

Web Data

Chester, VT

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Last Updated: May 01, 2020

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Owner Information

Parcel 615035
Owner ONE CREDIT UNION
380 RIVER STREET
SPRINGFIELD, VT 05156
Location 569 VT RT 103 SOUTH
Sec/TWP/Range
Descr CREDIT UNION

Parcel Value Information

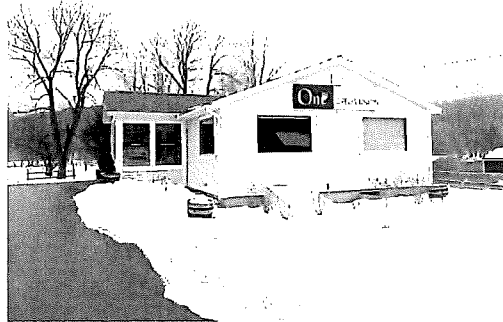
Land Value 59,000 Homestead
Dwelling Value 103,600 Housesite
Site Imprvmnt 20,000
Outbuildings
Total 182,600

Parcel Information

NBHD 1 SPAN 144-045-10823
Acres 0.45 Status A - Active

Sales Information

Book 144 Sale Date 2013-04-01
Page 191 Sale Price 220,000

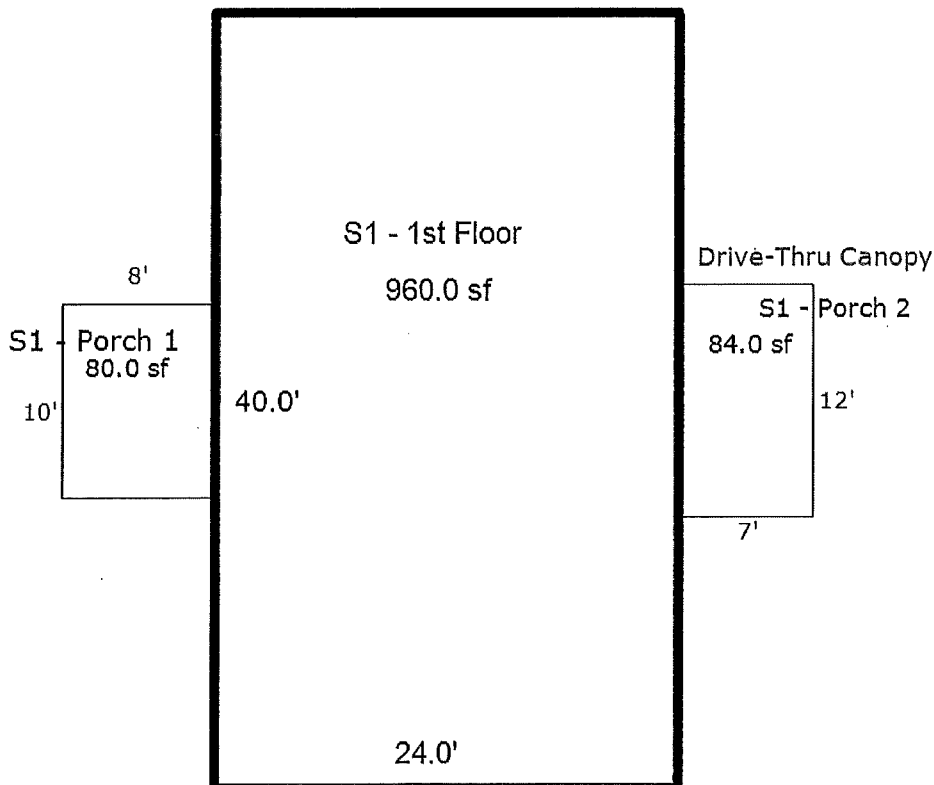


BUILDING	Total Rooms	4	Year Built	1955	Building SF	960.00	Energy Adj	Average	Roughins
Bedrooms			Effect Age	40	Quality	3.00	Bsmt Wall	Conc 8in	Plumb Fixt 4
Full Baths			Condition	Good	Style	1 Story	Bsmt SF	960	Fireplaces
Half Baths	1		Phys Depr	17	Design	Ranch	Bsmt Fin		Porch 164
Kitchens			Funct Depr		Bldg Type	Single	Bsmt Fin SF		Gar/Shed
			Econ Depr						

Notes 2020-reap-qlty 2.5 to 3, heat space to wrm/cl, cond avg to a/g. ^Compl. redone from house to bank, then again recently to upgrade the bank.

LAND	Land	1 Area	0.45	Grade	2.00	Frontage	Depth
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Sketch



One Credit Union parking lot change

No permit was required for this change to the parking lot and access to VT Route 103.

