
 RP reports a fire alarm at

Refer To Fire Case: 03-3-IN

03-21 1343 Phone - Assist A F D Services Rendered 2  
 Call Taker: 928 - Misiaszek, A  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/01/2003 1350 928 - Misiaszek, A  
 Calling Party: AFD @ 68 NORTH PLEASANT ST - AMHERST, MA 01002 413-256-4082  
 Post: 210 Epiceno, S Disp-1344 Arvd-1345 Clrd-1424  
 Post: 230 Scott, M Disp-1355 Arvd-1355 Clrd-1427  
 Post: 2HS Daly, B Disp-1400 Arvd-1401 Clrd-1430  
 Vehicle Entered By: 01/01/2003 1432 928 - Misiaszek, A  
 Modified By: 01/01/2003 1443 928 - Misiaszek, A  
 Vehicle: RED 1999 DODG TK RAMTRUCK Reg: PC MA 7327NH  
 Owner: SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA 01945  
 Narrative: 01/01/2003 1350 Misiaszek, A  
 Modified By: 01/01/2003 1402 Misiaszek, A

AFD responding to this frat , which is condemned, for a fire alarm sounding. ID 34 reports there is someone in this house, which is posted NO TRESPASSING. ID 78 responding to assist. Listed vehicle parked out front, computer inside is on, cold beverage also observed, will be checking the interior of the building. AFD reports alarm re-set.

Narrative: 01/01/2003 1442 Epiceno, S  
 Check of building found no one inside, however someone was in room #18 as that there was a cold beer there, the tv and computer were also on.

A Jason Sherman from Omega Delta fraternity came by while we were there. His Frat is the new leasee as of today for that building. They will be working in there fixing up the place so it can have its certificate of occupancy reinstated. Jason is staying at 180 Colonial Vlg, 256-3750.

Jason also told us that the person in room 18 has to the end of today to move out.

Building was turned over to Jason, units clear. ok 34

Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

For Date: 01/07/2003 - Tuesday

03-325 1841 Phone - B & E Incident Report - Police 1  
Call Taker: 983 - Dodge, E  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 01/07/2003 1844 983 - Dodge, E  
Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
Post: 420 Jackson, G Disp-1901 Arvd-1909 Clrd-1925  
Narrative: 01/07/2003 1844 Dodge, E  
Modified By: 01/07/2003 1925 Dodge, E

Rp is at listed location (condemned frat) to pack up his belongings. He realized that someone broke into his room and stole his tv, dvds, leather jacket, and cd's. ID #59 spoke to the Rp. Sometime between Tuesday the 31st of December and January 10, 2003, someone kicked in his door and stolen above items. Rp didn't call sooner because he had to go home for the busy weekend. He is packing up a couple more items and will come back tomorrow during the day for the rest.

Refer To Incident: 03-13-OF

For Date: 01/08/2003 - Wednesday

03-338 0148 Initiated - Security Check Building Checked / Secur 3  
Call Taker: 981 - Worthley, W  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Initiated By: 110 - Reardon, J  
Party Entered By: 01/08/2003 0149 981 - Worthley, W  
Calling Party: APD, ID# 85 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011  
Post: 110 Reardon, J Arvd-0148 Clrd-0158  
Post: 120 Donah, M Arvd-0148 Clrd-0158  
Narrative: 01/08/2003 0157 Worthley, W  
ID# 85 along with 87 checking the building. Building checks secure, no one found inside.  
Narrative: 01/08/2003 0637 Reardon, J  
Security Check OK, Reviewed by ID#85.

For Date: 01/09/2003 - Thursday

03-441 2124 Initiated - Suspicious Services Rendered 2  
Call Taker: 983 - Dodge, E  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Initiated By: 3HS1 - Johnson, B  
Post: 3HS1 Johnson, B Arvd-2124 Clrd-2135  
Post: 320 Guzik, G Disp-2125 Clrd-2125  
Post: 310 Daly, B Disp-2125 Arvd-2125 Clrd-2135  
Narrative: 01/09/2003 2125 Dodge, E  
Modified By: 01/09/2003 2141 Dodge, E  
ID #74 reports seeing a male standing on the porch and lights on inside. AFD advises that building is still condemned and no one should be there after 5pm. ID #75 Spoke to Kevin GAYLE from Home Improvements in S. Amherst. He was hired by the fraternity to do the required repairs. He is authorized by Inspection Services (Brian LAPORTE) to make the necessary repairs from 7-11pm until completed.  
Narrative: 01/09/2003 2341 Johnson, B  
ok #74 @ 2340

For Date: 01/30/2003 - Thursday

03-1537 2040 Initiated - Larceny Services Rendered 2

Call Taker: 977 - Curtin, M  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Initiated By: 3HS1 - Lang, T  
 Party Entered By: 01/30/2003 2041 977 - Curtin, M  
 Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
 Post: 3HS1 Lang, T Arvd-2040 Clrd-2042  
 Narrative: 01/30/2003 2041 Curtin, M  
 Modified By: 01/30/2003 2043 Lang, T

ID#60 took a report from RP about 40 or 50 CD's that were stolen from him on or around 1/2-1/3/03.

Narrative: 01/30/2003 2043 Lang, T  
 RP Chris White advises that 40-50 cd's that were in a "case logic" cd holder were taken from his fraternity room. This happened between 1/2-1/3/03. The frat was closed during this time and it is unknown who had access to the house. White indicates his room was locked when he left. It was unlocked when he returned, no damage to the door. No suspects.

For Date: 02/09/2003 - Sunday

03-2142 1947 Phone - Assist Citizen Services Rendered 3  
 Call Taker: 980A - Guzik, J  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 02/09/2003 1950 980A - Guzik, J  
 Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
 Post: 320 Ting, G Disp-1952 Arvd-1952 Clrd-1957  
 Narrative: 02/09/2003 1950 Guzik, J

Rp reports a dispute with the neighbors over a pool table. Table was allegedly purchased by Rp for \$1.00, but attempts to recover the table are met with refusal from the existing frat. Rp would like to speak to an officer regarding the situation and what he can do to get his table.

Narrative: 02/09/2003 1957 Guzik, J  
 Units advised Rp and neighbor that the issue is a civil matter, individuals have been referred to the court.

Narrative: 02/09/2003 2331 Sullivan, M  
 Checked ok #28.

15 Allen Street  
Amherst, MA 1002

June 10, 2003

Zoning Board of Appeals  
Town Of Amherst  
4 Boltwood Avenue  
Amherst, MA 01002

Received  
Planning Department  
6/11/03

Dear members of the board,

I am writing in regards to ZBA FY 2003-00044 – Michaelle Biddle seeks to renew special permit ZBA-2001-00026 for the fraternity house at 382 North Pleasant Street. Unfortunately, I will not be able to attend the meeting on June 12<sup>th</sup>, as I will be out of town on business.

I wish to complain about level of noise and other disturbances that come from the fraternity houses along North Pleasant Street. In particular, Mr. Biddle's property at 382 N. Pleasant and the property located at 374 N. Pleasant. I own and live in the house just behind them at 15 Allen Street (my property abuts Mr. Biddle's). When I bought this house in January 2002, I knew that it would be loud because I have often lived in student neighborhoods, but I was not prepared for the sheer scope of the problem. There have been innumerable instances of loud parties, drunken screaming and shrieking, basket ball practice with accompanied booing and cheering, loud live music, drumming practice, fights, drunken brawls, etc. The disturbances are not limited to Friday and Saturday night, they are frequently in the middle of the week and sometimes they run until 2, 3 or even 4 in the morning. This may sound like an exaggeration, but it is not. I have enclosed a copy of the emergency response records from the police department for the addresses 382 N. Pleasant and 374 N. Pleasant for the past 12 months.

I have spoken to the police on several occasions about the problem. They have told me that they can respond and warn the fraternities to keep it down, they can break up an on-going party, and that they can even make arrests in some circumstances. But, as they've said, "boys will be boys", and anything they can do will most likely have only a temporary effect, in a few weeks it will be the same as before.

My other neighbors are great – Sigma Kapa is a sorority house next door, Hillel House is also on North Pleasant Street. They are all quiet and very considerate. It's just some bad apples that cause all of the problems. Mr. Biddle should pick tenants that are compatible with the rest of the neighborhood and good tenants do exist!

This is a serious problem for the neighborhood and I believe that there needs to be a process to decrease the number of disturbances, perhaps with the help of the university Greek affairs office, neighborhood meetings, the Amherst police, and Mr. Biddle, but ultimately, if that all fails, the town should revoke the special permit to operate the fraternities.

I would like to request that the Zoning Board of Appeals extend the special permit to Mr. Biddle but to review it every six months or at least every year. This will give Mr. Biddle some incentive to help try to resolve the problem of the number of disturbances. Further I would request that Mr. Biddle be required to hire a property manager whose number is available to residents in the neighborhood.

Thank you for your attention to this matter.

Yours faithfully,

NIAL D. EMMART  
Niall D. Emmart

## Amherst Police Department

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Selective Search From: 05/23/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

For Jurisdiction: Amherst, MA

For Date: 09/10/2002 - Tuesday

Call Number	Time	Call Reason	Action	Priority	Duplicate
02-10444	0117	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Call Closed By: 989 - LaLumiere, M Call Action By: 989 - LaLumiere, M Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 09/10/2002 0119 989 - LaLumiere, M Calling Party: @ NORTH PLEASANT ST - AMHERST, MA 01002 413 Post: 120 Bonnayer, J Disp-0118 Arvd-0121 Clrd-0129 Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Post: 440 Walsh, S Disp-0118 Arvd-0122 Clrd-0124 Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Post: 1BP1 Johnson, J Disp-0121 Arvd-0121 Clrd-0129 Dispatched By: 989 - LaLumiere, M Arrived By: 989 - LaLumiere, M Cleared By: 989 - LaLumiere, M Narrative: 09/10/2002 0120 Worthley, W Modified By: 09/10/2002 0129 LaLumiere, M RP reports loud voices, yelling from listed location. ID#90 advises that they gave a verbal warning to OLLILA, Thomas at 382.					

Narrative: 09/10/2002 0134 Bonnayer, J  
 ID#90 verbal warning for noise issued to Carl J. Iannacchi  
 dob 10/25/82, Niall D. Kiely dob 07/24/82, Jonathan T.  
 Caruso dob 05/25/82, and Cory B. Rosenberg dob 05/29/83.

Narrative: 09/10/2002 0328 Johnson, J  
 reviewed by #81

For Date: 10/04/2002 - Friday

02-12044	0006	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 10/04/2002 0008 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 Post: 120 Johnson, J Disp-0011 Arvd-0016 Clrd-0026 Post: 421 Walsh, S Disp-0012 Clrd-0026 Post: 110 Donah, M Arvd-0014 Clrd-0026 Narrative: 10/04/2002 0008 Worthley, W Modified By: 10/04/2002 0033 Worthley, W RP reports a loud party somewhere on North Pleasant St. He did not have an exact address, stated we could not miss it. Loud stereo, windows open. ID# 81 also spoke to the President of #389 North Pleasant St, Richard GRAHM 11/8/79. They also had a loud party and were advised.					

Narrative: 10/04/2002 0024 Johnson, J  
 Modified By: 10/04/2002 0025 Worthley, W  
 Very Cooperative. Spoke w/ president Thomas OLLILA 1/24/81  
 and fraternity brothers Jonathan CARUSO 5/25/82 and Cory  
 ROSENBERG 5/29/83 of 382 N. Pleasant St.

For Date: 04/27/2003 - Sunday

## Amherst Police Department

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Selective Search From: 05/23/2002 Thru: 05/29/2003 0000 - 2359

Printed: 05/29/2003

or Jurisdiction: Amherst, MA

or Date: 09/14/2002 - Saturday

all Number	Time	Call Reason	Action	Priority	Duplicate
2-10670	0405	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 966 - Turcotte, T Location: 374 NORTH PLEASANT ST Party Entered By: 09/14/2002 0407 966 - Turcotte, T Calling Party: @ - AMHERST, MA 01002 413 Post: 120 Rhoades, D Disp-0407 Clrd-0415 Post: 130 Johnson, J Disp-0407 Arvd-0415 Clrd-0415 Narrative: 09/14/2002 0407 Turcotte, T Modified By: 09/14/2002 0415 Turcotte, T RP reports that there are 15 - 20 people milling around the area outside the building. ID81 reports that there was a fight prior to PAD's arrival and the remaining crowd is still hyped up. She spoke to WARING, Nathaniel 4/5/83 and GREER, David 11/21/81. Warning issued to those two parties.					

For Date: 11/09/2002 - Saturday

02-14189	0253	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST Party Entered By: 11/09/2002 0254 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 413 Post: 110 Donah, M Disp-0256 Arvd-0300 Clrd-0318 Post: 111 Walsh, C Disp-0256 Arvd-0259 Clrd-0318 Narrative: 11/09/2002 0254 Worthley, W Modified By: 11/09/2002 0317 Worthley, W RP reports loud party on the porch of listed location. ID# 77 with a warning to Michael KERR from that location.					

Narrative: 11/09/2002 0614 Donah, M  
 11/09/2002 0614. Reviewed by #87

## Amherst Police Department

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Selective Search From: 05/23/2002 Thru: 05/29/2003 0000 - 2359

Printed: 05/29/2003

03-6556	1740	Phone - Noise Complaint	Verbal Warning Issued	2	
Call Taker: 981 - Worthley, W Location: [AMH 1598] ALPHA DELTA PHI - 382 NORTH PLEASANT ST Party Entered By: 04/27/2003 1742 981 - Worthley, W Calling Party: @ - AMHERST, MA 01002 413 Post: 320 Guzik, G Disp-1800 Arvd-1803 Clrd-1812 Post: 310 Geary, D Disp-1800 Arvd-1806 Clrd-1812 Narrative: 04/27/2003 1742 Worthley, W RP reports loud music coming from listed location.					
Narrative: 04/27/2003 1808 Guzik, G Modified By: 04/27/2003 1812 Worthley, W VERBAL WRNG TO PRESIDENT OF ALPHA DELTA PHI 382 N PLEASANT ST FOR LOUD STEREO. COREY ROSENBERG.					



te: 09/08/2002 - Sunday

Incident Report - Fire 1

12 0036 Phone - Still Alarm  
Call Taker: 981 - Worthley, W  
Location: LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Entered By: 09/08/2002 0039 981 - Worthley, W  
Modified By: 09/08/2002 0309 981 - Worthley, W  
Calling Party: CITIZENS, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2  
InSvcce-0100  
Disp-0039 Arvd-0042 Clrd-0100  
Cleared By: 985 - Alvaro, J  
Fire Unit: 51E3-Support-ENGINE 3  
InSvcce-0100  
Disp-0039 Arvd-0042 Clrd-0100  
Cleared By: 985 - Alvaro, J  
EMS Unit: 51A14-AMBULANCE  
InQrtsUnavl-0105 InSvcce-0105  
Disp-0043 Arvd-0043 Clrd-0058  
Narrative: 09/08/2002 0110 Worthley, W  
Modified By: 09/08/2002 0310 Worthley, W  
RP reports alarm sounding at listed location. Capt CHILDS reports alarm is OOS. Fire watch has been established by a 51E3 member, Mark. Fevin GLADU taking over fire watch.

r To Fire Case: 02-894-IN

Date: 09/14/2002 - Saturday

Verbal Warning Issued 2

10670 0405 Phone - Noise Complaint  
Call Taker: 966 - Turcotte, T  
Location: 374 NORTH PLEASANT ST  
Party Entered By: 09/14/2002 0407 966 - Turcotte, T  
Calling Party: @ FEARING ST - AMHERST, MA 01002 413  
Post: 120 Rhoades, D  
Post: 130 Johnson, J  
Narrative: 09/14/2002 0407 Turcotte, T  
Modified By: 09/14/2002 0415 Turcotte, T  
Disp-0407 Clrd-0415  
Disp-0407 Arvd-0415 Clrd-0415  
RP reports that there are 15 - 20 people milling around the area outside the building.  
ID81 reports that there was a fight prior to PAD's arrival and the remaining crowd is still hyped up. She spoke to WARING, Nathaniel 4/5/83. and GREER, David 11/21/81. Warning issued to those two parties.

or Date: 10/12/2002 - Saturday

Incident Report - Fire 1

12-12595 1328 Phone - Still Alarm  
Call Taker: 966 - Turcotte, T  
Location: 374 NORTH PLEASANT ST  
Party Entered By: 10/12/2002 1329 966 - Turcotte, T  
Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
Fire Unit: 51E2-Pumper-ENGINE 2  
InQrtsUnavl-1340 InSvcce-1340  
Disp-1329 Arvd-1331 Clrd-1335  
Narrative: 10/12/2002 1329 Turcotte, T  
Rp reports a fire alarm at location.  
Resident calls to report there is no smoke or flame in the building and believes it was set off by cigarette smoke or shower steam.

Refer To Fire Case: 02-1050-IN

## Amherst Police Department

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Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

For Jurisdiction: Amherst, MA

For Date: 07/27/2002 - Saturday

Call Number	Time	Call Reason	Action	Priority	Duplicate
02-7663	0040	Phone - Still Alarm	Incident Report - Fire	1	
Call Taker: 981 - Worthley, W					
Location: 374 NORTH PLEASANT ST					
Party Entered By: 07/27/2002 0044 981 - Worthley, W					
Calling Party: CITIZENS, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512					
Fire Unit: 51E2-Pumper-ENGINE 2 Disp-0043 Arvd-0045 Clrd-0059					
InQrtsUnavl-0102 InSrvce-0102					
Narrative: 07/27/2002 0044 Worthley, W					
RP reports alarm sounding at listed location.					
Refer To Fire Case: 02-722-IN					

For Date: 08/11/2002 - Sunday

02-8545	0230	Initiated - Disturbance - General	Services Rendered	1	
Call Taker: 989 - LaLumiere, M					
Location: [AMH 2801] FEARING/NUTTING - 374 NORTH PLEASANT ST					
Initiated By: 4BP1 - Rivera, C					
Party Entered By: 08/11/2002 0232 989 - LaLumiere, M					
Calling Party: APD, ID80 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011					
Party Entered By: 08/11/2002 0233 989 - LaLumiere, M					
Calling Party: ***UNKNOWN***					
Post: 4BP1 Rivera, C Arvd-0230 Clrd-0252					
Post: 110 Johnson, J Disp-0232 Arvd-0232 Clrd-0253					
Vehicle Entered By: 08/11/2002 0235 989 - LaLumiere, M					
Vehicle: BLU 1991 CHEV CAVALI Reg: PC MA 56LH00					
Owner: ALLEN, RYAN HEATH @ 60 LOUDVILLE RD - EASTHAMPTON, MA 01027					
Narrative: 08/11/2002 0232 LaLumiere, M					
Modified By: 08/11/2002 0252 LaLumiere, M					
ID#80 out at location with ID# 81. Individuals having a party and got into a verbal argument. Parties worked out there dispute before units arrived.					
Narrative: 08/11/2002 0300 Rivera, C					
reviewed #80 - 08/11/2002 0301					
Narrative: 08/11/2002 0658 Johnson, J					
reviewed #81					

For Date: 09/04/2002 - Wednesday

02-10010	0059	Initiated - Liquor Law Violation			
Call Taker: 989 - LaLumiere, M					
Location: 374 NORTH PLEASANT ST					
Initiated By: 4BP1 - Reardon, J					
Party Entered By: 09/04/2002 0100 989 - LaLumiere, M					
Calling Party: APD, ID80/85 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011					
Party Entered By: 09/04/2002 0109 989 - LaLumiere, M					
Involved Party: ETHIER, JON JOSEPH @ 309 FLAGLER DR - HOLDEN, MA 01520					
SSN: DOB: 06/02/1983					
Post: 4BP1 Reardon, J Arvd-0059 Clrd-0231					
Narrative: 09/04/2002 0100 LaLumiere, M					
Modified By: 09/04/2002 0107 LaLumiere, M					

## Amherst Police Department

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Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

For Date: 10/17/2002 - Thursday

02-12843 0456 Phone - Suspicious Services Rendered 2  
 Call Taker: 981 - Worthley, W  
 Location: 374 NORTH PLEASANT ST  
 Party Entered By: 10/17/2002 0501 981 - Worthley, W  
 Calling Party: @ MA 413-  
 DOB: Race: W Sex: M  
 Post: 121 Laramee, W Disp-0500 Arvd-0501 Clrd-0513  
 Post: 1X1 Nelson, C Arvd-0501 Clrd-0512  
 Narrative: 10/17/2002 0501 Worthley, W  
 Modified By: 10/17/2002 0512 Worthley, W  
 RP reports two females that are trying to get into the house. He states that they are not wanted. ID# 43 reports alcohol involved.

For Date: 10/29/2002 - Tuesday

02-13554 1203 Phone - Animal Complaint Services Rendered 2  
 Call Taker: 977 - Curtin, M  
 Call Closed By: 966 - Turcotte, T  
 Call Action By: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 10/29/2002 1209 977 - Curtin, M  
 Modified By: 10/29/2002 1522 977 - Curtin, M  
 Calling Party: MARLBORO, MA 413-  
 Race: W Sex: M  
 Party Entered By: 10/29/2002 1211 977 - Curtin, M  
 Modified By: 10/29/2002 1524 977 - Curtin, M  
 Involved Party: RILEY, JOHN @ 60 FEARING ST - AMHERST, MA 01002 413-549-1213  
 Post: 220 Johnson, B Disp-1204 Arvd-1212 Clrd-1234  
 Cleared By: 966 - Turcotte, T  
 Location Change: DOG POUND [Created: 10/29/2002 1221]  
 Narrative: 10/29/2002 1209 Curtin, M  
 Modified By: 10/29/2002 1234 Turcotte, T  
 RP reports that he has a chocolate lab captured, Amherst Tags 00-473, believed to be owned by RILEY. ID#74 brought the animal to the shelter.  
 ID74 reports that the chocolate lab is in the pound and a message was left for ID 423.

For Date: 11/09/2002 - Saturday

02-14189 0253 Phone - Noise Complaint Verbal Warning Issued 2  
 Call Taker: 981 - Worthley, W  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 11/09/2002 0254 981 - Worthley, W  
 Calling Party: AMHERST, MA 01002 413-  
 Post: 110 Donah, M Disp-0256 Arvd-0300 Clrd-0318  
 Post: 111 Walsh, C Disp-0256 Arvd-0259 Clrd-0318  
 Narrative: 11/09/2002 0254 Worthley, W  
 Modified By: 11/09/2002 0317 Worthley, W  
 RP reports loud party on the porch of listed location.  
 ID# 77 with a warning to Michael KERR from that location.  
 Narrative: 11/09/2002 0614 Donah, M  
 11/09/2002 0614. Reviewed by #87

For Date: 11/10/2002 - Sunday

02-14256 0256 Phone - Assist A F D Services Rendered 2  
 Call Taker: 989 - LaLumiere, M

## Amherst Police Department

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Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

Location: 374 NORTH PLEASANT ST  
 Party Entered By: 11/10/2002 0300 989 - LaLumiere, M  
 Calling Party: - AMHERST, MA 01002 413-253-9266  
 Post: 110 Bonnayer, J Disp-0258 Arvd-0300 Clrd-0307  
 Post: 120 Donah, M Disp-0300 Arvd-0300 Clrd-0307  
 Narrative: 11/10/2002 0300 LaLumiere, M  
 Modified By: 11/10/2002 0337 LaLumiere, M

Rp reports there is a couch on fire in the middle of the road. ID#87 advises thta it is a small couch. ID#87 advises that AFD has extigused the couch. No one in the area admits to seeing anything.

Narrative: 11/11/2002 0303 Donah, M  
 11/11/2002 0303. Reviewed by #87

For Date: 11/15/2002 - Friday

02-14534 0133 Initiated - T B L Violation  
 Call Taker: 989 - LaLumiere, M  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Initiated By: 110 - Donah, M  
 Party Entered By: 11/15/2002 0137 989 - LaLumiere, M  
 Modified By: 11/15/2002 0141 989 - LaLumiere, M  
 Involved Party:  
 DOB: 07/04/1982 Race: U Sex: M  
 Post: 110 Donah, M Arvd-0133 Clrd-0245  
 Narrative: 11/15/2002 0137 LaLumiere, M  
 Modified By: 11/15/2002 0351 LaLumiere, M  
 ID#87 has under for minor in possion  
 of an open container. ID#87 transporting to station starting  
 mileage 3031 and ending mileage 3032. Neg M&W, Neg Q5 bop  
 processed by 981.

Narrative: 11/15/2002 0740 Donah, M  
 11/15/2002 0740. SEE Reviewed by #87

For Date: 11/27/2002 - Wednesday

02-15250 0129 Phone - Suspicious  
 Call Taker: 981 - Worthley, W  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 11/27/2002 0134 981 - Worthley, W  
 Modified By: 11/27/2002 0348 981 - Worthley, W  
 Calling Party: 374 NORTH PLEASANT ST - AMHERST, MA 01002 413  
 Race: U Sex: M  
 Party Entered By: 11/27/2002 0148 981 - Worthley, W  
 Modified By: 11/27/2002 0346 981 - Worthley, W  
 Involved Party: SWETT, STEPHEN @ 12 SANBORN ST - LOWELL, MA 01850-2524  
 SSN: DOB: 11/18/1980 Race: U Sex: M  
 Party Entered By: 11/27/2002 0222 981 - Worthley, W  
 Modified By: 11/27/2002 0334 981 - Worthley, W  
 Involved Party: DUFFEY, BRIAN R @ 747 MAIN ST - AMHERST, MA 01002  
 SSN: DOB: 12/27/1979 Race: W Sex: M  
 Post: 120 Donah, M Disp-0130 Arvd-0131 Clrd-0453  
 Post: 4HS1 Walsh, S Disp-0130 Arvd-0132 Clrd-0438  
 Post: AOIC O' Connor, R. Arvd-0132 Clrd-0218  
 Post: 110 Johnson, J Arvd-0137 Clrd-0233  
 Post: 1X1 Nelson, C Arvd-0137 Clrd-0213  
 Narrative: 11/27/2002 0134 Worthley, W  
 Modified By: 11/27/2002 0312 Worthley, W

# Amherst Police Department

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Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

RP states that some individuals took a safe from listed location. He then stated that the safe has been returned. During the call, Jay MACDONALD, another party stated that they were chasing some individuals in the area. Umass notified.

For Date: 12/05/2002 - Thursday

02-15647 0413 Phone - Vandalism Services Rendered 3  
 Call Taker: 985 - Alvaro, J  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/05/2002 0414 985 - Alvaro, J 413-  
 Calling Party: @  
 SSN: DOB: 09/18/1982 Race: W Sex: F  
 Post: 220 Menard, W Disp-0415 Arvd-0418 Clrd-0438  
 Vehicle Entered By: 12/05/2002 0422 985 - Alvaro, J  
 Modified By: 12/05/2002 0424 985 - Alvaro, J  
 Vehicle: BLU 2000 CHEV CAVALIER Reg: PC MA 4194XF  
 Operator: CALL, JENIFER L @ 92 BURRINGTON RD - HEATH, MA 01346  
 SSN: DOB: 09/18/1982 Race: W Sex: F  
 Owner: CALL, JENIFER @ 10 BIRCH ST - GREENFIELD, MA  
 Narrative: 12/05/2002 0414 Alvaro, J  
 RP reports someone slashed the tires on her vehicle. She believes she knows who did it.

