

Summary of DRB Suggested Changes of 1/9/23 DRB

- 2.14 Flexibility to approve non-residential structures within Zone A floodplain (which is approximate) where the map is incorrect by observation (due to a knoll, mound, ridge or hummock) by DRB decision only and not by ZA.
- 3.11 Clarify that remote work is not a home occupation and does not need a home occupation permit.
- 3.14.C.10 Allow fences and walls of up to 8 feet on property boundary.
- 3.19.B Flexibility to reduce the required setbacks on small nonconforming lots by DRB decision only and not by ZA.
- 3.19.C.5 Flexibility to allow additions to nonconforming structures that do not increase the degree of nonconformity but no closer than 10 feet to a roadway or property line.

UNIFIED DEVELOPMENT BYLAWS
TOWN OF CHESTER, VERMONT



ADOPTED MARCH 15, 2017 EFFECTIVE APRIL 5, 2017

AMENDED JUNE 1, 2022 EFFECTIVE JUNE 22, 2022

PLANNING COMMISSION DRAFT CHANGES OF DECEMBER 19, 2022, IN RED

WITH DRB SUGGESTED CHANGES OF JANUARY 9, 2023, IN BLUE

(SEE SECTIONS 2.14, 3.11, 3.14, AND 3.19)

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2.14 FDP – Flood Damage Prevention District

A. Development Permit Required

A permit is required, to the extent authorized by State law, for all proposed construction or other development, including the placement of manufactured homes, in areas of special flood hazard. Conditional use approval (see Section 4.8) by the Development Review Board (DRB) is required for:

1. New buildings,
2. Substantial improvement of existing buildings, and
3. Development in a floodway;

prior to being permitted by the Zoning Administrator. All development and subdivisions shall be reviewed to assure that such proposals minimize potential flood damage, public facilities and utilities such as sewer, gas, electrical, and water systems are constructed so as to minimize flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

Note: All development in SFHAs needs a permit and thus notice to the state NFIP Coordinator (Section 7.1.B.2.k) even if not subject to conditional use review.

B. Lands to Which These Bylaws Apply

These Bylaws shall apply to all areas in the Town of Chester, Vermont identified as areas of special flood hazard, also referred to as Special Flood Hazard Areas (SFHA), in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. § 753, which are hereby adopted by reference and declared to be part of these Bylaws.

The Flood Insurance Study and maps are on file in the Chester Town Offices.

The Zoning Administrator and/or Development Review Board is are empowered to determine that an area shown on the flood insurance maps as being in an SFHA approximate A Zone is incorrect (due to a knoll, mound, ridge, hummock or other high ground that by observation is clearly above the risk of flooding) and therefore not within the FDP – Flood Damage Prevention District subject to this bylaw, however, this determination will not apply to any dwelling and will have no effect on any requirements by lenders to purchase flood insurance, nor will it result in any official change to the flood insurance maps.

C. Warning of Disclaimer of Liability

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B. Family Child Care Facility: A family child care facility, as defined in these Bylaws, shall be considered to be a conditional use and be subject to all applicable municipal bylaws for conditional uses.

3.11 Home Occupation

No regulation herein shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse effect on the character of the neighborhood. The primary use of the premises shall be that of a private residence, and the home occupation shall be carried on by members of the family in a minor portion of the dwelling or in an accessory building. Two (2) full time equivalent on-premises employees who are not part of the family are permitted. in the residence or in a typical accessory building. Disturbances such as noise, vibration, smoke, dust, odors, heat, glare, and electrical interference or line voltage variations shall not be produced. On-street parking is not permitted, nor shall the exterior of the building be altered to take on a commercial aspect. The above limitations shall not apply to agricultural uses. Home occupations are allowed as permitted; accessory uses in all districts where residential uses are permitted.

A remote worker working at their home as an employment arrangement for an organization not based or located at the home, and where there is no sign and no work-related visits from the general public, is not a home occupation and does not require a home occupation permit.

3.12 Home Business

No regulation herein shall infringe upon the right of any resident to use a minor portion of a dwelling for a Home Business which is customary in residential areas and which does not have an undue adverse effect on the character of the neighborhood. The Home Business shall be carried on by members of the family in a minor portion of the dwelling or in an accessory building. ~~Five (5)~~ ~~Four (4)~~ full time equivalent on-premises employees who are not part of the family are permitted. Disturbances such as noise, vibration, smoke, dust, odors, heat, glare, and electrical interference or line voltage variations shall not be produced at a level which is seriously objectionable or out of character with the neighborhood.

