

Final Potential tweaks to the Village Green Zoning District bylaw amendment

Due to the likelihood of evening activity, the quiet hours in the Performance Standards could be changed to 10:00 PM to 7:00 AM for this district only. We had considered this change earlier.

Scott MacDonald from the DRB wanted a way to indicate that the Zoning Administrator would help someone applying for a permit find off-street parking to meet the parking requirement. Preston suggested the addition to the Supplemental Standards under e. that allows the DRB to reduce or waive parking requirements. As an alternative, Jason suggested the zoning application form is the place to encourage getting help from the ZA. It's true that a note on the zoning application would be an appropriate place to say the ZA will help you figure out parking. The question is how many people will look at the application in addition to the bylaws. Would a statement there be effective in counteracting the concern about where to find off-street parking?

Scott also brought up the issue of whether requiring a permit is seen as infringing on the right of someone to have a home occupation. Jason suggested that we could say home occupations do not require a zoning permit at all. That would reduce paperwork, but the ZA would not have a chance to review the proposed activity with the applicant to ensure it meets the standards for not disturbing a residential neighborhood. The document from VLCT discusses this issue as well.

Since we are making restaurant and retail permitted uses, someone pointed out that even permitted uses making small changes to the exterior should meet the Special Criteria in 4.8.C.3 (p. 66) which gives standards to follow for exterior changes.

We added a sentence to the Arts and Entertainment Facility definition that said, "This definition does not include adult oriented businesses." We need to define adult oriented businesses. Here is one proposal based on The Latest Illustrated Book of Development Definitions:

ADULT ORIENTED BUSINESSES: A retail establishment having more than 30 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes or films that are characterized by the emphasis on sexually oriented material, or goods marketed or presented in a context to suggest their use for sexual activities or an establishment that advertises or holds itself out in any forum as a sexually oriented business. Also, an establishment offering sexually oriented live entertainment, which may include topless and go-go dancers or strippers.

Jason has asked, "Is it worth specifying that it (adult oriented businesses) does not include retail of certain age-restricted items, such as alcohol, tobacco, vaping products, cannabis, etc.?"

Ludlow has an ordinance about tobacco products, not a bylaw.

I have examples of definitions of adult oriented businesses from the towns of Hartford and Derby as well as the full text from The Latest Illustrated Book of Development Definitions if you would like to see them.

We may have an additional agenda item about the Baba a Louis property to consider. If Preston can gather enough information, he will send out a memo on the subject.

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CHESTER UNIFIED DEVELOPMENT BYLAWS

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2.3.1 Village Green (VG) District



A. Purpose. The Village Green is the area on the southwest side of Main Street between School and Cobleigh Streets. The purpose of the area is:

- To promote the long-term vitality of Chester's village center
- To ensure new construction and renovations are compatible with and enhance the historic character, scale, and settlement pattern of this part of Chester
- Provide for economic development and housing opportunities
- Encourage investment that maintains or rehabilitates historic buildings
- Provide an attractive streetscape and pedestrian-friendly environment as envisioned in the Village Master Plan.

B. Permitted Uses: The following land uses require a zoning permit issued by the Zoning Administrator (see Section 7.2):

- | | |
|---|--------------------------|
| 1. Accessory Dwelling Unit | 6. Family Childcare Home |
| 2. Accessory Structure | 7. Home Occupation |
| 3. Accessory Use | 8. Mixed Use |
| 4. Art Studio and/or Gallery | 9. Professional Office |
| 5. Dwelling - Single- and Two-Household | 10. Restaurant |
| | 11. Retail Store |

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C. Conditional Uses: The following land uses require conditional use review by the Development Review Board (see Section 4.8) and a zoning permit issued by the Zoning Administrator (see Section 7.2):

1. Arts & Entertainment Facility
2. Civic / Institutional
3. Construction of any new principal structure or any substantial replacement or enlargement of an existing or damaged principal building
4. Dwelling – Multi-Household including, but not limited to, senior housing (housing and convenience services for people aged 55 or older)
5. Family Child Care Facility
6. Health Care Facility
7. Home Business
8. Light Industry
9. Open Market
10. Personal Service Shop
11. Recreation
12. Residential Care Home/Group Home (serving more than 8 persons)
13. Tourist Lodging

D. Dimensional Standards:

Minimum Lot Size	3,600 sq. ft.
Minimum Lot Frontage	30 ft.
Minimum Front Yard Setback	0 ft.
Minimum Side Yard Setback	0 ft.
Minimum Rear Yard Setback	8 ft.
Maximum Lot Coverage	90%
Maximum Building Height	35 ft.