Narrative: 12/05/2002 0423 Alvaro, J  
 Modified By: 12/05/2002 0438 Alvaro, J  
 ID67 reports that the right passenger side rear tire was cut on listed vehicle. He is enroute with RP to a location where the suspect may be staying .. starting milage of 71574 .... 12/05/2002 0427. Ending is the same.  
 Robert CLUF out of Greenfield is the suspect.

Narrative: 12/05/2002 0535 Menard, W  
 RP suspects Robert CLUF slashed the rear tire of her friends vehicles, Ma. 4194XF, while it was parked at the rear of the fraternity. CLUF may be staying with friend at #327 Lincoln Ave. Area search was Neg. RP will get more info on CLUF and contact ID #67. OK 67

Narrative: 12/05/2002 0718 Millar, J  
 reviewed by X1 ( ID#67 to follow up)

For Date: 12/14/2002 - Saturday

02-16209 1630 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/14/2002 1632 966 - Turcotte, T  
 Calling Party: CITIZEN, ALARM @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-1633 Arvd-1636 Clrd-1647  
 InQrtsUnavl-1655 InSrvce-1655  
 Narrative: 12/14/2002 1633 Turcotte, T

## Amherst Police Department

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Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

RP reports a fire alarm at location.

Refer To Fire Case: 02-1303-IN

For Date: 12/20/2002 - Friday

02-16482 0239 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 985 - Alvaro, J  
 Call Closed By: 981 - Worthley, W  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/20/2002 0240 985 - Alvaro, J  
 Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-0240 Arvd-0243 Clrd-0253  
 InQrtsUnavl-0259 InSrvce-0259  
 Dispatched By: 981 - Worthley, W  
 Arrived By: 981 - Worthley, W  
 Cleared By: 981 - Worthley, W  
 Narrative: 12/20/2002 0240 Alvaro, J  
 Modified By: 12/20/2002 2037 Curtin, M  
 RP reports alarm sounding at listed location.

Refer To Fire Case: 02-1322-IN

For Date: 12/31/2002 - Tuesday

02-17011 0008 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 985 - Alvaro, J  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 12/31/2002 0010 985 - Alvaro, J  
 Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-0012 Arvd-0015 Clrd-0026  
 InQrtsUnavl-0028 InSrvce-0109  
 Narrative: 12/31/2002 0010 Alvaro, J  
 RP reports alarm sounding at listed location.

Refer To Fire Case: 02-1342-IN

For Date: 01/01/2003 - Wednesday

02-17067 0112 Phone - Fight Services Rendered 1  
 Call Taker: 977 - Curtin, M  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/01/2003 0115 981 - Worthley, W  
 Calling Party: @ - AMHERST, MA 01002 508-864-3334  
 Party Entered By: 01/01/2003 0129 977 - Curtin, M  
 Involved Party: LEJEUNE, BRIAN A @ 19 DANNUNZIO AVE - ENFIELD, CT  
 Party Entered By: 01/01/2003 0130 977 - Curtin, M  
 Calling Party: C @ - WHATELY, MA 01093  
 SSN: DOB: 01/26/1983 Race: W Sex: M  
 Post: 110 Guzik, G Disp-0113 Arvd-0116 Clrd-0140  
 Post: 120 Reardon, J Disp-0113 Arvd-0116 Clrd-0136  
 Post: 440 Foster, D Disp-0113 Arvd-0113 Clrd-0136  
 Tivnan, J  
 Post: 1X1 Millar, J Disp-0113 Arvd-0114 Clrd-0140  
 Post: 130 Rhoades, D Disp-0113 Arvd-0114 Clrd-0213  
 Post: 40IC O' Connor, R Disp-0121 Arvd-0121 Clrd-0140  
 Post: 4FP1 Williams, K Disp-0121 Arvd-0121 Clrd-0136  
 Vehicle Entered By: 01/01/2003 0121 981 - Worthley, W  
 Vehicle: GRN 1996 FORD UT EXPLORER Reg: PC MA 9422GT  
 Owner: BRIDA, BRENDA J @ 7 STRAITS RD - HATFIELD, MA 01038-9777  
 Vehicle Entered By: 01/01/2003 0122 977 - Curtin, M  
 Vehicle: RED 1994 NISS SENTRA Reg: PC MA 475XTX  
 Owner: ALICEA, BENITA @ 134 FARNUM DR - HOLYOKE, MA  
 Vehicle Entered By: 01/01/2003 0123 981 - Worthley, W  
 Vehicle: BLK 2000 DODG SE NEON Reg: PC MA 3160GC  
 Owner: VAZQUEZ, LUZ @ 462 MAPLE ST - HOLYOKE, MA 01040-3755  
 Vehicle Entered By: 01/01/2003 0124 977 - Curtin, M  
 Vehicle: RED 1998 CHEV MALIBU Reg: PC MA 2905WZ

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Owner: BOAMPONG, JOHN @  
 Vehicle Entered By: 01/01/2003 0124 977 - Curtin, M  
 Vehicle: RED 1993 FORD EXPLORER Reg: PC MA 3373XE  
 Owner: ROSKE, DAWN @ 1301 CONWAY MA - ASHFIELD, MA  
 Vehicle Entered By: 01/01/2003 0124 981 - Worthley, W  
 Vehicle: RED 1992 FORD SE TEMPO Reg: PC MA 2823WZ  
 Owner: KLINE, STEPHEN J @ 37 MUNSON ST - CHESTERFIELD, MA 01012-9712  
 Vehicle Entered By: 01/01/2003 0125 977 - Curtin, M  
 Vehicle: BLK 1992 HOND CIVIC Reg: PC MA 2012NP  
 Owner: HOSTA, GEORGE @ 13 SHEEFIELD ST - EASTHAMPTON, MA  
 Vehicle Entered By: 01/01/2003 0126 977 - Curtin, M  
 Vehicle: GRN 1996 VOLK JETTA Reg: PC MA 4736TV  
 Owner: BRIGGS, AIMEE R @ 8 DEERFIELD DR - EASTHAMPTON, MA  
 Vehicle Entered By: 01/01/2003 0306 977 - Curtin, M  
 Vehicle: RED 1999 DODG RAMTRU Reg: PC MA 7327NH  
 Owner: SCAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA  
 Narrative: 01/01/2003 0113 Curtin, M  
 Modified By: 01/01/2003 0308 Curtin, M

RP reports approx 25 people in a fight near listed location, unsure about weapons but some people area throwing bottles around. ID#44 reports many parties fleeing, listed plates possibly vehicles of those involved. Listed location was shut down today, remaining persons have 30 minutes to vacate, ID#57 bringing 3 juveniles to station 45130-45132. ID#57 advises 75 people involved no active fighting scene, 175 people moved from inside 374, LAHTI responsible for clearing out building. LAHTI called back to advise building is clear. ID#85 advises MA REG 7327NH is only vehicle that remains in area. Juveniles brought to station were picked up by parents.

Narrative: 01/01/2003 0115 Worthley, W  
 Modified By: 01/01/2003 0134 Curtin, M  
 RP reports approx 25 people fighting behind listed location. She stated that she saw a silver object in someones hand. Also bottles being used.

Narrative: 01/01/2003 0524 Millar, J  
 X1 first on the scene, approx 35-45 people in middle of street. No active fighting, NO weapons seen or located and no reported injuries seen or reported. All ordered to leave area. Plate numbers taken of all vehicles exiting location.

Located large party at #374 No pleasant street which was reported "shut down" by AFD. All windows blocked by taped newspaper.

Located inside was approx 200 party guests and only one person IDed as house brother. (see ID#36 for name) House inside spray paints with "names and gang signs" some outside too. All inside ordered to leave building. Only a few refused and were later removed with help from friends/police.

House brother (located at scene by ID#36) ordered to remove all other parties hiding in room with in 20 minute. After then all located would be charged with trespassing.

03-5 0418 Initiated - Security Check Services Rendered 3  
 Call Taker: 977 - Curtin, M  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Initiated By: 120 - Reardon, J  
 Party Entered By: 01/01/2003 0422 977 - Curtin, M  
 Calling Party: @ - MARLBORO, MA  
 SSN: DOB: 11/12/1981 Race: W Sex: M  
 Party Entered By: 01/01/2003 0425 977 - Curtin, M  
 Involved Party: SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA  
 SSN: DOB: Race: U Sex: M  
 Post: 120 Reardon, J Arvd-0418 Clrd-0432  
 Post: 130 Rhoades, D Disp-0419 Arvd-0419 Clrd-0435

Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

Vehicle Entered By: 01/01/2003 0426 977 - Curtin, M  
 Vehicle: RED 1999 DODG RAM Reg: PC MA 7327NH  
 Operator: SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA  
 SSN: DOB: Race: U Sex: M  
 Owner: SCHAEFER, ADAM @ 4 DRIFTWOOD AVE - MARBLEHEAD, MA  
 Narrative: 01/01/2003 0422 Curtin, M  
 Modified By: 01/01/2003 0525 Curtin, M  
 ID#85 and 57 out at listed location, GREER and SCHAEFER are at location. Frat has been condemned, was cleared earlier today. GREER and SCHAEFER told to vacate.

Narrative: 01/01/2003 0549 Reardon, J  
 Modified By: 01/01/2003 0815 Reardon, J  
 ID#36 and #85 conducted a security check of condemned fraternity located at 374 North Pleasant Street. Notices posted on the 3rd floor door, other notices probably removed during the 300+ party earlier in the shift. Two male parties were discovered/identified, advised of the buildings status and removed without incident. Reviewed by ID#85.

03-19 1342 Phone - Still Alarm Incident Report - Fire 1  
 Call Taker: 966 - Turcotte, T  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/01/2003 1345 966 - Turcotte, T  
 Calling Party: CITIZEN, SECURITY @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-547-6512  
 Fire Unit: 51E2-Pumper-ENGINE 2 Disp-1345 Arvd-1347 Clrd-1400  
 InQrtsUnavl-1409 InSrvce-1409  
 Narrative: 01/01/2003 1345 Turcotte, T  
 RP reports a fire alarm at

Refer To Fire Case: 03-3-IN

03-21 1343 Phone - Assist A F D Services Rendered 2  
 Call Taker: 928 - Misiaszek, A  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/01/2003 1350 928 - Misiaszek, A  
 Calling Party: AFD @ 68 NORTH PLEASANT ST - AMHERST, MA 01002 413-256-4082  
 Post: 210 Epiceno, S Disp-1344 Arvd-1345 Clrd-1424  
 Post: 230 Scott, M Disp-1355 Arvd-1355 Clrd-1427  
 Post: 2HS Daly, B Disp-1400 Arvd-1401 Clrd-1430  
 Vehicle Entered By: 01/01/2003 1432 928 - Misiaszek, A  
 Modified By: 01/01/2003 1443 928 - Misiaszek, A  
 Vehicle: RED 1999 DODG TK RAMTRUCK Reg: PC MA 7327NH  
 Owner: SCHAEFER, ADAM @ 4 DRIFTWOOD RD - MARBLEHEAD, MA 01945  
 Narrative: 01/01/2003 1350 Misiaszek, A  
 Modified By: 01/01/2003 1402 Misiaszek, A  
 AFD responding to this frat , which is condemned, for a fire alarm sounding. ID 34 reports there is someone in this house, which is posted NO TRESPASSING. ID 78 responding to assist. Listed vehicle parked out front, computer inside is on, cold beverage also observed, will be checking the interior of the building. AFD reports alarm re-set.

Narrative: 01/01/2003 1442 Epiceno, S  
 Check of building found no one inside, however someone was in room #18 as that there was a cold beer there, the tv and computer were also on.

A Jason Sherman from Omega Delta fraternity came by while we were there. His Frat is the new leasee as of today for that building. They will be working in there fixing up the place so it can have its certificate of occupancy reinstated. Jason is staying at 180 Colonial Vlg, 256-3750.

Jason also told us that the person in room 18 has to the end of today to move out.

Building was turned over to Jason, units clear. ok 34



Selective Search From: 05/29/2002 Thru: 05/29/2003 0000 - 2359 Printed: 05/29/2003

For Date: 01/07/2003 - Tuesday

03-325 1841 Phone - B & E Incident Report - Police 1  
 Call Taker: 983 - Dodge, E  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Party Entered By: 01/07/2003 1844 983 - Dodge, E  
 Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
 Post: 420 Jackson, G Disp-1901 Arvd-1909 Clrd-1925  
 Narrative: 01/07/2003 1844 Dodge, E  
 Modified By: 01/07/2003 1925 Dodge, E

Rp is at listed location (condemned frat) to pack up his belongings. He realized that someone broke into his room and stole his tv, dvds, leather jacket, and cd's. ID #59 spoke to the Rp. Sometime between Tuesday the 31st of December and January 10, 2003, someone kicked in his door and stolen above items. Rp didn't call sooner because he had to go home for the busy weekend. He is packing up a couple more items and will come back tomorrow during the day for the rest.

Refer To Incident: 03-13-OF

For Date: 01/08/2003 - Wednesday

03-338 0148 Initiated - Security Check Building Checked / Secur 3  
 Call Taker: 981 - Worthley, W  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Initiated By: 110 - Reardon, J  
 Party Entered By: 01/08/2003 0149 981 - Worthley, W  
 Calling Party: APD, ID# 85 @ 111 MAIN ST - AMHERST, MA 01002 413-256-4011  
 Post: 110 Reardon, J Arvd-0148 Clrd-0158  
 Post: 120 Donah, M Arvd-0148 Clrd-0158  
 Narrative: 01/08/2003 0157 Worthley, W  
 ID# 85 along with 87 checking the building. Building checks secure, no one found inside.  
 Narrative: 01/08/2003 0637 Reardon, J  
 Security Check OK, Reviewed by ID#85.

For Date: 01/09/2003 - Thursday

03-441 2124 Initiated - Suspicious Services Rendered 2  
 Call Taker: 983 - Dodge, E  
 Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
 Initiated By: 3HS1 - Johnson, B  
 Post: 3HS1 Johnson, B Arvd-2124 Clrd-2135  
 Post: 320 Guzik, G Disp-2125 Clrd-2125  
 Post: 310 Duly, B Disp-2125 Arvd-2125 Clrd-2135  
 Narrative: 01/09/2003 2125 Dodge, E  
 Modified By: 01/09/2003 2141 Dodge, E  
 ID #74 reports seeing a male standing on the porch and lights on inside. AFD advises that building is still condemned and no one should be there after 5pm. ID #75 Spoke to Kevin GAYLE from Home Improvements in S. Amherst. He was hired by the fraternity to do the required repairs. He is authorized by Inspection Services (Brian LAPORTE) to make the necessary repairs from 7-11pm until completed.  
 Narrative: 01/09/2003 2341 Johnson, B  
 ok #74 @ 2340

For Date: 01/30/2003 - Thursday

03-1537 2040 Initiated - Larceny Services Rendered 2

Call Taker: 977 - Curtin, M  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Initiated By: 3HS1 - Lang, T  
Party Entered By: 01/30/2003 2041 977 - Curtin, M  
Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
Post: 3HS1 Lang, T Arvd-2040 Clrd-2042  
Narrative: 01/30/2003 2041 Curtin, M  
Modified By: 01/30/2003 2043 Lang, T

ID#60 took a report from RP about 40 or 50 CD's that were stolen from him on or around 1/2-1/3/03.

Narrative: 01/30/2003 2043 Lang, T

RP Chris White advises that 40-50 cd's that were in a "case logic" cd holder were taken from his fraternity room. This happened between 1/2-1/3/03. The frat was closed during this time and it is unknown who had access to the house. White indicates his room was locked when he left. It was unlocked when he returned, no damage to the door. No suspects.

For Date: 02/09/2003 - Sunday

03-2142 1947 Phone - Assist Citizen Services Rendered 3  
Call Taker: 980A - Guzik, J  
Location: [AMH 5022] LAMBDA CHI ALPHA - 374 NORTH PLEASANT ST  
Party Entered By: 02/09/2003 1950 980A - Guzik, J  
Calling Party: @ 374 NORTH PLEASANT ST - AMHERST, MA 01002 413-  
Post: 320 Ting, G Disp-1952 Arvd-1952 Clrd-1957  
Narrative: 02/09/2003 1950 Guzik, J

Rp reports a dispute with the neighbors over a pool table. Table was allegedly purchased by Rp for \$1.00, but attempts to recover the table are met with refusal from the existing frat. Rp would like to speak to an officer regarding the situation and what he can do to get his table.

Narrative: 02/09/2003 1957 Guzik, J

Units advised Rp and neighbor that the issue is a civil matter, individuals have been referred to the court.

Narrative: 02/09/2003 2331 Sullivan, M  
Checked ok #28.

Town of



# AMHERST Massachusetts

TOWN COUNSEL

November 8, 2005

All Correspondence to:

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Bacon & Wilson, P.C.  
Morse & Sacks  
31 Trumbull Road  
Northampton, MA 01060

RE: Michaelle Biddle v. Amherst Zoning Board of Appeals  
Hampshire Superior Court, C.A. No. 05-250

Dear Attorney Tanner:

Please find enclosed herewith for service in accordance with Superior Court Rule 9A, the following:

- Motion to Dismiss Count Two [M.R.Civ.P. 12(b)(6)].

Please serve the original and a copy of any opposition you may have to this motion within the time allowed by Rule 9A.

Thank you for your attention to this matter.

Very truly yours,

Alan Seewald

AS/A

xc: Barry L. Del Castilho, Town Manager  
Amherst ZBA ✓



COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT

HAMPSHIRE, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION No. 05-250

MICHAELLE BIDDLE,  
Plaintiff

v.

TOM SIMPSON, TED RISING and BARBARA FORD  
As They Constitute the AMHERST ZONING BOARD OF APPEALS  
Defendants

---

MOTION TO DISMISS COUNT TWO  
[M.R.Civ.P. 12(b)(6)]

---

The defendants, TOM SIMPSON, TED RISING and BARBARA FORD  
As They Constitute the AMHERST ZONING BOARD OF APPEALS, hereby  
move to dismiss Count Two of the Complaint for failure to state a  
cause of action upon which relief may be granted in accordance  
with M.R.Civ.P. 12(b)(6). As reasons for this motion, the  
defendants state as follows:

1. The Complaint is an appeal from the denial of a special permit pursuant to M.G.L. c. 40A, § 17.
2. Section 17, by its terms, provides a process of judicial review for "[a]ny person aggrieved by a decision of the board of appeals or any special permit granting authority"
3. Count Two of the Complaint purports to state a claim in the nature of certiorari pursuant to M.G.L. c. 249, § 4. "Review under G.L. c. 249, § 4, is available, in the words of the statute, to 'correct errors in proceedings ... which ... are

not otherwise reviewable by motion or appeal.'" *Mozeck v.*

*City of Revere*, 443 Mass. 1020, 1020-21 (2005) (rescript).

4. M.G.L. c. 40A, § 17, provides a complete and adequate avenue of review of the denial of a special permit. *See Cumberland Farms, Inc. v. Planning Board of Bourne*, 56 Mass. App. Ct. 605, 607-08 (2002) (appeal from site plan review).
5. Although the Complaint seeks review in the nature of certiorari as an alternative to relief under c. 40A, § 17, "[c]ertiorari does not provide an additional or alternative avenue of appellate review. *Id.*, 56 Mass. App. Ct. at 607. *See also, Picciotto v. Superior Court*, 437 Mass. 1019, 1020 (2002).

WHEREFORE, the defendants, TOM SIMPSON, TED RISING and BARBARA FORD, As They Constitute the AMHERST ZONING BOARD OF APPEALS, hereby move to dismiss Count Two of the Complaint for failure to state a cause of action upon which relief may be granted in accordance with M.R.Civ.P. 12(b)(6).

Dated: November 8, 2005

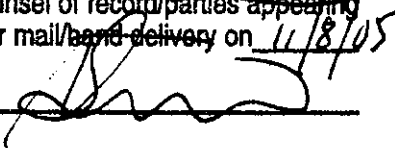
Defendants,  
TOM SIMPSON, TED RISING and BARBARA FORD,  
As They Constitute the AMHERST ZONING BOARD OF APPEALS,  
by their Attorney,



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CERTIFICATE OF SERVICE

This will certify that the foregoing document was  
served on all counsel of record/parties appearing  
~~pro se~~ by regular mail/hand delivery on 11/8/05



Town of



# AMHERST Massachusetts

TOWN COUNSEL

November 8, 2005

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RE: Michaelle Biddle v. Amherst Zoning Board of Appeals  
Hampshire Superior Court, C.A. No. 05-250

Dear Attorney Tanner:

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Very truly yours,

Alan Seewald

AS/A

xc: Barry L. Del Castilho, Town Manager  
Amherst ZBA ✓



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4. M.G.L. c. 40A, § 17, provides a complete and adequate avenue of review of the denial of a special permit. See *Cumberland Farms, Inc. v. Planning Board of Bourne*, 56 Mass. App. Ct. 605, 607-08 (2002) (appeal from site plan review).
5. Although the Complaint seeks review in the nature of certiorari as an alternative to relief under c. 40A, § 17, "[c]ertiorari does not provide an additional or alternative avenue of appellate review. *Id.*, 56 Mass. App. Ct. at 607. See also, *Picciotto v. Superior Court*, 437 Mass. 1019, 1020 (2002).

WHEREFORE, the defendants, TOM SIMPSON, TED RISING and BARBARA FORD, As They Constitute the AMHERST ZONING BOARD OF APPEALS, hereby move to dismiss Count Two of the Complaint for failure to state a cause of action upon which relief may be granted in accordance with M.R.Civ.P. 12(b)(6).



Chris

Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2302

INSPECTION SERVICES DEPARTMENT  
Phone (413) 256-4030 • Fax (413) 256-4076  
Email: [inspections@amherstma.gov](mailto:inspections@amherstma.gov)

January 5, 2006

Michaelle Biddle  
96 Bridge St  
Hatfield, MA 01038

Re: 382 North Pleasant St

Dear Mrs. Biddle,

This letter is regarding property owned by you and is located at 382 North Pleasant Street in Amherst. This property is currently occupied by a Fraternity known as Alpha Delta Phi.

A Fraternity House has operated at 382 North Pleasant Street in the past under a special permit granted by the Amherst Zoning Board of Appeals.

On June 30, 2005 an application to renew special permit ZBA FY2003-00044 was submitted to the town. This application # is Zoning Board of Appeals ZBA-05-00040.

On August 11, 2005 a public hearing before the Zoning Board of Appeals was held. At the hearing testimony was provided by a number of individuals, Mr. Rising a member of the Zoning Board of appeals moved to close the evidentiary part of the hearing. Motion was passed.

On September 7, 2005 a public meeting was held by the Zoning Board of Appeals, The Board deliberated this application and at the end of deliberations the Zoning Board of Appeals voted unanimously to deny to renew a special permit that would allow the continued use of a Fraternity House and/or a Boarding House on the premises at 382 North Pleasant Street.

An appeal on your behalf by Attorney Mark Tanner has been filed in Hampshire County Superior Court. The appeal document is dated October 27, 2005

After conferring with Town Attorney Alan Seawald it is the opinion that the continuing use of this building as a Fraternity House and/or a Boarding House is a violation of the Amherst Zoning Bylaw.

This letter serves two purposes, one as a **"Notice of Violation"** and second as a **"Cease and Desist Order"** in accordance with the Amherst Zoning Bylaw.

All codes referenced within this letter are from the Town of Amherst Zoning By-law amended through May 2005 unless otherwise noted.



Violation:

This property is located within an R-G Zoning District. At one time a special permit from the Amherst Zoning Board of Appeals was required to permit this type of use in the area where your building is located. Under current regulation a Fraternity Use is not allowed in this district. Section 3.326

At a September 7, 2005 public meeting of the Zoning Board of Appeals Board, a request to renew special permit # FY2003-00044 was denied by the Zoning Board of Appeals. This property continues to be operated as a Fraternity House in violation of Amherst Zoning By-law section 3.326.

- 11.42 If the Commissioner finds a violation or prospective violation, the Commissioner shall give immediate notice in writing to the owner and to the occupant of the premises and shall order the person(s) in lawful control of the premises to cease and desist and refrain from such violation. Any person aggrieved by said decision or, any officer or Board of the Town, may within 30 days appeal to the Board of Appeals
- 11.43 If after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, and Town Manager shall, upon notice from the Building Commissioner forthwith make applications to the Superior Court for an Injunction or order restraining the violation and shall take such other action as is necessary to enforce the provision of this Bylaw.
- 11.44 If after action by the Building Commissioner, appeal is taken to the Board of Appeals, and after a public hearing, the Board of Appeals finds that there has been a violation or prospective violation, the Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been
- 11.45 Any violation of the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense.

In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense.

- 11.46 Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six months after issuance of the permit; additionally, in cases involving construction begun within such six-month period, such construction shall be continued through to completion as continuously and expeditiously as is reasonable

This is a "Cease and Desist Order" in accordance with Amherst Zoning Bylaw sections 3.326 and 11.45. You have thirty days from the date of receipt of this notice to have this violation corrected.

In the R-G Zoning district a building can be used as a single family dwelling by right. The town of Amherst Zoning Bylaw section 12.14 defines a family in part, as a group of unrelated individuals not to exceed 4 persons.

If the number of occupants is reduced to a maximum of 4 unrelated, you apply for a change of use permit, and once a change of use permit is issued, the use of the building would be in compliance with the Town of Amherst Zoning Bylaw.

Failure to comply with this order will result with this office taking further action.

Please notify and inform this office in writing of your intentions on having this matter corrected.

If you are aggrieved by the Zoning decisions made with regard to this violation notice, you may file an appeal with the Town of Amherst Zoning Board of Appeals in accordance with Amherst Zoning Bylaw.

#### SECTION 10.1 APPEALS

Appeals to the Board of Appeals may be taken by any persons aggrieved by reason of their inability to obtain a permit or enforcement action from any administration office under the provisions of said Chapter 40A, or by the regional planning agency, or by any person, including an officer or board of the Town or of an abutting Town aggrieved by an order or decision of the Building Commissioner, Local Inspector, or other administrative official, in violation of any provision of said Chapter or the Zoning Bylaw of the Town of Amherst.

Any such appeal must be filed with the Board within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

You may contact me at 256-4030 with any questions/concerns you may have concerning this matter.