Home Business is allowed as an accessory use, subject to conditional use review, in all districts where residential uses are permitted subject to the following provisions:

1. The home business shall be clearly incidental and secondary to the residential use of the property, and shall be conducted wholly within the principal or accessory structures;
2. The home business shall be carried on by members of the family residing in the dwelling unit. ~~Four~~ additional full-time equivalent employees who are not members of the family are permitted;
3. No traffic shall be generated which would be uncharacteristic of the neighborhood;

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4. Exterior displays, exterior storage of materials, and exterior indications of the home business or variation from the residential character of the principal or accessory structures may be prohibited. (See Section 3.26 for home business/industry sign standards.)

3.13 Landscaping and Screening Requirements

A. Landscaping is required in all districts, except for one or two-family dwellings, to be installed and maintained in yards and shall take the form of shade trees, deciduous shrubs, evergreens, grassed areas and ground cover. No landscaping shall create a traffic hazard.

B. A three-year landscaping maintenance plan and/or a bond or other surety to ensure installation and maintenance may be required by the Development Review Board and incorporated as a condition of approval under conditional use review.

3.14 Lot and Yard Requirements

Each lot shall have an area, frontage, and front yard, side yard and rear yard setbacks as required by these Bylaws. Buildings and/or structures shall not occupy in the aggregate a greater percentage of the lot area, nor be greater in height, than is provided herein.

- A. **Required Lot and Yard Areas:** In calculating the required area, width or depth of a lot, the area of existing and proposed road rights-of-way shall be excluded. Space required under these Bylaws to satisfy yard, area or other open space requirements in relation to one building shall not be counted as part of any required lot, yard or other open spaces for any other building.
- B. **Corner Lots:** Lots at an intersection of streets shall have the required frontage on both streets. Any yard adjoining a street shall be considered a front yard for the purposes of these Bylaws. All front yards shall meet the setback requirements of these Bylaws.
- C. **Setbacks:**
 1. Shall apply to the principle building and all accessory buildings and structures.
 2. Will be measured from the edge of the front roadway or neighboring lot line, in a straight line from a right angle to the nearest point of the building or structure.
 3. In the event of a corner lot, all sides facing the roadway(s) will be considered front yards.
 4. In the event there is no discernible edge of roadway, the boundary line recorded in town records will be used.

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5. Nothing herein will prevent the projection of eaves, chimneys, cornices, uncovered steps, unroofed porches less than 32 square feet, window sills and other such projections into any required yard or open space, provided that such projection does not extend more than four feet into such yard or open space.
 6. Any type of covering – including but not limited to retractable awnings or wooden, metal, fiberglass lattice work that requires support of any kind – over a deck, steps or porch is considered part of the structure and will be included in the minimum setback measurement.
 7. Driveways are allowed within side and rear yard setbacks, and not included in the boundary measurements.
 8. Structures, regardless of material, which are intended to cover over and shield any type of vehicle shall be included in the boundary measurements.
 9. In the event of a cul-de-sac, the front yard setback shall be measured from the target line used to measure frontage.
 10. Fences and walls provided they are no higher than eight (8) ~~six (6)~~ feet are not considered in the setback measurement.
- D. **Lots:** A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on a street, or other means of permanent access approved by the Development Review Board. In no case shall the division or combination of any lands result in the creation of a parcel which does not meet the requirement of these Bylaws.
- E. **Frontage:** All new subdivided lots shall have the required contiguous road frontage or right-of-way frontage for the district in which located. Lot frontage on a cul-de-sac may be reduced by the Development Review Board under conditional use review if the opinion of the Development Review Board the reduction of the lot frontage will result in a better utilization of land. In no event shall the lot frontage in a cul-de-sac be less than 50'.

3.15 Low and Moderate Income Housing

No provision of this bylaw shall have the effect of excluding from the municipality housing to meet the needs of the population as determined in accordance with 24 V.S.A. § 4382(c).

