TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW
#2010-15-CU REVISION TO 2004-08-CU
ALTA ENTERPRISES, INC.

The Applicant, **Alta Enterprises, Inc.**, requests permission for Mixed Use to modify a previously issued conditional use permit for a salon, day spa and related retail sales. The applicant proposes to continue the personal services to include an exercise studio and all related retail services. They also requests Mixed Use to add a 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 October 4, 2010 and continued to Monday October 18, 2010. DRB members attending the October 4th hearing were: Peter Monte, Lenord Robinson and Virginia Roth. Others at that hearing were: Sue Carter, Lucy O'Brian, Camie Bargerstock, Melissa Roberts, David Sellers, Craig Klofach, Marc Young, Marilyn Miller, Miron Malboeuf and Ruth Robbins. Members at the October 18th hearing were: Lenord Robinson, Peter Monte and Virginia Roth. Others attending were: Melissa Roberts, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, Conditional Use Worksheet, site plan for parking, notice to abutters and proof of mailing.

2. The current Conditional Use permit, issued in 2004 allows for Personal Services and previously operated as a salon and day spa with retail sales. This application asks to continue the personal services use/ retail sales but add exercise instruction activity and allow residential use for a part of the building.

3. The amount of square footage dedicated to commercial use would be 1250 square feet, located on the first and second floors on the north side of the building. The remaining space was to be used as residential living space. In this particular case the resident is also the operator of the commercial space.

4. Since the issuance of their current permit, the stone wall at the front of the building was redone and the existing parking space meets the requirements that allow for three (3) spaces instead of just two as allowed under the former permit. There are four spaces behind the building where the access is shared with Mr. David Sellers. Mr. Sellers has five dedicated parking spaces.

5. Additional parking above and beyond the seven spaces at 247 Main Street is provided at an area off of Flat Iron Road, owned by MDS Holdings, the same owner as that of Alta Enterprises. The applicant provided a Land Use agreement between the two companies.

6. The current permit disallows any business activity after 8 pm at night. This will remain in effect. Neighboring businesses start activity as early as 7 am seven days a week and no morning restriction was made for this requested use.

7. The Board found that the requirements of Table 3.1 are satisfied by the provision of two [2] parking spaces for the residential unit, two [2] parking spaces for the commercial/retail space and six [6] parking spaces for employee and customer service stations.

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Notice of Decision:

1) The DRB approves the application for a change in use to be a mixed use of residential and commercial subject to the details as shown on the site plan submitted and the following conditions:

2) The use of the property will be in accordance with the plans as they have been submitted and testified to.

3) 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.

4) 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.

5) The commercial use of the property is limited to no more than five (5) customer service stations within not more than 500 square feet of commercial retail space accessible to the public.

As this is a revision to a current 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.

(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 11/15/2010
Peter Monte date

Lenord Robinson 11/15/2010
Lenord Robinson date

Virginia Roth 11/15/2010
Virginia Roth date

TOWN OF WARREN, VT
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