

Chester Planning Commission Report on Proposed Amendments to the Chester Unified Development Bylaws

The Chester Planning Commission (“CPC”) hereby files and delivers its Report on its proposed amendments to the Chester Unified Development Bylaws that were adopted on September 17, 2014 and became effective on October 8, 2014 (“CUDB”). This Report is prepared in conformance with 24 V.S.A. §4441(c) for delivery to the bodies and persons specified in 24 V.S.A. §4441(e)(1)-(3) in advance of a public hearing on the proposed amendments to be held by the CPC on November ____, 2016 at ____ pm at the Chester Town Hall, 556 Elm Street, Chester, Vermont.

1. Statement of Purpose pursuant to 24 V.S.A. § 4444(b) (1).

The CUDB (adopted 10/8/14) became effective on October 8, 2014. The adoption of the CUDB was a four year project that resulted in the merging of Chester’s pre-existing Zoning Regulations, Subdivision Regulations and Flood Plain regulations. It constituted a significant and lengthy effort to consolidate all of Chester’s land use ordinances adopted under Vermont’s Municipal and Regional Planning Act (24 V.S.A. §§4301 *et. seq.*) (“the Act”) within a single comprehensive land use ordinance.

Since the CUDB’s adoption, the CPC has monitored its implementation and considered public comment in an effort to identify areas of the CUDB needing clarification as well as areas that could benefit from further revision or explanation. In short, the CPC has continued its effort to refine the CUDB, with the benefit of two years of actual implementation and reflection, to further enhance the land use objectives set forth in the Act and the Chester Town Plan (7/15/15). This effort has included providing for traditional and specifically defined conditional uses already in the CUDB within certain zoning districts and as contemplated in the Chester Town Plan but were, inadvertently, omitted in the districts in which they have traditionally existed. Also, there are minor typographical and pagination errors that need correction and an effort has been made to remove aspirational language where it is of little or no use in guiding the users and implementers of the CUDB. The CPC has also received, and responded to, requests from local businesses to revisit the Sign portion (CUDB 3.27) of the CUDB in an effort to assist our local businesses and their customers while maintaining the character of all zoning districts in which commercial activity is conducted.

2. Brief Explanation of the CPC’s Proposed Amendments to the CUDB.

What follows will be a brief explanation and recitation of the proposed bylaw amendments as proposed by the CPC organized categorically based on the purpose for which the amendments are proposed. Attached to this Report, and incorporated herein by reference, is a working copy of the CUDB with all of the CPC’s proposed amendments, incorporated into the CUDB in red-lined

format. A copy of the CUDB with all recommended amendments can also be found at the Chester Town Office and on the town's website at www.chestervt.gov.

a. Removal of Aspirational Language

There are many amendments proposed by the CPC for the purposes of removing aspirational language from the Bylaws. When permits require ACT 250 review, it is difficult for ACT 250 to render a binding decision when the bylaws include vague, aspirational language.

b. Inclusion and Clarification of Permitted and Conditional Uses:

The following Conditional Uses have been added to the following Zoning Districts. These uses have historically existed and been compatible with other uses that exist within the District. The existence of these uses has not created undue impact to the community at large. In addition, providing avenues for additional commercial uses provides economic opportunities and growth which benefits the vitality and sustainability of Chester.

Village Center District:

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility
Light Industry

Commercial/Industrial District:

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility
Commercial Storage Unit
Heavy Construction Trades

Residential 20,000 District:

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility

Residential 40,000 District:

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility
Commercial Storage Unit
Heavy Construction Trades
Wood Processing
Processing of Construction and Landscaping Aggregate

Residential Commercial District:

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility
Commercial Storage Unit
Heavy Construction Trades
Light Industrial
Open Air Market

Stone Village District

Family Childcare Home
Building and Construction Trades
Wireless Communication Facility

Adaptive 3 District:

Family Childcare Home
Building and Construction Trades

Conservation Residential District:

Family Childcare Home
Building and Construction Trades
Campground
Wireless Broadcast Facility
Heavy Construction Trades
Sawmill
Wood Processing

Residential 120,000 District:

Family Childcare Home
Building and Construction Trades
Campground
Civic/Institutional
Wireless Communication Facility
Heavy Construction Trades
Wood Processing
Sawmill

Forest:

Family Childcare Home
Building and Construction Trades
Wireless Broadcast Facility
Wood Processing

Group Home was added as a Permitted use to all Districts. This use was added to all districts due to the definition provided in State law indicating, "In accordance with the Act [§4412(1)(G)], a group home, as defined, serving not more than 8 persons, shall be considered by right to constitute a permitted single family residential use of property except that no such home shall be considered if it is located within 1,000 feet of another existing or permitted such home."