3.16 Mobile Home Park

Mobile homes are allowed in approved mobile home parks subject to the requirements of this section and state law. Mobile home parks are allowed as a conditional use in the R40 and R120 districts (See Article 2). New mobile home parks and any addition or alteration to an existing

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3.19 Non-Conformities, Legacy Uses and Adaptive Re-Use

A. **Existing Nonconformities.** Nothing in this section shall be construed to restrict the authority of the Town of Chester to abate public nuisances or to abate or remove public health risks or hazards. Any lawful lot, building or use in existence at the time of adoption or amendment of these Bylaws may be continued. Such lot, building or use shall meet all other requirements of these Bylaws, and is subject to the following provisions.

1. **Nonconforming Lots.** Any existing lawful lot that does not meet the specified dimensional requirements in these Bylaws, may be maintained and developed for the purposes permitted in that district ~~as long as all other requirements for that district are met. By decision of the Development Review Board, Notwithstanding provisions to the contrary, structures on a Nonconforming Lot or Existing Small Lot may have the front, side, and/or rear yard setback reduced to a ratio of the size of the Nonconforming Lot or Existing Small Lot to the Minimum Lot Size for the District (that is, a 3 acre lot in a 5 acre district may have its setbacks reduced to 3/5ths or 60% of the required setback for the District). In no instance shall a front, side or rear yard setback be reduced to less than 10 feet except in districts where a setback of less than 10 feet is permitted.~~
2. **Existing Small Lots.** In accordance with the Act [§ 4412], any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, and is in existence on the date of enactment of this bylaw, may be developed for the purposes permitted in the district in which it is located, even though the lot does not conform to minimum lot size requirements of the district in which the lot is located, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.
 - a. If an existing small lot subsequently comes under common ownership with one or more contiguous lots, the nonconforming lot may be separately conveyed if the lots are conveyed in their preexisting, nonconforming configuration, provided such lot is not less than one eighth acre or has a minimum width or depth dimension of at least 40 feet.

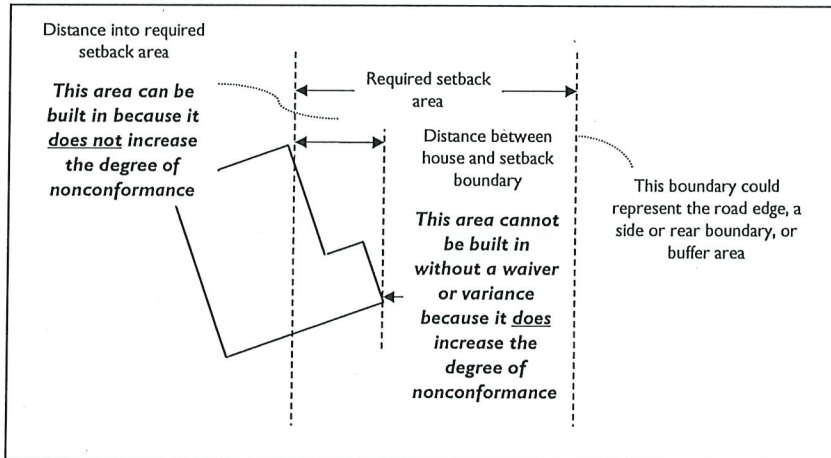
B. Nonconforming Structures

1. Any legal structure or part thereof, which is not in conformance with the provisions of these bylaws concerning setback, height, size, or other structural requirements (including such things as parking, lighting, buffers, and lowest floor elevation in floodplain zoning) shall be deemed a nonconforming structure. Legal nonconforming structures exist as a result of construction prior to adoption of bylaws, or construction under an earlier set of less restrictive bylaws. Any nonconforming structure may be allowed to exist indefinitely, but shall be subject to the following provisions:
2. Subject to conditional use approval by the DRB, a nonconforming structure may be restored or reconstructed after unintentional loss provided the reconstruction is

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commenced within two years and does not increase the degree of non-conformance that existed prior to the damage.

