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TOWN OF WARREN
DEVELOPMENT REVIEW BOARD
FINDINGS OF FACT AND NOTICE OF DECISION
CONDITIONAL USE REVIEW – CHANGE OF USE
#2013-21-CU

The applicant, **Wayne D. Mackie** has requested a revision to previous Development Review Board Findings of Fact and Conditions of permit number 2009-09-CU. In that approval he was granted the building of an Accessory Structure which he now would like to have approved as an Accessory Dwelling that allows residential use. This project is located at 316 Burnt Mountain Rd in the Forest Reserve District (Parcel Id# (001011-740).

A duly warned hearing was held on Monday September 16, 2013 and attended by DRB members Lenord Robinson, Peter Monte, Don Swain and Virginia Roth. Others in attendance were: Gunner McCain, Miron Malboeuf and Ruth Robbins.

Findings of Fact and Conclusions of Law:

- 1) The applicant submitted a complete application, notice to abutters, proof of mailing and was represented by Mr. Gunner McCain of McCain Consulting.
- 2) The required state wastewater permit has been acquired for it to be used as an apartment [WW-5-5038-2, dated 7/11/13].
- 3) The barn [aka accessory structure] is found by the Board to be suitable as a residential dwelling as it has adequate water, an approved state permit for wastewater but may lack a cooking facility [kitchen] which with the addition of a kitchen will make it suitable as a residential structure.
- 4) There is a current permit for the construction of a primary dwelling that is due to expire in January 2014. No construction of the primary dwelling has commenced as of the date of the hearing, September 16, 2013.

Notice of Decision:

The DRB approves the request to allow the barn to be used as a residential dwelling with a change in the original permit #2009-09-CU under Notice of Decision, item #3 being deleted and replaced with the following language:

Upon the completion of the kitchen the barn structure may be used for residential purposes. The barn shall be the primary residence until such time that the larger dwelling is constructed in accord with the approval granted on January 29, 2010 or a subsequent extension of that permit is obtained. Upon the completion of the larger dwelling the barn will become the accessory dwelling.

This approval is also subject to:

1. Prior to the structure being utilized for residential purposes a kitchen must be installed for cooking with running water.
2. Should the barn become an accessory dwelling to a larger primary dwelling the following requirement under Article 4, Section 4.1 (B) shall apply:

The permit for the accessory dwelling shall clearly state that the dwelling is an accessory structure to the single family residence and shall be retained in common ownership. An accessory dwelling may only be subdivided and/or converted for sale or use as a single or duplex dwelling if it meets all current local and state regulations applying to such dwellings, including all

density, dimensional and other requirements for the district in which it is located. A separate zoning permit shall be required prior to sale and/or conversion.

Development Review Board

Peter Monte 10/21/13
Peter Monte date

Virginia Roth 10/10/13
Virginia Roth date

Lenord Robinson Oct 10
Lenord Robinson date

Don Swain date

TOWN OF WARREN, VT

Received for Record 10/22 2013

at 1:20 o'clock P M and Received in

Vol. 225 Page 112-113

Robert Goss

TOWN CLERK