

Zoning Board of Adjustment
March 22, 2022

- 1. Seth & Brenda Ann Matthews (Owners) John Croteau, Cornerstone Services, LLC (Applicant) 21 Fairmount Street (Sheet 62 Lot 162) requesting variance from Land Use Code Section 190-16(E)(2)(a)(9) to encroach 16 feet into the 20 foot required rear yard setback to maintain an existing 9'-8" x 15'-6" deck. RB Zone, Ward 3.**

VOTING MEMBERS: Mackay, Lionel, Currier, Shaw, Boucher

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Shaw

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Site topography is significant; home position makes position of deck reasonable

VOTE: 5-0

Zoning Board of Adjustment
March 22, 2022

2. **Rivier University (Owner) 1 Weld Street (Sheet 112 Lot 22) requesting variance from Land Use Code Section 190-17 (E)(2) to permit a driveway within 37 feet of the intersection of Weld Street and Oldfield Road, where a minimum of 50 feet is required. RA Zone, Ward 7.**

VOTING MEMBERS: Mackay, Lionel, Currier, Shaw, Boucher

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Shaw

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Site topography makes placement further onsite difficult without significant grading; intent of ordinance is to prevent driveways backing out into intersections, will function more like a street than a driveway; Oldfield Rod has few residences.

VOTE: 5-0

Zoning Board of Adjustment
March 22, 2022

- 3. Rivier University (Owner) 1 Clement Street (Sheet 112 Lot 16) requesting variance from Land Use Code Section 190-17 (E)(2) to permit a driveway within 35 feet of the intersection of Clement Street and Oldfield Road, where a minimum of 50 feet is required. RA Zone, Ward 7.**

VOTING MEMBERS: Mackay, Lionel, Currier, Shaw, Boucher

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Shaw

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Site topography makes placement further onsite difficult without significant grading; intent of ordinance is to prevent driveways backing out into intersections, will function more like a street than a driveway; Oldfield Rod has few residences.

VOTE: 5-0

**Zoning Board of Adjustment
March 22, 2022**

- 4. Rivier University (Owner) 1 Clement Street, 1 Weld Street, 11, 15 & 17 Oldfield Road (Sheet 112 Lots 16, 18, 19, 21 & 22) requesting variance from Land Use Code Section 190-194 (G) to encroach 15 feet into the 25 foot required front yard setback on both Oldfield Road and Weld Street to allow parking spaces for proposed residential dormitories. RA Zone, Ward 7.**

VOTING MEMBERS: Mackay, Lionel, Currier, Shaw, Boucher

REQUEST #1

MOTION TO: Approve

MOTION BY: Shaw

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Topography of site makes placement further onsite difficult without significant grading; design allows for greenspace onsite and removes driveways on Oldfield Rd.

Stipulations: Minimum of 10-ft greenspace between sidewalk and parking lot; fencing and vegetative barriers will be installed to screen parking lot, especially near 12 Oldfield Rd, with Planning Board to define particular design

VOTE: 5-0

**Zoning Board of Adjustment
March 22, 2022**

- 5. Rivier University (Owner) 1 Clement Street, “L” South Main Street, 439, 441, 443, 445 and 447 South Main Street (Sheet 112 Lots 4-9, 16, 21 and 22) requesting variance from Land Use Code Section 190-16, Table 16-3 to exceed maximum number of building stories, 2½ stories permitted, 3 stories proposed for up to ~~six~~ four residential dormitory buildings. RA Zone, Ward 7.**

VOTING MEMBERS: Mackay, Lionel, Currier, Shaw, Boucher

REQUEST #1

MOTION TO: Approve

MOTION BY: Shaw

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant’s proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Proposal does not exceed maximum building height in RA zone; not full stories on the third level; architecturally designed to look like 2 ½ story buildings; in keeping with other buildings throughout campus

Stipulations: Limit up to four residential buildings

VOTE: 5-0