3. A nonconforming structure which has been demolished shall not be reconstructed except in conformance with these bylaws. The DRB may grant a waiver from this provision if a hardship would be created by rebuilding in strict conformance with the requirements of these bylaws. In considering a waiver from these provisions, the DRB shall take into consideration the ability of the applicant to use remaining features of the property such as foundation, water supply, sewage disposal system, underground utilities, etc.
4. A nonconforming structure shall not be moved, altered, extended, or enlarged in a manner which will increase the existing degree of non-conformance.
3. The phrase 'shall not increase the degree of non-conformance' shall be interpreted to mean that additions to nonconforming structures which enlarge a portion of a nonconforming structure within a setback area but do not extend the structure any closer to a roadway or property line are not to be considered as an increase in the degree of non-conformity (see illustration below). Additionally, the development may not create a greater nuisance, detriment to the public health, safety or welfare than the original nonconforming structure. In no instance shall a structure be extended any closer than 10 feet to a roadway or property line except in districts where a setback of less than 10 feet is permitted.



Deleted: the portion of the structure which is nonconforming shall not increase in size (or decrease in the event of failing to meet minimum standards such as parking and lighting). Therefore, portions of a structure within a setback area cannot be enlarged, portions above the maximum height cannot be expanded where parking is deficient the number or size of spaces cannot be reduced, etc. This phrase is not intended to prevent existing unfinished space from being finished or other similar scenarios provided there is no increase in size.

5. Nothing in this section shall be deemed to prevent normal maintenance and repair of a nonconforming structure provided that such action does not increase the degree of non-conformance.

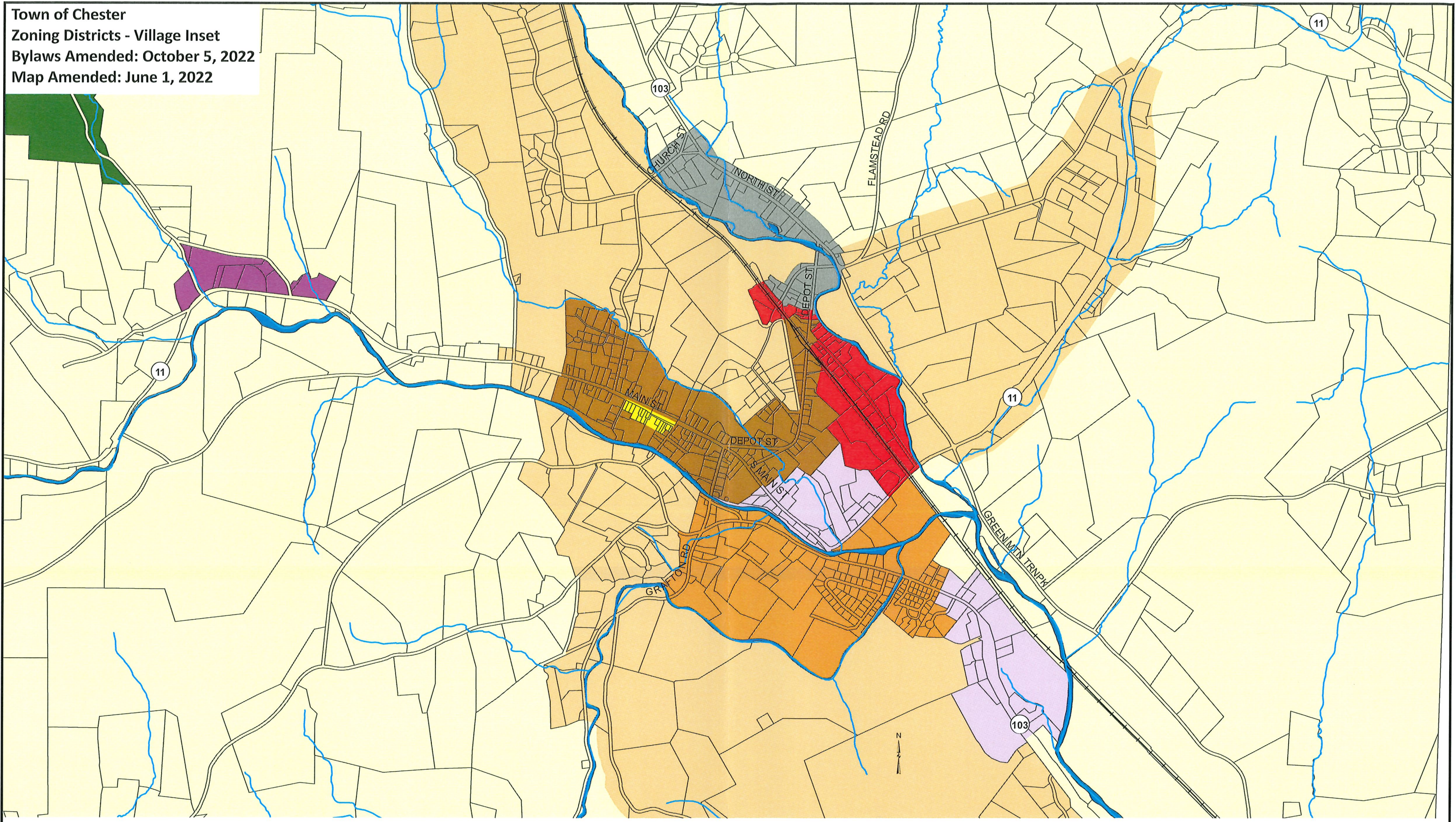
The “January 12, 2020” Chester Village Inset Map