E. Supplemental Standards:

1. **Building Orientation.** Buildings shall front toward and relate to frontage streets, both functionally and visually, and not be oriented toward parking lots.
2. **Character of Development.** New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this District and shall not unduly detract from the existing character of the Village. Where there are conflicts with existing adjoining buildings, building modifications or expansions of uses shall not increase the degree of conflict. Formula businesses are not permitted in this District.
Any changes to the exterior of the building must follow the architectural standards in Section 4.8.C.3 Special Criteria.
3. **Landscaping and Screening.** The Development Review Board shall require landscaping or other screening between incompatible uses or structures where practical.
4. **Parking.** The goal of parking regulation in the Village Green zoning district is to make as many spaces in front of the businesses on Common and Main Streets available for customers as possible. Uses located within the VG District

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shall comply with the following minimum parking requirements (and are not subject to the requirements in Section 3.20):

- a. One off-street parking space, either private or public, for each employee (based upon maximum number of employees onsite at any given time) is required for all applicable uses.
 - b. One off-street parking space, either private or public, for each dwelling unit is required.
 - c. All uses in the VG district must demonstrate that adequate off-street nighttime parking, either private or public, is provided consistent with Chester's snow parking ban.
 - d. The Development Review Board may require additional off-street parking, either private or public, if they find the minimum required spaces are not sufficient.
 - e. The Development Review Board may reduce or waive these off-street parking requirements based on a determination that special conditions or mitigating circumstances warrant a reduction or waiver.
5. **Noise.** The hours for quiet in this district shall vary from the Performance Standards in Section 4.9 as follows:
- a. Noise shall not exceed 60 dB between 10:00 p.m. and 7 a.m.
 - b. Noise shall not exceed 70 dB during the day between 7 a.m. and 10:00 p.m.

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ARTICLE 8 - DEFINITIONS

8.1 Terms and Uses

Except where specifically defined herein or in the Act, or unless otherwise clearly required by the context, all words, phrases and terms in this bylaw shall have their usual, customary meanings.

Unless the content clearly indicated to the contrary, words in the singular include the plural and those in the plural include the singular. The word "may" is permissive; the words "shall" and "will" are mandatory.

8.2 Definitions

ACCESSORY STRUCTURE: A detached building or structure customarily incidental and subordinate to the principal building and located on the same lot and not intended for independent living. Examples include garages and storage sheds.

ACCESSORY DWELLING UNIT: An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-household dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- Located within or appurtenant to a single-household dwelling on an owner-occupied lot,
- The property has sufficient wastewater capacity,
- The unit does not exceed 30 percent of the total habitable floor area of the single-household dwelling or 900 square feet, whichever is greater,
- A single-household dwelling with an accessory dwelling unit is subject to the same dimensional and other standards as required for a single-household dwelling without an accessory dwelling unit.

ACCESSORY USE: A use of land or building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. For the purpose of permitted uses listed in Article 2 or state statute, accessory use includes group homes as defined in this section.

ADULT ORIENTED BUSINESSES: A retail establishment having more than 30 percent of its stock-in-trade, floor area, or display area used for the sale or rental of books, magazines, publications, tapes, or films that are characterized by an emphasis on sexually oriented material, or goods marketed or presented in a context to suggest their use for sexual activities or an establishment that advertises or holds itself out in any forum as a sexually oriented business. Also, an establishment offering sexually oriented live entertainment, which may include topless and go-go dancers or strippers.

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ARTS & ENTERTAINMENT FACILITY: A use that includes visual or performing arts centers, museums, movie theaters, concert or dance halls, nightclubs, taverns or other similar activities that meet the performance standards and all other requirements of these Bylaws. This definition does not include adult oriented businesses.

ART STUDIO AND/OR GALLERY: An establishment used to produce, display and/or sell works of art.

DWELLING, MULTIPLE-HOUSEHOLD: Building used as living quarters by three or more households living independently of each other.

