

**Town of Warren**  
**Development Review Board**  
**Findings of Fact and Notice of Decision**  
**PUD Review**  
**#2018-03-PUD 3209 German Flats Road, LLC**

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The applicant, 3209 German Flats Road, LLC, is requesting approval for a PUD located at 3209 German Flats Road and also known as the location of The Common Man Restaurant. The project includes a change in use from a restaurant with one dwelling unit to a three unit multi-family dwelling. The three units will be rental units, not condominiums and no commercial activity is planned. This application, #2018-03-PUD is in the Vacation Residential District [VR], parcel id # 006002-001.

On **November 20, 2017** a Sketch Plan review was held where Mr. Lazorchak appeared before the Board representing the owners of the Common Man Restaurant. He explained to the Board that they were looking into decreasing the capacity of the restaurant from 96 seats to 40 seats and adding two residential units to the one already existing to total three. The discussion then went to whether or not this kind of project could just be considered as a Conditional Use for a change to Mixed Use, or if it also had to be considered under the PUD standards as well. According to the ordinance, mixed use is allowed, but since part of that mixed use is multifamily it also needs to follow the standards under Article 8, Sec 8.3 for PUDs. The density requirements came under discussion and presented a challenge as the parcel is just nine tenths of an acre. Mr. Lazorchak said he would take the Board's feedback to his clients and see how they wanted to proceed. [*DRB members attending were: Peter Monte, Chris Behn, Bob Kaufmann and Virginia Roth*]

On Monday **April 2, 2019** a brief Sketch Plan Review was held where Mr. Lazorchak presented the Board with a change in the project from what was discussed back in November 2017. The applicant would now like to convert the building to strictly residential use consisting of three residential rental units and no restaurant. However, there was still the issue of the density which Mr. Lazorchak had a solution using the PUD density bonus for a certain percentage of dedicated open space. He told the Board they would be presenting a full application at the April 16, 2018 meeting. [*DRB members attending were: Peter Monte, Virginia Roth, Chris Behn, Tom Boyle and Jeff Schoellkopf.*]

A duly warned hearing was held on Monday **April 16, 2018** and attended by DRB members Peter Monte, Jeff Schoellkopf, Virginia Roth and Tom Boyle. Others in attendance were Tim Seniff, Beth Nichols, Dave Frothingham, and Ruth Robbins. The hearing was *continued* to Monday **April 30, 2018** and attended by *DRB members Peter Monte, Jeff Schoellkopf, Virginia Roth and Bob Kaufmann*. Others in attendance were Peter Lazorchak, Richard Rivers, Gunner McCain and Ruth Robbins.

**Findings of Fact and Conclusions of Law:**

- 1) The applicant submitted a complete application, site plan, elevation drawings, notice to abutters and proof of mailing.
- 2) To qualify for a density bonus to allow for three residential units on .9 acres, the applicant will convert a large portion of the existing parking area to a seeded, landscaped area leaving only parking necessary for the residential units. The calculation is as follows: Three units are required to have a minimum of one acre and this parcel is .9 acres which translates into 2.7 units. To reach 3 full units they really only need a 10% density bonus but the requirements show a minimum bonus of 25%. The actual request is for a 25% density bonus that needs to have 60% of the parcel designated as open space.
- 3) The Board finds that the property consists of 0.9 acres which would only allow for 2.7 units [2] without utilizing a density bonus.

- 4) The dedication of 60% of the parcel to open space would allow for a 25% bonus to allow for 3 units and that based on the Board's findings and conclusions a total of 3 units is allowable for this site.
- 5) A Multi-Family unit is allowed in the Vacation Residential District [VR] as a Conditional Use.
- 6) The Board found Sec. 5.3 (A) (1) through (5) to be satisfied by the applicant.
- 7) The Board found Sec 8.3 PUDs, (E) General Standards items (1) through (8) to be satisfied by the applicant.

**Notice of Decision:**

Having reviewed the applicable standards for PUDs [Article 8] and Conditional Use [Article 5] the Board approves the application subject to the project being built as per the plans submitted and the following conditions:

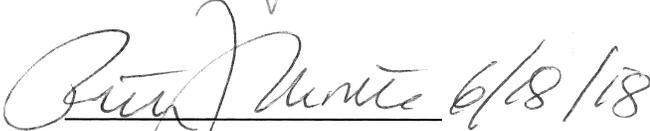
1. The property shall not be dedicated to condominium ownership without review by the Development Review Board of the condominium documents to assure that the designated open space is preserved and maintained as such.
2. The applicant is required to include a prominent legend on the site plan mylar to be filed with the town that clearly states what the "open space" is that is required as per *Article 8 Sec. 8.3 (D) (1) Density bonus for Protection of Open Space – 25% bonus granted for 60% land set aside for open space* and as defined in *Article 10 "Land not occupied by structures, buildings, roads, rights-of-way, recreational facilities and parking lots. Open Space may or may not be held in common"*.
3. The applicant is required to reconfigure the "open space" to exclude the area between the water treatment shed and the main structure and add "open space" on either side of the southern parking area.

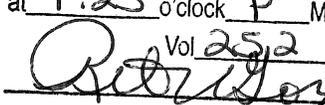
**The applicant is also advised to submit a Zoning Application for the construction of this project within 30 days of the execution of this approval unless already submitted.**

**Development Review Board**

  
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Bob Kaufmann                      date

  
\_\_\_\_\_  
Virginia Roth                      date

  
\_\_\_\_\_  
Peter Monte                      date

Jeff Schoellkopf      **TOWN OF WARREN, VT**  
Received for Record      6/19      2018  
at 1:25 o'clock P M and Received in  
  
Vol 252 Page 38-39  
\_\_\_\_\_  
TOWN CLERK  
VT Property Transfer Tax Return # \_\_\_\_\_