Brandy Saxton of PlaceSense provided a draft Chester Zoning map with proposed zoning districts at the conclusion of her work in May of 2019. The Planning Commission continued to refine Brandy’s zoning district map with the help of Gabe Ladd. We were able to recover one of Gabe’s maps showing the Planning Commission’s progress as of January 12, 2020.

Otis Monroe of MARC has formatted this “January 12, 2020” map for your review with the following modifications inspired by *Enabling Better Places: A Zoning Guide for Vermont Neighborhoods*.

- Village-12 has been adopted as the “Village Green” District and is unchanged.
- Village-6 and Village-4 are merged and labeled “Village Center” District and correspond to the Village Center (VC) District in the current bylaws.
- The “Mixed Use” District corresponds to the Residential-Commercial (RC) District in the current bylaws and absorbs the current Adaptive 3 (A3) District.
- The “General Business” District corresponds to the Commercial-Industrial (C-I) District in the current bylaws.
- A Stone Village (SV) district remains.
- Residential-2 and Residential-4 are merged and labeled “Neighborhood” District. The Neighborhood District corresponds to the Residential 20,000 (R20) and Residential 40,000 (R40) Districts in the current bylaws.

Town of Chester
 Zoning Districts - Village Inset
 Bylaws Amended: October 5, 2022
 Map Amended: June 1, 2022



- | | | | |
|----------------------------|----------------------------|--------------------------|-------------------------|
| Draft Zoning | Residential (40,000 sq ft) | Commercial Industrial | Water (in 2010 Parcels) |
| Stone Village | Residential (3 acres) | Conservation Residential | 2010 Parcel |
| Village Center | Residential Commercial | Forest | River/Stream |
| Residential (20,000 sq ft) | Adaptive (3 acres) | Village Green | Railroad |