3.4 CHANGE OR EXPANSION OF USE

- A. The conversion of an accessory structure into another use will be reviewed under the procedures for the proposed new use for the zoning district in which it is located (e.g. permitted use or conditional use).
- B. Any enlargement or alteration of a permitted use that involves the creation of new floor space or outdoor storage space, requires additional on-site parking or has different minimum lot size or dimensional requirements will require a zoning permit issued by the Zoning Administrator under Section 7.2.
- 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.

No mention of curb cuts or any other reason to issue a permit for the new parking lot.

Land Development definition:

DEVELOPMENT: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extensions of use of land [the Act §4303 (10)]. For the purposes of the Flood Damage Prevention provisions, *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

STRUCTURE: An assembly of materials for occupancy or use including, but not limited to, a building, mobile home or trailer, sign, accessory buildings (including hoop houses), and any other structure with a roof. For floodplain management purposes, a structure is any walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *Structure*, for flood insurance purposes, means:

- (a) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
- (b) A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- (c) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws.

For the latter purpose, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in (c) of this definition, or a gas or liquid storage tank.

If it were a new conditional use in the Residential – Commercial District . . .

4.8 CONDITIONAL USES

Specific conditional uses are permitted only by approval of the Development Review Board, providing that General standards, Specific Standards, Performance Standards and Special Criteria, as herein provided are met, and further provided that:

- A.** The Development Review Board after public notice and public hearing determines that the proposed use will conform to such standards.
- B.** In granting such conditional use, the Board may attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purpose of the law and these Bylaws.
- C.** The Development Review Board shall act to approve or disapprove any such requested conditional use within forty-five (45) days after the date of the final public hearing held under this Section, and failure to so act within such period shall be deemed approval.

1. General Standards

These general standards shall require that any conditional use proposed for any district created under these Bylaws shall not result in an undue adverse effect to:

- a. The capacity of existing or planned community facilities;
- b. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located,
- c. Traffic on roads and highways in the vicinity;
- d. Bylaws and ordinances then in effect; and,
- e. Utilization of renewable energy resources.

2. Specific Standards

Specific standards will include consideration with respect to:

- a. Minimum lot size;
- b. Distance from adjacent or nearby uses;
- c. Minimum off-street parking and loading facilities;
- d. Landscaping and fencing;
- e. Design and location of structures and service area;
- f. Size, location and design of signs;
- g. Performance Standards under Section 4.9 and,
- h. Other such factors as these Bylaws may include.

3. Special Criteria

The following Special Criteria shall be considered by the Development Review Board when considering an application for a conditional use permit in the (VC) Village Center, (SV) Stone Village, (R-C) Residential-Commercial, Districts:

- a. All new construction, exterior alteration, fencing, lighting, reconstruction or renovation of existing buildings shall include features typical of those which define New England Architectural Character represented by the existing historical structures in the "Center of Chester".
- b. Native historical building materials are to be used which are found in construction representative of "New England Architectural Character" and /or those building products and materials which are indistinguishable to the eye from such materials in appearance.
- c. That all such construction shall take whatever precautions necessary to incorporate, protect and preserve existing historic sites.
- d. **To maintain the scale, support the density and preserve the "New England Architectural Character"** of Center of Chester, 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Village Center District; 6 of the following 18 features shall be incorporated in the design of any such Application for construction in the Stone Village Districts. and 4 of the following 18 features shall be incorporated in the design of any such Application for construction in the Residential Commercial District (Chester Depot/South Main Street Section only). The DRB shall evaluate the proposed features based on the degree to which they are interpreted by the Applicant/Design professional to support, reinforce and improve the optimal density, community scale and character as here called for. These additional features are to be in addition to the two items listed below in bold, which are mandatory for all applications within these three districts.
 1. Multi-level construction to the stated height limit, unless Application is for a secondary or back building which may be one-level.
 2. Parking at rear and/or side of building.
 3. A Gable roof profile located at street façade.
 4. **Gable roof pitches to be no less than 6/12.**
 5. Compound gable roof.
 6. Corner board trim on street side of building on wood clad exterior walls.
 7. **Front or side entry with walkway directly to sidewalk.**
 8. Wood- or timber frame.
 9. Clapboard and/or stone exterior walls.
 10. Shuttered windows.
 11. Bay windows.
 12. Landscaping/foilage at base of exterior walls.
 13. Minimum 5 foot deep side or front porch.
 14. Permanent awnings, overhangs and/or trellises.
 15. All full frame windows shall display a vertical dimension greater than horizontal dimension.
 16. Stone construction – walls or wall foundations.