Sincerely,



Mark A. Snow  
Assistant Building Commissioner

Cc: Bonnie Weeks – Building Commissioner/Zoning Enforcement Officer  
Charles Moody – Chapter House President  
Carolyn Holstein – Zoning Office  
Christine Brestrup – Zoning Office



TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS  
(413) 256-4032  
(413) 256-4040  
(413) 256-4041 [Fax]  
[zoning@amherstma.gov](mailto:zoning@amherstma.gov)

**Memorandum for ZBA - Special Permit application FY2005-00040**

**To:** Zoning Board of Appeals- Tom Simpson, Ted Rising and Barbara Ford  
**From:** Carolyn Holstein, Zoning Staff  
**Through:** Jonathan Tucker, Interim Head of the Planning Department  
**Subject:** Mr. Biddle's fraternity application (*update*)  
**Date:** August 24, 2005

This memo is intended to help with the Board's review of the Special Permit application

**FY2005-00040 – Michaelle Biddle** – to renew Special Permit FY2003-00044 under Section 9.22 of the Zoning Bylaw to allow continued use of the premises at 382 North Pleasant Street as a fraternity house.

Mr. Biddle indicated at the hearing that he preferred to pursue a Special Permit for a fraternity over a Special Permit for a boarding house.

Mr. Biddle met with Building Commissioner Bonnie Weeks and Zoning Assistant Carolyn Holstein on August 22, 2005. He asked if he could talk to the Board further about his plans for the fraternity house. He was told that the public hearing had been closed and he could no longer give testimony, but that there were three options open to him:

1. Ask that the hearing be re-opened, in order to hear his plans. If the Board decides to honor this request, the re-opened hearing would have to be advertised.
2. If the Board approved the current application with conditions, the applicant could then file a new application for a two-family house (his new plan for the property) after a new home had been found for the fraternity. Mr. Biddle said that would occur next spring. The property is 16,200 square feet in an R-G District, which would allow for its conversion to a two-family house under a Special Permit.
3. Appeal the Board decision, if the application was denied.

The Board's and neighbors' concerns from the public hearing were summarized for Mr. Biddle at this meeting:

- The conditions of previous Special Permits have not been followed.
- Fire and other safety concerns continue to be ongoing.
- The dumpster, which was marked on the stamped plan ~~in~~ for the 2003 Special Permit, had been moved to another property and shared with 2 other properties.
- The lack of control of trash on the premises. In particular, the dumpster is open, unshielded and not regularly serviced, resulting in trash overflow which would last for months at a time.
- Overcrowding and lack of control of cars on the lot.

- The potholes and poor condition of the driveway. Several previous Special Permits required improvements to the driveway.
- A grill and furniture in the front yard, not in the back as previously required
- Consistently poor management of the property, resulting in persistent violations of past permit conditions and health/safety hazards to the occupants.

The Planning Director recommended that if the Special Permit is renewed, the conditions of the permit could be very strict. The Board can require that evidence of the applicant's completing specific improvements and meeting specific conditions be submitted for the Board's review and approval (including site visits and reports from inspectors) every three months, to begin with. If conditions are not met on the prescribed schedule, the Board could request Building Commissioner enforcement, including fines and voiding of the permit. Staff recommendations for conditions, in addition to previous Special Permit conditions, include:

- The hiring of an outside professional property management company, with the contract submitted to the Board. The petitioner has demonstrated an inability to satisfactorily manage this property.
- A planted or fenced enclosure for the dumpster and recycling facilities. The location should be specified on the plan at the back of the property, as per the Board consensus at the hearing, and against siting the dumpster in the front near North Pleasant Street as Mr. Biddle suggested.
- Improvements to the driveway and parking area. This has been a condition from previous Special Permits, but not enforced. The Board could require signed contracts for professional installation of all applicable elements of the improvement work, including completion by deadlines established via a timetable (see below).
- A limit to the number of cars parked on the property at any time.
- A timetable for meeting conditions and making improvements, with an inspection of the property and a report to the Board in three months time, at six months, and at a year. The Board should determine the improvements due at the first 3-month review, as well as the overall outlines of this schedule, in consultation with the Building Commissioner. Specific dates for field inspections and accompanying Board public meetings to determine compliance with conditions should be set and made a part of the timetable.
- A condition invoking revocation of the permit if the schedule of improvements is not met (either on time or as to their substance) or other conditions of the permit are not strictly adhered to for any scheduled inspection.
- During the Board's review of the property after one year, the Board may elect to re-open the public hearing to set a new timetable.

Mr. Biddle said that there are 10 students living at the house at this time, and it would take some time to find another home for the fraternity if the Special Permit application were denied.

cc: Bonnie Weeks, Building Commissioner  
David and Michaelle Biddle, Applicant



TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS  
(413) 256-4032  
(413) 256-4040  
(413) 256-4041 [Fax]  
[planning@amherstma.gov](mailto:planning@amherstma.gov)

**Memorandum for ZBA - Special Permit application FY2005-00040**

**To:** Zoning Board of Appeals- Tom Simpson, Ted Rising and Barbara Ford  
**From:** Carolyn Holstein, Zoning Staff  
**Subject:** Public Hearing on August 11, 2005  
**Date:** August 5, 2005

This memo is intended to help your review of the Special Permit application

**FY2005-00040 – Michaelle Biddle –** (Petitioner's wording) to renew Special Permit FY2003-00044 under Section 9.22 of the Zoning Bylaw to allow continued use of the premises at 382 North Pleasant Street as a fraternity house, to change the length of the permit to five (5) years instead of two (2) years, *and* to allow this property to be used as a boarding house if it is felt that this would help provide greater control of the occupants by the landlord.

This property has had many uses, and many Special Permits through the years. The FY1981-39 Special Permit in your packet states that the building was a rooming house prior to 1973, a fraternity from 1973 – 1978, a rooming house from 1979-81, then a sorority. The sorority lasted from 1981-87, and then the property has housed a fraternity from 1987 to present.

The Zoning Bylaw changed during that time period, and the Fraternity Residence District near the University was eliminated. Neither fraternities/sororities nor boarding houses are allowed in an R-G Zoning District. Hence the application is presented under Section 9.22, non-conforming uses.

Enclosed in your packet are two letters from Inspection Services. The first letter refers to a Fire Department inspection in April 2005, with safety violations. The two inspection letters of May and June, 2005 list 8 and 9 violations respectively. Hence, for three consecutive months there are documented violations, with no improvement during that time.

The petitioner is asking for three things:

1. To renew the use as a fraternity
2. To extend the renewal period to five years
3. To allow the use of the premises boarding house if "it" would provide greater control (over the property) by the landlord. (It is assumed that "it" means "in the judgment of the Board this".)

The petitioner has submitted a vague application that appears to ask the Board to decide which among a range of use(s) will be permitted on the property. The Planning Director recommends that the Board ask the applicant to choose—to restrict the permit request to one or the other of the proposed uses, based on the applicant's priorities. A Special Permit should be issued only for a

specific use or mix of complimentary uses, not a range of potential uses, and that specificity should be reflected in any decision and conditions.

It is recommended by the Planning Director that the applicant modify his application to request one or the other of the proposed uses, whichever is more important to the applicant. A Special Permit is for a *specified* use, not an either/or case. The petitioner submitted a vague application, but the Board can be very specific in its decision and conditions.

If the petitioner decides to pursue continuance of the non-conforming use as a fraternity house, the Board may wish to strengthen the conditions of the previous Special Permits in order to reduce the number of violations and prevent future violations. Parking, and trash/litter control appear to be ongoing problems. The Board also may wish to consider conditioning any approval on requiring a requirement that the owner contract with a professional property management firm, in order to help ensure that the residence maintains safety/health regulations on an ongoing basis and will not become a visual, noise or safety detriment to abutters.

If the petitioner wishes to pursue a boarding house, Section 9.22 of the Bylaw does permit a change from one non-conforming use to another if the Board determines that the change is not "substantially more detrimental to the neighborhood than the existing non-conforming use." In addition, Section 3.329 of the Bylaw requires that the owner or manager of a boarding house reside on the premises.

For either a fraternity or boarding house, the Board may wish to require that a resident manager be installed (other than a fraternity member). Again, that manager should register his/her name and phone number with the Building Commissioner and the Police Department, and the name updated as necessary.

cc: Bonnie Weeks, Building Commissioner  
David and Michaelle Biddle, Applicant

## MANAGEMENT PLAN

The Rules and Regulations of the Zoning Board of Appeals require that applicants for Special Permits for apartments, town houses, converted dwellings, dwellings combined with commercial uses and fraternities or sororities submit a management plan as part of the application. The management plan should contain all of the information listed below.

1. ADDRESS OF PROJECT 382 N. PLEASANT ST.

2. OWNER

NAME MICHAELLE L. BIDDLE

ADDRESS BOX 196 HATELEY MA 01038

PHONE HOME 413-695-6229 WORK

3. MANAGER

NAME

ADDRESS

PHONE HOME  WORK

4. UNIT MIX

<u>NUMBER</u>	<u>TYPE OF UNIT</u>	<u>SIZE</u>	
<u></u>	Studio	<u></u>	sq. ft., average per unit
<u>3</u>	One bedroom	<u><del>150</del> 150</u>	sq. ft., average per unit
<u>6</u>	Two bedroom	<u>196</u>	sq. ft., average per unit
<u>2</u>	Three bedroom	<u>225</u>	sq. ft., average per unit
<u></u>	Four bedroom	<u></u>	sq. ft., average per unit

5. ESTIMATED OCCUPANCY PER UNIT

<u>TYPE OF UNIT</u>	<u>NUMBER OF ADULTS</u>	<u>NUMBER OF CHILDREN</u>
Studio	0	0
One bedroom	3	0
Two bedroom	12	0
Three bedroom	3	0
Four bedroom	0	0



# WASTE STORAGE AND REMOVAL

Describe where waste will be stored, how it will be removed and how frequently it will be removed.

PUMPSTEN

~~WASTE REMOVAL~~  
COMMERCIAL DISPOSAL

WEEKLY

LOCATED ON  
LAMBDA CHI  
PARKING

## 7. RECREATION FACILITIES

Describe the type and location of play areas, picnic areas or common open space. Describe who will maintain these areas.

BACKYARD, FRATERNITY.

BY

## 8. STORAGE

Describe what storage areas are available for use by tenants.

CLOSETS, STORAGE BINS.

## 9. PARKING

Describe and show on a plan the layout of the parking area(s); the number of spaces provided and how spaces are assigned.

SEE PLAN.

## 10. SNOW REMOVAL

Describe who will be responsible for clearing and removing snow.

FRATERNITY ~~AS~~ CONTRACTOR, TO REMOVE SNOW

11. LAWN CARE BY

DAVID BIDALE

(12) PARTY CONTROL BY OFFICERS OF THE FRATERNITY

(13) RESIDENT MANAGER.

DAVID STAYEN

382 N. PLEASANT ST.

ROOM 2

508 561 3449

# Town of AMHERST

# Massachusetts



## ZONING BOARD OF APPEALS

Phone: (413) 256-4032

Fax: (413) 256-4041

## MANAGEMENT PLAN

The Rules and Regulations of the Zoning Board of Appeals require that applicants submit a management plan as part of the application process.

1. Address of Project 382 N. PLEASANT ST
2. Owner MICHAEL L. BIDDLE  
Applicant MICHAEL L. BIDDLE  
Address Box 90 HATFIELD MA 01638  
Phone (w) 413 695 6229 (h) \_\_\_\_\_
3. Key holder DAVID BIDDLE
4. Number of spaces required for use \_\_\_\_\_
5. Number of spaces available for use \_\_\_\_\_
6. Property maintenance: snow removal, lawn care ALPHA DELTA Phi

## TYPE OF REQUEST:

### CIRCLE ONE

1. Restaurant      2. Home Occupation      3. Apartment      4. Renewal      5. Other

## Information to include at the least:

### 1. RESTAURANT

Type of menu  
Number of seats  
Number of employees  
Hours of operation for food service  
Alcohol and live entertainment  
Signs and lighting

Seasonal outdoor dining  
Take-out service  
Trash/litter control  
Parking plan  
Delivery service  
Deliveries to the site

\*\*\*Applicant must contact Inspections Services, Board of Health, Design Review Board \*\*

### 3. APARTMENTS

Square footage of parcel  
Number of existing units  
Number of proposed units  
Square footage per unit  
Number of tenants  
Property management plan

Parking/traffic  
Trash disposal/recycling  
Storage of large items  
Exterior lighting  
On-site recreational facilities

### 2. HOME OCCUPATIONS

Type of business  
Number of Employees  
Hours of operation  
Parking/traffic  
Deliveries to the site

Equipment used/noise  
Trash disposal/recycling  
Material and equipment storage  
Signage  
Management plan

### 4. RENEWAL

Special permit #  
Date of issuance  
Information as requested

Changes in operation  
Changes in neighborhood

APPLICATION # ZBA-05-00040ZONING BOARD OF APPEALS  
TOWN OF AMHERSTTOWN OF AMHERST, MA  
HAMPSHIRE COUNTY  
Received & Recorded

JUN 30 2005

## APPLICATION

A.M. 2:13 P.M.  
Book 95 Page 040

Attests

Town Clerk

MICHAELLE L. BIDDLE

NAME OF APPLICANT

ATTORNEY/ENGINEER/CONSULTANT

Box 190 96 BRIDGE ST

ADDRESS OF APPLICANT

ADDRESS

HATFIELD MA 01038TELEPHONE # OF APPLICANT 413 695 6229

TELEPHONE #

TYPE OF APPLICATION

☒ SPECIAL PERMIT☐ APPEAL FROM DECISION OF  
BUILDING COMMISSIONER☐ VARIANCE☐ COMPREHENSIVE PERMIT

PURSUANT TO THE PROVISIONS OF CHAPTER 40A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND THE AMHERST ZONING BYLAWS, APPLICATION IS HEREBY MADE TO THE AMHERST ZONING BOARD OF APPEALS TO DO THE FOLLOWING:

NATURE OF REQUEST: UNDER SECTION 9.22 RENEW ZBAFY 2003-00044  
TO ALLOW CONTINUED USE OF THE PREMISES AT382 NORTH PLEASANT ST. AMHERST MA. AS A FRATERNITYHOUSE. TO CHANGE THE LENGTH OF THIS PERMISSION TO5 YEARS INSTEAD OF TWO YEARS. TO ALLOW THIS PROPERTYTO BE USED AS BOARDING HOUSE IF IT IS FELT THAT THIS WOULDPROPERTY LOCATION: 382 N. PLEASANT ST. OWNER: MICHAELLE L. BIDDLE

(Signature)

(Address)

ZONING DISTRICT: RCMAP & PARCEL # 11C PARCEL 118413 695 6229

(Telephone #)

TO BE FILLED OUT BY AMHERST BUILDING COMMISSIONER

\$ 110.006/30/05  
DATE RECEIVED

AMOUNT OF FEE

Burt S. Allen  
AMHERST BUILDING COMMISSIONER☒ CERTIFIED LIST OF ABUTTERS☒ EIGHT (8) SETS OF PLANS

TO BE FILLED OUT BY AMHERST TOWN CLERK

June 30, 2005  
DATE FILED\$ 110.00  
FEE RECEIVEDAna M. Macias  
AMHERST TOWN CLERK

*Town of*



**AMHERST**

*Massachusetts*

TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS  
(413) 256-4032  
(413) 256-4040  
(413) 256-4041 [Fax]  
[zoning@amherstma.gov](mailto:zoning@amherstma.gov)

October 17, 2005

**COMMONWEALTH OF MASSACHUSETTS  
NOTICE OF FILING DECISION WITH TOWN CLERK**

On October 14, 2005, the Amherst Zoning Board of Appeals filed its decision to DENY the following:

**ZBA FY2005-00040 –Michaelle Biddle–** to renew Special Permit FY2003-00040 under Section 9.22 of the Zoning Bylaw to allow continued use of the premises as a fraternity house, to change the length of the permit to five (5) years and to allow the property to be used as a boarding house if it is felt that this would help provide greater control of the occupants by the landlord, on the premises at 382 North Pleasant Street, (Map 11C, Parcels 118, R-G Zone):

**TOM SIMPSON, CHAIR  
AMHERST ZONING BOARD OF APPEALS**

Any appeal of the decision should be filed with the Superior Court within 20 days of the date of filing with the Town Clerk.

**David W. Biddle Ph.D.**

Arabist • Landlord  
Alternative Energy Aficionado

Box 190  
96 Bridge St.  
Hatfield, MA 01038

413 695.6229  
[davidb9608@aol.com](mailto:davidb9608@aol.com)

Town of



AMHERST

Massachusetts

TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS  
(413) 256-4032  
(413) 256-4040  
(413) 256-4041 [Fax]  
[zoning@amherstma.gov](mailto:zoning@amherstma.gov)

October 14, 2005

David Biddle  
PO Box 190  
96 Bridge Street  
Hatfield MA 01038

Dear Mr. Biddle:

Enclosed please find the following documents in regard to Special Permit application  
#ZBA FY 2005-00040:

1. Copy of Decision;
2. Copy of Record of Appeal and Decision Rendered;
3. Copy of Certified List of Abutters.

This Decision was filed with the Amherst Town Clerk on October 14, 2005. Pursuant to Massachusetts General Laws, Chapter 40A, Sections 11 and 17, a 20-day appeal period begins once the Decision has been filed with the Town Clerk. If you feel aggrieved by this Decision, you may appeal it to the Hampshire County Superior or District Court on or before November 3, 2005, at which time the appeal period will expire.

If you have any questions, please call me in the Planning Department, at 256-4032 or 256-4040.

Very truly yours,

Carolyn Holstein  
for the Amherst Zoning Board of Appeals

Property of David and Michaelle  
Biddle

382 North Pleasant St  
Amherst Ma 01002  
Interior Floor Plan

03. 549-2000

MV Stop.

5

Noise Complaint II

Liquor Law Violator

Warrant served

04.

TBL Violation - Domestic  
ARREST

Community Asses - OAE, MV

Liquor Law Violat.

Fight II

10

Suspicious. Actv

Vandalism  
LARCENY

Selective Search From: 08/11/2003 Thru: 08/11/2005 0000 - 2359 Printed: 08/11/2005

For Jurisdiction: Amherst, MA

For Date: 08/17/2003 - Sunday

<u>Time</u>	<u>Call Reason</u>	<u>Action</u>
0204	M V Stop	Citation Issued - M V
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	
0355	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 08/29/2003 - Friday

0049	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/01/2003 - Monday

2113	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/02/2003 - Tuesday

0143	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/06/2003 - Saturday

2041	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/07/2003 - Sunday

0133	Noise Complaint	Warning Issued
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/08/2003 - Monday

0713	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/12/2003 - Friday

2337	Liquor Law Violation	Arrest(s) - Adult
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 09/24/2003 - Wednesday

1045	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 10/05/2003 - Sunday

0817	Still Alarm	Incident Report - Fire
Location/Address:	[AMH 1598] 382 NORTH PLEASANT ST	

For Date: 10/07/2003 - Tuesday

*Received at hearing  
8/11/05*



Selective Search From: 08/11/2003 Thru: 08/11/2005 0000 - 2359 Printed: 08/11/2005

For Date: 11/22/2003 - Saturday

0539 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 11/24/2003 - Monday

1023 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

1740 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

2109 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 11/26/2003 - Wednesday

0049 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

0400 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

0435 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 01/11/2004 - Sunday

2144 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 02/21/2004 - Saturday

2038 T B L Violation Incident Report - Police  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 04/24/2004 - Saturday

1445 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 04/26/2004 - Monday

2132 Community Policing Services Rendered  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

For Date: 05/01/2004 - Saturday

0249 Liquor Law Violation Arrest(s) - Adult  
Location/Address: 382 NORTH PLEASANT ST

For Date: 09/18/2004 - Saturday

0035 Still Alarm Incident Report - Fire  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

0244 Fight Gone On Arrival  
Location/Address: 382 NORTH PLEASANT ST

Selective Search From: 08/11/2003 Thru: 08/11/2005 0000 - 2359 Printed: 08/11/2005

For Date: 04/24/2005 - Sunday

0022 Fight  
Location/Address: 382 NORTH PLEASANT ST

Arrest(s) - Adult

0034 Emergency Medical Service  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Incident Report - E M S

For Date: 05/05/2005 - Thursday

2022 Noise Complaint  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Warning Issued

For Date: 06/01/2005 - Wednesday

1559 Still Alarm  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Incident Report - Fire

For Date: 06/12/2005 - Sunday

0254 Larceny  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Incident Report - Police

For Date: 07/04/2005 - Monday

2016 Still Alarm  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Incident Report - Fire

2048 Still Alarm  
Location/Address: [AMH 1598] 382 NORTH PLEASANT ST

Incident Report - Fire

## Amherst Fire Department

Fire Incidents Only

26 CALLS - 2003  
8  
13  
-2004  
2005 (6 MOS.)

03-736-IN Sunday, August 3, 2003 TOC: 13:25:22 CAD #: 03-11856

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: Incident type: 743 Smoke detector activation, no fire - unintentional

Captain J. Johnson's narrative: Reported alarm sounding. Upon arrival and investigation found activated smoke detector, near basement exit area. Unknown cause of activation. No fire or smoke condition noted. Further investigation found several life safety code violations. Occupants were given until 1800 hours today to make repairs. F/F Klaus and Inspection Services will be returning to make re-inspection. Citizen Security is responding a technician to make repairs to detector and alarm panel lock.

Dispatcher A. Misiaszek's narrative: RP advises alarm sounding at this location. 51X5 requests RP be contacted and have a tech sent to repair this alarm. Citizen Security will have a tech call 51X5 for details.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	13:28.00		13:30:00	13:44:00	E1
E1	13:27.00		13:28:00	13:42:00	Johnson Snowden Tebo
					E2
					Briere Klaus

03-787-IN Sunday, August 17, 2003 TOC: 3:55:53 CAD #: 03-12501

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Firefighter J. Sell's narrative: E2 responded for a reported Still Alarm. Advised by occupants on scene that there was no known cause for the alarm. Found no activated smoke detectors. Most rooms were locked, all checked negative for heat. Advised occupants to have keys available in the future. Investigation only.

Dispatcher E. Dodge's narrative: Rp reports fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	3:58.00		4:01:00	4:10:00	E2
					Clooney Martell Sell

03-827-IN Friday, August 29, 2003 TOC: 0:49:03 CAD #: 03-13090

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 730 System malfunction, other

Captain D. McKay's narrative: On arrival found panel indicating a SD activation but could find no activated SD in the building. Found no fire or smoke condition.

Dispatcher W. Worthley's narrative: RP reports an alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	0:51.00		0:53:00	1:02:00	E2
					Adair McKay Theilman

03-847-IN Monday, September 1, 2003 TOC: 21:13:10 CAD #: 03-13317

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 733 Smoke detector activation due to malfunction

Captain J. Olmstead's narrative: Engine Two responded to 382 North Pleasant Street for a fire alarm sounding. On arrival, FAP showed a smoke detector activation. Could not find and activated smoke detector or cause for an activation on our investigation. Occupants said that this situation had happened before. I successfully reset the fire alarm system. Investigation only.

Dispatcher J. Alvaro's narrative: RP advises of a fire alarm sounding at listed location.

CANDLER.

TOTAL 122  
FIND CALLS TO  
ALL FRATS/Screening  
For FY05

Disp	On Air	Arrvd	Clrd	Personnel
E2 21:15.00		21:18:00	21:24:00	E2 Cowles Olmstead, J
				Hannum
				Ingram

03-849-IN Tuesday, September 2, 2003 TOC: 1:43:37 CAD #: 03-13337

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain J. Olmstead's narrative: Engine Two responded to 382 North Pleasant St. for a fire alarm sounding. On arrival, occupants stated that the cause of the alarm was a fired dry chemical extinguisher. The person that fired the extinguisher not on scene. Found the activated smoke detector in the front hallway. No other problem found on investigation. I reset the fire alarm system.

Dispatcher J. Ciccia's narrative: RP reports fire alarm sounding at location.

Disp	On Air	Arrvd	Clrd	Personnel
E2 1:46.00		1:49:00	1:54:00	E2 Cowles Olmstead, J
				Hannum
				Ingram

03-869-IN Saturday, September 6, 2003 TOC: 20:41:26 CAD #: 03-13688

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain R. Briere's narrative: Still alarm. Engines 2 and 3 responded to 382 North Pleasant St for a reported alarm sounding. On arrival alarm panel indicates smoke detector activation. Investigation finds no detectors activated. Occupants report several such alarms in the last ten days. Citizen security contacted by F/F Klaus; and will be dispatching a tech to trouble shoot the system. System malfunction; investigation only.

Dispatcher J. Ciccia's narrative: RP reports fire alarm sounding at location.

Disp	On Air	Arrvd	Clrd	Personnel
E3 20:44.00		20:47:00	20:53:00	E2
E2 20:44.00		20:46:00	20:57:00	Briere
				Cox
				Klaus
				E3
				Ferguson
				Horan
				Risso
				Shafner

03-877-IN Monday, September 8, 2003 TOC: 7:13:50 CAD #: 03-13807

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain R. Briere's narrative: Still alarm. Engine 2 responded to 382 North Pleasant St. for a reported alarm sounding. On arrival alarm panel indicates smoke detector activation. No smoke detector found activated. System malfunction. System reset at panel. Citizen's Security scheduled to resolve this recurring problem. Investigation only.

Dispatcher M. Lalumiere's narrative: Rp reports that there is a fire alarm at listed location. They are aware that the system needs repair and advised us that they will be sending someone out today.

Disp	On Air	Arrvd	Clrd	Personnel
E2 7:17.00		7:20:00	7:24:00	E2 Briere
				Ingram
				Klaus

03-966-IN Wednesday, September 24, 2003 TOC: 10:45:44 CAD #: 03-14805

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Firefighter M. Roy's narrative:** Eng Two responded to 382 N. pleasant St. for an activated fire alarm. Investigation found the alarm sounding but without an activated s/d. System was reset and restored, Home owner onscene started they have had trouble with the sytem and it was worked on 9/22/03 by citizens security, home owner was told to recontact citizens to check the sytem and repair a broken alarm panel door.

**Dispatcher T. Turcotte's narrative:** RP reports a fire alarm at location.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	10:49:00		10:52:00	10:55:00	E2 Cox
					Roe
					Roy

03-1015-IN Sunday, October 5, 2003 TOC: 8:17:15 CAD #: 03-15505

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engines 2 and 3 responded to 382 North Pleasant St for an alarm sounding. On arrival investigation found no cause for alarm activation. Citizen's security notified and will dispatch an alarm tech. Reset system. Investigation only.

