

| 1                      | <p><b>LAND USE</b> Future development shall be consistent with the future land use categories and map.</p>   | See Town of Chester Future Land Use and Zoning maps (attached).   | <p>The adopted zoning map is not consistent with the future land use map:</p> <p>The Residential 20,000 District extends to the north, south and east of the village into areas classified as Rural, Scenic Farmlands or Forest/Recreation/Low Density on the future land use map.</p> <p>The Residential Commercial District in Gassetts extends to the north and south along Route 103 out of the area classified as Hamlet and into areas classified as Rural, Scenic Farmlands or Forest/Recreation/Low Density on the future land use map.</p> <p>The Residential 120,000 District includes a substantial amount of land classified as Forest/Recreation/Low Density on the future land use map.</p> <p>The standards of the zoning districts are not effectively implementing the land use policies established in the town plan as detailed in #2, #3 and #4, below.</p>  |           |           |        |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
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| 2                      | <p><b>LAND USE</b> Intensive residential development is to be concentrated in areas served by municipal water and sewer service and to be located within the village area.</p> <p><b>HOUSING</b> Allow for the development of multi-family dwelling units and higher-density single family residences within the center of Chester Village area in order to provide for the housing needs of low- to moderate-income residents.</p> <p><b>HOUSING</b> Housing should meet the needs of diverse social and income groups.</p> <p><b>HOUSING</b> New and rehabilitated housing should be safe, sanitary, located conveniently to the Village Center, and coordinated with the provision of necessary public facilities and facilities.</p> | <p>2.3 Village Center District. 1- &amp; 2-family permitted, multi-family conditional. Minimum lot size 20,000 sf.</p> <p>2.4 Residential-Commercial District. 1- &amp; 2-family permitted, multi-family conditional. Minimum lot size 20,000 sf.</p> <p>2.5 Commercial-Industrial District. 1-, 2- &amp; multi-family conditional. Minimum lot size 30,000 sf.</p> <p>2.6 Stone Village District. 1- &amp; 2-family permitted, multi-family conditional. Minimum lot size 30,000 sf.</p> <p>2.7 Residential 20,000 District. 1- &amp; 2-family permitted, multi-family conditional. Minimum lot size 20,000 sf if connected to water &amp; sewer, otherwise 30,000 sf.</p>   | <p>The UDB does not allow “intensive” residential development. Typical residential densities in Vermont village centers served by water and sewer would be 4 -12 units to the acre (43,560 sf) with minimum lot sizes of 4,000 - 10,000 sf. This would be consistent with the historic settlement pattern. Densities should be substantially increased within sewer service areas – this would further land use goals and facilitate efficient use of existing infrastructure.</p> <p>For 2-family and multi-family residential, UDB is not clear as to whether each dwelling unit requires 20,000 sf of lot area (i.e., a duplex must be on a lot 40,000 sf or greater, a 4-unit building requires a lot 80,000 sf or greater) or whether a 2-family or multi-family residence can be constructed on a 20,000 sf lot.</p> <p>There is minimal difference in densities between village districts. This does not reflect the historic settlement pattern with the highest density in the village core with upper floor residential and multi-unit buildings, transitioning to primarily single-family residential neighborhoods extending out from the core. Zoning district densities should reflect and reinforce that hierarchy and pattern.</p> <p>Site plan and specific use standards can be used to address neighborhood compatibility and character concerns related to conversion of existing single-family dwellings to multi-family dwellings such as location of parking (not allowed in front yards), provision and screening of trash containers, minimum unit size (to prevent overcrowding), etc.</p> |           |           |        |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| 3                      | <p><b>LAND USE</b> In order to maintain the existing settlement patterns, higher-density residential, commercial, and industrial development shall be located in the village areas of the Town, and within walking distance of most of the residents of the village</p> <p><b>ENERGY</b> Encourage the location of community service structures, retail sites, public utilities, day care centers, state offices and other frequently visited sites within walking distance of village residential areas.</p>  | <table border="1"> <thead> <tr> <th>Dimensional standards:</th> <th>VC</th> <th>R-C</th> <th>C-I</th> <th>SV</th> <th>R20(1)</th> <th>A3</th> </tr> </thead> <tbody> <tr> <td>Min lot size</td> <td>20,000 sf</td> <td>20,000 sf</td> <td>30,000 sf</td> <td>30,000 sf</td> <td>20,000 sf</td> <td>3 ac</td> </tr> <tr> <td>Min lot frontage</td> <td>100 ft</td> <td>120 ft</td> <td>120 ft</td> <td>120 ft</td> <td>120 ft</td> <td>200 ft</td> </tr> <tr> <td>Min front setback</td> <td>20 ft</td> <td>25 ft</td> <td>30 ft</td> <td>40 ft</td> <td>25 ft</td> <td>50 ft</td> </tr> <tr> <td>Min side setback</td> <td>15 ft</td> <td>15 / 30 ft</td> <td>25 / 50 ft</td> <td>30 ft</td> <td>20 ft</td> <td>50 ft</td> </tr> <tr> <td>Min rear setback</td> <td>15 ft</td> <td>15 / 30 ft</td> <td>25 / 50 ft</td> <td>30 ft</td> <td>20 ft</td> <td>50 ft</td> </tr> <tr> <td>Max lot coverage</td> <td>35%</td> <td>35%</td> <td>50%</td> <td>20%</td> <td>20%</td> <td>35%</td> </tr> <tr> <td>Max height</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> <td>35 ft</td> </tr> </tbody> </table> | Dimensional standards:   | VC        | R-C       | C-I    | SV | R20(1) | A3 | Min lot size | 20,000 sf | 20,000 sf | 30,000 sf | 30,000 sf | 20,000 sf | 3 ac | Min lot frontage | 100 ft | 120 ft | 120 ft | 120 ft | 120 ft | 200 ft | Min front setback | 20 ft | 25 ft | 30 ft | 40 ft | 25 ft | 50 ft | Min side setback | 15 ft | 15 / 30 ft | 25 / 50 ft | 30 ft | 20 ft | 50 ft | Min rear setback | 15 ft | 15 / 30 ft | 25 / 50 ft | 30 ft | 20 ft | 50 ft | Max lot coverage | 35% | 35% | 50% | 20% | 20% | 35% | Max height | 35 ft | <p>As described in #2, densities established in UDB are lower than the historic village settlement pattern – lot sizes and frontages are larger, setbacks are deeper and lot coverages are lower than what was typical on properties developed before zoning.</p> <p>The differences in the dimensional standards between the various village area zoning districts is minimal. The traditional settlement pattern is characterized by highest densities / intensities of development in the center (i.e., smaller / narrower lots, larger / taller buildings, shallower setbacks, higher lot coverages) and development that becomes less dense / intense further out from the center. Zoning district dimensional standards should reflect and reinforce that form and pattern.</p> |
| Dimensional standards: | VC   | R-C   | C-I  | SV        | R20(1)    | A3     |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Min lot size           | 20,000 sf  | 20,000 sf   | 30,000 sf  | 30,000 sf | 20,000 sf | 3 ac   |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Min lot frontage       | 100 ft   | 120 ft  | 120 ft   | 120 ft    | 120 ft    | 200 ft |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Min front setback      | 20 ft  | 25 ft   | 30 ft  | 40 ft     | 25 ft     | 50 ft  |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Min side setback       | 15 ft  | 15 / 30 ft  | 25 / 50 ft   | 30 ft     | 20 ft     | 50 ft  |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Min rear setback       | 15 ft  | 15 / 30 ft  | 25 / 50 ft   | 30 ft     | 20 ft     | 50 ft  |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Max lot coverage       | 35%  | 35%   | 50%  | 20%       | 20%       | 35%    |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |
| Max height             | 35 ft  | 35 ft   | 35 ft  | 35 ft     | 35 ft     | 35 ft  |    |        |    |              |           |           |           |           |           |      |                  |        |        |        |        |        |        |                   |       |       |       |       |       |       |                  |       |            |            |       |       |       |                  |       |            |            |       |       |       |                  |     |     |     |     |     |     |            |       |       |       |       |       |       |   |