17. Solid wood front door. May include “lights” (small windows in standard sized door panels).
18. Specific, existing geometries, trim, and other features that originated on pre-1935 architectural examples in The Center of Chester

Owner may propose alternate elements that reinforce, comply or echo the style, manner and character of the Center of Chester

4.9 PERFORMANCE STANDARDS

In accordance with §4414(5) of the Act, the following standards must be met and maintained by all uses in all districts that are subject to a permit under these Bylaws.

A. Noise: noise volume shall be limited to the specified decibel levels listed below measured at the property line. (The sidebar is shown only as a reference to illustrate the decibel levels of typical activities.) Noise levels or frequencies which are not customary in the district or neighborhood or which represent a repeated disturbance to others shall not be permitted. Limited exceptions are allowed for incidental and customary activities, such as the occasional use of lawn mowers and snow blowers for regular property maintenance.

Decibel (dB) Levels:

10 dB = normal breathing
 30 dB = soft whisper
 40 dB = quiet residential area, library
 60 dB = normal conversation
 70 dB = TV audio, human voice at 10 feet
 80 dB = doorbell, machine tools, car at 10 feet
 90 dB = lawn mower, tractor, blender
 100 dB = snowmobile, factory machinery,
 110 dB = leaf blower, power saw, nightclub band
 120 dB = chain saw, rock concert, pain threshold
 130 dB = stock car race, jackhammer
 150 dB = jet engine taking off

1. Noise shall not exceed 60 dB between 8:00 p.m. and 7 a.m.;
2. Noise shall not exceed 70 dB during the day between 7 a.m. and 8:00 p.m.

B. Air Pollution: no use shall create emissions, such as dust, fly ash, fumes, vapors, gases and other forms of air pollution, which:

1. Constitute a nuisance to other landowners, businesses or residents;
2. Endanger or adversely affect public health, safety or welfare;
3. Cause damage to property or vegetation; or,
4. Are offensive or uncharacteristic of the area.

Outdoor wood-fired boilers are exempt from this provision.

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.

D. Safety Hazards: Fire, explosive and similar safety hazards which would substantially increase the risk to an abutting property, or which would place an unreasonable burden on the Fire Department, shall be prohibited.

E. Electromagnetic disturbances: any electromagnetic disturbances or electronic emissions or signals which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to the public health, safety and welfare, beyond the property lines of the property on which it is located, except as specifically licensed and regulated through the Federal Communications Commission.

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.

3.20 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with this section in all districts for every building hereafter erected or enlarged, or for any expansion or change of use.

A. Minimum Parking Standards

Land Use Category	Minimum Parking Standard
Residential	2/unit
Accessory Dwelling Unit	1/unit
Lodging	1/unit
Office	2/1,000 sq ft
Retail	3/1,000 sq ft
Restaurant/Bar	1/3 seats
Civic	As required by the DRB under conditional use review
Other	

B. Non-Residential: The Development Review Board may require additional off-street parking for any non-residential use if they find that minimum spaces are not sufficient.

C. Size of Parking Space: A parking space shall be at least nine (9) feet in width and eighteen (18) feet in length.

D. ADA Accessible Parking: Any public building must provide for handicap parking, and each handicap parking space must be at least thirteen (13) feet in width and eighteen (18) feet in length, with a minimum 3-foot-wide accessible route connecting to the building in accordance

with the ADA Accessibility Guidelines. Handicap parking spaces will be so designated by appropriate signs.

E. Setbacks: Parking lot setbacks shall be a minimum of 5 feet.

F. Loading and Service Areas.

In all zoning districts, other than the VC District, off-street loading space shall be provided for commercial, industrial or institutional uses which will receive shipments in vehicles too large for a standard parking space. Space provided shall be specifically for off-street loading and shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time. Service areas may also be required for development subject to conditional use review to accommodate emergency vehicles, waste collection and disposal areas, transit service, or other purposes as may be necessitated by the proposed use. All loading and service areas shall be clearly marked and located in such a manner that parked vehicles will not block or obstruct access or sight visibility at intersections.

G. Modification of parking requirements.

On-site parking requirements may be reduced by the Development Review Board under conditional use review, based upon a determination that special conditions exist which warrant reducing the minimum parking standard. The DRB may approve up to a 50% reduction of off-street parking spaces in Subsection A above. In the VC District, the parking may be reduced beyond 50%, if warranted. When approving a modification of the parking standards, the DRB shall consider the following:

1. Is the site located on or within 1,000 feet of a transit route?
2. Are there shared parking facilities with abutting businesses which are sufficient to meet parking demand?
3. For mixed-use projects, do the proposed uses have staggered business hours with minimal overlap?
4. Does the type of business proposed generate substantial pedestrian traffic, and are adequate pedestrian facilities present?
5. Is a reduced number of parking spaces adequate due to mitigation efforts such as bicycle parking, ridesharing or innovative measures (e.g. the provision of transit passes or sponsoring car sharing for tenants/employees)?
6. Is safe and adequate on-street parking available?
7. Are green areas to be set aside for future conversion to parking in the event that the amount of space initially permitted is deemed inadequate to meet demonstrated need?
8. Can the minimum standards not be met for the redevelopment of an existing building?