**Dispatcher E. Dodge's narrative:** Fire alarm sounding.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	8:19:00		8:21:00	8:28:00	E2
E2	8:19:00		8:21:00	8:28:00	Adair
					Briere
					Sell
					E3
					Cribbie
					Kerwin
					Kimborowicz
					Shafner

03-1025-IN Tuesday, October 7, 2003 TOC: 19:17:44 CAD #: 03-15631

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**CF Firefighter J. Coates's narrative:** E-2 & E-3 responded to 382 North Pleasant St. for alarm sounding. On arrival met with house President Cory Rosenberg who states this system has experienced several system malfunctions with no apparent cause. Found no activated smoke/heat detectors. Advised Mr. Rosenberg to have their alarm Company

**Dispatcher W. Worthley's narrative:** RP reports alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	19:18:00		19:21:00	19:39:00	E2
X6	19:27:00		19:30:00	19:39:00	Adair
					Miner
					Shanley
E3	19:18:00		19:21:00	19:32:00	E3
					Broder
					Coates
					McLinden
					Silva
					Starr
					X6
					Klaus

03-1050-IN Sunday, October 12, 2003 TOC: 2:18:00 CAD #: 03-15881

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engines 2 and 3 responded to 382 N. Pleasant Street for an alarm sounding. On arrival alarm panel indicates smoke detector activation. No detectors found activated. Cause of alarm is a probable system malfunction. Reset system; investigation only.

**Dispatcher M. Curtin's narrative:** RP reports alarm sounding.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	2:20:00		2:23:00	2:30:00	E2		
E2	2:20:00		2:22:00	2:30:00	Briere Sell	Ingram	Mears
					E3		
					Abbott Perkins	Coates Visniewski	Kerwin

03-1061-IN Wednesday, October 15, 2003 TOC: 19:32:57 CAD #: 03-16052

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain D. Miner's narrative: E-2 & E-3 responded to 382 North Pleasant St. for a reported fire alarm sounding. On arrival found no cause for this alarm/activation. System malfunction, investigation only.

Dispatcher E. Dodge's narrative: Fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	19:35:00		19:37:00	19:45:00	E2		
E2	19:35:00		19:37:00	19:46:00	Adair	Miner	Theilman
					E3		
					Abbott Donnell	Broder Shafner	Coates

03-1076-IN Saturday, October 18, 2003 TOC: 0:07:35 CAD #: 03-16212

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 733 Smoke detector activation due to malfunction

Captain B. Sterling's narrative: Engines 1,2, and 3 responded to an alarm sounding at 382 North Pleasant St. On arrival found an activated smoke detector on the second floor. No apparent cause for activation found. Residents state they have been having trouble with the system for weeks.

Dispatcher J. Cicia's narrative: RP reports fire alarm sounding at location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	0:09:00		0:12:00	0:16:00	E1		
E1	0:10:00		0:12:00	0:19:00	Bascomb	Masloski, C	Sterling
E2	0:09:00		0:12:00	0:16:00	E2		
					Merritt		
					E3		
					Abbott McGinnis	Horan	Kerwin

03-1104-IN Friday, October 24, 2003 TOC: 0:17:31 CAD #: 03-16574

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain D. Miner's narrative: E-2 & E-3 responded to 382 North Pleasant St. for a reported alarm sounding. On arrival found fire alarm sounding with no apparent cause found. System malfunction. Advised occupants to contact their alarm company for service, particularly due to the past history (malfunctions) this alarm system has been experiencing investigation only.

Dispatcher M. Lalumiere's narrative: Rp reports that there is a fire alarm sounding at listed location.

Disp	On Air	Arrvd	Clrd	Personnel
------	--------	-------	------	-----------

E3 0:19:00 0:21:00 0:33:00  
E2 0:19:00 0:21:00 0:33:00

E2  
Adair Miner Shanley  
E3  
Broder Capuccio Donnell  
Horan Risso

03-1111-IN Saturday, October 25, 2003 TOC: 22:43:43 CAD #: 03-16697

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain D. Miner's narrative: E-2 & E-3 responded to 382 North Pleasant St. for a reported fire alarm sounding. On arrival found zone 3 activated, investigation found no cause for this activation. System malfunction.

Dispatcher W. Worthley's narrative: RP reports alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	22:45:00		22:48:00	22:54:00	E2
E2	22:45:00		22:48:00	23:01:00	Flynn Ingram Masloski, C Miner
					E3 Capuccio Ferguson Maguire Quigley

03-1162-IN Saturday, November 8, 2003 TOC: 16:53:27 CAD #: 03-17543

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain R. Briere's narrative: Still alarm. Engines 2 and 3 responded to 382 North Pleasant St. for an alarm sounding. On arrival alarm panel indicated smoke detector activation. No smoke detectors found activated. Probable system malfunction. Residents will contact Citizen's Security. Investigation only. System reset normally.

Dispatcher E. Dodge's narrative: Rp reports fire alarm sounding at listed location. 51E2 on the scene advising that 51E3 stage.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	16:56:00			17:06:00	E2
E2	16:56:00		16:58:00	17:05:00	Briere Delude Mears
					E3 Broder Horan McLinden

03-1167-IN Sunday, November 9, 2003 TOC: 4:32:18 CAD #: 03-17571

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain D. Miner's narrative: E-2 & E-3 responded for an alarm sounding. On arrival found one third floor smoke detector activated due to air-borne powder from a discharged dry chemical extinguisher. Malicious false alarm. Ordered dry chemical extinguisher to be replaced asap.

Dispatcher J. Cicia's narrative: RP reports fire alarm sounding at location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	4:34:00		4:36:00	4:44:00	E2
E2	4:34:00		4:36:00	4:44:00	Adair Cowles Miner
					E3 Abbott Dowling Ferguson Trainor



03-1185-IN Thursday, November 13, 2003 TOC: 23:09:10 CAD #: 03-17823

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain G. Childs's narrative: Eng 2 (with 3) and Eng 3 (with 4) responded Still Alarm to 382 No. Pleasant St. for reported Fire Alarm Sounding. Upon arrival found Fire Alarm Sounding, panel indicating smoke detectors, and NO activated smoke detector located. Met with house president Cory Rosenberg (Room #9 549-6691) who stated that the System has had multiple alarms. Dispatch shows 10 alarms in past 2 months.  
Entire structure searched. No fire, System malfunction, investigation only.

Dispatcher W. Worthley's narrative: RP reports alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	23:11.00		23:14:00	23:22:00	E2
E2	23:11.00		23:14:00	23:22:00	Childs Gillispie Theilman
					E3
					Capuccio Coates McGovern
					Perkins

03-1201-IN Tuesday, November 18, 2003 TOC: 3:34:22 CAD #: 03-18031

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain R. Briere's narrative: Still alarm. Engines 2 and 3 responded to 382 North Pleasant Street for an alarm sounding. On arrival panel indicates smoke detector activation. Investigation finds no detectors activated. Cause of the alarm is a system malfunction. Occupants instructed to notify Citizen's Security. System reset normally. Investigation only.

Dispatcher M. Lalumiere's narrative: Rp reports that there is a fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	3:37.00		3:40:00	3:46:00	E2
E2	3:37.00		3:40:00	3:46:00	Briere Dunn Sell
					E3
					Coates Krawiecki McLinden
					Starr

03-1222-IN Saturday, November 22, 2003 TOC: 5:39:24 CAD #: 03-18284

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

Captain G. Childs's narrative: Eng 2 (with 3) and Eng 3 (with 4) responded Still Alarm to 382 No. Pleasant St. for reported Fire Alarm Sounding. Upon arrival found Fire Alarm Sounding, panel indicating zone 3, and no apparent cause. Entire structure searched. One occupant (Mark Blum) found still in bed. Met with Cory Rosenberg (549-6691) and opened all rooms. Found no activating device. Located one discharged fire extinguisher. He will have the Fire Alarm Company called today to effect repairs. There is extensive history of problems with this system. System did reset.

No fire, alarm malfunction, system reset, investigation only.  
FF W. Klaus emailed re this location and system.

Dispatcher M. Lalumiere's narrative: Rp reports that there is a fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	5:43.00		5:44:00	5:56:00	E2
E2	5:43.00		5:44:00	5:56:00	Childs Ryczek Theilman
					E3
					Abbott Capuccio Ferguson
					Horan

03-1230-IN Monday, November 24, 2003 TOC: 10:23:59 CAD #: 03-18393

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engine 2 responded to 382 North Pleasant St. for an alarm sounding. On arrival alarm panel indicated smoke detector activation. Investigation found no smoke detectors activated. Silenced the system; Citizen's Security arrived on the scene to determine cause of the malfunction and effect repairs. Investigation only.

**Dispatcher K. Gleason's narrative:** Fire alarm sounding. E2 on scene reports nothing showing. Establishing N.Pleasant St. Command. N.Pleasant Command states that the Alarm System is malfunctioning and Citizen Security was on Scene Returning to service.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	10:27:00		10:29:00	10:36:00	E2 Briere
					Dunn
					Sell

03-1231-IN Monday, November 24, 2003 TOC: 17:40:26 CAD #: 03-18408

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engine 2 responded to 382 North Pleasant St for a reported alarm sounding. On arrival panel indicates smoke detector activation. No detectors found activated. All detectors had been replaced by Citizen's Security today. Cause of alarm is a system malfunction. Citizen's notified and will respond tomorrow. System reset normally.

**Dispatcher J. Alvaro's narrative:** RP advises of another alarm at listed location. 51X7 advises that this is another malfunction, the system has been reset and the occupants are contacting Citizen Security to see if there is anything they can do for them tonight

	Disp	On Air	Arrvd	Clrd	Personnel
E2	17:43:00		17:45:00	17:51:00	E2 Briere
					Dunn
					Sell

03-1233-IN Monday, November 24, 2003 TOC: 21:09:31 CAD #: 03-18417

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain D. Miner's narrative:** E-2 & E-3 responded to 382 North Pleasant street for an alarm sounding. On arrival found another system malfunction, no fire. Citizens Security will be out tomorrow to run new lines for the smoke detectors

**Dispatcher J. Alvaro's narrative:** Fire alarm sounding.  
Due to ongoing probs with this system, 51X7 has posted a fire watch to remain on scene until 0900 at this location. All smoke detectors are disabled with the exception of the Ansul system in the kitchen. That system is still active and could generate a building alarm. If that happens contact fire watch and tone E2.

Student FF KIMBOROWICZ is the fire watch and can be reached at 695-6534.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	21:12:00		21:14:00	21:30:00	E2
E2	21:12:00		21:14:00	21:30:00	Adair
					Miner
					Shanley
					E3
					Coates
					Kimborowicz
					McGinnis
					Shafner

03-1238-IN Wednesday, November 26, 2003 TOC: 0:49:15 CAD #: 03-18484

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engines 2 and 3 responded to 382 North Pleasant Street for an alarm sounding. On arrival panel indicated smoke detector activation in the basement. No detectors found activated. Cause of the alarm is a system malfunction. System reset normally. Occupants to contact Citizen's Security immediately. Investigation only.

**Dispatcher M. Curtin's narrative:** RP reports alarm sounding at location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	0:51:00		0:53:00	1:01:00	E2		
E2	0:51:00		0:53:00	1:01:00	Briere	Dunn	Sell
					E3		
					Abbott	Capuccio	Dowling
					Perkins		

03-1241-IN Wednesday, November 26, 2003 TOC: 4:00:18 CAD #: 03-18492

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engines 2 and 3 responded to 382 North Pleasant St. for an alarm sounding. On arrival panel indicates smoke detector activation second and third floor. No detectors found activated. Cause of the alarm is a system malfunction. Citizen's Security has been notified and is responding this morning. System reset normally. Investigation only.

**Dispatcher M. Curtin's narrative:** RP reports alarm sounding at location. Command reports, once again an alarm malfunction.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	4:02:00		4:04:00	4:08:00	E2		
E2	4:01:00		4:04:00	4:08:00	Briere	Dunn	Sell
					E3		
					Abbott	Capuccio	Dowling
					Perkins		

03-1242-IN Wednesday, November 26, 2003 TOC: 4:35:04 CAD #: 03-18494

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 735 Alarm system sounded due to malfunction

**Captain R. Briere's narrative:** Still alarm. Engines 2 and 3 responded to 382 North Pleasant Street for an alarm sounding. On arrival panel indicated smoke detector activation first floor. No detectors found activated. Cause of the alarm is a system malfunction. Disabled the alarm system and established a fire watch, S/F/F Perkins; until Citizen's Security corrects the system. Investigation only.

**Dispatcher M. Curtin's narrative:** RP reports alarm sounding at location, again, RP states that they will be writing up a service order to have alarm fixed.  
11/26/2003 0445 Per 51X7 system has been placed OOS, firewatch established, Citizen Security advies of same, alarm will remain OOS till they remedy.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	4:38:00		4:40:00	4:44:00	E2		
E2	4:37:00		4:40:00	4:44:00	Briere	Dunn	Sell
					E3		
					Abbott	Capuccio	Dowling
					Perkins		

04-28-IN Sunday, January 11, 2004 TOC: 21:44:50 CAD #: 04-489

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

**Firefighter R. Adair's narrative:** E-2 Responded to 382 No Pleasant St Alpha Delta Phi for alarm sounding. On arrival found cause of alarm was burnt popcorn from being microwaved which activated the detector at the top of third floor stairs No fire, Investigation only. Alarm system was reset with out problem

**Dispatcher K. Gleason's narrative:** RP states alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E2	21:47:00		21:50:00	21:55:00	E2		
					Adair	Cowles	Kimborowicz
					Shanley		

04-440-IN Saturday, April 24, 2004 TOC: 14:45:27 CAD #: 04-5720

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: Incident type: 743 Smoke detector activation, no fire - unintentional

Captain J. Johnson's narrative: Reported alarm sounding. Upon arrival and investigation found an accidental smoke detector activation due to cigar smoke. No fire. Investigation only.

Dispatcher M. Curtin's narrative: RP reports fire alarm activation.

	Disp	On Air	Arrvd	Clrd	Personnel
E1	14:45:22	14:46:30	14:47:57	14:53:31	E1 Delude Johnson Merritt Sell

04-913-IN Saturday, September 18, 2004 TOC: 0:35:07 CAD #: 04-13641

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain J. Johnson's narrative: Reported fire alarm sounding. Upon arrival and investigation found an activated smoke detector in second floor hallway. No smoke or fire condition noted. Unknown cause of activation. Upon further investigation opened up bedroom doors in the adjacent areas and found in room 7 a disabled AC wired smoke detector that had been deliberately tampered with. Ordered House Vice- President to immediately contact an electrician to make repairs. He notified property owner and will try to make repairs. A memo to the Chief's office has been forwarded regarding same. Investigation only.

Dispatcher W. Worthley's narrative: RP reports an alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E1	0:39:18	0:39:24	0:39:27	0:45:54	E1 Delude Johnson Ryczek

04-1267-IN Saturday, December 11, 2004 TOC: 3:05:42 CAD #: 04-18294

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain D. Miner's narrative: E-1, E-2 & E-3 responded for an alarm sounding. On arrival found one first floor smoke detector activated due to cigarette smoke. No fire, investigation only.

Dispatcher W. Worthley's narrative: RP reports an alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel
E3	3:07:25	3:10:43	3:16:00	3:16:06	E1
E1	3:07:32	3:09:49	3:11:21	3:14:10	Gianetti Martell Tebo
E2	3:07:19	3:10:40	3:15:58	3:16:03	E2
					Clooney Gillispie Miner
					E3
					Annis Bradley Broder Cribbie Horan

04-1274-IN Saturday, December 11, 2004 TOC: 21:10:40 CAD #: 04-18329

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

CF Lieutenant N. Merritt's narrative: 51-E4 responded to 382 North Pleasant St. for a reported alarm sounding. Upon arrival, nothing showing, Lt. Merritt established command. Alarm panel read detector activation in the basement. Mr. Timothy E. Ryan, vice-president of the fraternity and responsible party at the time, stated he did not believe anybody was smoking in the basement. Upon inspection of the basement, no smoke or fire found. Fire Chief, X-1, arrived at this time. Reset the alarm, allowed occupants to return inside of the building, and cleared.

Dispatcher E. Dodge's narrative: Rp reports fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel		
X1	21:12:42	21:12:44	21:15:11	21:19:42	E4		
E4	21:11:48	21:11:50	21:14:20	21:20:03	Harris Merritt	Kerwin Parker	McGovern Willey
					X1 Hoyle		

05-121-IN Saturday, January 29, 2005 TOC: 1:29:55 CAD #: 05-1291

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain D. Miner's narrative: E-2 & E-3 responded to 382 North Pleasant St. for a fire alarm sounding. On arrival found one second floor corridor smoke detector activated with no apparent cause. Investigation only.

Dispatcher M. Dzialo's narrative: RP reporting a fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	1:31:08	1:33:57	1:37:29	1:50:44	E2		
E2	1:31:03	1:33:56	1:37:28	1:50:42	Miner	Olmstead, H	Shanley
					E3		
					Abbott	Barowy	Cribbie
					Newton		

05-194-IN Thursday, February 17, 2005 TOC: 22:50:31 CAD #: 05-2340

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 743 Smoke detector activation, no fire - unintentional

Captain J. Olmstead's narrative: Engine Two (with 1), Engine Three, and A-14 responded to 382 North Pleasant St. for a fire alarm sounding. On arrival, FAP showed smoke detector in the basement. Found activated smoke detector in the basement; Northwest area. No smoke, fire, or other obvious cause found. Cause believed to be smoking of marijuana in basement due to smell in the room. Also found emergency exits on the second and third floor obstructed by trash. Found third floor hallway egress partially obstructed by small refrigerator. Found equipment and trash too close to electrical panel. Ordered emergency exit ways cleared. Ordered refrigerator removed from hallway as it was blocking half the width of the hallway. And ordered the removal of equipment and trash from area around circuit breaker panel. Members of fraternity complied and cleaned exits, removed refrigerator as we left, and stated they would clean area near circuit breaker panel. I reset the fire alarm system.

Dispatcher A. Misiaszek's narrative: RP reports fire alarm at location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E2	22:51:48	22:53:03	22:55:46	23:08:48	A14		
A14	22:51:17	22:53:07	22:55:49	23:08:43	Dion	Ryczek	
E3	22:51:41	22:53:09	22:54:35	23:08:45	E2		
					Olmstead, J		
					E3		
					Abbott	Cribbie	Mallon
					Powell		

05-380-IN Thursday, April 14, 2005 TOC: 23:31:58 CAD #: 05-5296

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 745 Alarm system sounded, no fire - unintentional

Captain J. Olmstead's narrative: Engine Two and Engine Three responded to 382 North Pleasant Street for a fire alarm sounding. On arrival, FAP showed first floor activation. Found the activated smoke detector in a bedroom on the left side of main hallway. Found a cigarette butt on the floor, a bag of charcoal briquettes, and tapestry hanging on the walls in same bedroom. Spoke with occupants of the room and explained hazards associated with smoking in this fraternity, careless disposal of smoking material, storage of briquettes, and the wall tapestries. Occupants acknowledged. The briquettes were removed from room. And I reset the fire alarm system on first attempt. Most likely cause of the alarm was cigarette smoking in the bedroom.

Dispatcher K. Gleason's  
narrative: RP reports Fire alarm sounding

	Disp	On Air	Arrvd	Clrd	Personnel		
E3	23:32:55	23:34:23	23:37:17	23:44:02	E2		
E2	23:32:53	23:34:21	23:37:15	23:44:00	Cooney	Ingram	Kennedy
					Olmstead, J		
					E3		
					Frailey	Hernon	Perkins
					Silva		

05-566-IN Wednesday, June 1, 2005 TOC: 15:59:59 CAD #: 05-8434

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 745 Alarm system sounded, no fire - unintentional

Captain G. Childs's  
narrative: E-2 (with 3) responded Still Alarm to 382 No. Pleasant St for reported Fire Alarm Sounding. Upon arrival found Fire Alarm Sounding, panel indicating 2nd floor, and an activated smoke detector hallway 2nd floor due to tradesmen working. Fire Alarm System disabled by FF Klaus. He was to notify Dispatch (per SOG) when the System was restored.  
No fire, unintentional alarm, investigation only.

Dispatcher R. Burke's  
narrative: RP advises of FA activation at Alpha Delta Phi

	Disp	On Air	Arrvd	Clrd	Personnel		
X6	16:02:10	16:02:14	16:03:15	16:14:29	E2		
E2	16:00:28	16:01:12	16:04:33	16:09:40	Childs	Gillispie	Theilman
					X6		
					Klaus		

05-696-IN Monday, July 4, 2005 TOC: 20:16:36 CAD #: 05-10245

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 733 Smoke detector activation due to malfunction

Captain J. Olmstead's  
narrative: Engine Two responded to 382 North Pleasant St. for a fire alarm sounding. Occupants at scene state they did not know cause of the alarm. FAP showed first floor smoke detector activation. Found activated smoke detector in second bedroom on the left. No cause for the activation found on investigation. Reset the fire alarm system.

Dispatcher J. Alvaro's  
narrative: RP advises of a fire alarm sounding.

	Disp	On Air	Arrvd	Clrd	Personnel		
E2	20:17:49	20:18:29	20:21:15	20:29:29	E2		
					Ingram	Kennedy	Olmstead, J

05-697-IN Monday, July 4, 2005 TOC: 20:48:00 CAD #: 05-10249

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi Site #: 1598

SRA: UMF Incident type: 733 Smoke detector activation due to malfunction

Captain T. Masloski's  
narrative: E-1 and E-2 (with 1) responded to 382 N. Pleasant St upon the report of an alarm sounding. Upon arrival, resident stated alarm had begun sounding again just after previous call but Citizen Security did not receive the alarm. The resident called Dispatch directly. Found same detector activated in 1st floor rear rm. 2. Blew up area around sensor and reset system. Seemed to hold. Advised resident to contact Citizen again to arrange for service.

Dispatcher J. Alvaro's  
narrative: RP advises of a fire alarm sounding at listed location.

	Disp	On Air	Arrvd	Clrd	Personnel		
E1	20:48:32	20:50:50	20:51:44	21:00:17	E1		
E2	20:48:25	20:49:32	20:52:18	21:00:20	Bemis	Doherty	Masloski, T
					E2		
					Ingram		

05-848-IN Monday, August 22, 2005 TOC: 16:11:20 CAD #: 05-13053

District: 2 Location: 382 North Pleasant St.....Alpha Delta Phi

Site #: 1598

SRA: UMF Incident type: 733 Smoke detector activation due to malfunction

Captain D. Miner's narrative: E-2 responded for a reported fire alarm sounding. On arrival found fire system sounding. Investigation found that the first floor washing machine was leaking water into the basement and had saturated a basement smoke detector causing the activation.  
House manager Charles Moody on scene (978-210-1337) and has contacted Citizen Security for service.

Dispatcher J. Cicia's narrative: RP reports fire alarm sounding at location.

	Disp	On Air	Arrvd	Clrd	Personnel
E2	16:11:43	16:13:52	16:16:10	16:26:47	E2 Adair
					Miner
					Shanley

August 18, 2005

To whom it may concern,

I forgot to present the enclosed letter on behalf of my neighbor during the hearing on David Biddle's permit request for 382 No Pleasant. (8/11/05) Although the hearing is over, I'd still like the concerns he expressed to go on record.

You may want to forward the letter to another town office since it deals with health + safety issues regarding parking and snow removal practices at 382, 374 No Pleasant and 15-17 Fearing St.

Thank you for your sensitivity to our neighborhood's frustration at how these properties are being managed.

Sincerely,

Elisa Rubinstein

38 Fearing St.

Amherst, MA 01002



RECEIVED

AUG 9 2005

AMHERST PLANNING DEPT.

Aug. 11, 2005

To: Meeting of Town of Amherst

It is bothering to see that the big garbage containers on Fearing street (in between first house bordering on N. Pleasant St. and second house of Fearing St.) are not well managed with full of junk or overflowing with garbage most of time. Also inside of the property line of 17 Fearing St which is bordering with 27 Fearing St. is always unclean with garbage. These uncleanness spoil an appearance of the street. In addition, in the winter, they made a big snow pile against a corner of wood fence and tree fence of house of 27 Fearing St. It causes not only hurting trees and fence but also providing inconvenience for getting through the pedestrian path of the street.

It will be greatly appreciated if Town of Amherst asks the owner of 15 and 17, and the house of Fearing St and N. Pleasant to manage those things very well.



Chung Tae Ha  
Owner and resident of 27 Fearing St. Amherst.

# SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Michaelle Biddle, Box 190, 96 Bridge Street, Hatfield, MA to renew Special Permit ZBA 2001-00026, to allow continued use of the premises at 382 North Pleasant Street as a fraternity house, and to retain the length of the permit at two years, (Map 11C, Parcel 118, R-G zone) with the following conditions:

- submitted to ZBA 12/11/03*
1. A detailed site plan is required, showing the floor plan of the building, including maximum room occupancy, current location of the dumpster, location and number of parking spaces (maximum 12 spaces.) This plan is to be presented to the ZBA by September 1, 2003.
  2. The name and phone number of Mr. Biddle (the owner of the building) and the Resident Manager responsible for the supervision of the fraternity, shall be registered with Inspection Services, the Amherst Police and the Amherst Fire Department. A certified letter shall be sent to the Zoning Board of Appeals from Mr. Biddle, stating that this has been done *PRVCE ISSUED PERMIT*
  3. The Resident Manager shall live in the house at 382 North Pleasant Street ~~or be an abutter.~~
  4. The house shall be used solely for a University-recognized fraternity residence and no rooms shall be rented ~~out~~ *used as* for any other purpose.
  5. Excessive noise is expressly prohibited.
  6. The maximum number of permanent occupants shall not exceed eighteen (18) and shall be distributed according to the occupancy plan dated January 11, 1990, supplemented by the sketches provided by Mr. Biddle with the application for this permit and by the site plan referred to in Condition #1, above.
  7. The front lawn shall be maintained as grass and kept clear of encumbrances.
  8. The sign bylaw applies to all signs on the premises.
  9. Parking shall be limited to the south and west of the building only. No cars shall be parked on the front lawn, or in front of the setback. *or along driveway*
  10. There shall be no unregistered vehicles or vehicle parts on the premises.
  11. All trash shall be disposed of in a closed dumpster to be located at an approved site. The dumpster shall be emptied ~~weekly~~ *here & weekly* by a professional

*11/16/03*

hauler, and no trash shall be stored outside the dumpster. Recycling containers shall be provided for paper, cardboard, bottles and cans.

12. Outdoor recreation shall be limited to the first-floor porch and the rear yard. There shall be no activity whatsoever on the porch roofs or on the fire escape.

13. Lawn furniture will be permitted on the front porch and the rear yard. No inside furniture will be allowed on the porch, the lawn, the roof or on the fire escape.

14. Snow shall be removed as described in the management plan dated August 8, 1988. Snow removal and lawn mowing shall be the responsibility of the property owner. *other than 1st floor*

15. There shall be no separate cooking facilities. However, meals may be offered to fraternity men and guests. All cooking will be done in the first-floor kitchen area.