DWELLING, SINGLE-HOUSEHOLD: A building or part thereof used as living quarters for one household and containing independent cooking, sanitary and sleeping facilities. It shall include prefabrication and modular units, but shall not include motel, hotel, boarding house, or tourist home.

DWELLING, TWO-HOUSEHOLD: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT: A space consisting of one or more rooms designed, occupied or intended for occupancy as a separate living quarters, with cooking, sleeping, and sanitary facilities provided within that space for the exclusive use of one or more persons maintaining a household. See also Accessory Dwelling Unit, Single-Household Dwelling, Two-Household Dwelling and Multiple-Household Dwelling.

FAMILY CHILD CARE HOME: A home where the owner or operator is to be licensed or registered by the state for child care, and which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. Care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

- (a) these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
- (b) during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six.

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These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver. 33 V.S.A. § 4902((3)).

FORMULA BUSINESS: A type of retail store, rental establishment, restaurant, hotel, or motel which, along with 10 or more other businesses located within the United States, regardless of ownership of those businesses, maintains two or more of the following features: standardized array of merchandise or standardized menu, standardized façade, standardized décor and color scheme, uniform apparel, standardized signage, or a trademark or service mark.

HEALTH CARE FACILITY: A facility, whether public or private, principally engaged in providing health care services and the treatment of mental or physical conditions, such as a medical clinic.

HOME BUSINESS: Any small business carried on by family members in a minor portion of the dwelling or in an accessory building, with no more than four (4) on-premise employees who are not part of the family in accordance with Section 3.12 of these Bylaws.

HOME OCCUPATION: Any use conducted entirely within a dwelling or accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and does not have an undue adverse effect upon the character of the residential area in which the dwelling is located.

LIGHT INDUSTRY: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emissions which will disturb or endanger neighboring properties.

MIXED USE: The development of mixed-use buildings with a variety of complimentary and integrated uses, such as, but not limited to, residential, retail, restaurant, professional office and personal services, in a compact urban form. Mixed-use buildings generally include retail, personal service, restaurant and similar uses located on the first-floor, with residential or professional office uses on the second or third floors above.

OPEN MARKET: An indoor or outdoor market where groups of individual vendors sell produce, food, services, art, or other merchandise.

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PERSONAL SERVICE: Business uses providing services of a personal nature, such as barber shop, beauty parlor, shoe repair, laundry, laundromat, dry cleaner, photographic studio, and other similar services.

PROFESSIONAL OFFICE: A room or group of rooms used for conducting the affairs of business, profession, service or industry, and generally furnished with desks, tables, files and communication equipment.

RECREATION: A facility or place designed and equipped for the conduct of sports and leisure-time activities, including, but not limited to, a park, playground, athletic fields/track, picnic areas, hiking trails, health club and other recreational facilities or uses. For the purposes of allowable uses listed in Article 2, recreational uses may include commercial, public or private recreation facilities, but are subject to performance standards and all other requirements of these Bylaws.

RESTAURANT: Licensed premises where food and drink are prepared, sold, served and consumed primarily within the principal building. A restaurant may have a small bar or limited forms of musical entertainment to accompany the dining experience; however, restaurants that provide dancing and stage shows or that operate primarily as a drinking establishment are considered nightclubs or taverns under the Arts & Entertainment Facility use category in Article 2.

RETAIL STORE: Premises where goods, services, or merchandise are offered for retail sale or rent to the general public for personal, business, or household consumption and services incidental to the sale of such goods are provided. This definition specifically excludes automotive sales, fuel and service defined herein.

SENIOR HOUSING: One or more structures to primarily house people aged 55 or older that contain multiple dwelling units intended for habitation by one household and provides complete independent living facilities and may offer convenience services to residents as an accessory use.

TOURIST LODGING: Overnight accommodations provided to transients for compensation, including bed & breakfasts, boardinghouses, inns, hotels and other overnight accommodations.

The Unified Development bylaws will be further amended as follows:

Article 2 Section 2.1 Classes of Districts: add VG -Village Green to the list of districts

Article 2 Section 2.4.C Residential-Commercial District Conditional Uses– Change Conditional Use Open Air Market to Open Market

Article 3 Section 20.F Off Street Parking, Loading and Service areas: include Village Green with Village Center in loading space exemption.

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Article 3 Section 26.C Sign Allowances by District: include Village Green with the Village Center standard. Add Village Green to the summary table.