- 4** **LAND USE** Economic growth is strongly supported. Commercial growth is to be focused primarily within the Village Center, Stone Village, Commercial, Commercial/Industrial, and Hamlet future land use areas, and shall be employed to revitalize the village center and enhance the character of the Village Center
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- ECONOMIC** Economic growth is desired within the Village Center, Elm Street, Southern Gateway, and in the Adaptive 3 District as described in the Land Use and Economic Development Chapters.
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- ECONOMIC** The Town of Chester will strive to maintain a business-friendly approach to economic development and the associated local permitting process.
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- ECONOMIC** The expansion of existing businesses that support the goals and aspirations of the community is encouraged.

| Commercial & industrial uses allowed as conditional uses by district: | VC | R-C | C-I | SV | R20 | R40 | A3 | R120 | C-R | F |
|---|----|-----|-----|----|-----|-----|----|------|-----|---|
| Animal hospital   |    | ✓   | ✓   |    |     | ✓   | ✓  | ✓    |     |   |
| Animal kennel   |    |     | ✓   |    |     | ✓   | ✓  | ✓    | ✓   |   |
| Arts & entertainment  | ✓  | ✓   |     | ✓  |     |     | ✓  |      |     |   |
| Automotive fuel / service / sales                                     |    | ✓   | ✓   |    |     |     |    |      |     |   |
| Building & construction trades  | ✓  | ✓   | ✓   | ✓  | ✓   | ✓   | ✓  | ✓    | ✓   | ✓ |
| Commercial storage unit   |    | ✓   | ✓   |    |     | ✓   | ✓  |      |     |   |
| Extraction operations   |    |     |     |    |     | ✓   |    | ✓    | ✓   | ✓ |
| Family child care facility  | ✓  | ✓   |     | ✓  | ✓   | ✓   | ✓  | ✓    | ✓   |   |
| Health care facility  | ✓  | ✓   |     |    |     |     | ✓  |      |     |   |
| Heavy construction trades   |    | ✓   | ✓   |    |     | ✓   | ✓  | ✓    | ✓   |   |
| Home business   | ✓  | ✓   | ✓   | ✓  | ✓   | ✓   | ✓  | ✓    | ✓   |   |
| Industrial facility   |    |     | ✓   |    |     |     |    |      |     |   |
| Light industry  | ✓  | ✓   | ✓   |    |     |     | ✓  |      |     |   |
| Mixed use   | ✓  | ✓   |     | ✓  | ✓   |     |    |      |     |   |
| Nursery   |    |     |     |    |     | ✓   | ✓  | ✓    | ✓   |   |
| Open air market   |    | ✓   |     |    |     |     |    |      |     |   |
| Personal service shop   | ✓  | ✓   |     |    |     |     |    |      |     |   |
| Processing const. & landsc. aggregate                                 |    |     |     |    |     | ✓   |    |      |     |   |
| Professional office   | ✓  | ✓   | ✓   | ✓  | ✓   | ✓   | ✓  |      |     |   |
| Restaurant  | ✓  | ✓   | ✓   |    |     |     | ✓  |      |     |   |
| Retail store  | ✓  | ✓   | ✓   | ✓  | ✓   |     | ✓  |      |     |   |
| Sawmill   |    |     |     |    |     |     |    | ✓    | ✓   |   |
| Tourist lodging   | ✓  | ✓   |     | ✓  | ✓   | ✓   | ✓  | ✓    |     |   |
| Wood processing   |    |     |     |    |     | ✓   | ✓  | ✓    | ✓   | ✓ |

- 3.4.C Any enlargement or alteration of a conditional use shall be reviewed as a conditional use by the Development Review Board to permit the specifying of new conditions.
- 3.19.D The DRB shall permit the alteration or expansion of a nonconforming use for the sole purpose of conformance with mandated environmental, safety, health or energy codes.

The UDB requires conditional use approval for all commercial or industrial uses in all zoning districts. To support economic growth, some businesses should be allowed as permitted uses in appropriate districts (i.e., retail stores or restaurants in the VC, professional offices in the C-I, etc.)

Making some uses permitted would signal to applicants that they can reasonably expect to get site plan approval and a zoning permit for proposed commercial development provided standards specified in the UDB are met. Conditional use approval is less certain for the potential applicant with the possibility of a lengthy/expensive review process, particularly if unforeseen issues not specified in the UDB are raised during the hearing process. A conditional use is not assumed to be compatible with the "character of the area" while a permitted use is. The applicant must demonstrate that compatibility for a conditional use, and abutters or other interested parties can argue that the proposed development is not compatible. This criteria is often at the core of disputed land use decisions. The interpretation of the character of the area criteria by the DRB is often driven more by the level of neighbor or community opposition to an application than by the standards of the regulations (which often lack adequate specificity for applying this criteria), resulting in an unpredictable development review and permitting process.

Permitting some businesses in appropriate districts should be done in conjunction with incorporating more specific site design standards (landscaping, lighting, parking, access, stormwater, etc.) into the UDB. Uses can also be permitted up to a certain size (ex. retail store up to 3,000 sf) or within an existing structure, but be conditional if larger or if a new building is proposed.

Further, the UDB does not effectively focus commercial growth primarily within the Village Center, Stone Village, Commercial, Commercial/Industrial, and Hamlet future land use areas:

The Residential 20,000 (R20) District, which extends north, south and east of the village land use areas allows for commercial uses such as professional offices, retail stores and tourist lodging – uses that should be directed into the village areas.

Mixed use is a conditional use in the R20 district and could allow a multi-story building to be used for a combination of retail, service, restaurant, office and residential uses – a building form and uses that should be directed into the village areas.

All expansions to existing businesses require conditional use review under the UDB. Expansions of conforming businesses that do not trigger site plan changes or exterior modifications (i.e., more parking or a building addition) could be allowed with only a zoning permit and no DRB review, and the ZA could be authorized to approve minor changes to site plans to streamline the permitting process and encourage business expansion.

The UDB could provide more flexibility for nonconforming uses such as allowing expansion up to a specified percentage or within the footprint of the building they are currently located in as a conditional use.

**5** **LAND USE** Future land use development patterns are intended to be undertaken in accordance with smart growth principles as defined in 24 V.S.A. §2791(13).

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**LAND USE** Strip development along highways is not desired:  
 Sound access management techniques and innovative site designs for commercial uses (as explained in the VT Route 103 Corridor Management Plan) will be required in order to avoid strip development or to mitigate existing strip development along the VT Route 10, 11 and 103 corridors.