16. State and local regulations regarding the consumption of alcohol and noise shall be complied with.

17. This permit for the fraternity shall expire two years from the date of filing of this decision with the Amherst Town Clerk.

18. The driveway shall be repaired of potholes, and maintained in good repair. *prior to issuance of permit*

*Zina Tillona*

ZINA TILLONA, CHAIR

AMHERST ZONING BOARD OF APPEALS

*June 30, 2003*

DATE

## DECISION

Michaelle Biddle, 96 Bridge Street, Hatfield, MA filed an application for a Special Permit with the Amherst Town Clerk on May 16, 2003, seeking to renew Special Permit ZBA 2001-00026, to allow continued use of the premises at 382 North Pleasant Street as a fraternity house, and to extend the length of the permit from two years to five years (Map 11C, Parcel 118, R-G zone).

Legal notice was published on May 28 and June 4, 2003 and notice was mailed to abutters on May 28, 2003. Board members Zina Tillona, Tom Simpson and Brenna Kucinski attended the site visit on June 10th and sat for the public hearing on June 12, 2003.

Prior to the site visit, the petitioner presented the Board with a site plan of the lot and drawings of the layout of the house as required by the Rules and Regulations of the Zoning Board of Appeals.

At the site visit the Board viewed the lot location in relation to several other fraternities across the street, one adjacent to the south, and the Hillel house to the north.

At the public hearing, Mr. Biddle presented the request to renew the Special Permit. He has operated the property as a sorority, a rooming house and a fraternity house, Alpha Delta Phi, for the past 15 years. He stated that he spends between \$6,000 and \$10,000 per year to meet the requirements of the inspections made by the town twice a year. When Mr. Biddle changed from housing a sorority to that of a fraternity, he was required to seek a Special Permit from the ZBA, renewable every two years. Mr. Biddle said that the same fraternity has been there for six years and will be there for the foreseeable future. Nothing about the use is changing. The fraternity currently houses 15 students, in bedrooms which accommodate 1 or 2 students per room. Some of the bedrooms have the capacity to house 3 students, for a total allowed occupancy for the house of 18 students.

The Board Chair read a letter, received on June 11, 2003, from Niall Emmart, 15 Allen Street, a neighbor living directly behind the property. Mr. Emmart complained about noise and other disturbances coming from the fraternity houses along North Pleasant Street and requested that the term of the permit not be lengthened. He requested that Mr. Biddle hire a property manager and that his permit be reviewed every six months or every year. The letter was

accompanied by police reports on 374 North Pleasant Street and 382 North Pleasant Street. Three of the reports concerned the property under consideration. Mr. Biddle stated that his property is managed better now than in the past, plus he passes out his name and phone number to neighbors so that they can call him directly if there is a problem. Mr. Biddle stated that he will call Mr. Emmart, provide his phone, and offer to introduce him to the fraternity brothers.

Mr. Biddle is a resident of Hatfield. He is retired and available to fix the property.

The Board referred to the previous Special Permit issued in FY2001, which requires that the name of the director or house manager responsible for the supervision of the fraternity be registered with Inspection Services, the Amherst Police and the Amherst Fire Department. However, the Building Commissioner stated that there were no names of responsible parties on file. The Board noted that Mr. Biddle should be registered in addition to a resident manager.

The Board also pointed out that the last permit mentioned a problem with the dumpster, and requested that an updated site plan be submitted showing the current dumpster location. Mr. Biddle described the current dumpster location and solid waste management. He now has someone to pick up the trash that overflows, and the trash is now picked up more regularly by Waste Management refuse haulers. In terms of recycling, Mr. Biddle stated that there is recycling for cardboard. The Board felt that there could be improvement for recycling as well.

The FY2001 Special Permit had requirements regarding location of parking and prohibitions regarding unregistered vehicles and vehicle parts. Currently there is parking for 12 cars. During the school year, non-resident members of the fraternity can park on the site. Mr. Biddle felt that the fraternity doesn't have a parking problem. The Board noted that the driveway is in bad condition. Mr. Biddle stated that he will repair the holes & ruts.

During the public comment period, Joan Burgess, 36 Mt. Pleasant, spoke against extending the term of the permit. She complained of excessive noise emanating from fraternities, furniture on the lawns and other disturbances caused by this neighborhood. Ms. Burgess inquired about managing the "stuff" on the front lawn. Mr. Biddle stated that the Special Permit requires that there be no upholstered furniture on the lawn, roof, etc. but that this requirement only applies to his fraternity. Ms. Burgess was told that she can note her complaint to the Building Commissioner as well as the police.

Nancy Myers, 44 Mt. Pleasant, a 42-year Amherst resident, spoke about the general noise and distraction of living near the fraternities. She has called the police many times, and suggested that the Board allow the shortest period for the

permit. She also spoke about the traffic – when additional cars are parked at the fraternities, serious traffic problems ensue. Mr. Biddle stated that no one is allowed to park in front of #382. He said that other fraternities are causing the trouble.

The public hearing was closed.

Under Section 9.20 the Board finds that the use of this building as a fraternity has not been discontinued for any period within the past fourteen years and therefore the use as a fraternity may be continued.

The Board discussed the problem of fraternities in general becoming more out of control than ever. They agreed with the abutters about traffic problems, noise, alcohol abuse, violence, unsightliness of the houses, etc. However, the lack of control for all the fraternities cannot rest on the shoulders of a single property owner/petitioner. This house, although unsightly, does not seem to be the major culprit for the excesses in the area. The Board agrees that Mr. Biddle should continue to improve the situation at this house, and exert a more beneficial influence on his boarders.

Under Section 10.38, Specific Findings, the Board stated that the findings are essentially the same as in the 2001 Special Permit. That is, the use of the premises as a fraternity house is compatible with existing uses in the neighborhood. The presence of the Resident Manager should provide reasonable controls on noise and detrimental uses or appearance. The name of the Resident Manager and Mr. Biddle must be available at all times with the Police Department and Building Commissioner.

In addition, the Board will require a detailed site plan indicating the proper room dimensions of the house and the location of the dumpster. The site plan shall be approved by the Building Commissioner, the Board of Health and finally the Zoning Board of Appeals at a business meeting.

Under Section 10.33, Renewal, the Board finds that the owner has filed written application for renewal, a public hearing has been held, and it has been found that renewing the use as a fraternity is consistent with the purposes and intent of the bylaw.

For all of the reasons stated above, the Board voted unanimously to grant a Special Permit to Michaelle Biddle, Box 190, 96 Bridge Street, Hatfield, Massachusetts, to renew Special Permit #2001-00026, to allow continued use of the premises at 382 North Pleasant Street as a fraternity house, subject to conditions.

The Board denied Mr. Biddle's request to lengthen the term of the permit to five years and voted unanimously to retain the two-year length of the permit.

Zina Tillona  
ZINA TILLONA

Brenna Kucinski  
CK BRENN KUCINSKI

TOM SIMPSON  
TOM SIMPSON

FILED THIS 30th day of June, 2003 at 1 PM  
in the office of the Amherst Town Clerk Anna M. Macozek  
TWENTY-DAY APPEAL period expires, July 21, 2003 2003.  
NOTICE OF DECISION mailed this 30th day of June 2003  
to the attached list of addresses by Carolyn Holstein, for the Board.

NOTICE OF PERMIT or Variance filed this \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
in the Hampshire County Registry of Deeds.

## SPECIAL PERMIT

The Zoning Board of Appeals hereby grants a special permit to Michaelle Biddle, 41 Valley Run Drive, Cromwell, Connecticut, to renew ZBA FY 99-00029, to continue operation of a fraternity on the premises located at 382 North Pleasant Street (Map 11C, Parcel 118, RG zone) with the following conditions.

1. A detailed site plan indicating a new dumpster location shall be presented for approval at a business meeting of the Zoning Board of Appeals no later than August 15, 2001.
2. The name of the Director or house manager responsible for the supervision of the fraternity shall be registered with Inspection Services, the Amherst Police and the Amherst Fire Department.
3. The Director or house parents shall live in the house at 382 North Pleasant Street or be an abutter.
4. The house shall be used solely for a University recognized fraternity residence and no rooms shall be rented out for any other purpose.
5. Excessive noise is expressly prohibited.
6. The maximum number of permanent occupants shall not exceed eighteen (18) and shall be distributed according to the occupancy plan dated January 11, 1990.
7. The front lawn shall be maintained as grass and kept clear of encumbrances.
8. The sign bylaw applies to all signs on the premises.
9. Parking shall be limited to the south and west of the building only. No cars shall be parked on the front lawn or in front of the setback.
10. There shall be no unregistered vehicles or ~~related~~ vehicle parts on the premises.
11. All trash shall be disposed of in a closed dumpster to be located at an approved site. ~~That site shall be approved jointly by the Building Commissioner and the Board of Health by August 1, 2001.~~ The dumpster shall be emptied weekly by a professional hauler and no trash shall be stored outside the dumpster.
13. Outdoor recreation shall be limited to the first-floor porch and the rear yard. There shall be no activity whatsoever on the porch roofs or on the fire escape.
14. Lawn furniture will be permitted on the front porch and the rear yard. No inside furniture will be allowed on the porch, the lawn, the roofs, or on the fire escape.
15. Snow shall be removed as described in the management plan dated August 8, 1988.

6/11/01  
7/26/01



16. There shall be no separate cooking facilities. However, meals may be offered to fraternity men and guests. All cooking will be done in the first-floor kitchen area.
17. State and local regulations regarding the consumption of alcohol and noise shall be complied with.
18. This permit for the fraternity shall expire two years from the date of filing of this decision with the Amherst Town Clerk.

Keri Heitner

KERI HEITNER, CHAIR  
AMHERST ZONING BOARD OF APPEALS

May 4, 2001

DATE

## DECISION

Michaelle Biddle, 41 Valley Run Drive, Cromwell, CT, represented by David Biddle, filed an application with the Amherst Town Clerk on February 9, 2001, seeking to renew Special Permit ZBA FY 99-00002, to continue fraternity use and to extend the permit from a two year renewal period to a five year renewal period for the premises located at 382 North Pleasant Street (Map 11C, Parcel 118, RG zone).

Legal notice was published in the Hampshire Gazette on February 14 and February 21, 2001 and notice was mailed to abutters on February 2, 2001. Board members Keri Heitner, Zina Tillona and Sonya Sofield attended the site visit on February 27th and sat for the public hearing on March 1, 2001.

At the site visit the Board observed that the building is located on North Pleasant Street, a primary north-south artery through town, approximately three blocks south of UMass. Like many of the other large houses on this street, it is now used as a fraternity residence. The area is zoned General Residence and fraternities are no longer allowed by Special Permit in this district. However, existing non-conforming uses are allowed to continue under Section 9.20 of the Zoning Bylaw:

"Any lawful building or structure, or use of a building, structure or land, existing at the time of adoption of this By-law or any amendment thereto which does not conform to the regulations thereof may be continued."

and Section 9.21:

"For the purposes of this section a non-conforming use which has not been in continued use for twenty four consecutive months shall not be re-established..."

At the public hearing David Biddle presented the request to renew the Special Permit. He has owned the property for 23 years and it has been a fraternity for about 14 of those years. He indicated that the windows, the heating system and insulation have been upgraded and the smoke detectors have been hard wired. Mr. Biddle explained that every six months seven different inspectors go through the house to check for code issues.

Mr. Biddle informed the Board that this fraternity has the highest GPA of all the frats at UMass. He said that the house has established a good track record over the years and he seeks to extend the review period from two to five years.

The Board referred to ZBA FY99-0002, condition #1, which requires that there shall be a house manager responsible for the property and he shall be older by 5 years than the residents. The new property manager is Justin Hor, aged 21, and he lives on the property. Mr. Biddle explained that the new property manager meets the *spirit* of the condition. He, the property owner, has recently moved to the area and is readily available if needed.

Several members of the public spoke to this request. Cindy McCahon, 27 Fearing Street, and Paige Wilder, 72 Fearing Street, spoke to the issues of the dumpster location and trash. ~~They spoke against extending the renewal period stating that~~ the impact of the fraternities in the neighborhood was significant and review was important. Winifred Manning, 61 Fearing Street, emphasized the fragile balance between residences and fraternities in this neighborhood.

Mr. Biddle expressed dismay over the dumpster situation and explained that the dumpster had been behind 382 North Pleasant Street for five years and for ease of access, it has been moved to property owned by Mr. Biddle, on Fearing Street. The dumpster serves the fraternity on North Pleasant Street, yet it is sited on Fearing Street, abutting a private residence. The Board stated that the present situation is an eyesore for the neighborhood. Bill Start, Building Commissioner, concurred that the dumpster should be relocated. He indicated that the Office of Inspection Services and the Board of Health have both determined that the dumpster should be moved from Fearing Street. Mr. Start suggested that Mr. Biddle prepare a detailed site plan repositioning the dumpster.

Under Section 9.20 the Board finds that the use of this building as a fraternity has not been discontinued for any period within the past fourteen years and therefore the use as a fraternity may be continued.

Under Section 10.38, Specific Findings, the Board finds that the use of the premises as a fraternity house is compatible with existing uses in the neighborhood since there are fraternities and sororities all along the street in this area. The presence of the House Manager provides reasonable controls on noise and protects the adjoining premises against any possible detrimental uses or appearance. The upgraded systems in the house attest to adequate and appropriate facilities for the property operation of the fraternity. This permit shall require a detailed site plan indicating the location of the dumpster to be approved by the Building Commissioner, the Board of Health and the Zoning Board of Appeals, to be approved at a business meeting. That approval shall reasonably protect adjoining premises against an unsightly appearance. As long as the house manager resides on the premises, and is always available as a contact person, that the house manager did not have to be five years older than the residents of the house.

Under Section 10.33, Renewal, the Board finds that the owner has filed written application for renewal, a public hearing has been held, and it has been found that renewing the use as a fraternity is consistent with the purposes and intent of this bylaw.

For all of the reasons stated above, the Board voted unanimously to grant a special permit to Michaelle Biddle, 41 Valley Run Drive, Cromwell, Connecticut, to renew ZBA FY 99-00029, to continue operation of a fraternity on the premises located at 382 North Pleasant Street (Map 11C, Parcel 118, RG zone) with conditions.

Keri Heintz  
KERI HEINTZ  
TN

Zina Tillona  
ZINA TILLONA

Sonya Sofield  
SONYA SOFIELD

FILED THIS 4<sup>th</sup> day of May, 2001 at 1:56 pm in the  
office of the Amherst Town Clerk, Katherine Whitman  
TWENTY-DAY APPEAL period expires May 24, 2001.  
NOTICE OF DECISION mailed this 7<sup>th</sup> day of May, 2001,  
to the attached list of addresses by Lynda Faye, for the Board.  
NOTICE OF PERMIT or Variance filed this        day of       , 2001,  
in the Hampshire County Registry of Deeds.

# RECORD OF APPEAL & DECISION

REASONS for decision:

Application No. 81-39

Michaelle L. Biddle seeks a special permit to convert a rooming house to a sorority on premises she owns at 382 North Pleasant Street. The property is described as Map 11-C Parcel 118 and is located in the Campus Residence district.

The Board viewed the site on July 7th. After proper notice to the public and in the press, a public hearing was held July 9, 1981.

David Biddle presented the information at the hearing and showed a site plan of the house, lot and parking spaces. Tri-Sigma Sorority wishes to lease the house for one year. They would make major improvements to the decor within but make no structural changes. Mr. Biddle provides a rejuvenated exterior and takes care of wiring and plumbing renovations.

The second and third floors house 8 sleeping rooms and the kitchen, living and dining rooms are on the first floor. The basement contains one sleeping room/office for the housemother, a large social room and storage/utility room.

The property has been converted several times. It was a rooming house, then a fraternity from approximately 1973 to 1978. Then it returned to rooming house use. The unified attitude of a well run sorority will provide a more stable and well maintained neighbor. Mrs. Pat Frederickson is the local comptroller-supervisor.

Abutters present were John Marchant, 30 Fearing Street; George Drake, 11 Allen Street; George Drake, Sr., 27 Fearing Street; and Bernard Rubenstein, 38 Fearing Street. They voiced concerns of responsibility. Is this a recognized greek organization on campus? Who is responsible for supervising? Vehicles passing through back yards and parking on sidewalks have been problems. Excessive noise was seen to be a problem more with fraternities. A desire was stated to keep this permit for sorority use only and not to allow automatic transfer to a fraternity use.

Greek Affairs Office at U. Mass. confirmed that Tri-Sigma is a recognized sorority and operates under the rules and policies of the student government pan-hellenic council. Professional assistance is available through the greek affairs office. Membership roster shows 28 members, 24 of whom plan to reside in the house. Mr. Biddle presented a site plan developed in 1975 but never implemented. It shows 11 parking spaces and a location for a dumpster. Five spaces are at the rear of the lot and a turn around is also available. Some separation (stones, etc.) is shown between the parking lot and the lot to the

## BOARD OF APPEALS

FILED this date ..... in Office of Town Clerk

..... Town Clerk

NOTICE of decision mailed this date *August 10, 1981* to attached list of addresses.

..... *Nancy M. Ciccia* ....., for the Board

NOTICE of permit or variance filed this date ..... in Hampshire County

Registry of Deeds ..... for the Board.

south. Some means will be constructed, fence or otherwise, to restrain traffic from spilling over in either direction. A new sidewalk will be placed from the porch to the drive in the front of the building.

This use seems compatible with other residence uses in the campus residence district. Appropriate facilities are planned and will be implemented according to the approved site plan. The sorority should not present nuisance or hazard to the neighbors and should be an improvement for this parcel.

The Board finds that the conditions for a special permit are met and grants this permit with conditions.

*William Mackins*

*Ann H. Mallett*

*Robert J. Lee*

BOARD OF APPEALS  
Amherst, Massachusetts

ZONING   PERMIT   ~~OR XXV VARIANCE~~

The Zoning Board of Appeals grants a special permit to Michaelle L. Biddle of 90 Old Sunderland Road, Montague, Mass., to convert her premises at 382 North Pleasant Street to a sorority for rental to Tri-Sigma subject to the following conditions:

1. The name of the resident director shall be registered with the Inspection Services Department.
2. Maximum number of residents shall be 24.
3. Excessive noise is prohibited.
4. A definitive site plan showing a graveled driveway and parking for 9 vehicles, appropriate barriers along the south line and drainage plans shall be approved by the Board of Appeals.
5. No parking is allowed closer to the street than the setback of the house.
6. Permit shall expire in 2 years or upon change of ownership or tenancy, which ever occurs first.

THE BOARD OF APPEALS

By: William Mochum (Chair)

Date: August 10, 1981

Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2302

INSPECTION SERVICES DEPARTMENT  
Phone (413) 256-4030 • Fax (413) 256-4076  
Email: [inspections@amherstma.gov](mailto:inspections@amherstma.gov)

May 2, 2005

Charles Moody Chapter President  
Alpha Delta Phi  
382 North Pleasant Street  
Amherst, MA 01002

Dave & Michaelle Biddle  
Box 190 96 Bridge Street,  
Hatfield, MA 01038

Re: Violations at 382 North Pleasant St.

Dear Mr. Moody,

On April 27, 2005 Fire Inspector Bill Klaus from the Amherst Fire Department advised me that the main means of egress at 382 North Pleasant Street was obstructed by furniture on the front porch as well as power cords running down the exterior stairs. Inspector Klaus informed me that at approximately 3:30 pm he stopped and notified an individual at the site that the obstructions must be removed immediately and that he would stop back later to check. I advised FF. Klaus that I would go with him to make sure the obstructions had been removed.

At the site we found the obstructions continued to exist, I observed a futon couch on the front porch obstructing the path for the means of egress as well as power cords running across the porch and down the stairs.

We met chapter vice president Tim Ryan. Inspector Klaus informed Mr. Ryan of the situation and what needed to be done to rectify the situation. I advised Mr. Ryan that not only were the obstructions a violation of Massachusetts Fire Prevention Regulations but also were violations of 780 CMR Massachusetts State Building Code 6<sup>th</sup> Edition. Mr. Ryan was also informed that the futon on the porch was a violation of the conditions of the Town of Amherst Zoning Board of Appeals special permit ZBA2003-00044





Inspector Klaus asked if we could do a walk through of the common areas of the building to see if other violations exist. Mr. Ryan gave us permission. Another individual was present and asked if we were allowed to enter. I advised Mr. Ryan that he has the right to deny me entry to the building, which would result with me applying for an administrative search warrant and returning with the Amherst Police department. At this point, chapter president Tim Moody arrived; we explained the situation to him. Mr. Moody gave us permission to walk through the building.

As we walked through the building we found numerous violations throughout. Code references within this letter are from 780 CMR Massachusetts State Building Code 6<sup>th</sup> Edition, unless otherwise noted.

This letter is to serve as a "Notice of Violation" in accordance with 780 CMR Massachusetts State Building Code 6<sup>th</sup> Edition.

**Violations:**

1. Obstructing means of egress 1<sup>st</sup> floor porch area (futon couch, power cords)
2. Obstructing means of egress, exterior stairs (garbage all three floors)
3. Obstructing means of egress 3<sup>rd</sup> floor (Refrigerator and other misc items)
4. Obstructing means of egress throughout basement (garbage, wooden materials, refrigerator, beer cans, empty beer cartons)

**780 CMR: 1028.0 MAINTENANCE OF EXITS**

**1028.1 Obstructions:** It shall be unlawful to obstruct, or reduce in any manner, the clear width of any doorway, hallway, passageway or other means of egress required by the provisions of 780 CMR.

The violations noted above were corrected during the time we were at site.

**Violations:**

5. Unsanitary conditions throughout the building
6. General maintenance throughout the building
7. Emergency Light in basement torn off wall
8. Ceiling light partially torn off ceiling in basement.

**780 CMR: 103.0 MAINTENANCE**

**Section 103.1 – General:** All buildings and structures and all parts thereof, both existing and new, and all systems and equipment therein which are regulated by 780 CMR shall be maintained in a safe, operable and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by 780 CMR in a building or structure in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

## 1024.0 MEANS OF EGRESS LIGHTING

### 1024.1 Artificial Lighting:

All *means of egress* in other than occupancies in Use Group R-3 shall be equipped with artificial lighting facilities to provide the intensity of illumination herein prescribed continuously during the time that conditions of occupancy of the building require that the exits be available.

Lighting shall also be provided to illuminate the *exit discharge*. *Means of egress* lighting in occupancies in Use Group R-2, other than lighting within a *dwelling unit*, shall be wired on a circuit independent of circuits within any *dwelling unit*. The disconnecting means and over current protection device shall not be located within a *dwelling unit* or such that access to such devices must be obtained by going through a *dwelling unit*.

Several individuals were in the process of cleaning when we left. I advised Mr. Moody I would be back at 3:00 pm tomorrow to re-inspect to be sure the violations were corrected. Mr. Moody was also given until tomorrow at 3:00pm to have the emergency and ceiling lights repaired.

As stated above, egress violation were taken care of immediately. The remaining violations were to be corrected within 24 hours.

Failure to comply with this "Notice of Violation" will result with the current Certificate of Inspection being immediately revoked and the building closed and posted. The building will remain closed until such time all violations are corrected, inspected and approved

## 106.5 Inspection and certification of specified use groups, and 780

**Section 106.5 - Inspection and certification of specified use groups** A *building* or *structure* shall not be occupied or continue to be occupied without the posting of a valid certificate of inspection where required by Table 106. A certificate of inspection is made certifying that the *building* or *structure* or parts thereof complies with all the applicable requirements of 780 CMR

If you are aggrieved by this "Notice of Violation" you may appeal this decision in accordance with section 122.0 within 45 days of receipt of this notice.

As initially stated there are also violations of the special permit issued by The Amherst Zoning Board of Appeals # ZBA FY2003-00044.

Any codes referenced from this point on are from the Town of Amherst Zoning Bylaw unless other wise noted.

This letter is to serve as a "Notice of Violation" in accordance with the Amherst Zoning Bylaw. Failure to comply with this order may result in penalties outlined in section 11.45 of the Town of Amherst Zoning Bylaw

1. Furniture (futon) on porch

ZBA FY2003-00044 - Condition 13 (in part) No inside furniture will be permitted on the porch, the lawn, the roofs, or on the fire escape.

This piece of furniture must be removed immediately, and no other furniture that would be in violation of the special permit can be placed in areas described above.

After further research of the Zoning Board of Appeals special permit. I noted other conditions of the special permit that have not been met. To date, the name of the resident manager responsible for the supervision of the fraternity as outlined in condition #2 and #3 have not been filed with this Department.

Condition #2: (in part) the name of the Resident manager responsible for the supervision of the fraternity shall be registered with Inspection Services, Amherst Police Department, and Amherst Fire Department.

Condition #3: The resident manager shall live in the house at 382 North Pleasant Street or be an abutter.

You are given 10 days from receipt of this notice to comply with these conditions. Please provide evidence of filing the required information with other Departments in the form of a written receipt from these Departments.

In addition, the front lawn must be maintained in accordance with condition 7 of the special permit.

Condition #7: The front lawn shall be maintained as grass and kept clear of encumbrances.

The Town of Amherst Zoning Bylaw states:

- 11.45 Any violation of the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense.

In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D.

The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense.

If you are aggrieved by the Zoning decisions made with regard to this violation notice, you may file an appeal with the Town of Amherst Zoning Board of Appeals in accordance with Amherst Zoning Bylaw.

#### **SECTION 10.1 APPEALS**

Appeals to the Board of Appeals may be taken by any persons aggrieved by reason of their inability to obtain a permit or enforcement action from any administration office under the provisions of said Chapter 40A, or by the regional planning agency, or by any person, including an officer or board of the Town or of an abutting Town aggrieved by an order or decision of the Building Commissioner, Local Inspector, or other administrative official, in violation of any provision of said Chapter or the Zoning Bylaw of the Town of Amherst.

Any such appeal shall be taken by the Board within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

If you have any questions concerning this matter, you may contact me at 256-4030

Sincerely,

Mark A. Snow  
Building Inspector

Cc: Bonnie Weeks – Building Commissioner/Zoning Enforcement Officer  
Bill Klaus – Amherst Fire Dept  
Mike Zlogar – Amherst Fire Department  
Michael Wiseman – Greek Affairs

Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2302

INSPECTION SERVICES DEPARTMENT  
Phone (413) 256-4030 • Fax (413) 256-4076  
Email: [inspections@amherstma.gov](mailto:inspections@amherstma.gov)

June 6, 2005

Dave & Michaelle Biddle  
Box 190 96 Bridge Street,  
Hatfield, MA 01038

Dave Stryer  
382 North Pleasant Street RM #2  
Amherst, MA 01002

Re: Violations at 382 North Pleasant St.

Dear Mr. Biddle,

This letter is regarding property owned by you which is located at 382 North Pleasant Street in Amherst. The building is occupied by the fraternity known as Alpha Delta Phi.