Article 4 Section 8.C.3 Conditional Use Review, Special Criteria: include Village Green in the list of districts which must meet the Special Criteria and the list of districts which must meet New England Architectural Standards.

Article 5 Section 6.G Protection of Natural and Cultural Resources: add Village Green to the list of Zoning districts where the DRB may modify protection requirements to create a more compact layout.

Article 8, add Village Green to the definition of Center of Chester. Remove Open Air Market definition.



Statutory Authorization: 24 V.S.A., §4412(4)

Type: REGULATORY

Related Topic Areas: Community & Economic Development; Land Use & Development Regulations; Performance Standards; Zoning Regulations

Home Occupations

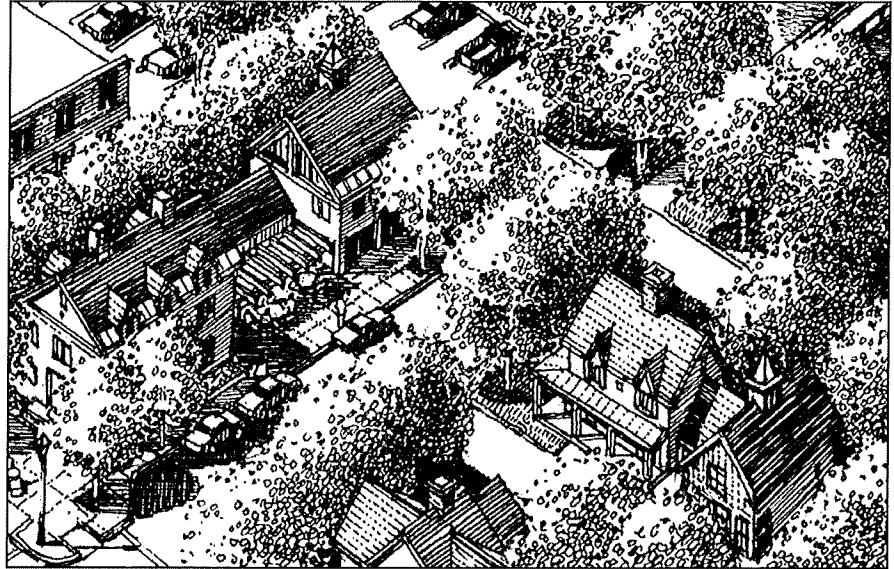
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Overview

Vermont, as in many other rural states, has a long tradition of people who work from their homes, either as a primary or supplemental source of income. The advent of telecommuting, home offices, and flexible job scheduling has made working from home even more common. For regulatory purposes, a home occupation is generally defined as any activity carried on within a dwelling by a resident of that dwelling for the purpose of earning income.

Where population densities are low and houses are widely scattered, home occupations usually cause little concern. However, as development densities increase and residential lots get smaller, the likelihood that home occupations may negatively affect surrounding properties increases. Municipalities then find the need to establish regulations that protect residential neighborhoods, sometimes at the expense of home workers.

Vermont chose to address this matter by including statutory language, under the Vermont Planning and Development Act (24 V.S.A. Chapter 117), that both protects the existence of home occupations and also authorizes municipalities to regu-



Accommodating home occupations is increasingly important in today's economy. It also provides good opportunities to reuse excess space in everything from historic Victorian homes in old towns to barns and outbuildings in the countryside. Clear standards and careful management can minimize negative impacts from traffic, parking, and noise in residential neighborhoods.

late home occupations to ensure that they do not have an “undue adverse effect” on surrounding properties and neighborhoods. This language clearly establishes the need to balance sometimes competing objectives: the ability of local residents to work from home and the need to protect the character of residential neighborhoods—a challenge faced by many communities.