- 2.3.E Village Center District Supplemental Standards:
1. Buildings shall front toward and relate to frontage streets, both functionally and visually, and not be oriented towards parking lots.
  2. 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...
- 2.4.E.1 Residential-Commercial District Supplemental Standards - Character of Development:
- a. Chester Depot / South Main Street: New buildings and modifications of existing buildings shall be of a similar building mass and orientation as buildings in this sub-district, and shall not unduly detract from the existing character of the village...
  - b. Gassetts: New development and redevelopment in this area shall continue in the current moderate density, with a mix of commercial, light industrial and residential uses...
  - c. VT Route 103 South: New buildings and modifications to existing buildings shall extend the historic pattern of higher-density, mixed use village development that includes single and multi-family dwellings, civic and mixed use buildings, and new public greens all interconnected via pedestrian paths or sidewalks. The desired character of this area requires a shift from vehicle-oriented development allowed under the former Zoning Bylaws, to a more pedestrian-friendly form of mixed use development...
- 2.7.E Residential 20,000 District Supplemental Standards:
1. New development in this district shall be consistent with residential neighborhoods that are within walking distance of the village, and should be compatible with a circulations system to accommodate pedestrians and other non-motorized travel.

The UDB could be more effective at implementing smart growth principles:

It does not ensure that the historic development pattern of compact centers separated by rural countryside will be maintained. See response to #2 and #3.

It does not allow for development of compact mixed-use centers. See response to #2, #3 and #4.

It does not allow for the densities necessary to support viable transit service (generally considered to require a density of 8 du/ac or greater). See response to #2. It does not ensure a compact development pattern with facilities to enable walking and biking. The UDB contains general language in several districts calling for sidewalks and pedestrian-oriented development, but specific requirements for pedestrian access should be established as part of the site plan standards.

It offers some protection for natural and cultural resources, but those protections could be strengthened. See response to #6.

It meets minimum state requirements related to agriculture and forestry uses, and for home businesses, but could provide more flexibility for diversified agriculture and on-farm businesses. The density of residential development allowed in much of the rural area of town and the lack of standards guiding residential development off productive land could contribute to conflicts with agriculture and forestry. See response to #6.

It does direct higher density and intensity uses to the areas of town served by public utilities and services although those provisions could be strengthened. See response to #2, #3 and #4.

It does allow for a diversity of businesses in the village area, but it also allows businesses (particularly retail businesses) in other areas of town that could lead to a continuation of strip development. See response to #4.

It does allow for a range of housing types, but the densities in the village area where there is public infrastructure would need to be increased to make multi-family and affordable housing a viable development option. See response to #2.

While it seeks to discourage strip development, it does not effectively prevent a development pattern that is characterized by scattered development outside the village center that is excessively land consumptive. Allowing retail in the Residential 20,000 and the Residential-Commercial (which also allows automotive uses, personal services and restaurants) without adequate standards opens up the possibility of strip development along Route 103 and other major roads. There are supplemental standards included in several of the zoning districts that seek to implement smart growth principles, but the UDB as a whole lacks clear, specific site plan and development standards necessary to ensure that a proposed project actually conforms to the broadly described desired character of development for the district.

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| <p><b>6</b> <b>LAND USE</b> Development that occurs in the Conservation, Forest/Rural and Farmlands future land use areas shall be designed so as to prevent or minimize negative impacts to natural, cultural and aesthetic resources in accordance with the applicable Town Plan policies.</p> <hr/> <p><b>RESOURCES</b> Promote the continued use of agricultural and forested lands in a manner which helps to maintain or preserve the natural beauty, function and productivity of the lands.</p> <hr/> <p><b>RESOURCES</b> Primary agricultural lands, as defined by the USDA, should be devoted to the production of agricultural products, or to uses that will maintain or preserve such lands for future agricultural operations.</p> <hr/> <p><b>RESOURCES</b> Any development planned for agricultural or forested lands shall locate on the edge or to the periphery of these resources in order to minimize the loss of those resources, avoid fragmentation and encourage the natural productivity of these lands.</p> | <p>3.7.C Development shall be located to minimize adverse impacts to steep slopes over 25%. Where development on steep slope areas is necessary due to extreme limitations of the lot, condition use approval under Section 4.8 shall be required.</p> <p>3.29 A minimum 25 foot setback is required for streams and rivers that are between two- to six-foot wide... A minimum 50 foot setback is required for ponds, as well as streams and rivers that are wider than six feet... No development, excavation, filing, clearing or grading shall occur within the setback area...</p> <p>5.6.A The Development Review Board may require that applicants provide a detailed site analysis identifying all fragile features and natural and cultural resources...</p> <p>5.6.B The Development Review Board may require the designation of development envelopes to protect natural and cultural resources...</p> <p>5.6.C Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid any adverse impact to wetlands, floodplains, streams and rivers...</p> <p>5.6.D Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts on critical wildlife habitat...</p> <p>5.6.E Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources...</p> <p>5.6.F Recommend that subdivision boundaries, lot layout and development envelopes be located to minimize impacts to prime agricultural soils.</p> | <p>The UDB offers some protection for natural resources in the rural areas of town by discouraging development on steep slopes and establishing riparian setbacks.</p> <p>The subdivision standards in 5.6.C, D and E are adequate to avoid impacts to surface waters, wildlife habitat and historic or archaeological resources to the extent that those resources are already identified on the parcel. Given that 5.6.A does not mandate a site analysis, resources not already identified may be not be recognized and protected.</p> <p>The UDB is not effective at guiding development away from productive farmland or preserving rural character. 5.6.F is not a legally enforceable standard and should be revised from "recommend" to "must." Conservation subdivisions that require new lots to be clustered and open space to be conserved can be used to accommodate residential development in rural areas while protecting productive farmland and preserving rural character. Conservation subdivisions can be required in certain districts and/or for subdivisions of a certain size.</p> <p>The UDB allows for a density of development in the Residential 120,000 district, which encompasses a significant portion of the rural areas of town, that is not compatible with town plan policies related to resource protection and preservation of rural character. Areas developed with one house for every three acres generally have a suburban rather than rural character. A density of one house for every 10 acres or even a lower density is necessary to preserve rural character, although that density standard needs to be combined with clustering requirements to adequately protect productive farmland and natural resources, and maintain traditional rural development patterns.</p> <p>5.6.B allows the DRB to require development envelopes, but does not mandate that all newly subdivided lots have a designated development envelope. This is one of the most effective tools for guiding development away from natural resources and preserving rural character because of the subsequent development of the lot will consist of constructing a house that will only require a zoning permit with no further consideration for resource protection. Development envelopes can be required for all lots in certain districts or all lots over a certain size (ex. 2 acres). More than one development envelope can be approved per lot so that the future owner has options for where to build on the lot. Clear standards for locating development envelopes off productive farmland and away from important natural resources could be incorporated into the subdivision standards.</p> |
| <p><b>7</b> <b>LAND USE</b> Revitalization of village commercial, residential and mixed-use areas, including the appropriate use, maintenance and reuse of existing historic structures and other existing buildings is a priority for the community.</p> <hr/> <p><b>RESOURCES</b> Protect and preserve the structures recorded in the state and national registers of historic places</p> <hr/> <p><b>RESOURCES</b> Protect and preserve the physical setting and aesthetics of the area within which the historic villages are set.</p> <hr/> <p><b>RESOURCES</b> The demolition of historically significant structures should be discouraged.</p>  | <p>1.2.B Purpose. Protect important natural and historical features, including woodlands, wetlands, scenic and significant archaeological sites, significant architecture, villages, wildlife habitats and agricultural land.</p> <p>4.8.C.3 Special Conditional Use Criteria. (c) That all such construction shall take whatever precautions necessary to incorporate, protect and preserve existing historic sites.</p> <p>5.6.E Subdivision Standards. Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts to historic and archaeological sites and resources identified in the Chester Town Plan, by the Vermont Division for Historic Preservation, or through site investigation.</p> <p>7.16.B.2 Waivers. (g) In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.</p>   | <p>The UDB does not adequately protect historic structures as called for in the town plan. Demolition, including demolition of a historic structure, does not require a permit under the UDB. The special conditional use standards of 4.8.C.3 that apply in the village districts are primarily focused on new development rather than on modification of existing, historic structures.</p> <p>Demolition of a listed historic structure (if not all structures) should require review. Standards could include consideration of whether the building is structurally sound, whether rehabilitation in accordance with current code requirements is feasible, whether the building could be moved, and what the redevelopment plans for the site are, and whether there will be an economic or other benefit to the community if the structure is demolished and the site redeveloped.</p> <p>Standards to guide any external modifications to listed historic structures in accordance with Secretary of the Interior standards could also be included (at least in the village districts).</p>  |