Family Childcare Facility was added as a Conditional Use. This use was included to accommodate the State's distinction between a home, which is for 10 or fewer children, fewer than 7 of whom are full time, and a facility which is for more than 6 full time and more than 4 part time children.

Open Air Market was added as a Conditional Use. This use was added based on the desire to see Farmer's Market style businesses open in the area. Again, this would be regulated by Performance Standards and will have very little environmental impact.

Animal Kennel was added as a Conditional Use in the Commercial/Industrial District. This use was reviewed due to the request by a property owner. The Planning Commission discussed and agreed that this is a use that would fit within the Commercial Industrial District. It is currently an allowed use in many other areas of town. There are only a few residential properties located within the Commercial Industrial District. There have been no complaints made by those surrounding properties.

Light Industry was added as a Conditional Use to the Village Center District, Residential Commercial and Commercial Industrial District, . Based on the definition of Light Industry, the Planning Commission agreed that this use will have minimal environmental impact to the immediate neighbors and will be regulated by Performance Standards. In addition, the use of Light Industry provides an opportunity for production type industries within the town with very little environmental impact

Campground was added as a Conditional Use to the Residential 40,000 District and Adaptive 3 District. It was noted that there are large lots within the R40 District where campgrounds could be located. The Planning Commission noted that there are regulations within the State of Vermont that will govern the sanitation and water supply issues that relate to campgrounds. It was also

noted that the Performance Standards will regulate environmental factors.

Processing of Construction and Landscaping Aggregate was added into the R40 District.

c. Clarification of Ordinance Provisions

The Planning Commission recommends amending various sections of the Unified Development Bylaws for the purposes of clarification without amending the intent of the original language.

They are as follows:

Section 4.8 removes the language “and specifically stated policies and standards of the Chester Town Plan.

Section 4.9 relocation of Performance Standards

Section 4.12 was amended to require the submission of 7 copies of subdivision documents as well as a pdf copy. In addition, section 4.12(F) removes language requiring the vicinity map to include locations of existing roads, utilities and easements.

Sections 5.2, 5.3 and 5.4 were amended to clarify that road design applies to roads being proposed to be taken over by the town.

Section 7.4 was amended to be compatible with other additions to the CUDBs relating to substantial completion.

Section 8.2 was amended to clarify some definitions and add some definitions.

d. Miscellaneous Changes

The term Administrative Officer was amended to read Zoning Administrator throughout the entire document to avoid confusion as this is the title that have been acknowledges and used in day to day practice in Chester.

The Supplemental Standards discussed on Page 5 were amended for clarification purposes. The previous language was confusing in general, drawings were not clear and there were typos.

Supplemental Standards were added on pages 13 and 18. The purpose of this addition is to help regulate the style and scale of growth within this district.

Section 3.3 was amended to include that trailers located on private property shall be registered with DMV. The purpose of the additional language is to aid the Zoning Administrator in controlling the abundance of unregistered vehicles on properties within the town.

Section 3.6 was amended to include unfinished and abandoned structures. The purpose of the additional language is to provide the Zoning Administrator the authority to regulate structures that have been abandoned or remain unfinished, creating undesirable properties within the town.

Section 3.21 was amended to require that properties located within more than one district will be regulated by the district that the structure is located in. The purpose of this amended is for easier regulation by the Zoning Administrator and Development Review Board. Previous language was difficult to interpret.

Section 3.26 (Signs) was amended in its entirety. The existing sign section was outdated and required updating due to newer technology. The local business owners also requested that this section be reviewed to aid them in their advertising endeavors.

Section 4.2 (Substantial Completion) and Section 7.4 were added to these Bylaws. The purpose of this addition was to authorize the Zoning Administrator to regulate structures that remain unfinished after reasonable amounts of time. This addresses aesthetical aspects of the community.

Section 4.8 (3) was amended to provide clarification to the term “New England Architectural Character”. This section was difficult for the DRB to interpret as there were no existing standards by which to measure this terminology.

Language relating to driveways, access roads and towns roads was amended to reflect compliance with the Town of Chester Road and Bridge Standards.

Section 7.16 (Waivers) was amended to allow the Zoning Administrator and Development Review Board more flexibility on applications that might otherwise require a variance.

Definitions were added and modified as needed to better clarification.

3. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing. Is compatible with the proposed future land uses and densities of the municipal plan:

Aspirational Language

There are many amendments proposed by the Planning Commission for the purposes of removing aspirational language from the Bylaws. When permits require ACT 250 review, it is difficult for ACT 250 to render a binding decision when the bylaws include vague, aspirational language.

Permitted and Conditional Uses:

The uses added, whether historical or newly added, are in keeping with the spirit of the Economic Chapters of the Town Plan. Providing avenues for additional commercial uses provides economic opportunities and growth which benefits the vitality and sustainability of the Chester Community at large.