Application

In practice, many Vermont municipalities have chosen to include in their zoning regulations the exact language found in the statute and then, for administrative purposes, define terms and associated standards. For example:

- The “minor portion” of the dwelling unit that may be used for the home occupation is often specified. This is generally assumed to be less than 50 percent, but is often

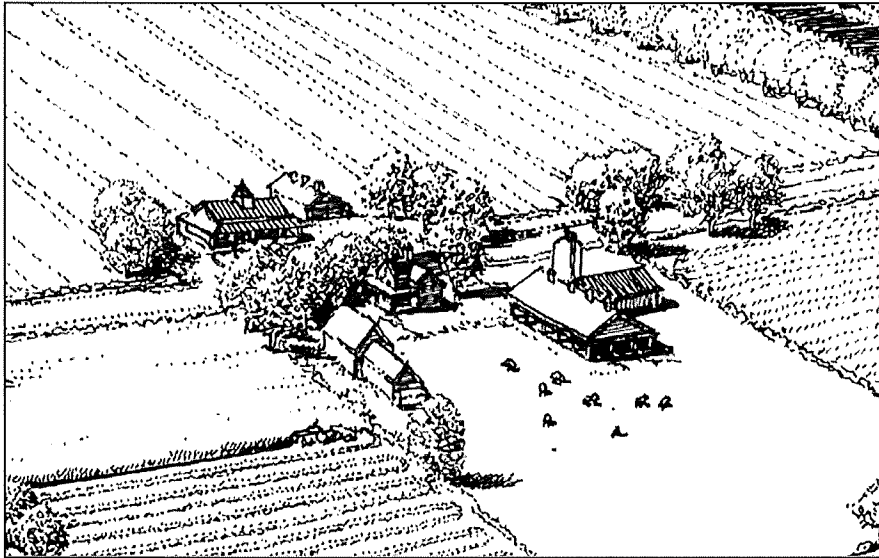
limited to no more than 25 percent of the useable or habitable floor area of the dwelling unit.

- Local regulations also often specify whether accessory structures can be used for a home occupation and/or included in the calculation of useable floor area.
- A business that draws customers or clients to the site (for example, retail sales) may not be allowed as a home occupation.
- The home occupation may be limited to residents of the dwelling unit or may also include a small number (one or two) of nonresident employees.
- Signs announcing the business may be limited in number and size.
- Outside storage, equipment, displays, or uses that are uncharacteristic in a residential neighborhood may be prohibited.
- There may be a limit on the number

Protection of Home Occupations

24 V.S.A., §4412(4)

State law states that: “No bylaw may infringe upon the right of any resident to use a minor portion of a dwelling unit for an occupation that is customary in residential areas and that does not have an undue adverse impact upon the character of the residential area in which the dwelling is located.”



Home businesses that are compatible with farming, such as small-scale food processing, equipment sales and service, and contractor yards, can often be incorporated into an existing farm complex. While such businesses may not be appropriate for dense residential neighborhoods, they may fit well in rural settings, while providing added economic options for the landowners.

of vehicle trips generated by the home occupation beyond the number associated with normal residential use.

- If parking is needed for the home occupation, it may be limited to off-street locations, and applicants may be required to screen parking areas from public view and neighboring properties. The parking of commercial vehicles (for example, trucks and heavy equipment) may also be prohibited.
- Impacts such as excessive noise, glare, odor, or the storage of hazardous materials also may be expressly prohibited.

The basic premise of most home occupation regulations is that the home occupation should essentially be invisible, and its presence must not negatively impact the surrounding neighborhood.

Home occupations typically require some type of administrative review and approval, including the issuance of a zoning permit by the zoning administrator, to ensure that the basic definition and minimum requirements for home occupations are met. In some cases, municipalities exempt from regulation home offices, studios,

work areas used by writers, artists, consultants, or telecommuters that are located entirely within a principal dwelling or accessory structure, used only by a resident of the dwelling, and involve no signs, public access, or outdoor storage or displays. These types of home occupations, which are not visibly apparent and generally have no impact on neighboring properties, also tend to be difficult to identify and regulate.

On the other hand, many municipalities also allow for and regulate “expanded” home occupations, such as larger home businesses or cottage industries, that may allow for additional structures, yard areas, outside employees, and heavy equipment storage. This is especially true in rural communities or districts where dwellings are relatively isolated and the community wants to retain an active rural economy. For these types of home occupations, conditional use review by the appropriate municipal panel (a zoning board of adjustment or development review board) is commonly required to ensure that the use does not have an undue adverse effect on the local environment, neighboring properties, or community

services and facilities.

When home businesses are allowed as conditional uses, the regulations frequently require that, in addition to the normal conditional use criteria set forth in Chapter 117 (§4414[3]), home businesses must also satisfy local standards that may regulate the amount of interior and exterior space used by the business; the number of nonresidents employed by the business; vehicle and equipment parking and storage; the frequency of deliveries or customer visits; hours of operation; and applicable performance standards. For example, some municipalities allow separate accessory structures or yard areas to be used for the home business. In any case, the home business must be conducted by a resident of the property, must generally be secondary and subordinate to the residential use of the site, and must not change the predominant character of the neighborhood in which it is located.