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| <p><b>8</b> <b>ECONOMIC</b> Applications for new businesses and industrial enterprises will demonstrate how they further the community’s desire to improve the quality of life, contribute toward the existing charm of the village, and maintain or improve the viability of the local tourist-based economy.</p> | <p>4.8.C.1 Conditional Use General Standards:</p> <ul style="list-style-type: none"> <li>a. The capacity of existing or planned community facilities</li> <li>b. The character of the area affected....</li> <li>c. Traffic on roads and highways in the vicinity</li> <li>d. Bylaws and ordinances then in effect</li> <li>e. Utilization of renewable energy resources</li> </ul>   | <p>The UDB requires conditional use approval for all new businesses and industrial enterprises. The conditional use standards do not directly address quality of life or the viability of the tourism sector. However, quality of life and viability of the local tourist-based economy are not criteria that are typically considered during the development review process directly.</p>   |
| <p><b>ECONOMIC</b> Promote additional creative economy-based businesses, such as artisans and craft persons, in order to expand on the current business offerings.</p>   | <p>4.8.C.2 Conditional Use Specific Standards:</p> <ul style="list-style-type: none"> <li>a. Minimum lot size</li> <li>b. Distance from adjacent or nearby uses</li> <li>c. Minimum off-street parking and loading facilities</li> <li>d. Landscaping and fencing</li> <li>e. Design and location of structures and service area</li> <li>f. Size, location and design of signs</li> <li>g. Performance standards...</li> <li>h. Other factors such as these bylaws may include</li> </ul>  | <p>The special criteria do attempt to address the “charm of the village” by requiring new development to incorporate features to maintain the scale and preserve the New England architectural character of village area. These special criteria could serve as the foundation for a more robust dimensional standards (build-to-line, minimum height, maximum footprint, minimum first floor transparency, etc.) and/or design review process to ensure that new development enhances the character of the area.</p> <p>Quality of life could be addressed indirectly through more specific site plan (landscaping, lighting, signage, etc.) and performance standards (noise, odors, glare, vibration, waste, etc.). The viability of the tourist-based economy could be addressed by tailoring the districts and uses allowed in them to encourage tourist-based businesses (lodging, dining, retail, recreation, etc.) and discourage businesses that would be incompatible with tourism (heavy industry, outdoor storage, outdoor sales, etc.).</p>   |
| <p><b>9</b> <b>ECONOMIC</b> Home occupations and home-based businesses are encouraged as long as they are appropriate to adjoining land uses, and do not adversely affect air, water or scenic resources or cause noise that is offensive to surrounding neighbors.</p>  | <p>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... the home occupation shall be carried on in the residence or in a typical accessory building. On-street parking is not permitted, nor shall the exterior of the building be altered to take on a commercial aspect.</p> <p>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... Four (4) full time equivalent on premise employees who are not part of the family are permitted... 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.</p> | <p>The UDB allows for home occupations as required by state statute. It also allows for home businesses in all districts where residential uses are permitted, which is more expansive than what is required by statute.</p> <p>The language in Section 3.11 of the UDB largely mirrors that of state statute. The section could be clarified by being more specific about what constitutes a minor portion of the dwelling (as a percentage of the habitable floor area of the home), the amount of space in accessory buildings that can be used for business purposes, whether retail businesses are allowed, etc. Home occupations are allowed as a permitted use and the existing standards are not easily applied by the Zoning Administrator (for example, what would constitute an exterior alteration that results in the dwelling taking on a commercial aspect).</p> <p>Home businesses are allowed as a conditional use in all districts where residential uses are permitted. The language in Section 3.12 could also be clarified by being more specific about the scale and level of impact a home business may have. Several of the standards are discretionary (for example, exterior storage may be prohibited), allowing the Development Review Board to impose different conditions on similar applications. The UDB could provide more consistency and certainty with regard to the type, scale and intensity of home businesses that are allowed. Home businesses may not be an appropriate use in higher density residential areas. Alternatively, it may be beneficial to have a “village” home business and a “rural” home business use that recognizes the proximity of neighbors and the different expectations of what are appropriate uses in those settings.</p> |