On May 31, 2005 I was notified by FF. Bill Klaus of the Amherst Fire Department that there were extension cords running across the front porch and across the main exit, as well as furniture on the porch.

I called and notified you of the situation and asked if you could meet us at the property. You agreed and we set the time to meet at 12:45 pm.

FF. Klaus and I met with you and your property manager David Stryer, at the site.

I observed furniture on the porch as well as an extension cord running across the door opening and porch at the main exit discharge. Furniture on the porch included two couches, table, shelving, and other miscellaneous items. You opened the door to the building and I observed storage throughout the main hallway in the means of egress, as well as in the first room on right as you enter the building. The furniture in the room blocked the entire room preventing a person from entering the space and or using the passageway as a means of egress from the kitchen area.

We asked for permission to conduct an inspection, both Mr. Biddle and Mr. Stryer gave permission.

While at the site, I observed numerous violations. They include violations of conditions set by the Zoning Board of Appeals as part of the special permit, as well as violations of the Massachusetts State Building Code.

Any codes referenced within this portion of the letter are from the Town of Amherst Zoning Bylaw unless otherwise noted.

This letter is to serve as a "Notice of Violation" in accordance with the Amherst Zoning Bylaw. Failure to comply with this order may result in penalties outlined in section 11.45 of the Town of Amherst Zoning Bylaw

The following is the violation of the special permit issued by The Amherst Zoning Board of Appeals # ZBA FY2003-00044.

1. Inside Furniture on porch (couches)

ZBA FY2003-00044 - Condition #13 (in part) No inside furniture will be permitted on the porch, the lawn, the roofs, or on the fire escape.

The furniture must be removed immediately, and no other furniture that would be in violation of the special permit can be placed in areas described above.

In addition, the front lawn must be maintained in accordance with condition #7 of the special permit.

Condition #7: The front lawn shall be maintained as grass and kept clear of encumbrances.

The Town of Amherst Zoning Bylaw states:

- 11.45 Any violation of the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense.

In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw, may be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D.

The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense.

If you are aggrieved by the Zoning decisions made with regard to this violation notice, you may file an appeal with the Town of Amherst Zoning Board of Appeals in accordance with Amherst Zoning Bylaw.

## SECTION 10.1 APPEALS

Appeals to the Board of Appeals may be taken by any persons aggrieved by reason of their inability to obtain a permit or enforcement action from any administration office under the provisions of said Chapter 40A, or by the regional planning agency, or by any person, including an officer or board of the Town or of an abutting Town aggrieved by an order or decision of the Building Commissioner, Local Inspector, or other administrative official, in violation of any provision of said Chapter or the Zoning Bylaw of the Town of Amherst.

Any such appeal shall be taken by the Board within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

In addition to the violations of the Zoning Board of Appeals special permit there are also violations of the Massachusetts State Building Code.

Any code references from this point forward are from the Massachusetts State Building Code 6<sup>th</sup> Edition unless otherwise noted.

This letter is to serve as a "Notice of Violation" in accordance with 780 CMR Massachusetts State Building Code 6<sup>th</sup> Edition.

The following are the violations of the Massachusetts State Building Code 6<sup>th</sup> Edition:

### Violations:

1. Obstructing means of egress 1<sup>st</sup> floor porch area (power cords) section 1028.0
2. Obstructing means of egress, exterior stairs (garbage third floor) section 1028.0
3. Obstructing means of egress 3<sup>rd</sup> floor (Refrigerator, trash and other misc items) section 1028.0
4. Emergency light 2<sup>nd</sup> floor hallway needs to be replaced, one light of the two is damaged and not secure. Section 103.0

### 780 CMR: 1028.0 MAINTENANCE OF EXITS

**1028.1 Obstructions:** It shall be unlawful to obstruct, or reduce in any manner, the clear width of any doorway, hallway, passageway or other *means of egress* required by the provisions of 780 CMR.

### Violations:

5. Bathroom on 2<sup>nd</sup> floor needs to be cleaned. Section 103.0
6. Bathroom on 1<sup>st</sup> floor needs to be cleaned. Section 103.0
7. Kitchen needs to be cleaned. Section 103.0
8. K Class Fire Extinguisher in kitchen has been discharged, needs to be recharged. Section 103.0
9. Unsanitary conditions throughout basement area. Section 103.0

## 780 CMR: 103.0 MAINTENANCE

**Section 103.1 – General:** All buildings and structures and all parts thereof, both existing and new, and all systems and equipment therein which are regulated by 780 CMR shall be maintained in a safe, operable and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by 780 CMR in a building or structure in a building or structure, when erected, altered or repaired, shall be maintained in good working order.

At the time of the inspection you and the tenants present were informed that I was revoking the current Certificate of Inspection for the building. This means the building cannot be legally occupied in accordance with the Massachusetts State Building Code 6<sup>th</sup> Edition. The building is closed and will be posted until such time all violations are corrected, inspected and approved

## 106.5 Inspection and certification of specified use groups, and 780

**Section 106.5 - Inspection and certification of specified use groups** A *building or structure* shall not be occupied or continue to be occupied without the posting of a valid certificate of inspection where required by Table 106. A certificate of inspection is made certifying that the *building or structure* or parts thereof complies with all the applicable requirements of 780 CMR

If you are aggrieved by this "Notice of Violation" you may appeal this decision to the Board of Building Regulations and Standards Appeal Board in accordance with section 122.0 within 45 days of receipt of this notice.

As you know, on April 27, 2005 an inspection of this property was conducted by the Building and Fire Departments. At that inspection some of the same type of violations were noted and were addressed in a Notice of Violation dated May 2, 2005. As the owner of the property I urge you to take a proactive approach to this situation and implement a program designed to reduce/prevent these problems from reoccurring. This should be done not only to prevent this office from taking further action, but more importantly for your tenant's safety and well being.

You may contact me at 256-4030 with any questions you may have.

Sincerely,



Mark A. Snow

Building Inspector

Cc: Bonnie Weeks – Building Commissioner/ Zoning Enforcement Officer  
Bill Klaus – Amherst Fire Dept  
Michael Wiseman – Greek Affairs



Amherst Zoning Board of Appeals

Transmittal

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**Applicant:** Michaelle L. Biddle

**Application No.** ZBA 2005-00040

**Filing Date** June 30, 2005

**Location:** 382 North Pleasant Street  
Map 11C, Parcel 118, R-G Zone

**Transmittal Date** July 25, 2005

**Hearing Date** August 11, 2005

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**Distribution:** ( ) Planning Board  
( ) Town Planner  
( ) Town Engineer  
( ) Select Board  
( ) Building Commissioner

( ) Conservation Commission  
( ) Board of Health  
(X) Fire Chief *Mike Zagar*  
( ) Public Works  
( ) Historical Commission

---

Report

See letter and pictures.

Signed: 

Date: 8/8/05

Town of



# AMHERST FIRE DEPARTMENT

Massachusetts

Keith E. Hoyle, Fire Chief  
(413) 256-4082  
FAX (413) 256-4087

68 No. Pleasant Street  
Amherst, MA 01004-0654  
fire@amherstma.gov

Assistant Fire Chiefs  
Michael V. Zlogar  
Lindsay E. Stromgren

**To:** Zoning Board of Appeals  
**Plan Review for:** 382 North Pleasant Street  
**Case Number:** ZBA 2005-00040  
**Date:** August 9, 2005

Over the past five years our inspection program has included better follow-up to correct and monitor conditions of the fraternity and sorority buildings. Nationally there have been numerous fire deaths in off campus housing. Conditions that contributed to the fires and loss of life are seen in the fraternity occupancies in Amherst. We are working to bring the fraternities and sororities together with Town, University, property owners and managers to improve the safety of these buildings.

This application for the renewal of a special permit contains three separate items:

- continued use as a fraternity
- extending the length of the special permit
- adding use as a boarding house

Continues use as a fraternity

1. This house has required more than the average re-inspections and follow-up efforts to meet the elements of the Life Safety Inspection program.
2. We have not been able to identify the resident manager required in condition 3. It is necessary to have a responsible person immediately available to help address issues that arise during regular and follow-up inspections. The resident manager should also be readily available in the event there are issues identified during emergency responses. We have encountered fire alarm malfunctions that cannot be properly resolved because there is no responsible person available.
3. During regular inspections we have found residents living in the building who are not fraternity members. The number of non-member boarders is less than the number that would classify the property as a boarding house; it appears to be in violation of condition 4.
4. Condition 11 address rubbish disposal. The location of the dumpster and the overflowing condition is noted on nearly every inspection and has been the subject of complaints to the Fire Department. There is a single dumpster serving three buildings. The volume of waste generated appears to exceed the storage capacity resulting in overflowing. In addition, large items and furniture are left on the ground outside and has been subject of malicious burning. Feedback from the residents during inspections suggests that there have been disagreements between residents of the different buildings concerning the amount of rubbish they deposit in the dumpster and their share of the cost.

5. The location of the dumpster changes periodically. Condition 11 does not stipulate who is to approve the location and the process for approval. The Fire Department has ordered the dumpster relocated several times because it was in violation of 527 CMR 34. The primary concerns are that the dumpster does not block egress from the building and that a fire in the dumpster would not endanger the building.
6. The current site plan provides adequate access for fire apparatus and EMS vehicles. The current access to the south of the building and the rear parking area is not well defined allowing parking to obstruct access. Access to the rear of the building would be necessary for a vehicle fire in the rear lot or ambulance access for an injury in the rear yard. The maintenance stipulated in condition 18 could be improved.

Changing the length of the permit

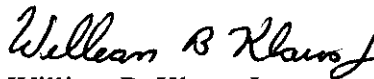
1. Although we have no objection to the renewal of this special permit, it is preferable to retain a short duration to provide timely reviews of progress toward maintaining a safe building.

Adding use as a Boarding house

1. The change of use from fraternity to boarding house will require the installation of fire protection systems are required under the Building Code, Chapter 148 and 527 CMR, including sprinkler system, fire alarm and detection.
2. Since there is no change to the size of the building, the existing hydrants should be adequate for the changes required for adding the boarding house use.



Michael V. Zlogar  
Assistant Chief



William B. Klaus, Jr.  
Fire Prevention Officer

Town of



AMHERST

Massachusetts

TOWN HALL  
4 BOLTWOOD AVENUE  
AMHERST, MA 01002-2302

INSPECTION SERVICES DEPARTMENT  
Phone (413) 256-4030 • Fax (413) 256-4076  
Email: inspections@amherstma.gov

August 10, 2005

To: Amherst Zoning Board of Appeals

From: Mark A. Snow Assistant Building Commissioner

Re: Special Permit renewal for 382 North Pleasant Street

This letter is to inform the board of some concerns/problems that have been found at 382 North Pleasant Street since the last time the special permit was granted.

It is not the intent of this letter not to have a special permit granted to this property for the continued use as a Fraternity House, however there are conditions within the current special permit that I believe need further clarification.

The following conditions are for special permit ZBAFY2003-00044 and are areas of concern:

1. Condition #1: Asks for a site plan showing the location of the dumpster, existing condition at site is one dumpster serving 3 houses, two fraternities and one apartment building
  - 382 North Pleasant Street
  - 374 North Pleasant Street
  - #15 & 17 Fearing Street

1A. Condition #11: All trash shall be disposed of in a closed dumpster to be located at an approved site. The dumpster shall be emptied weekly by a professional hauler, and no trash shall be stored outside the dumpster. Recycling containers shall be provided for paper, cardboard, bottles and cans.

This system is not working for the following reasons;

- The dumpster is found overflowing on a regular basis.
- We hear from 374 North Pleasant occupants, that it is the occupants at 382 North Pleasant Street turn to have the dumpster emptied and we hear that it is the responsibility of the occupants at 374 North Pleasant from 382 North Pleasant Street.
- The dumpster for 382 is located on the property of 374 North Pleasant Street.
- Mr. Biddle has purchased a dump truck and has in the past removed trash from the dumpster area

Based on the above, I believe an alternative solution must be investigated



2. Condition #3: The resident manager shall live in the house at 382 North Pleasant Street or be an abutter.

- The role and responsibilities for the manager are not clear,

The current manager was not aware of his responsibilities. I believe the role and responsibilities for the resident manager should be made clear.

3. Condition #7: The front lawn shall be maintained as grass and kept clear of encumbrances.

- Encumbrances are not defined

There is confusion with the occupants as to what is considered an encumbrance; I believe encumbrances should be more clearly defined.

4. Condition # 13: Lawn furniture will be permitted on the front porch and the rear yard. No inside furniture will be allowed on the porch, the lawn, the roof or on the fire escape.

- What is the definition of inside furniture?

There is confusion with the occupants as to what is defined as inside furniture. I believe that inside furniture should be more clearly defined.

5. The nature of request for the current application is requesting the following changes

- To extend the current length of special permit from 2 years to 5 years.
- Asking for the property to be used as a boarding house if it is felt that this would provide greater control of the occupants by the landlord.

At this time I do not support these proposed changes based on conditions found during inspections conducted during the last two years. I do not believe there will be greater control by the landlord if the use is converted to a boarding house. In fact, I believe it would be the opposite "less control". I would suggest that Mr. Biddle become more active as the owner of the property and that he provides guidance to the occupants on a regular basis as to what and what are not acceptable behavior and or conditions of the building. I would also suggest that Mr. Biddle make periodic inspections of his property to insure the safety for his tenants as well as insuring the compliance of the conditions of the special permit.

If the extension of the special permit is granted, I recommend the special permit be posted on site in a conspicuous location so that all occupants of the building are aware of the conditions of the permit.

If the use of the building changes from a fraternity/sorority house to a boarding house, this may trigger other building and fire code issues.

I would like to inform the board that Mr. Biddle has been very cooperative and makes every attempt to deal with situations when a situation arises.

Again, it is not the intent of this letter to have the board not to extend a special permit for the property located at 382 North Pleasant Street. The intent is to have the issues found related to conditions on the special permit at the property addressed to prevent further problems in the future.

Included you will find copies of violation notices issued for the special permit:

- May 2, 2005
- June 6, 2005

Thank you for your time and consideration of these matters.