Once granted, the home occupation approval stays with the land as long as the home occupation is continued—it does not disappear when the property changes hands if the new residents continue the use.

Home Child-Care Facilities

24 V.S.A. §4412(5)

A home child-care facility that serves no more than six children full-time and four children part-time—which is protected under Chapter 117 as an allowed use of a single-family dwelling—is also considered to be a type of home occupation that falls under the statutory protections for home occupations. Municipal regulations cannot unduly burden or restrict such facilities. A zoning permit may be required for facilities serving six or fewer children; and site plan approval may be required for operations that serve no more than six full-time and four part-time children. Larger day-care facilities are subject to all applicable municipal regulations.

A concern faced by many communities is what to do when a home occupation is successful and grows to the point where the proprietor wishes to hire more employees, increase production, or use more space than is allowed as a home occupation. The simple answer is that the business has outgrown the home occupation provisions and should relocate into an area more suitable for that type of activity. Relocation, however, can be a diffi-

cult, if not fatal, transition for a small business. In response to this problem, municipalities may allow for business expansion under other definitions of home business as noted above, or as a type of "mixed use" in which the residential use is no longer considered the principal use of the property. Again, these types of uses are generally allowed as conditional uses only in specified zoning districts.

For the most part, home occupations offer low visibility options for local employment. Occasionally, however, home employment involves equipment or operations that clearly impinge on a neighborhood's quality of life. It is for those few cases that it is important to have a clear set of standards. It's up to the community to create standards that reflect the desired balance between flexibility and neighborhood protection.

Summary of Home Occupation and Home Industry Standards (*Example: Bolton*)

	Home Occupation	Home Industry
Secondary/Subordinate to Residential Use	Yes	Yes
Within Principal Dwelling	Yes	Yes
Within Accessory Structures	Yes	Yes
Maximum Square Footage	1,000 square feet	Not specified
Outdoor Storage of Materials	No	With approval
Nonresident Employees	Max: 2	Max: 5
Parking Spaces	See Section 3.11 (parking standards)	See Section 3.11 (parking standards)
Traffic	Residential (10 trips per day)	Characteristic of other uses allowed in district
Landscaping/Screening	No	May be required
Signs	See Section 3.14 (sign requirements)	See Section 3.14 (sign requirements)
Retail Sales	Limited to products and services produced on premises and related products; by appointment only	Limited to products and services produced on premises and related products
Zoning Permit	Yes	Yes
Conditional Use Review	No	Yes

Home Occupations Bylaw Language

Example: *Town of Bolton*

Section 9.2 Exemptions

(A) In accordance with the Act [§4446], the following uses and structures have been determined to impose no impact or a de minimus impact on the surrounding area and the overall pattern of land development in the town and are exempted from these regulations. No permit or approval shall be required for:

(9) A home office within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays.

Section 4.13 Home Business [Home Occupation, Home Industry]

(A) Home Occupation. In accordance with the Act (§4412[4]), no provision of these regulations may infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in a residential area and which does not have an undue adverse impact on the character of the residential area in which the dwelling is located. No zoning permit shall be required for a home office within a principal dwelling or attached garage which is carried on by a resident of that dwelling, and which involves no signs, public access or outdoor storage or displays. For other home occupations that meet the following requirements, a zoning permit issued under Section 9.3 shall be required to document and record the use in the land records of the town:

(1) The home occupation shall be conducted by residents of the dwelling and up to a maximum of two (2) non-resident employees on-site at any time.

(2) The home occupation shall be conducted within the principal dwelling, an attached garage, or an accessory structure on the same lot, and shall not occupy a gross floor area greater than 1,000 square feet.

(3) Outdoor storage, displays or equipment associated with a home oc-

cupation, other than those that are customarily associated with a residential use, are prohibited.

(4) The home occupation shall meet all performance standards set forth in Section 3.12.

(5) No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use (a maximum of 10 vehicle trips per day).