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| 10 | PUBLIC FACILITIES | Any housing development in Chester should contain provisions for adequate fire protection.  | 5.2.A New Roads. All new roads, bridges, culverts and drainage ditches proposed to be taken over by the Town of Chester and any section of a road, bridge, culvert and drainage ditching located within the Town of Chester right of way shall conform to the requirements of the Town of Chester Road and Bridge Specifications as most recently amended by the Legislative Body, as well as all Vermont Agency of Transportation Design Specifications. | The UDB contains a general subdivision standard (5.3.G) requiring fire protection facilities. There are no specific requirements, leaving the interpretation to the discretion of the Development Review Board and the Fire Chief. This provision could be made more specific by adding requirements for hydrants, fire ponds or equivalent water storage, and/or sprinkler systems. Standards could vary for minor and major subdivisions.  |
|    | TRANSPORT         | Roads and driveways shall meet town standards and shall provide adequate, safe emergency vehicle access                             |   |  |
| 11 | PUBLIC FACILITIES | New utility lines should be placed along existing corridors whenever possible; multipurpose use of utility corridors is encouraged. | 5.2.G.3 Driveways shall not exceed a 15% grade, unless waived by the Development Review Board.  | The UDB includes a limited set of road and driveway standards. Meeting the road standards is essentially optional for the applicant because they only apply to infrastructure that will be taken over by the town or for those elements that are constructed within public rights-of-way. There are no engineering and construction standards for private roads. There are no width requirements for roads or driveways to ensure adequate access by emergency vehicles. There are no maximum grade requirements for roads and the maximum grade for driveways (15%) is very steep, which poses challenges for emergency vehicle access. |
|    | PUBLIC FACILITIES | Aesthetic and natural resource impacts should be considered when placing utility lines.   |   |  |
|    | PUBLIC FACILITIES | Promote underground electric lines where possible and practical.  | 5.2.I Dead Ends. Dead end roads are discouraged, but a suitable turnaround shall be provided if a dead end cannot be avoided due to site conditions. In such circumstances, turnarounds shall be provided at the termini of all dead ends, and the following standards shall apply...   | The UDB does include standards for turnarounds for dead end roads. It does not address pull-off areas on long driveways or staging areas near structures necessary for effective firefighting. Those are provisions that should be added to implement the town plan goals.   |
|    |                   |   | 5.2.K Modification of Road Standards: In the case of unusual topographic conditions or other circumstances which would make the strict adherence to these standards a substantial hardship, not created by the applicant, the applicant may request a waiver under Section 7.16...  |  |
|    |                   |   | 5.3.G Fire Protection Facilities. Adequate fire protection (i.e. water supply or cul de sac) within the subdivision shall be provided to the satisfaction of the Development Review Board and the Fire Chief. Where practicable, fire hydrants shall be installed by the Subdivider. The Development Review Board may require upgrades in order to provide adequate fire protection for subsequent subdivisions.  | All new roads, whether public or private, should be required to meet minimum design standards to ensure adequate emergency access and drainage. Those standards should address width (which should range based on anticipated traffic levels), grade, curve radii, separation of access points, sight distance at intersections, and stormwater management.  |
|    |                   |   | 5.3.A Easements. The Development Review Board may require that utilities be placed either in the road right-of-way between the paved roadway and road line or placed horizontally underneath the roadway.   |  |
|    |                   |   |   | Existing subdivision standard needs to be changed from "may" to "must" to be legally enforceable. Requiring utilities to be placed in road rights-of-way is common in subdivision standards. There can be language that allows for alternative designs when there is a physical constraint to locating utilities in the ROW provided that an appropriate easement is established.  |
|    |                   |   |   | The UDB does not require utilities to be placed underground. This is a common requirement in site plan and subdivision standards, often with the ability for the requirement to be waived if the applicant can demonstrate that there is a physical constraint (ex. ledge or wetland) that makes undergrounding not feasible (increased expense is usually not a valid criteria to waive requirement).   |

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| <p><b>12</b> PUBLIC FACILITIES</p> <hr/> <p>PUBLIC FACILITIES</p> | <p>Existing tower space and supporting infrastructure on, and at the site of, the Town wireless communications facility on the Pinnacle should be utilized to the fullest extent possible.</p>   | <p>3.2 Broadcast Facilities. Commercial Broadcast Facilities shall be allowed in all districts upon receiving Conditional Use approval from the Development Review Board and issuance of a Zoning Permit... The facility will not project more than 20 feet above the average elevation of the tree line measured within 50 feet of the highest vertical element of the facility, unless the proposed elevation is reasonably necessary to provide adequate wireless telecommunication service capacity or coverage or to facilitate collocation of facilities... Antennae and towers shall meet a setback distance from the property lines equal to the height of the antennae or tower. Setbacks are measured from the base of the structure, not guy wires. Landscaping may be required around the base of all antennae and towers.</p>   | <p>The UDB contains a basic set of standards for wireless communications facilities. Currently, most wireless communications facility applications are being reviewed at the state level under Section 248 (the applicant can choose that option or local zoning and Act 250 review), so the provisions in the UDB may not be frequently used. If this situation were to change and full regulatory authority returned to municipalities, the town should have a more complete and up-to-date set of standards for wireless communication facilities. Generally local review focuses on site selection and infrastructure design to minimize aesthetic impacts. Wireless communication standards require regular updating as technology advances. The most recent innovation not addressed in most regulations is the installation of antennas on utility poles in the public right-of-way.</p>  |
|   | <p>New wireless communications towers, access corridors, and utility poles serving towers should not be sited or constructed as long as the existing site is viable...</p>   |  |  |
|   | <p>There is an Act 250 permit for the construction and use of the Town tower on the Pinnacle. Those installing new transmission facilities on that tower shall comply with that permit.</p>  |  |  |
|   | <p>Siting and design of new communications towers and facilities (including any support and maintenance structures, necessary access corridors and utility lines) shall minimize impacts on natural, scenic, wildlife habitats and corridors and aesthetic resources.</p>  |  |  |
|   | <p>To minimize conflict with scenic values, facility design and construction for new communication towers and accessory facilities should adhere to the following principles...</p>  |  |  |
|   | <p>In the event that use of a tower is discontinued, the site should be restored to its natural condition, or to the condition that existed prior to construction, as appropriate...</p>   |  |  |
| <p><b>13</b> PUBLIC FACILITIES</p> <hr/> <p>PUBLIC FACILITIES</p>   | <p>Support the development and operation of child care facilities within the town.</p>   | <p>3.10.A Family Childcare Home. A. Family Child Care Home: A family child care home, as defined herein in these Bylaws, serving six or fewer children shall be considered to constitute a permitted single family residential use of property. A family child care home, as defined in these Bylaws, serving no more than six full-time children and four part-time children, shall be considered to constitute a permitted use of property but requires site plan approval based on local zoning requirements.</p> <p>3.10.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.</p> <p>8.2 Family Child Care Facility: A facility where the owner or operator is to be licensed or registered by the state for child care and which provides care on a regular basis for more than six full-time and four part-time children.</p> | <p>The UDB allows for family childcare homes as required under state statute. Section 3.10.A references site plan approval, but the UDB does not contain a site plan review process separate from conditional use review (statute requires that family childcare homes be allowed as a permitted use). Site plan review is not typically required for family childcare homes in most municipalities as it is viewed as equivalent to a home occupation.</p> <p>The UDB also allows for a family childcare facility as a conditional use in most zoning districts (excludes the C-I and F districts). Based on the definition in Section 8.2, it appears that this use includes both in-home childcare that exceed the 6 full-time / 4 part-time limit for a family childcare home and commercial daycare (not in a home) facilities. This is not consistent with how the state uses the term 'family childcare facility'. To avoid confusion, the term 'family child care facility' should be replaced by daycare facility if it is intended to include other types of childcare facilities that are not home-based.</p> |
|   | <p>Continue to expand or improve the sidewalk network in order to encourage walking within and around the center of Chester</p>  |  |  |
|   | <p>Encourage the development of a transportation system that encourages the use of public transportation and ride-sharing and enables increased non-motorized vehicle and pedestrian traffic. Emphasize links between schools, stores, work and home.</p>  |  |  |
| <p><b>14</b> TRANSPORT</p> <hr/> <p>ENERGY</p>  | <p>5.2.E Sidewalks. In subdivisions where the density is greater than one unit per acre, sidewalks, or a right-of-way for future sidewalks, may be required on at least one side of all roads by the Development Review Board. Sidewalks may be required in other zoning districts where deemed necessary by the Development Review Board.</p> | <p>The UDB does not require construction or improvement of sidewalks as part of proposed development. Section 5.2 gives the Development Review Board the discretion to require sidewalks within a subdivision, but the language is not mandatory.</p> <p>The UDB could require sidewalks be installed or improved along the street frontage when development is proposed on a lot along all corridors where sidewalks exist or are planned. In the short-term, this may result in disconnected pieces of sidewalk. However, if sidewalks are not built in this fragmentary manner, it is unlikely that complete sidewalk networks will ever be constructed solely through public projects.</p>   |  |