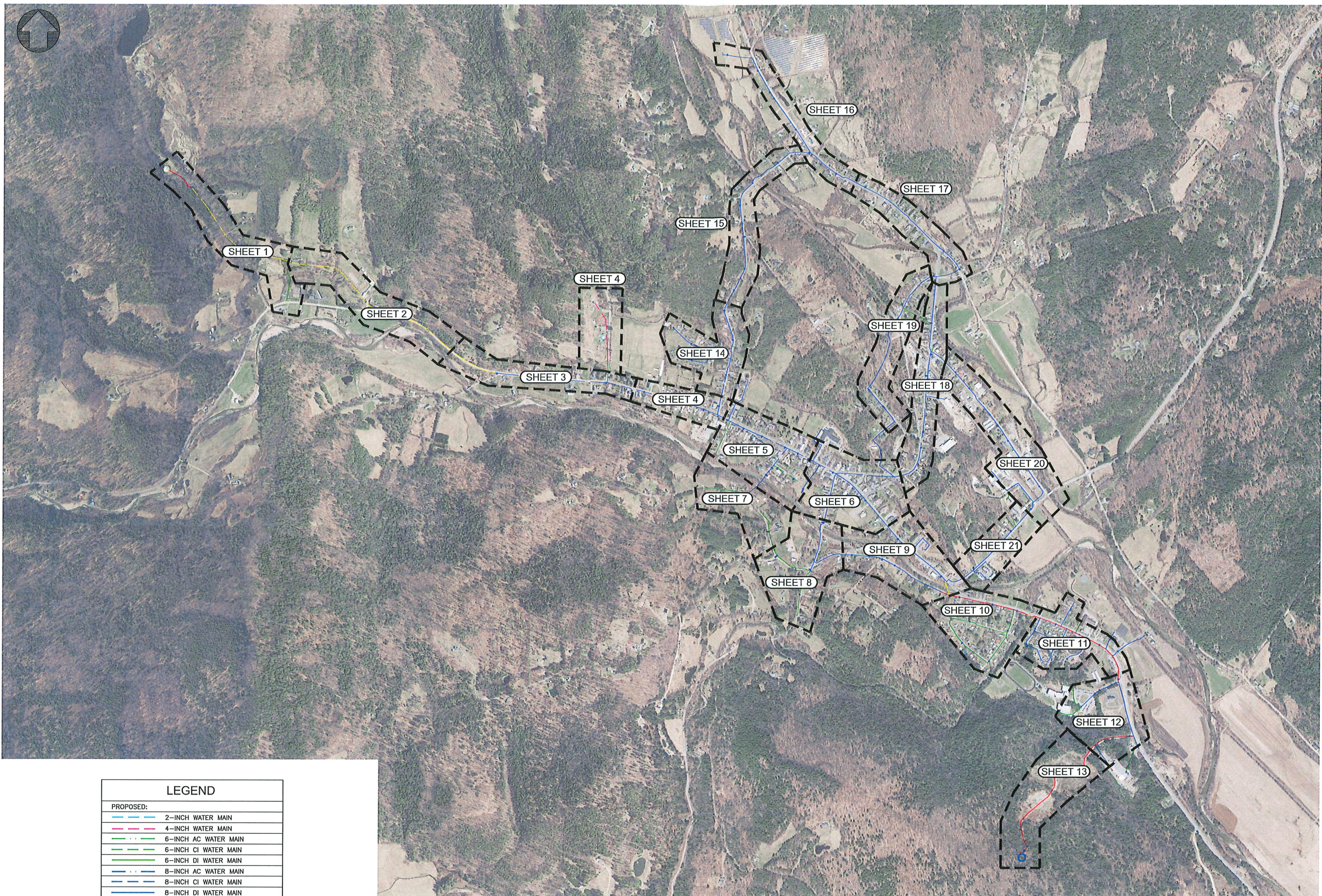
VT State Plane. Meters, NAD 83
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 Not for regulatory interpretation.
 Map drawn: January 11, 2023

Data sources: Zoning (RPC 2021), Parcels (2010),
 Road names (VTrans/VCGI 2011), Railroad (VTrans/ VCGI
 2003), Streams (VHD/VCGI 2008)

Miles
 0 0.25 0.5



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LEGEND	
PROPOSED:	
	2-INCH WATER MAIN
	4-INCH WATER MAIN
	6-INCH AC WATER MAIN
	6-INCH CI WATER MAIN
	6-INCH DI WATER MAIN
	8-INCH AC WATER MAIN
	8-INCH CI WATER MAIN
	8-INCH DI WATER MAIN
	10-INCH CI WATER MAIN
	12-INCH DI WATER MAIN
	WATER VALVE
	HYDRANT
	WATER SHUT OFF