(6) Off-street parking for residents of the dwelling, employees and customers shall be provided in accordance with Section 3.11. No commercial vehicles other than passenger vehicles (e.g., cars, vans, pick-up trucks) associated with the business shall be parked on the premises.

(7) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

(8) One (1) sign shall be allowed in accordance with Section 3.14.

(9) Retail sales or services on-site are limited to the sale of goods or services produced on the premises, and related products, by appointment only.

(B) Home Industry. Home industry, as distinguished from "home occupation" under Subsection (A), may be allowed as an accessory to a single family dwelling in designated zoning districts subject to conditional use review under Section 5.4, and the following provisions:

(1) The home industry shall be conducted on-site by residents of the dwelling, and up to five (5) full-time nonresident employees at any given time.

(2) Exterior storage of materials and equipment associated with a home industry shall be limited to a clearly designated yard or storage area approved by the Development Review Board, which meets all applicable setbacks for the district in which the property is located. The Board may require greater setbacks as deemed necessary to avoid adverse impacts to neighboring properties or public rights-of way. The Board also may require that such areas be adequately screened year-round from public view and neighboring prop-

erties, and secured to protect public safety.

(3) Exterior yard or storage areas shall also meet surface water and wetland setbacks and buffers as required under Section 3.17.

(4) The storage of hazardous materials anywhere on the premises shall be limited to those materials necessary for the operation of the home industry and shall be stored in accordance with all applicable state and federal regulations.

(5) The home industry shall not change the character of the neighborhood, nor result in a change in the outward appearance of the dwelling or the accessory structure.

(6) The home industry shall not generate traffic, including delivery traffic, in excess of volumes characteristic of other uses allowed in the district in which the home industry is located.

(7) Off-street parking shall be provided for residents, employees, delivery vehicles and customers in accordance with Section 3.11. Commercial vehicles or equipment associated with the home industry shall be parked within designated yard or parking areas, approved by the Board. The Board may also require that parking areas are adequately screened year-round from public view and adjoining properties.

(8) Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.

(9) A home industry shall meet all applicable performance standards under Section 3.12. In addition to other conditions, the Board may limit the hours of operation as deemed necessary to minimize adverse impacts to neighboring properties and protect the character of the area.

(10) One (1) sign may be allowed in accordance with Section 3.14.

(11) On-site retail sales or services are limited to the sale of goods or services produced on the premises, and related products.

Source: The Bolton Land Use and Development Regulations (2005); also table on page 12-3.

Rules of Procedure for the Town of Chester Planning Commission

A. PURPOSE.

The Planning Commission of Chester, is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the Chester Planning Commission must be open to the public at all times, except as provided in 1 V.S.A. § 313.

B. APPLICATION.

This policy setting forth rules of procedure shall apply to the Chester Planning Commission, which is referred to below as "the body." These rules shall apply to all regular, special, and emergency meetings of the body.

C. ORGANIZATION.

1. The body shall annually elect a chair and a vice-chair. The chair of the body or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the body shall act as chair for that meeting.
2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total membership of the body.
6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will not be entertained.
7. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
8. Meetings may be recessed to a time and place certain.
9. These rules may be amended by a super majority (meaning 4 of 5 Commission members) vote of the body, and must be readopted annually.
10. The chair may be removed at any time by a super majority vote of the seated commissioners.

D. AGENDAS.

1. Each regular and special meeting of the body shall have an agenda, with time allotted for each item of business to be considered by the body. Those who wish to be added to the meeting agenda shall contact the chair and the recording secretary to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on the interior and exterior bulletin boards at the town hall and on the town website, chestervt.gov. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by a majority vote of the body.

E. MEETINGS.

1. Regular meetings shall take place on the first and third Mondays of the month at 6:30, at the Chester Town Hall and/or electronically.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the municipal clerk's office and on the interior and exterior bulletin boards at the town hall and on the town website, chestervt.gov
3. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

F. PUBLIC PARTICIPATION.

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.
2. At the end of each agenda item, but before any action is taken by the public body at each meeting, the chair may limit the time allotted for public comment. By a majority vote, the body may increase the time for open public comment and its place on the agenda.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
4. Members of the public must be acknowledged by the chair before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.
 - b. Declare a recess or table the issue.
 - c. Adjourn the meeting until a time and date certain.
 - d. Order the constable to remove disorderly person(s) from the meeting.

ADOPTED:

Signatures

Date