**15 TRANSPORT** Promote access management techniques along VT Route 103 south in order to balance growth with highway mobility, discourage sprawl and maintain safe travel conditions for all roadway users

- 2.4.E.1 Residential-Commercial District Supplemental Standards - Character of Development:
  - b. Gassetts: All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation’s Access Management Program Guidelines, as most recently adopted
  - c. VT Route 103 South: All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation’s Access Management Program Guidelines, as most recently adopted.
- 2.8.E Residential 40,000 District Supplemental Standards:
  - 1. All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation’s Access Management Program Guidelines, as most recently adopted.
- 2.9.E Adaptive 3 District Supplemental Standards:
  - 2. All new driveways and substantially reconstructed existing driveways shall meet the Agency of Transportation’s Access Management Program Guidelines, as most recently adopted.
- 2.10.E Residential 120,000 District Supplemental Standards:
  - 1. All new driveways and substantially existing driveway shall meet the AOT Access Management Program Guidelines and/ or the Town of Chester Road & Bridge Specifications.
- 5.2.G.2 No parcel of land being subdivided will be permitted more than one access point. Additional accesses may be approved in the event that: a. The additional access is necessary to ensure vehicular and pedestrian safety; or, b. The strict compliance with this standard would, due to the presence of one or more physical features (e.g. rivers and streams, steep slopes, wetlands), result in a less desirable development or subdivision design than would be possible with the allowance of an additional access; or, c. A traffic management plan is developed in association with a planned unit development approved in accordance with Section 4.10.

The UDB references access management in supplemental standards in several zoning districts. It limits newly subdivided lots to one access with some flexibility for allowing additional access if criteria are met. These standards should be strengthened to implement this town plan goal, and many of the recommendations of the Route 103 corridor study, more effectively.

The UDB should include specific standards for access and circulation that would apply to all development. Some of these elements exist in the UDB as adopted but in not in a cohesive, comprehensive section that deals with the number of access points, width of access, and sight distance and separation between access points. Other issues that could be addressed more clearly in the UDB include requirements for lots without frontage on a maintained road, access from secondary rather than primary roads for corner lots, and requirements for shared access and cross access between adjoining properties. Improved landscaping, lighting and signage standards would also contribute towards improved access management.

The UDB should also address the retrofit of previously developed sites that have poor access management. This could include triggers for when the width of existing curb cuts must be narrowed, when lots with multiple curb cuts must reduce the number of access points, when landscaping and screening must be provided, or when front parking must be eliminated or relocated.

**16 RESOURCES** Encourage the extraction and processing of mineral resources in a manner that is appropriate and consistent with Chester’s rural character

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**RESOURCES** Require that earth resource extraction activities do not adversely affect surrounding properties and mitigate adverse impacts on essential wildlife habitat, and that extraction sites be restored to viable condition in a timely manner.

- 3.9.A Extraction Operations. The removal of soil, sand, rock, stone or gravel is subject to approval by the Development Review Board under conditional use review and findings that the proposed activity meets the standards below...
- 3.9.C.5 No actual quarrying or mining shall be carried on in a zone one hundred (100) feet from the highway as well as one hundred (100) feet from all abutting property in different ownership, unless written agreement has been obtained from any abutting property owner involved.
- 3.9.C.6 Any raw materials rejected from permitted operations which are piled on the land shall be screened from public view and shall not impede the flow nor pollute the waters of ponds and streams; such accumulations shall be graded to stable contour and shall be restored to vegetative cover.

The UDB includes a basic set of standards for extraction. These provisions could be strengthened with more specific criteria related to setbacks and buffering from surrounding development and sensitive natural resources. The incorporation of more detailed erosion control and stormwater standards would also address some of the potential adverse impacts of extraction. It could also be beneficial to establish a minimum lot size for extraction (10 acres or more). Extraction is allowed throughout the rural areas of Chester, including the R-40 district, so there is the potential for extraction to be proposed in proximity to existing residential development.

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| <b>17</b> | <b>RESOURCES</b> Maintain or enhance the integrity and functions of Chester’s surface waters and wetlands.   |
|           | <b>RESOURCES</b> Any alterations to ponds and wetlands must be in compliance with local zoning and all State and Federal laws.   |
|           | <b>RESOURCES</b> Continuous areas of undisturbed vegetation along rivers and streams should be encouraged, thereby protecting shorelines, wildlife habitat and scenic quality.   |
|           | <b>RESOURCES</b> New development adjacent to streams or rivers must be designed to cause minimal damage to the stream environment. Any such development should be planned so that surface waters do not become silted, contaminated or otherwise degraded.   |
|           | <b>RESOURCES</b> Natural vegetated buffer strips between development and surface waters should be maintained.  |
|           | <b>FLOOD</b> The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion is encouraged.   |
|           | <b>FLOOD</b> Maintain adequate development setbacks along the streams in accordance with Section 3.30 of the Unified Development Bylaws for the Town of Chester.   |
|           | <b>FLOOD</b> Where buffers are required for Act 250 projects, provide reasonable flexibility with these buffer standards in order to allow for recreational uses (e.g. water access, multi-use paths), water crossings (e.g. roads, driveways and utilities), and management activities (e.g. removal of hazardous trees, eradicating exotic invasive species or remediation of contaminated soil).  |
|           | <b>FLOOD</b> Encourage the preservation of the flood retention functionality of wetlands as an important component of local flood resilience efforts.  |
|           | <b>FLOOD</b> Consider adding provisions to the Unified Development Bylaws that restricts development within river corridors that is at risk of erosion and/or that adds local flood hazard areas to the flood damage prevention provisions. Consider allowing for waiver provisions that restrict development within flood hazard or river corridor areas, but provide flexibility allowing new buildings on lots that are completely within river corridor areas. |

- 3.29.A To prevent soil erosion and sedimentation of surface waters, development shall be setback away from the high water mark of all streams and rivers and public ponds. A minimum 25 foot setback is required for streams and rivers that are between two-to-six-feet wide, measured from the high water mark on each bank. A minimum 50 foot setback is required for ponds, as well as streams and rivers that are wider than six feet, measured from the high water mark on each bank. No development, excavation, filling, clearing or grading shall occur within the setback area, with the exception of clearing and associated site development necessary to accommodate the following, approved as a conditional use by the Development Review Board:
1. Road, driveway and utility crossings.
  2. Stream bank stabilization and restoration projects, in accordance with applicable state and federal regulations.
  3. Bicycles and pedestrian paths and trails.
  4. Recreation facilities, including structures, and improved lake or pond accesses.
  5. Micro-hydro (i.e. run of the river) energy systems.
- 3.29.b This provision applies to all streams and rivers that are not protected under the Flood Damage Prevention District (see Section 2.14).
- 5.6.C Protection of Wetlands, Floodplains and Surface Waters. Subdivision boundaries, lot layout and development envelopes shall be located and configured to avoid any adverse impact to wetlands, floodplains, streams and rivers. Methods for avoiding such impacts include but may not be limited to the following:
1. Lot boundaries and building sites shall be configured to prevent the fragmentation of floodplain or wetlands unless appropriate legal mechanisms are put in place to ensure permanent protection or mitigation.
  2. Buffer areas shall be provided for in accordance with the standards under Section 3.29.
  3. Shoreline, riparian areas and wetlands, and adjacent buffer lands, should be designated as open space..