Sincerely,



Mark A. Snow  
Assistant Building Commissioner

Cc: Bonnie Weeks

882 North Pleasant St

8/8/05



N. Pleasant

384

382 + 1517 Fearny Share Dumpster



8/9/05

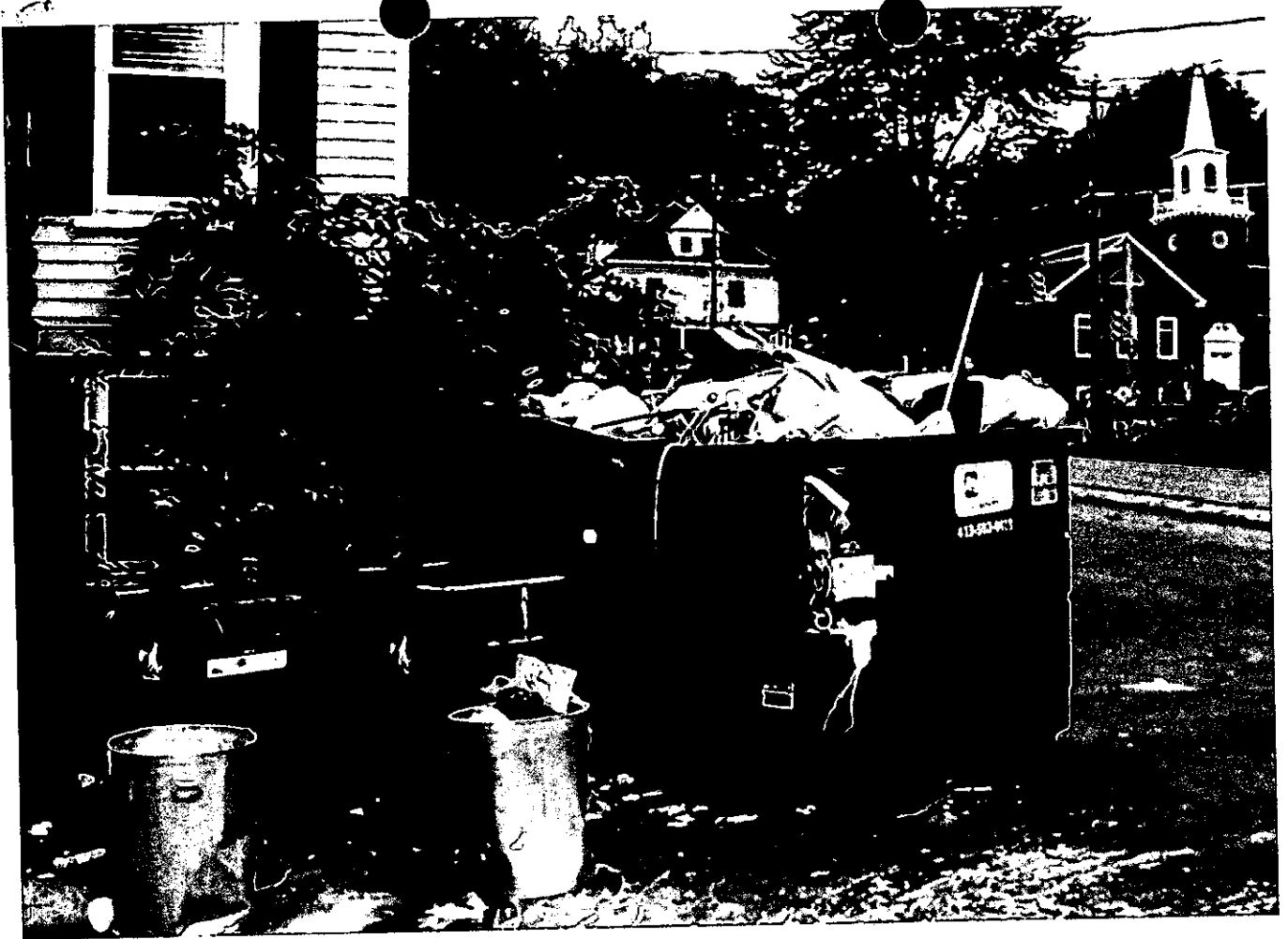




382 Mount Pleasant

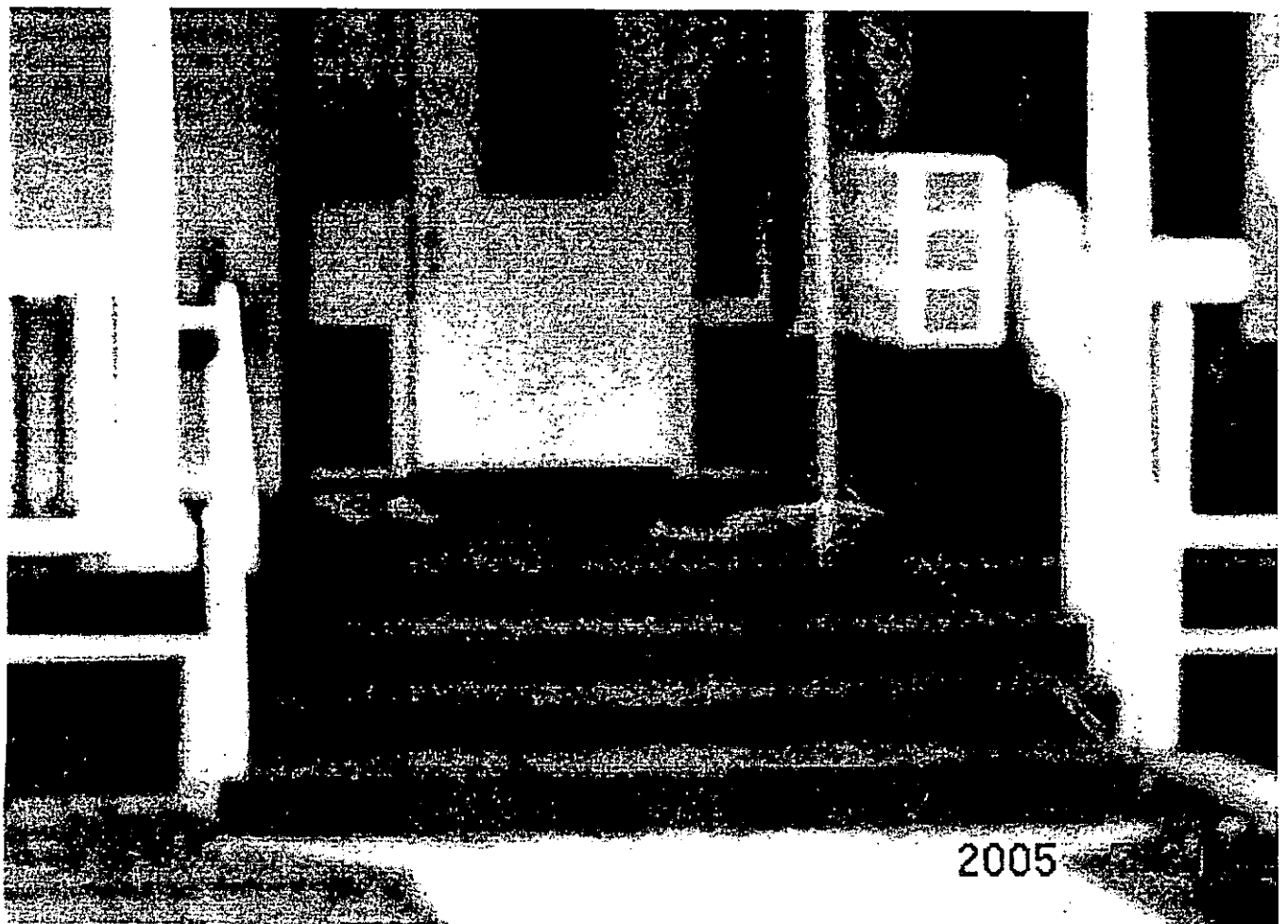


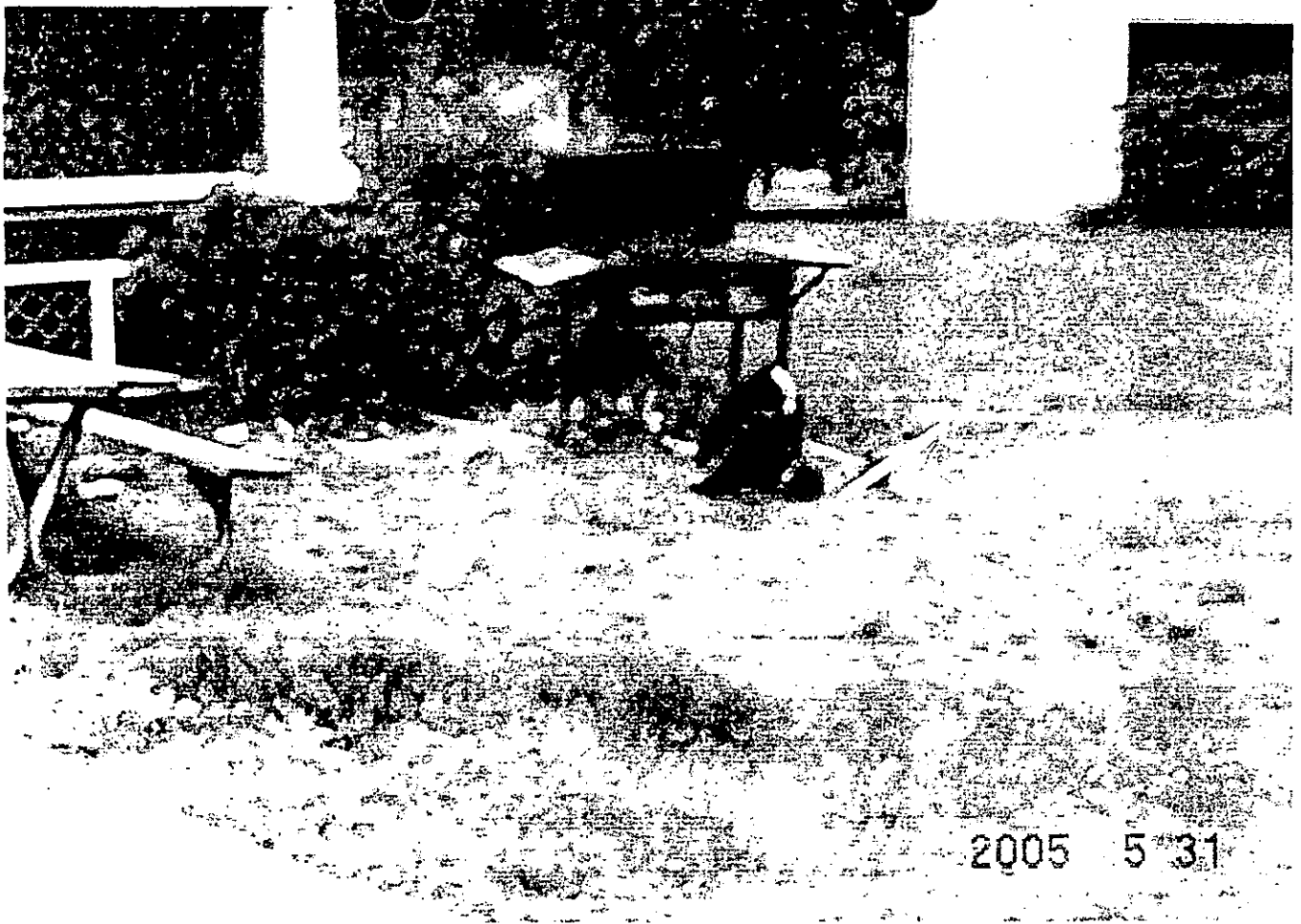
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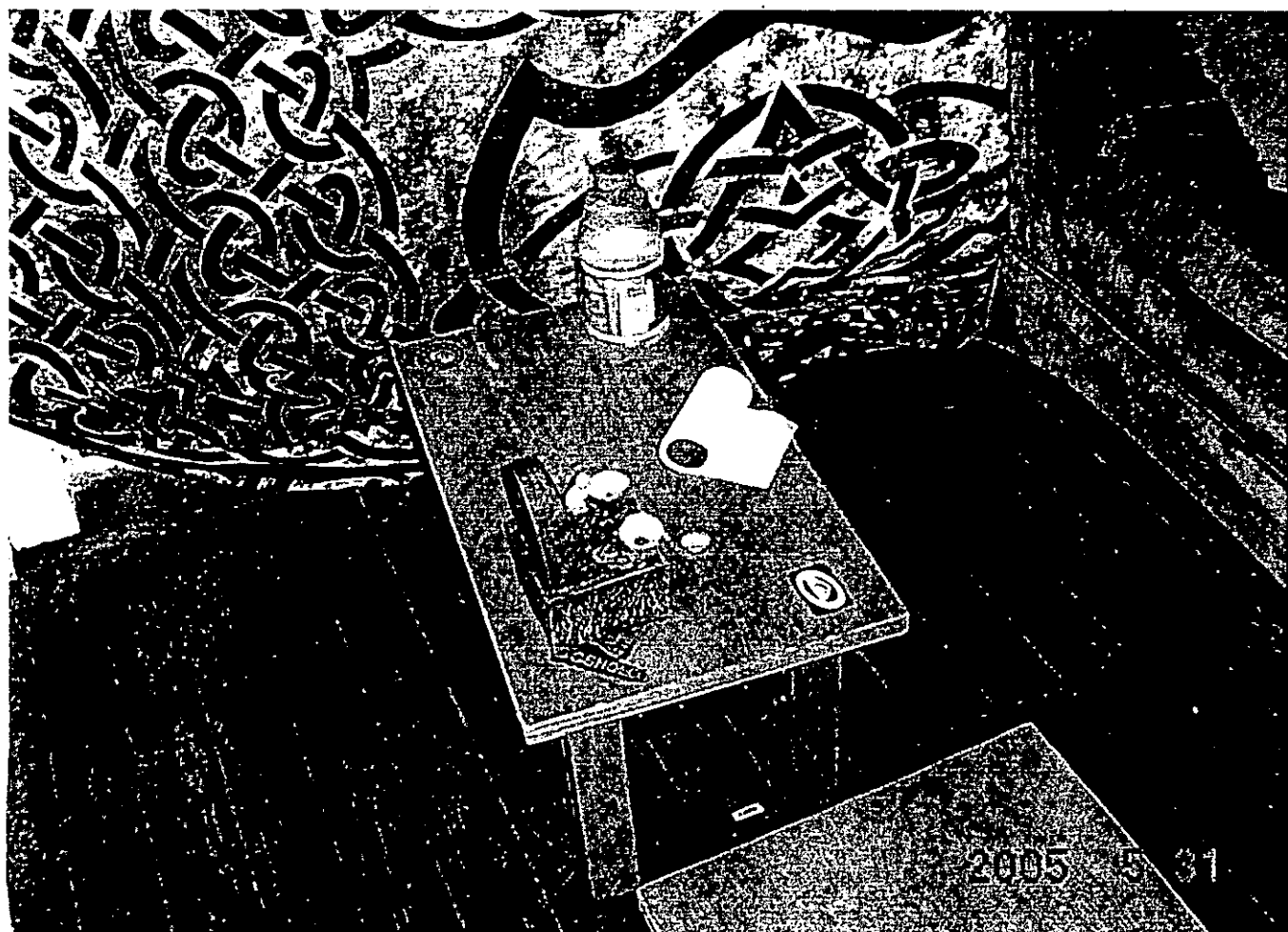
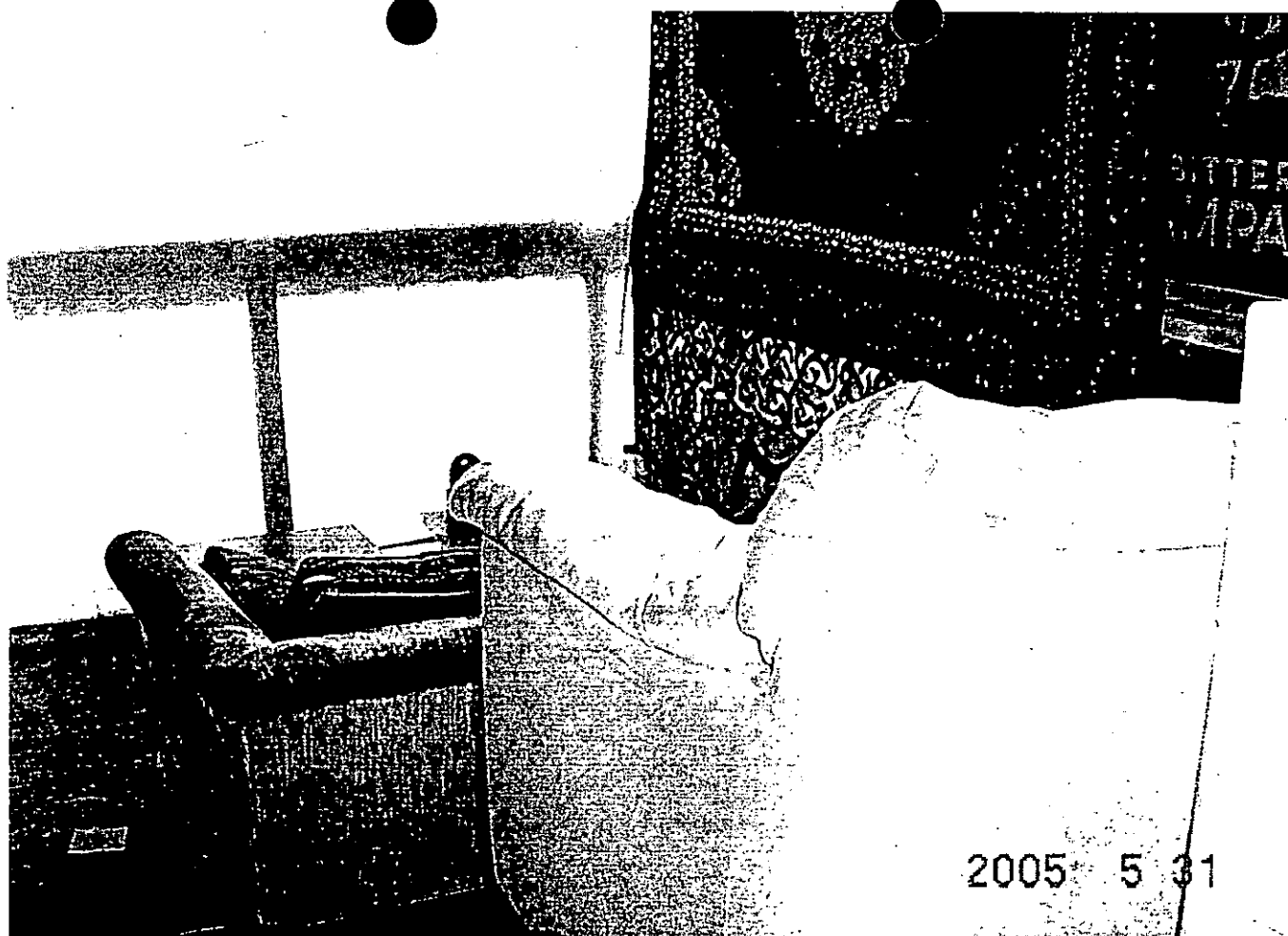


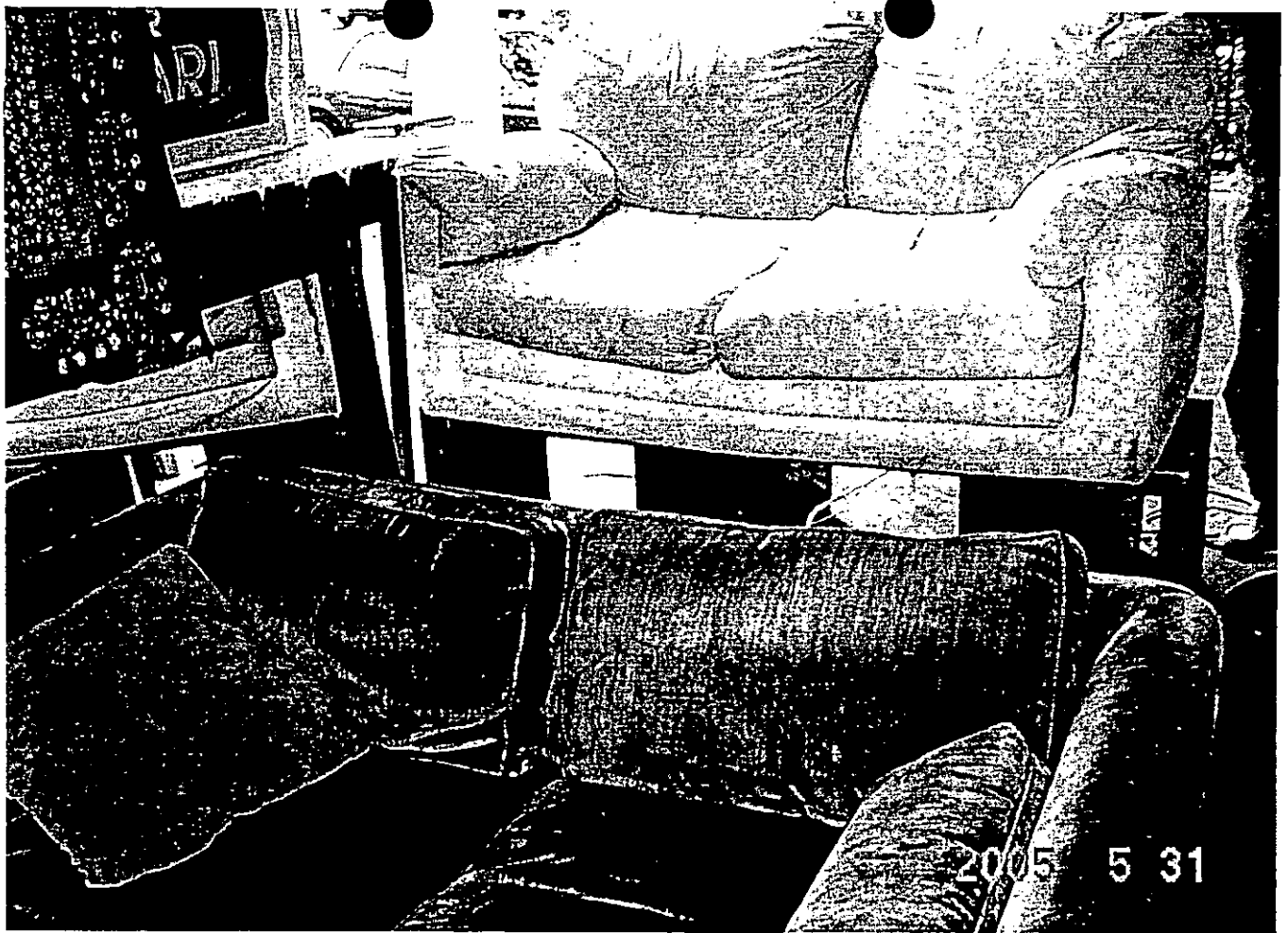
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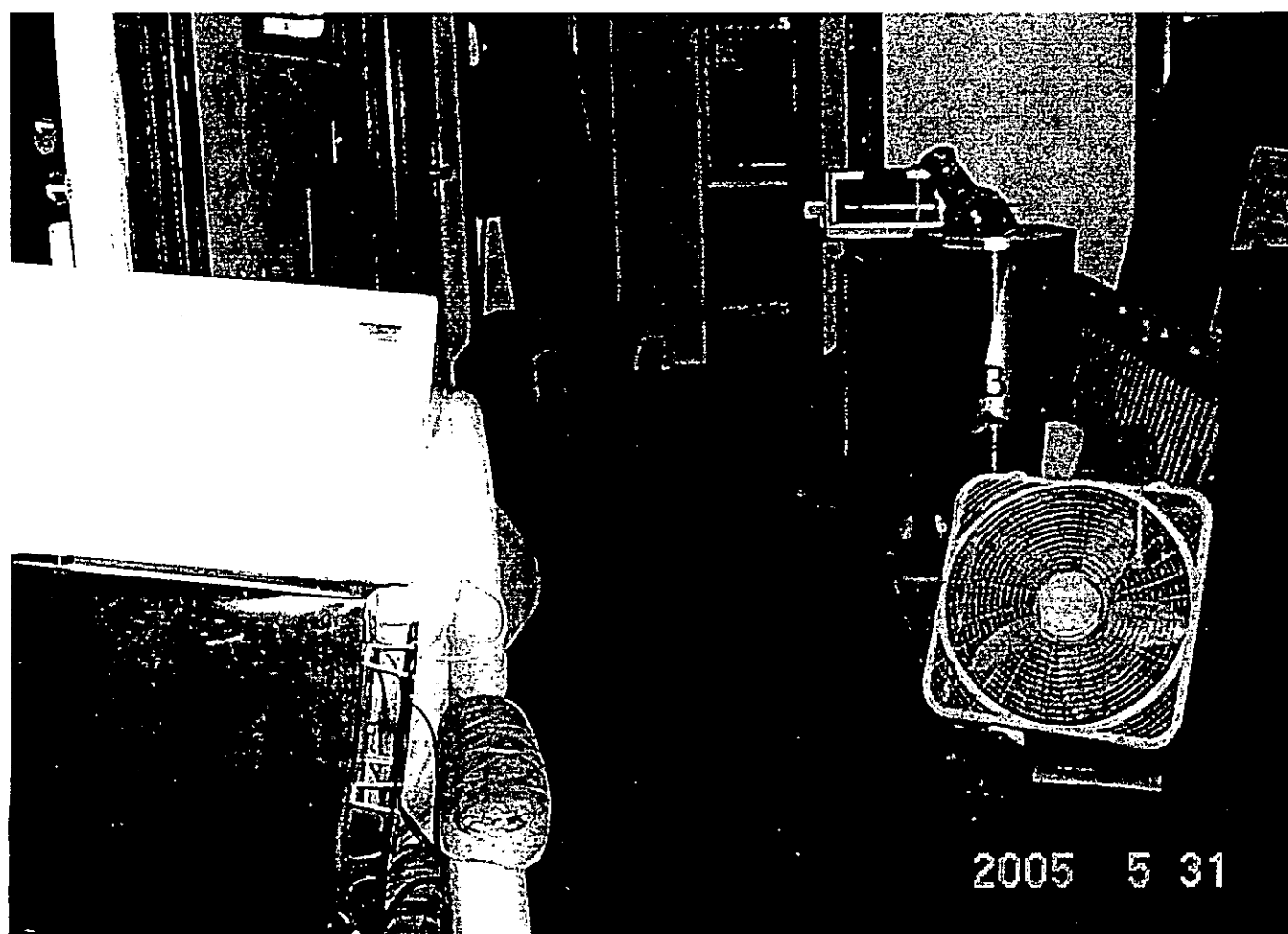
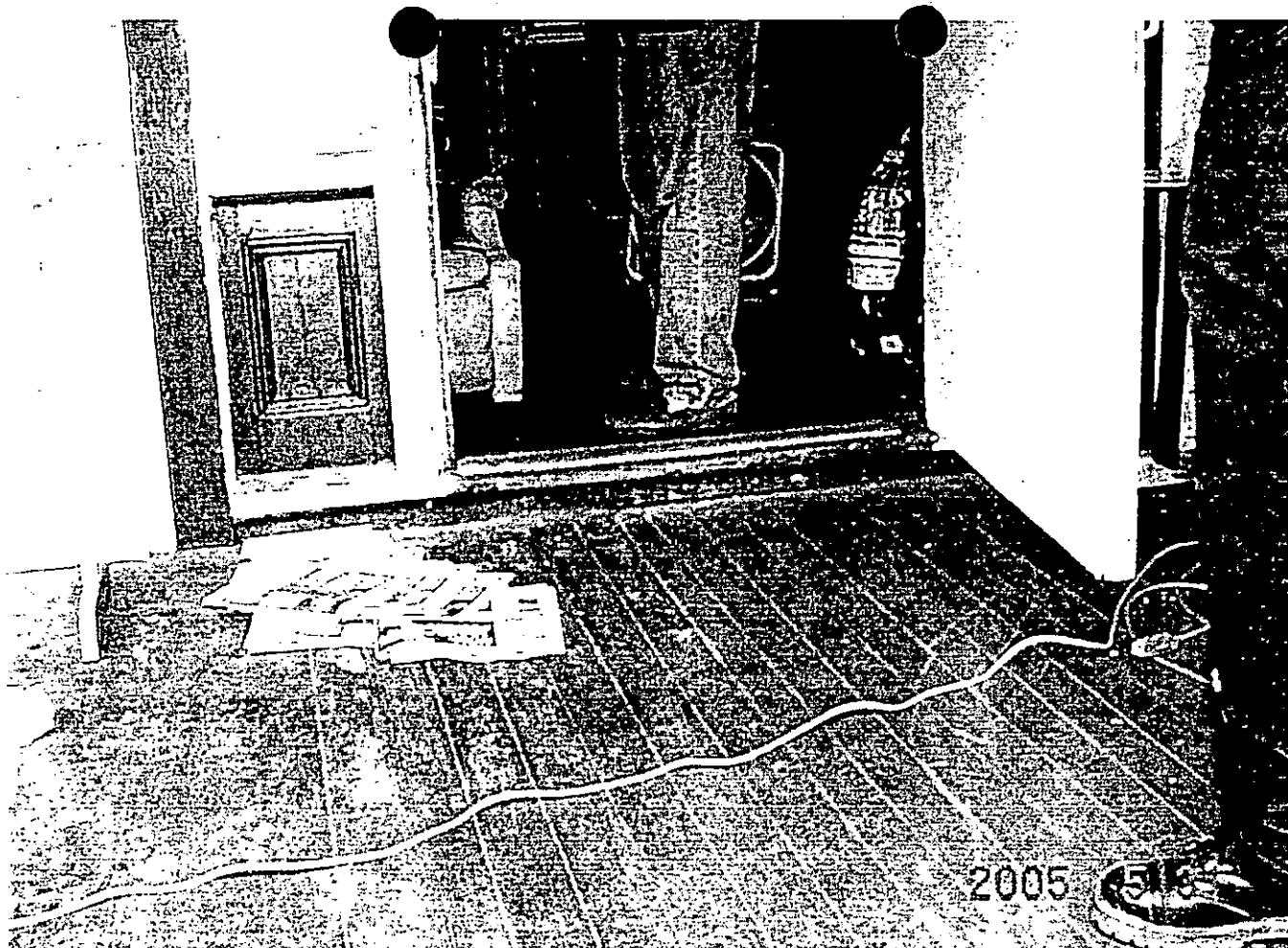




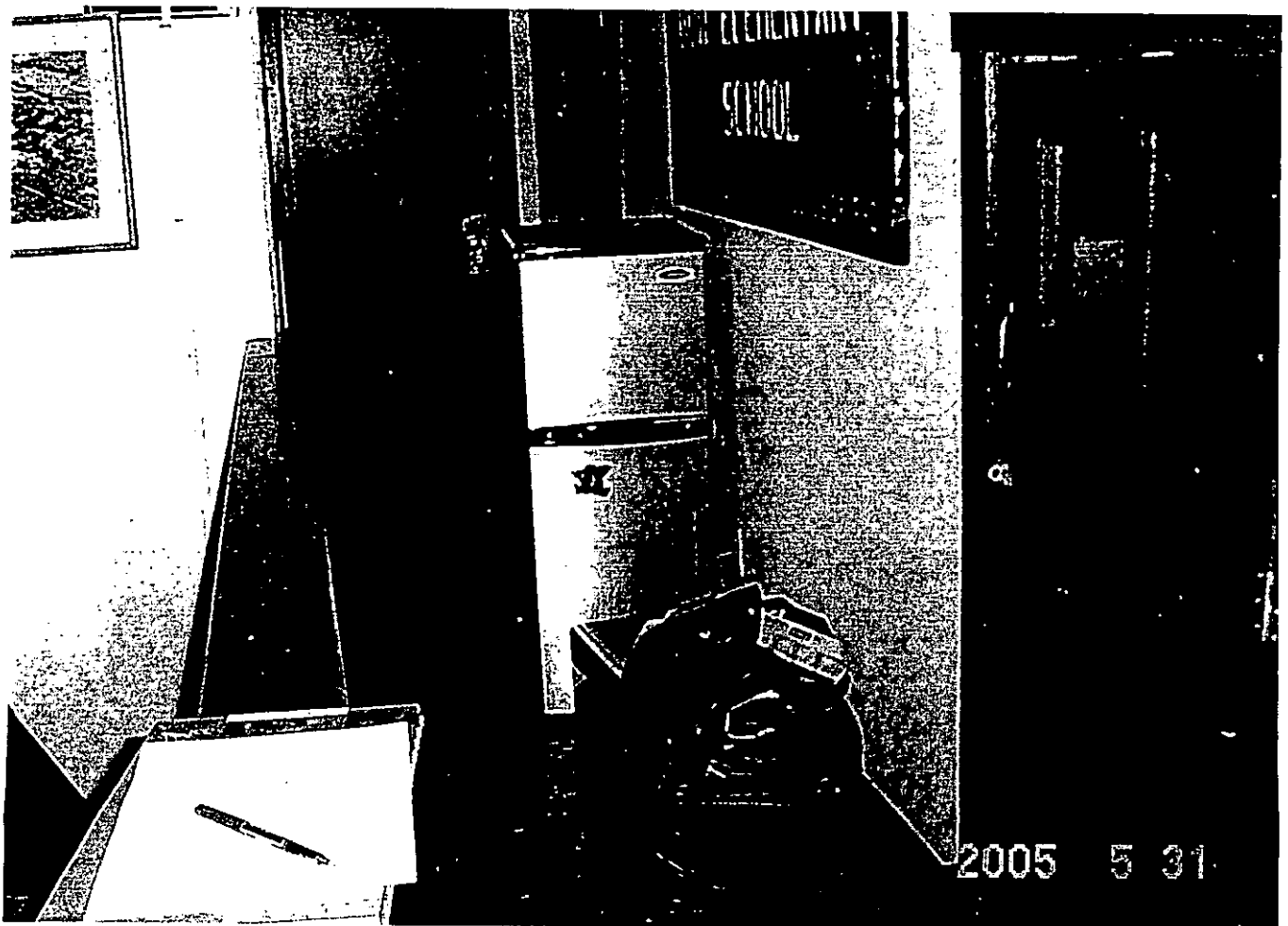
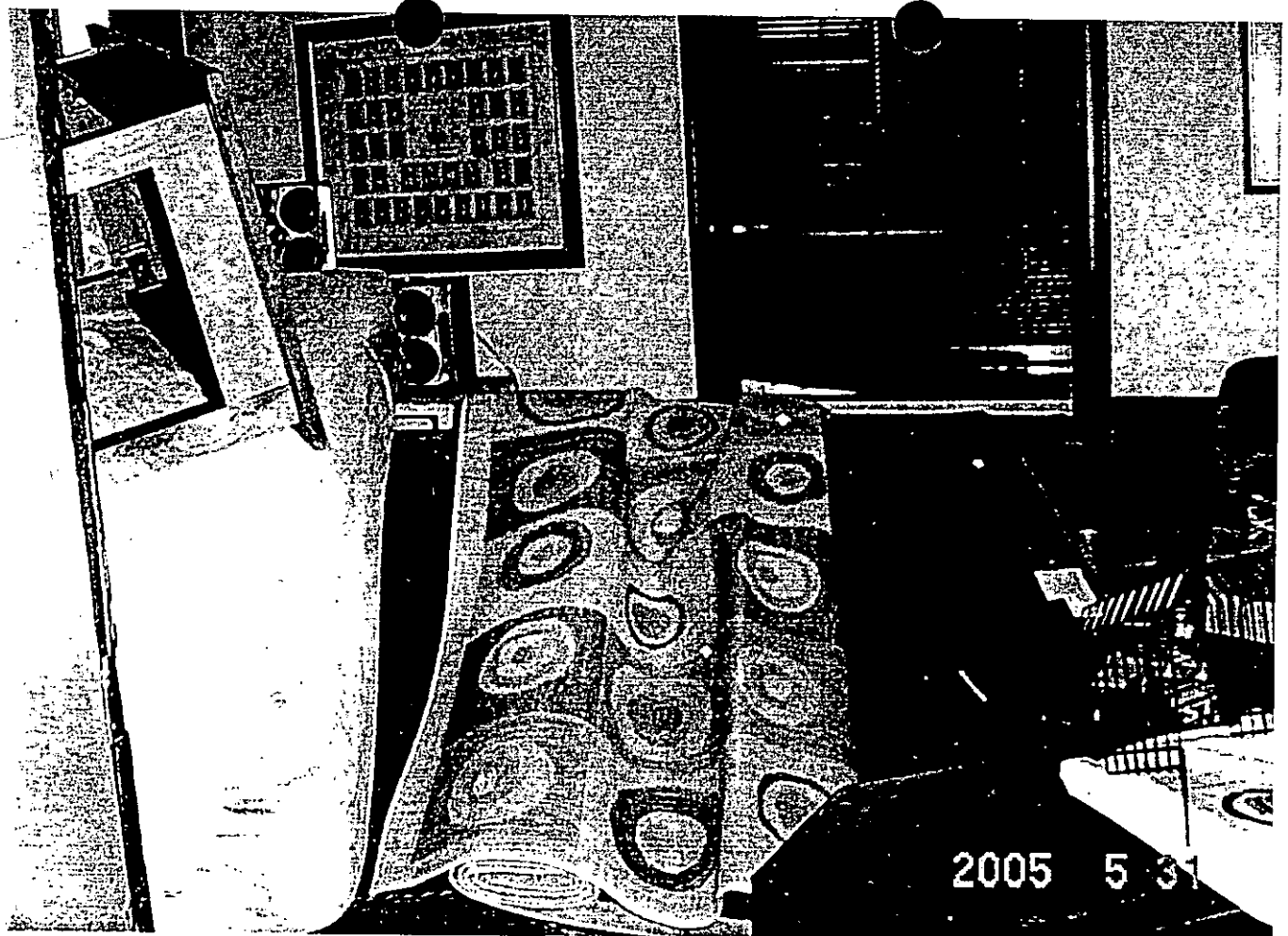