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DATE	COMMENTS	BY	

TOWN OF CHESTER
 DRINKING WATER ASSET MANAGEMENT PLAN

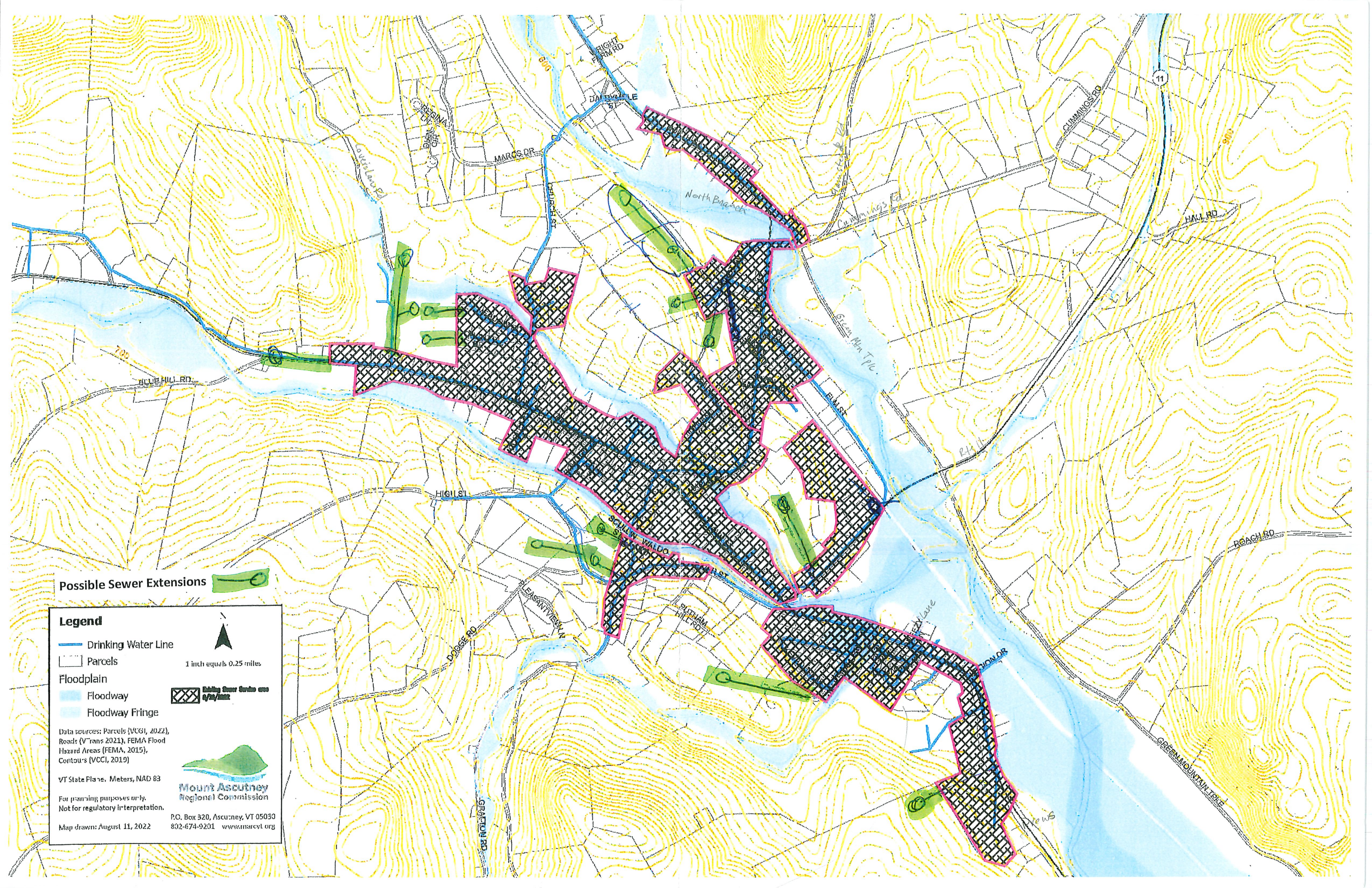
OVERALL MAP INDEX

CHESTER, VERMONT

Project #	4190009
Project Mgr.	N.R. JOHNSON
Design by	M.C. BISSELL
Drawn by	M.C. BISSELL
Reviewed by	N.R. JOHNSON
Approved by	N.R. JOHNSON
Date	MARCH 24, 2020
Scale	AS SHOWN

INDEX

FILE: C:\Users\mcaiselle\Desktop\Chester Assets.mxd MAP SHEET INDEX MAP 24, 2020 - 8:45am



Possible Sewer Extensions



Legend

- Drinking Water Line
- Parcels
- Floodplain**
- Floodway
- Floodway Fringe

1 inch equals 0.25 miles

Existing Sewer Service area 4/24/2022

Data sources: Parcels (VCGI, 2022),
 Roads (VTrans 2021), FEMA Flood
 Hazard Areas (FEMA, 2015),
 Contours (VCCI, 2019)



