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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2009-03-CU LYNN & LYNN LLC

The applicants, Jeff and Tracy Lynn, are requesting a proposed change of use for the Powderhound to include Inn. The property is located at 203 Powderhound Road, parcel id # 100002-001, in the Access Road Commercial District.

A duly warned hearing was held on Thursday March 5, 2009 and continued to a second hearing on Thursday March 19, 2009. The March 5th hearing was attended by the following members: Peter Monte, David Markolf, Lenord Robinson, Jeff Schoellkopf and Chris Behn (arr. 7:20). Others in attendance were: Shelia Getzinger, Jeff and Tracy Lynn, Laura Crandall, David Olenick, Dick King, Dino Valadakis, Ron Zschaler, Jason Lisai, Margo Wade, Cindy Carr, Virginia Roth, Miron Malboeuf and Ruth Robbins. The March 19th hearing was attended by the following DRB members: David Markolf, Lenord Robinson, Bob Kaufmann and Peter Monte. NOTE: Virginia Roth was in attendance, but *not* participating as a Board member. Others in attendance were: Dave Olenick, Shelia Getzinger, Tracy Lynn, Stefanie and Bill Wright, Dick King, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, Conditional Use Review worksheet, site plan, notice to abutters and proof of mailing.
2. The property had operated as an inn but that use had been discontinued and the Condition Use Permit had lapsed.
3. Since having been used as an inn previously, the impact of such use was known, there were ample parking spaces, there would be no exterior changes to the building thus maintaining its residential character, restaurant use would continue to be open to non-guests and the use was in keeping with the Town Plan.
4. The Powderhound Condominium Association expressed concern over the intensity of the use as an inn as it relates to the wastewater system and water.
5. The current Act 250 permit [3rd revision] for the property allows a total wastewater capacity of 4716 gallons. A breakdown of the usage of those gallons is as follows: An innkeeper's room for two people at 150 gallons; 6 inn rooms, four beds per room at 50 gallons per bed for 1,200 gallons; and 74 restaurant seats at 45 gallons per seat for 3,366 gallons. These allocations equal the total usage allowed of 4716 gallons.
6. The site plan submitted showed the amount of parking spaces that is required under the regulations including a maximum of three (3) full time employees, the number of inn rooms and the restaurant.
7. The Board waived the requirement for a licensed engineer to prepare the parking plan.
8. The Board approved the lighting plan as submitted with the condition that the lighting of the sign is brought into compliance as per Section 3.9 within ten days after this permit is signed.

Notice of Decision:

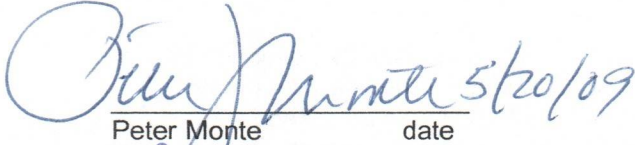
The Development Review Board, finding that the applicant has met the standards and requirements under Article 5 Development Review Section 5.2 Conditional Use Review Process

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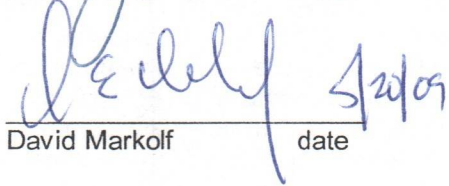
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and Section 5.3 Conditional Use Review Standards, approves the application subject to the voted on conditions and findings of fact stated within and adherence to the plans as submitted.

DEVELOPMENT REVIEW BOARD


Peter Monte date 5/20/09

Bob Kaufmann date


David Markoff date 5/20/09

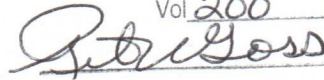

Lenord Robinson date May 20 09

TOWN OF WARREN, VT

Received for Record 5/21 2009

at 10:30 o'clock A M and Received in

Vol 200 Page 544-545



TOWN CLERK