The UDB includes surface water protection standards in Section 3.29. This section could be strengthened by more explicitly requiring that natural woody vegetation be maintained within the buffers. Given that the state’s river corridor is defined as 50 feet from most of the smaller streams in town, consider requiring a 50-foot buffer for all streams, except perhaps in the village area (this would effectively implement the river corridor protections the state is encouraging municipalities to enact, but would provide the opportunity to not enact those protections based on the mapped fluvial erosion hazard areas on larger streams or in village areas if the community does not support doing so). The requirement for vegetated buffers should be extended to include land within the special flood hazard area as well. More robust erosion control and stormwater standards for all development disturbing soil or creating impervious surface would also contribute to meeting surface water protection goals.

Section 3.29 should be clarified with regard to whether setbacks and buffers are also required from wetlands. Other provisions in the UDB suggest that the provisions of 3.29 would be applied to wetlands. However, wetlands are not listed in 3.29.A.

Further consideration should be given to buffer and setback requirements in village areas and on already developed sites. Generally, the goal is to balance water quality / flood hazard protections with recognition of historic development patterns and existing public and private investment within riparian areas.

- 18** **RESOURCES** Any storing or transporting of chemicals or other hazardous material should be done in such a manner so as to have no adverse effects on streams or other sources of water.
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- 19** **RESOURCES** Restrict development within the aquifer protection districts in order to protect the public drinking water.
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- 20** **RESOURCES** Encourage the biodiversity and population of wildlife, including natural predators, by minimizing development impacts on large blocks of habitat and wildlife travel corridors.
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- RESOURCES** Develop strategies to protect areas containing rare species, exemplary natural communities and necessary wildlife habitat. Strategies may include public and quasi-public ownership or conservation easements protecting such lands.
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- RESOURCES** Development should be designed and sited in a manner to preserve contiguous areas of active or potential wildlife habitat by locating on the edge or to the periphery of the wildlife habitat and travel corridors in order to minimize the loss of those resources, avoid fragmentation and encourage the functionality of these lands as important wildlife habitat.
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- RESOURCES** Fragmentation of significant and necessary wildlife habitat should not be approved.
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- RESOURCES** Development shall protect rare, threatened and endangered species and their habitat.

- 4.9.F Underground Storage Tanks, Ground/Surface Water Pollution: No use shall result in burying or seepage into the ground of material which endangers the health, comfort, safety or welfare of any person, or which has a tendency to cause injury or damage to property, plants or animals. Commercial, industrial or institutional facilities having underground fuel storage shall maintain all tanks and related equipment with leak detection and spill control systems incorporating the best available safety practices and technology, consistent with government and industry standards.
- Also see response to #19.
- 2.13.A The purpose of the Aquifer Protection Overlay (APO) District is to protect public health and safety by preserving and protecting the municipal drinking water source from land uses that pose a threat to ground water contamination.
- 2.13.E.1 Any facility or operation that involves collection, handling, manufacture, use, storage, transfer or disposal of hazardous materials or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from the primary containment vessel or structure.
- 5.6.C Protection of Wildlife Habitat & Forested Areas. Subdivision boundaries, lot layout and development envelopes shall be located and configured to minimize adverse impacts on critical wildlife habitat identified in the Chester Town Plan, by the Vermont Department of Fish & Wildlife, or through site investigation. Development envelopes shall avoid known locations of rare, threatened or endangered species.

The UDB includes a basic performance standard related to underground storage tanks and standards related to storage of hazardous materials within the Aquifer Protection Overlay District.

These provisions could be strengthened by including specific use standards for uses like fuel distributors that have above ground storage tanks for hazardous materials in the UDB.

The UDB includes an Aquifer Protection Overlay District with standards designed to implement this town plan goal. Most land uses within the district are subject to conditional use approval and there are requirements for storage of hazardous materials.

Some municipalities prohibit uses that are potential sources of contamination from their source water protection areas altogether.

The UDB includes limited protections for wildlife habitat and travel corridors, and locations of rare, threatened or endangered species. Further, the R-40 zoning district that comprises much of Chester's rural land allows for a density of development that is not compatible with habitat protection.

Effective implementation of land use policies to further these town plan goals would require a reduction in density in the more remote areas of town, additional standards related to siting development and clearing forested areas for development, and/or alternative approaches to rural subdivision that avoids forest fragmentation by requiring clustered development.

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| <p><b>21</b> <b>RESOURCES</b> Proposed new lighting should avoid glare and other unnecessary light pollution.</p>  | <p>3.26.D (16) Sign Lighting. Internally lit signs are prohibited. All signs not complying with section at the date of the adoption of this ordinance, will be deemed a nonconforming structure and are subject to Section 3.19 of these Bylaws. Externally lit signs shall be shielded so as to not produce glare, undue distraction, or hazard either to the surrounding area or to pedestrian and vehicular traffic. The illumination of said signage shall be properly focused upon the sign. All sign lighting shall be either full cut off lighting.</p> <p>4.9.C Glare, Light or Reflection. Illumination from lighting fixtures or other light sources shall be shielded or of such low intensity as not to cause undue glare, reflected glare, sky glow or a nuisance to traffic or abutting properties. Lights used to illuminate parking areas and drives shall be so arranged and designed as to deflect light downward and away from adjacent residential areas and public highways. Lights shall be of a "down shield luminaire" type where the light source is not visible from any public highway or from adjacent properties. Only fixtures which are shielded to not expose a light source, and which do not allow light to "flood" the property, are permitted to be attached to buildings. Searchlights are not permitted. The Development Review Board may require a lighting plan under conditional use or planned unit development review procedures.</p> | <p>The UDB includes a basic standard for outdoor lighting that requires use of shielded fixtures. Section 4.9.C gives the Development Review Board the discretion to require a lighting plan as part of conditional use or planned unit development applications.</p> <p>All site plans for proposed development that will be installing or modifying outdoor lighting should be required to provide a lighting plan that indicates the location, luminance and fixture types. The UDB could include clear technical standards regarding the total amount of outdoor lighting allowed on a site and more precise standards regarding fixture type and placement to ensure consistent application of lighting standards.</p>  |
| <p><b>22</b> <b>RESOURCES</b> Preserve the scenic views and ridgelines that most contribute to Chester's rural character.</p> <p><b>RESOURCES</b> Development on ridge lines, as identified in Chapter 4, shall minimize negative visual and environmental impacts</p>   | <p>5.6.D Preservation of Existing Features. Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock outcroppings, water bodies, other natural resources, and historic sites.</p>  | <p>The UDB does not provide meaningful protection for scenic resources. The provision in Section 5.6.D within the subdivision standards, for example, is too general and vague to be legally enforceable (What qualifies as a scenic point and what does due regard mean?).</p> <p>The provisions related to development on steep slopes (Section 3.7.C, see response #23) may provide some measure of protection for ridgelines. This section could be strengthened and combined with additional provisions specific to ridgeline development (limitations on tree clearing, siting below the top of the ridge, designs that reduce visibility, reflectivity and glare, etc.).</p> <p>In addition to ridgeline development, development in open fields or meadows that is highly visible from the road also has potentially significant adverse impact on scenic resources and rural character. These can be addressed through more specific siting standards and use of development envelopes on newly created rural lots that guide house sites to the edges of fields or other less visible locations.</p> |
| <p><b>23</b> <b>RESOURCES</b> Development is discouraged on slopes greater than 15%. Development shall be located to minimize adverse impacts on slopes over 25% in accordance with Section 3.7 of Chester's Unified Development Bylaws.</p> <p><b>FLOOD</b> Development in upland forests and steep slope areas (25% or greater slopes) should maximize onsite stormwater infiltration in order to help promote flood resiliency.</p> <p><b>FLOOD</b> Encourage property owners in upland areas to utilize techniques that help to maximize on-site stormwater infiltration and minimize off-site stormwater flows (e.g. best management practices, green infrastructure or low impact development techniques).</p> | <p>3.7.C Steep Slopes (over 25%). Development shall be located to minimize adverse impacts to steep slopes over 25% (or 4:1 slopes). Where development on steep slope areas is necessary due to extreme limitations of the lot, conditional use approval under Section 4.8 shall be required. Development that creates new areas of steep slope (over 25% or 4:1) or retaining walls 5 feet in height or taller (or 5 feet in combined height if a series of terraced retaining walls are planned) shall also be subject to these provisions. The DRB may establish development envelopes, and may limit clearing, excavation and/ or filling on such lands. The DRB may require the preparation of grading and erosion control plans by a Vermont licensed engineer for the property as part of a complete application and implementation of that plan as a condition of approval.</p>  | <p>The UDB limits development on severely steep slopes. These provisions could be improved through updated mapping and/or better definition of how slope will be calculated so that very small areas with steep slopes on an otherwise buildable lot do not cause unnecessary regulatory challenges. Improved erosion control and stormwater regulations would also address these issues, as well as road and driveway standards that limit the maximum grade of travel ways.</p> <p>The UDB lacks adequate stormwater management standards, which should apply to all development creating impervious surface. Municipalities now are responsible for managing all of the run-off that drains to public roads and infrastructure systems, which increases the importance of ensuring that private development appropriately manages its stormwater on-site so that it does not become a public problem and expense.</p>   |