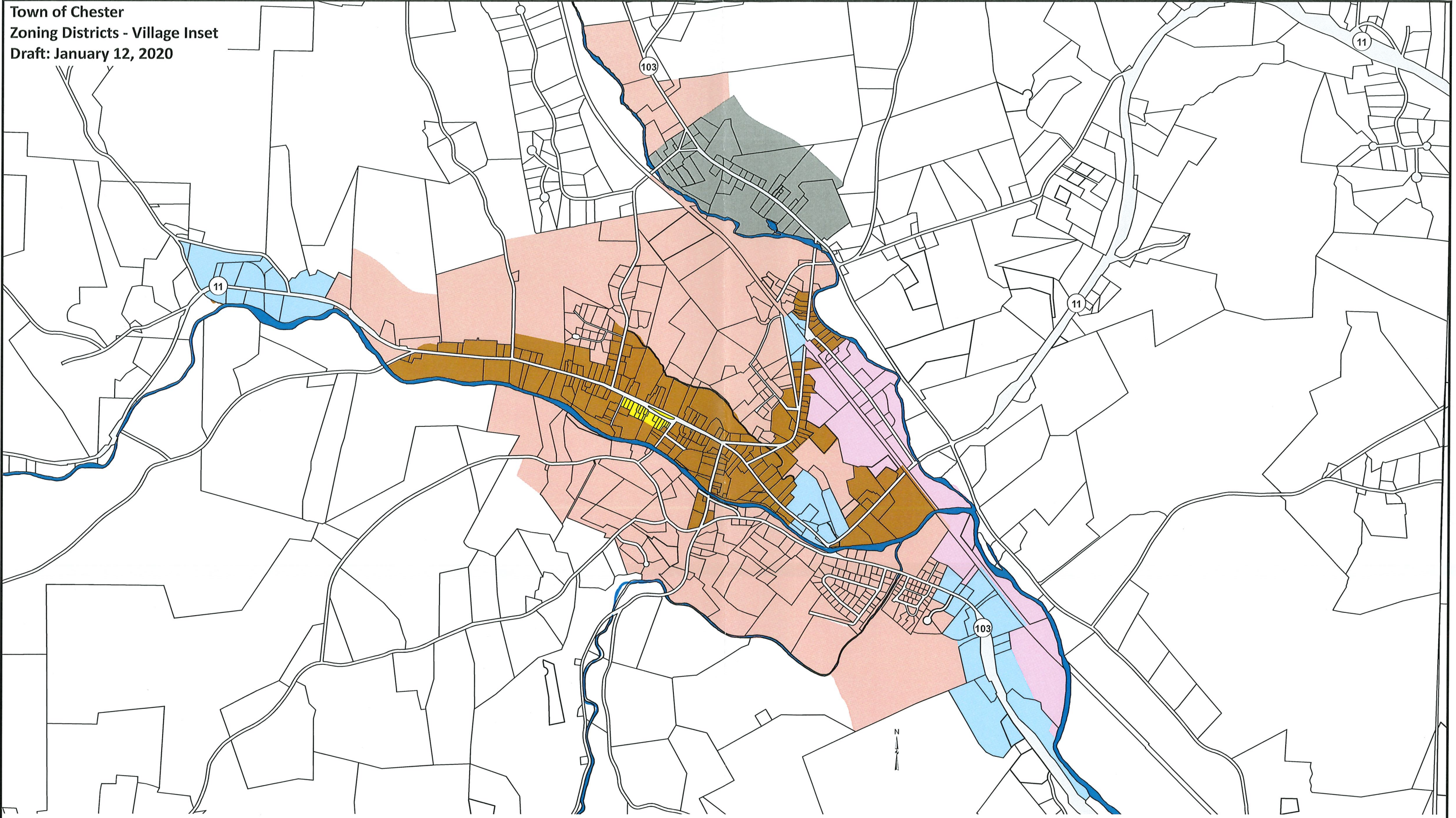
VT State Plane, Meters, NAD 83

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Map drawn: August 11, 2022

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Town of Chester
Zoning Districts - Village Inset
Draft: January 12, 2020



- | | | | |
|-------------------|---------------------|---------------|----------------|
| 2022 Parcels | Draft Zoning | Neighborhood | Village Center |
| Road Right of Way | General Business | Stone Village | |
| Water | Mixed Use | Village Green | |

VT State Plane. Meters, NAD 83

For planning purposes only.
 Not for regulatory interpretation.

Map drawn: January 11, 2023

Data sources: Zoning (Place Sense 2020), Parcels (VCGI, 2022), Road names (VTrans 2021)



Mount Ascutney
 Regional Commission

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