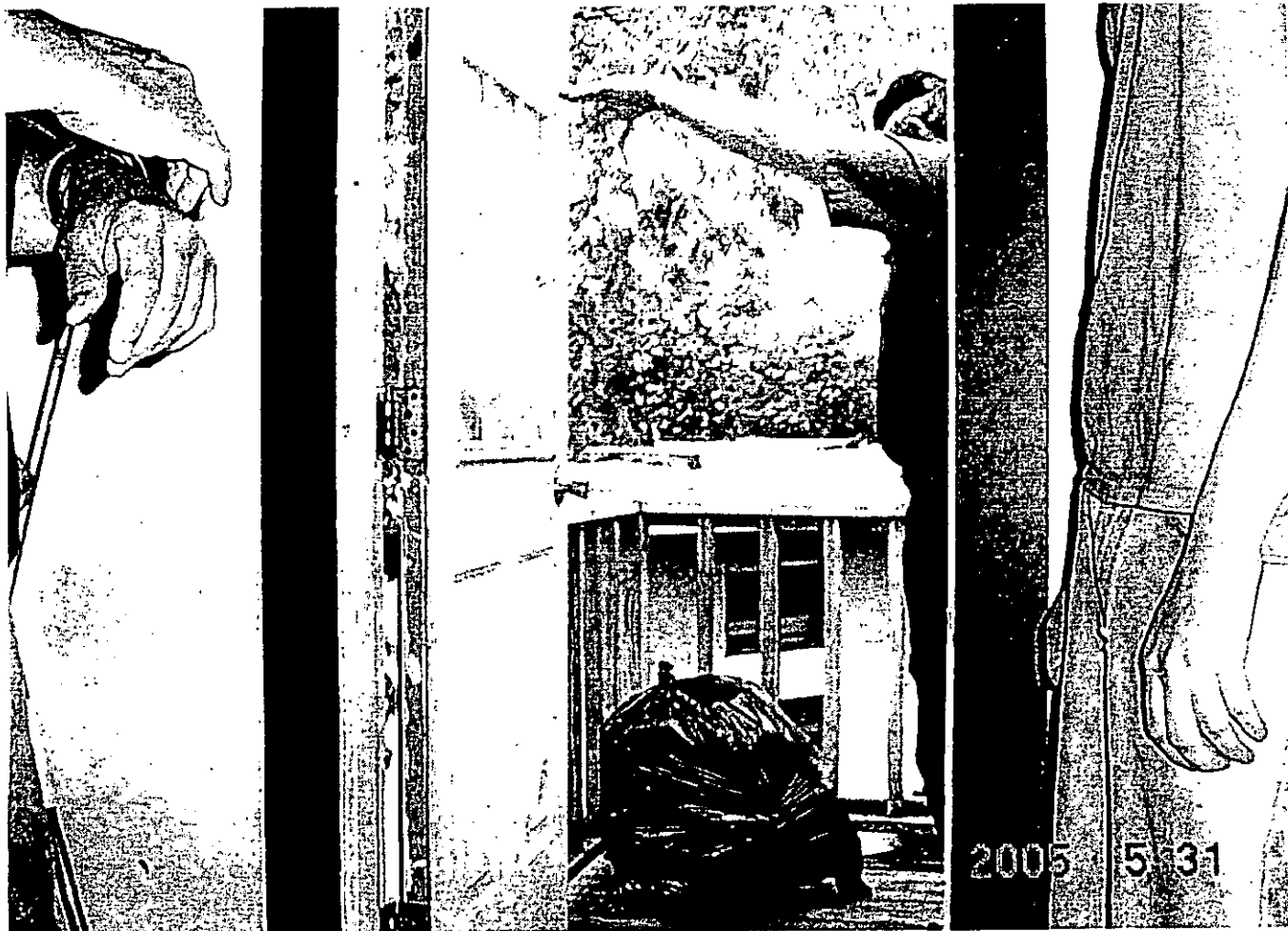


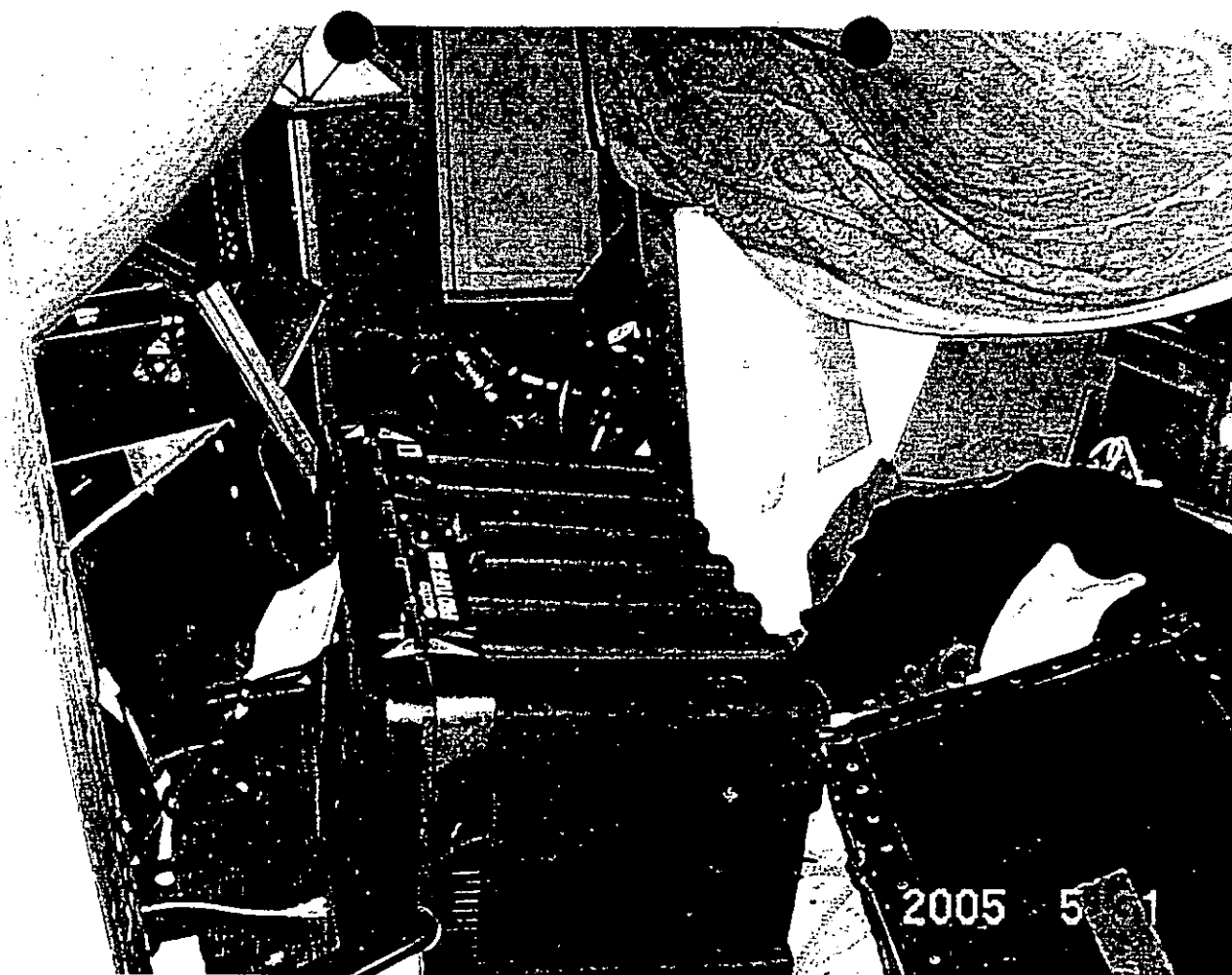


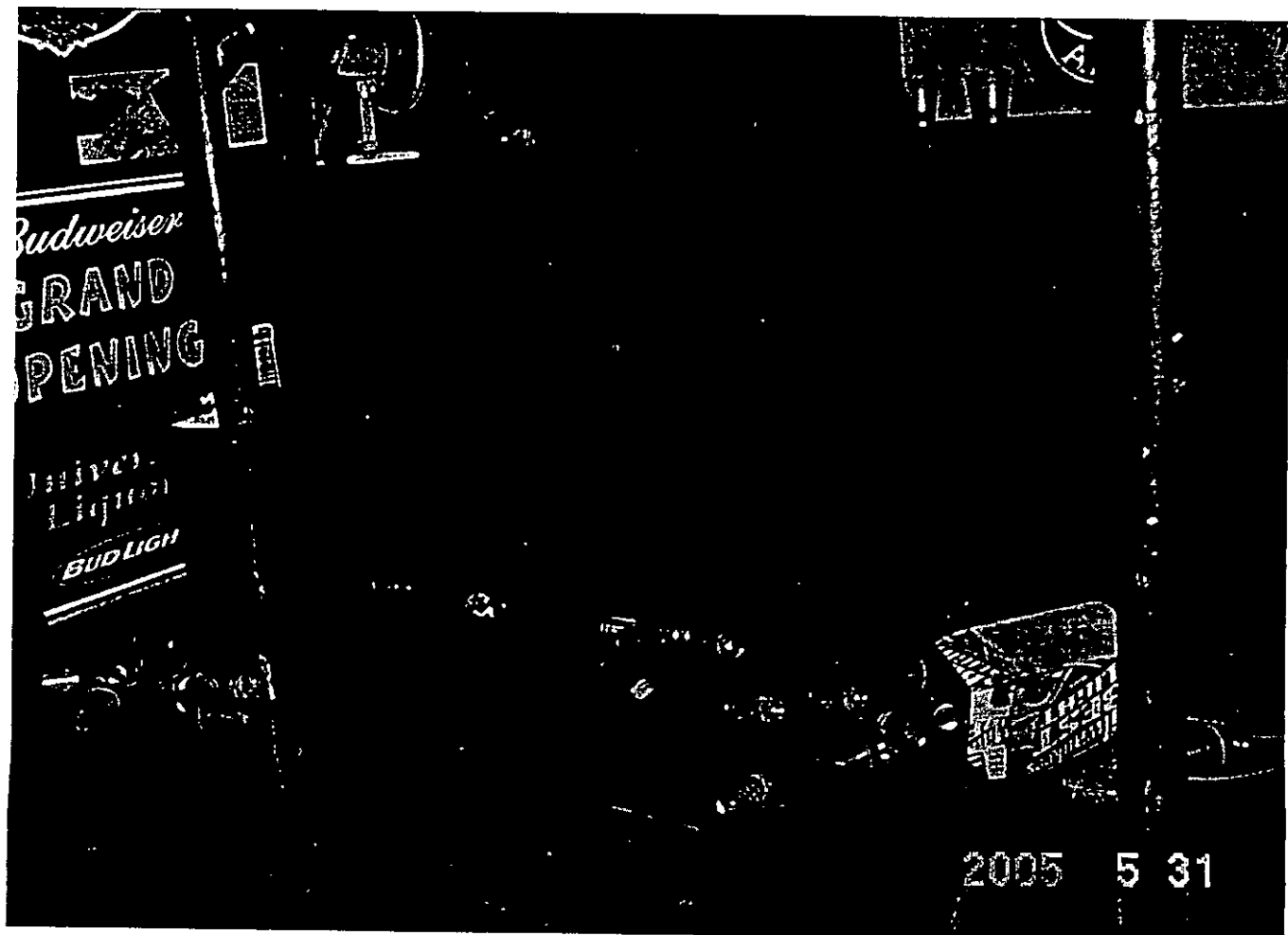
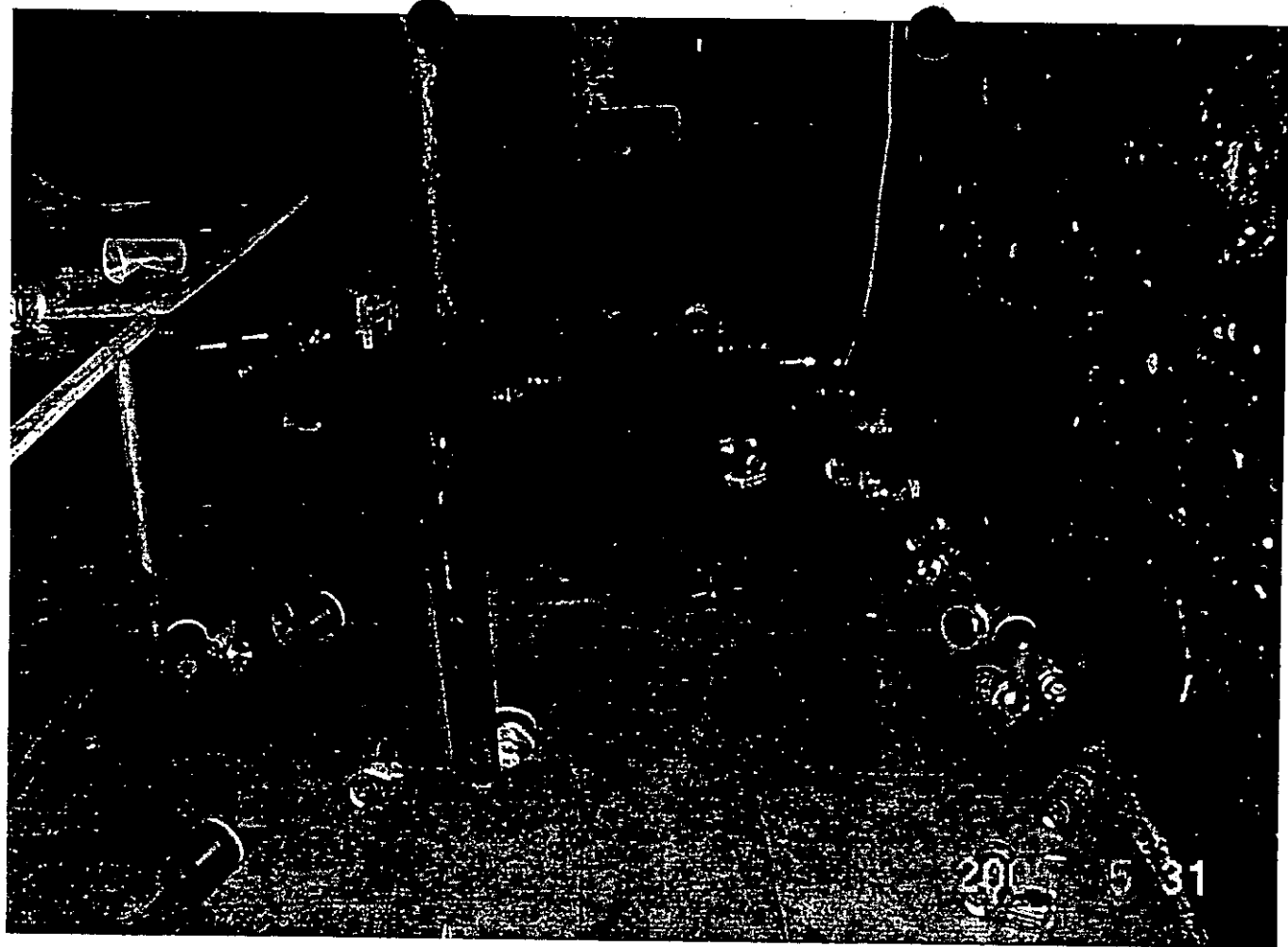


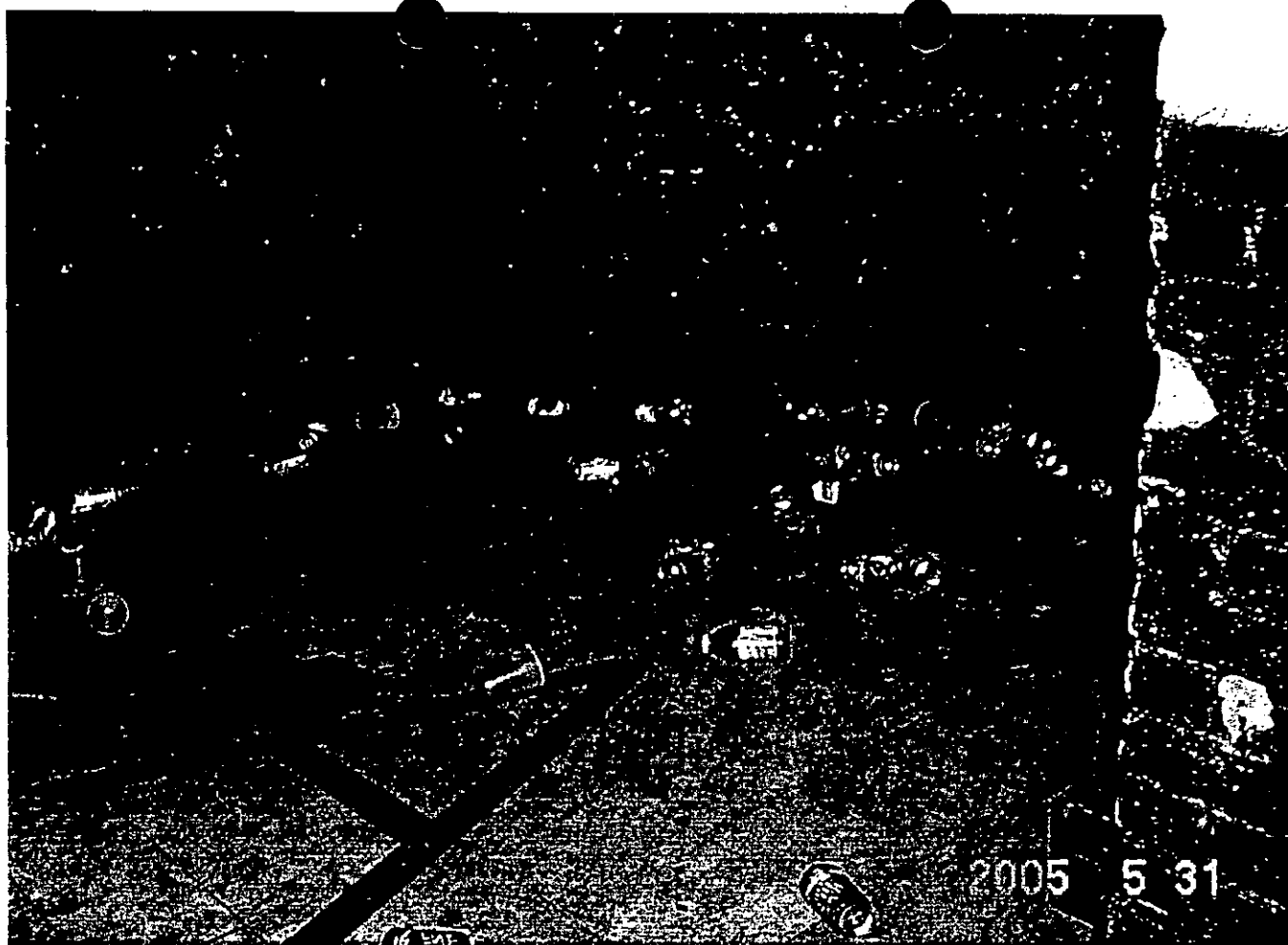












*Town of*



# AMHERST

*Massachusetts*

TOWN HALL  
4 Boltwood Avenue  
Amherst, MA 01002-2351

ZONING BOARD OF APPEALS  
(413) 256-4032  
(413) 256-4040  
(413) 256-4041 [Fax]  
[zoning@amherstma.gov](mailto:zoning@amherstma.gov)

**Public Meeting  
AGENDA  
AMHERST ZONING BOARD OF APPEALS**

The Amherst Zoning Board of Appeals will meet on **\*WEDNESDAY, SEPTEMBER 7, 2005\*, at 7:00 P.M. in the FIRST FLOOR MEETING ROOM OF THE AMHERST TOWN HALL** to conduct the following business:

**PUBLIC MEETING:**

**ZBA FY2005-00040 – Michaelle Biddle** – seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

**ZBA FY2005-00041 – Joel Greenbaum** – seeks a Special Permit under Sections 3.325 and 9.22 of the Zoning Bylaw to remove a 25' x 25' barn and replace it with a 30' x 40' mixed-use addition consisting of a real estate office on the first floor and a four (4) bedroom apartment on the second and third floors, at 15 Hallock Street (Map 11C, Parcel 197, B-L Zone).

**ZBA FY2006-00001 – David Clark** – seeks approval of a Management Plan for Special Permit under Sections 3.352.1, 5.041 and 5.042 of the Zoning Bylaw to operate an Italian-style coffee shop serving light European fare, open until 1 a.m., serving alcohol, with seasonal outdoor dining and live entertainment, at 28 Amity Street (the Amherst Cinema Building) (Map 14A, Parcel 254, B-G Zone).

**TOM SIMPSON, CHAIR, AMHERST ZONING BOARD OF APPEALS**

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**Public Hearing and Public Meeting  
AGENDA  
AMHERST ZONING BOARD OF APPEALS**

The Amherst Zoning Board of Appeals will meet on **\*THURSDAY, AUGUST 11, 2005\***, at 7:00 P.M. in the **TOWN ROOM OF THE AMHERST TOWN HALL** to conduct the following business:

**PUBLIC MEETING:**

**ZBA FY2005-00033 – Ester Rodrigues and Henrique Correia** – review and approval of revised Management Plans for property as a whole, for proposed boutique and office, for proposed landscape plan and for small sign, for a Brazilian Clothing Boutique and a Home Healthcare Business at 321 Main Street, (Map 14B, Parcel 28, R-G Zone).

**ZBA FY2000-00002 – Patrick Daly/The Hangar** – review and approval of a new sign to replace an existing sign, under Condition #8 of Special Permit ZBA FY2000-00002, and Condition #9 of Special Permit ZBA FY2001-00001, at 55 University Drive (Map 13B, Parcel 21, B-L Zone).

**TED RISING, CHAIR, AMHERST ZONING BOARD OF APPEALS**

The Amherst Zoning Board of Appeals will meet on **\*THURSDAY, AUGUST 11, 2005\***, at 7:30 P.M. in the **TOWN ROOM OF THE AMHERST TOWN HALL** to conduct the following business:

**PUBLIC HEARINGS:**

**ZBA FY2005-00040 – Michaelle Biddle** – seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years and to allow this property to be used as a boarding house if the Board determines that such a use would provide greater control of the occupants by the landlord than a fraternity house use would provide, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

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**PUBLIC MEETING:**

**ZBA FY2005-00020 – Peter Sylvan** – seeks approval of a change in site plan with respect to Condition # 9 of the Special Permit ZBA FY2005-00020, to delete an evergreen hedge, at 491 Pine Street (formerly the Cushman Store) (Map 6A, Parcel 39, R-N Zone).

**TOM SIMPSON, CHAIR, AMHERST ZONING BOARD OF APPEALS**

Town of



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[planning@amherstma.gov](mailto:planning@amherstma.gov)

August 5, 2005

Dear Petitioner:

The Zoning Board of Appeals will hold a public hearing regarding your application on **Thursday, August 11<sup>th</sup>, 2005 at 7:30 p.m.** in the **Town Room, Amherst Town Hall**.

Prior to the hearing, the members of the Board of Appeals must **view the premises** in question. They will do so on **Tuesday, August 9<sup>th</sup>, 2005, at 2:00 P.M.** It generally takes more than an hour for the Board to complete its viewing. Please remain on the premises until the Board arrives, as someone must be at the premises to show the Board members around and to answer any questions they might have.

At 2:00 p.m. on Tuesday, August 9<sup>th</sup>, Board members Tom Simpson, Ted Rising and Barbara Ford will visit the properties for the public hearings on:

**PUBLIC HEARINGS:**

**ZBA FY2005-00040 – Michaelle Biddle** – seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years and to allow this property to be used as a boarding house if the Board determines that such a use would provide greater control of the occupants by the landlord than a fraternity house use would provide, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

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If relevant, I have included a transmittal or memorandum from one or more town boards or departments specifically relating to your proposal. Should you have any questions regarding transmittals, the viewing, or the hearing, please do not hesitate to call me at 256-4040 or Carolyn Holstein at 256-4032.

Very truly yours,  
Christine Brestrup, Land Use Planner  
Zoning Board of Appeals



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Amherst, MA 01002-2351

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**PACKET FOR AUGUST 11, 2005, PUBLIC MEETINGS AND HEARINGS**  
**PLEASE BRING YOUR CALENDAR TO THE PUBLIC HEARING**

**TO:** Tom Simpson      Ted Rising      Barbara Ford      Joan Golowich  
**FROM:** Christine Brestrup  
**DATE:** August 5, 2005  
**RE:** Public Meetings and Hearings on **August 11, 2005**

The Public Meetings begin at 7:00 p.m., Thursday, August 11, 2005, in the Town Room, Town Hall.

**PUBLIC MEETINGS: (Ted chairing, with Joan and Barbara)**

**ZBA FY2005-00033 – Ester Rodrigues and Henrique Correia** – review and approval of revised Management Plans for property as a whole, for proposed boutique and office, for proposed landscape plan and for small sign, for a Brazilian Clothing Boutique and a Home Healthcare Business at 321 Main Street, (Map 14B, Parcel 28, R-G Zone).

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The Public Hearings begin at 7:30 p.m., Thursday, August 11, 2005, in the Town Room, Town Hall.

**PUBLIC HEARINGS: (Tom chairing, with Ted and Barbara)**

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**PUBLIC MEETING: (Tom chairing, with Ted and Barbara)**

**ZBA FY2005-00020 – Peter Sylvan** – seeks approval of a change in site plan with respect to Condition # 9 of the Special Permit ZBA FY2005-00020, to delete an evergreen hedge, at 491 Pine Street (formerly the Cushman Store) (Map 6A, Parcel 39, R-N Zone).

The **site visit** for the **August 11<sup>th</sup> public hearings** is scheduled for **Tuesday, August 9<sup>th</sup> at 2 P.M.**



I have written to the applicants for the Public Hearings and have advised them of the date and time of the public hearings and site visits. I have also prepared a packet of information for your use at the hearings. If you have any questions regarding that information, give me a call at 256-4032 or 256-4040.

*Town of*



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## **PUBLIC NOTICE**

The Amherst Zoning Board of Appeals will meet on **\*THURSDAY, August 11, 2005\***, at **7:30 P.M.** in the **TOWN ROOM OF THE AMHERST TOWN HALL** to conduct the following business:

### **PUBLIC HEARINGS:**

**ZBA FY2005-00040 – Michaelle Biddle** – seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years and to allow this property to be used as a boarding house if the Board determines that such a use would provide greater control of the occupants by the landlord than a fraternity house use would provide, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

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**TOM SIMPSON, CHAIR**  
**AMHERST ZONING BOARD OF APPEALS**

Amherst Zoning Board of Appeals

Transmittal

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**Applicant:** Michaelle L. Biddle

**Application No.** ZBA 2005-00040

**Filing Date** June 30, 2005

**Location:** 382 North Pleasant Street  
Map 11C, Parcel 118, R-G Zone

**Transmittal Date** July 25, 2005

**Hearing Date** August 11, 2005

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**Distribution:** ☐ Planning Board  
☒ Town Planner  
☒ Town Engineer  
☐ Select Board  
☒ Building Commissioner

☐ Conservation Commission  
☒ Board of Health  
☒ Fire Chief  
☐ Public Works  
☐ Historical Commission

---

Report

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Town of



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## LEGAL NOTICE

**PUBLISH IN DAILY HAMPSHIRE GAZETTE July 27 and August 3, 2005**

The Amherst Zoning Board of Appeals will meet on **\*THURSDAY, August 11, 2005\***, at **7:30 P.M. in the TOWN ROOM OF THE AMHERST TOWN HALL** to conduct the following business:

### **PUBLIC HEARINGS:**

**ZBA FY2005-00040 – Michaelle Biddle** – seeks a Special Permit under Section 9.22 of the Zoning Bylaw to renew Special Permit ZBA FY2003-00044 to allow continued use of the premises as a fraternity house and to change the length of the Special Permit to five (5) years instead of two (2) years and to allow this property to be used as a boarding house if the Board determines that such a use would provide greater control of the occupants by the landlord than a fraternity house use would provide, at 382 North Pleasant Street (Map 11C, Parcel 118, R-G Zone).

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**TOM SIMPSON, CHAIR  
AMHERST ZONING BOARD OF APPEALS**

**BILL TO:**  
Amherst Zoning Board of Appeals  
Town Hall  
4 Boltwood Avenue  
Amherst, MA 01002-2351

**PLEASE MAIL FIVE TEAR SHEETS TO THE ABOVE ADDRESS**