

TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2011-06-CU A REVISION TO #2010-15-CU
ALTA ENTERPRISES, INC.

000103

The Applicant, **Alta Enterprises, Inc.**, requests permission to modify a previously issued conditional use permit for Mixed Use. The applicant proposes to discontinue the personal services and to substitute the use, Artist Studio. They will maintain the retail use and residential apartment. The project location is at 247 Main Street, on a .25 ± acre parcel in the Warren Village Commercial District (Parcel Id# 001000-200).

A duly warned hearing was held on Monday May 2, 2011 and attended by DRB members Peter Monte, Chris Behn and Virginia Roth. Others in attendance were: Melissa Roberts, Susan Lee, Sue Carter, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- a) The applicant submitted a complete application and a site/parking plan.
- b) The regulations call for one parking space per residential unit; and one parking space for every 250 square feet of commercial designated space, in this case a total of 1,210 square feet is allocated for commercial use, thus requiring five parking spaces. There are a total of seven spaces at 247 Main Street and three remote spaces off of Flat Iron Road.
- c) The Board found that "Art Gallery" was a type of "retail" use as was "instruction" since they both generated similar types/amounts of traffic for the purposes of satisfying Table 3.1.
- d) The Board found that any other retail use combinations in the non-residential part of the building [1210 square feet] would not require further review by the DRB.

Notice of Decision:

The Development Review Board approves the change of commercial uses, deleting Personal Services and adding Art Gallery/Studio/Instruction as a type of Retail use with the following conditions:

- 1) The use of the property will be in accordance with the plans as they have been submitted and testified to.
- 2) Any lease of the residential space will limit the tenants to two (2) motor vehicles parked on the premises and any additional vehicles of the household are required to park at the Flat Iron Road location.
- 3) Should the easement agreement for the three parking spaces at 43 Flat Iron Road terminate for any reason then this approval will be considered in violation.

As this is a revision to a previous permit, the following conditions from permit **2004-08-CU** remain in effect:

- (A.) There shall be no exterior renovations except that necessary to accommodate handicapped accessibility.

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- (B.) Should the nature of the business change by 25% (such as the increase in number of employees) which would require more parking spaces the applicant must come back to the Development Review Board for additional review.
- (C.) The applicant must obtain all applicable local and state permits.
- (D.) The business must cease activity by 8PM.

Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning the effective date of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

DEVELOPMENT REVIEW BOARD

Peter Monte 5-16-11
Peter Monte date

Chris Behn 05/16/2011
Chris Behn date

Virginia Roth 5/16/2011
Virginia Roth date

TOWN OF WARREN, VT

Received for Record 5/17 2011
at 10:45 o'clock A M and Received in

Vol 211 Page 103-104
Rodriguez

TOWN CLERK