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| <b>24</b> | <b>ENERGY</b> | Reduce local demand for non-renewable energy resources.   |
|           | <b>ENERGY</b> | Encourage new development to take place in areas most easily served by existing and future public utilities.  |
|           | <b>ENERGY</b> | New buildings will comply with the Vermont Residential Building Energy Standard or Commercial Building Energy Standard as required by State law.  |
|           | <b>ENERGY</b> | For large employers in conditional use reviews and in Act 250 proceedings the Town should request that the employer encourage their employees to reduce fuel consumption, as well as traffic conditions, with programs that encourage employees to use public transportation and carpooling for their commute to and from work. |
|           | <b>ENERGY</b> | The Town should investigate the possibility of including energy-efficiency standards in local land use regulations  |

The UDB does not directly address these town plan goals.

The UDB can address demand for non-renewable energy to a limited extent by encouraging compact development patterns in and near village centers as discussed in response to #2 and #3, which reduce the distance people need to travel for work and services, and which make alternative transportation modes such as walking, biking and transit more feasible.

Irrespective of whether the provisions are included in the UDB, the town is required by state statute to provide information about the state energy standards to applicants. If Chester were to start issuing certificates of occupancy/compliance/completion, the town would also be obligated to require applicants to provide an energy certificate once construction is complete under state law. The UDB could include a standard that development (all or of a certain type or scale) exceed the state minimum energy standards (i.e., meet the stretch code). This is already a requirement for development subject to Act 250.

The UDB could include more detailed conditional use standards, including standards related to traffic generation. A transportation demand management program could be a requirement for uses that would generate a substantial amount of additional traffic like a large employer.

Energy-efficient construction standards can be incorporated into municipal land use regulations only to a limited degree. Zoning typically does not address interior building space and systems – that is regulated through building code, which most Vermont municipalities do not have. It is possible to offer bonuses and incentives for construction that conforms to some existing energy-efficiency rating system (such as Efficiency Vermont’s High Performance Home Program), but there are potential challenges if the promised efficiency levels are not initially achieved or maintained over time.

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| <b>25</b> | <b>ENERGY</b> | The development of renewable energy facilities will conform to the Chester Town Plan.  |
|           | <b>ENERGY</b> | Ground-mounted solar power facilities shall provide adequate screening from neighboring properties and along public roadways. If landscaping is used as screening, it shall utilize native plant materials of a type and size to provide adequate year-round screening within ___ years after being planted. Dead or diseased landscape materials shall be replaced throughout the full-life of the project. |
|           | <b>ENERGY</b> | Establish landscaping and screening standards for ground-mounted solar power facilities.   |

- 3.22 Renewable Energy Facilities
- 2.a. A ground-mounted solar facility must meet minimum district setback requirements from property lines and rights-of-way, unless waived by the Development Review Board under Section 7.16, and shall meet the height standard for the zoning district in which it is located.
  - 2.b. A ground-mounted wind energy facility shall not exceed a total height of 125 feet, or a maximum height of 40 feet above obstructions ( e.g., structures, tree canopies) within 300 feet of the tower, whichever is greater, as measured vertically from the base of the tower at ground level to the top of the rotor blade at its highest point. The facility shall be set back from all property lines at least a distance that is equivalent to the height of the tower plus the district setback requirement unless waived by the Development Review Board under Section 7.16. Setbacks shall be measured from the base of the tower, not guy wires. A minimum clearance of 15 feet is required between the ground and the rotor blade tip at its lowest point. Supporting guy wires must be located at least 10 feet from all property lines.
  - 5. A solar installation shall not cast unreasonable glare onto adjoining properties.
  - 7. Facility lighting or use of the facility for display or advertising purposes is prohibited.

The standards related to renewable energy will need to be revised to be consistent with state statute, which includes exemptions for renewable energy facilities that meet various criteria. It should also be noted that development approved by the Public Utilities Commission under Section 248 (Certificate of Public Good), which includes any power generation facilities that are connected to the grid, are exempt from town zoning.

Under state statute, the town can establish screening requirements in the UDB that would be applied by the Public Utilities Commission during the Section 248 process. Those requirements need to be equivalent to what would be required of similarly situated commercial or industrial uses. By incorporating more specific screening requirements into the UDB the town could take better advantage of that provision of state law.

**26 HOUSING** Promote accessory dwelling units within or attached to single-family homes in order to provide affordable housing and/or provide cost-effective housing options for relatives, elders, or persons who have a disability.

- 3.1 Accessory Dwelling Unit. A single accessory dwelling unit as defined in these Bylaws, shall be a permitted use.
- 8.2 An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: (i) The property has sufficient wastewater capacity; (ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling; and (iii) Applicable setback, coverage, and parking requirements specified in the bylaws are met. 24 V.S.A. § 4412(1)(E).

The UDB allows for accessory dwelling units as required by state statute. The standards for accessory dwelling units are included in the definition (Section 8.2) and should be moved to Section 3.1.  
To encourage create of accessory dwelling units, the standards could be revised to allow for larger apartments and/or to allow the property owner to occupy either the primary or accessory dwelling.