One Credit Union Parking Lot change as handled by proposed bylaws

1004

Unless specifically exempted in Subchapter 110, all land development (as defined in Paragraph 5003.L) within the Town of Chester requires a zoning permit or subdivision approval issued in accordance with this bylaw.

5003.L

LAND DEVELOPMENT as defined in state statute means:

- (a) The division of a parcel into two or more parcels;
- (b) The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure;
- (c) Mining, excavating or filling; or
- (d) Any change in, or extension of, the use of land or a structure

5003.S

STRUCTURE as defined in state statute means assembly of materials for occupancy or use, including but not limited to, a building, sign, wall, or fence.

4304 Site Plan Review

4304.A Applicability. The uses requiring site plan approval before the Zoning Administrator may issue a zoning permit are listed on each zoning district page.

The Parcel is in the Mixed Use district, defined in 2104.

2104.D Site Plan Review. An applicant must obtain site plan approval before the Zoning Administrator may issue a permit for all uses other than accessory uses including home occupation, family child care home, bed-and-breakfast, short term rental and farming or forestry (see Section 4304).

Financial Institution is a permitted use in the Mixed Use District.

4304.B Purpose. The purpose of site plan review is to ensure that:

- (1) The physical aspects of proposed development comply to all applicable provisions of this bylaw;
- (2) Proposed development is of high quality and designed with landscaping, screening, outdoor lighting, signage, building form and mass, and architectural details that will be compatible with and enhance its setting;
- (3) Proposed development is appropriately sited, and is complimentary to and functionally integrated with surrounding development to the greatest extent feasible;
- (4) Curb cuts, driveways, parking facilities, emergency access, utilities and other infrastructure are adequate and available to support the proposed development; and
- (5) Proposed development is energy efficient and avoids, mitigates and/or minimizes (listed in order of preference) adverse environmental effects to the greatest extent feasible.

4304.C Classification. The Zoning Administrator will classify a site plan application for proposed development as follows:

- (1) Minor Site Plan. Proposed development that does not meet the definition of a major site plan will be a minor site plan that may be reviewed by the Zoning Administrator (see Subsection\4304.D); and
- (2) Major Site Plan. Proposed development that includes any of the following will be a major site plan that must be reviewed by the Development Review Board (see Subsection 4304.E):
 - (a) Commencement of a new conditional use (this will not be interpreted to include expansions of an existing conditional use or the commencement of a new accessory use to an existing conditional use);
 - (b) Construction or major renovation of a principal building or of an accessory building with a footprint greater than 625 square feet;
 - (c) Any increase in the number of units within a dwelling resulting in the total number of units in the building being 3 or more;
 - (d) Construction of a new curb cut (this will not be interpreted to include modification of existing curb cuts); or
 - (e) Any increase of 1,500 square feet or more in impervious surface on a lot (this will not be interpreted to include resurfacing of existing impervious surfaces).

4304.D Minor Site Plans. The Zoning Administrator:

- (1) Must act on a complete minor site plan application within 30 days in accordance with Subchapter 420;
- (2) May approve, deny or refer minor site plan applications to the Development Review Board;
- (3) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-01 before approving a site plan application; and
- (4) May approve a minor site plan application with conditions as necessary to ensure compliance with this bylaw.

4304.E Major Site Plans. The Development Review Board:

- (1) Must hold a public hearing and issue a decision on a site plan application in accordance with Subchapter 450;
- (2) Must find that the proposed development meets all of the applicable criteria specified in Figure 4-01 before approving a site plan application; and
- (3) May approve a site plan application with conditions as necessary to ensure compliance with this bylaw.

Figure 4-01

	Criteria	Site Plan	Conditional Use	PUD
1	The off-site impacts of the proposed development will not exceed the levels established in Section 1303 Nonconforming Lots	✓	✓	✓
2	The off-site impacts of the proposed development will not exceed the levels established in Section 3105 Performance Standards	✓	✓	–
3	The proposed development will provide safe and adequate access and circulation that conforms to the standards of Sections 3002 Access and 3008 Driveways.	✓	✓	✓
4	The proposed development will provide sufficient parking and loading areas that conform to the standards of Section 3104 Parking and Loading Areas.	✓	✓	–
5	The proposed development will provide exterior lighting where necessary for public safety and to facilitate nighttime use that conforms to the standards of Section 3102 Outdoor Lighting.	✓	✓	✓
6	The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate off-site impacts that conform to the standards of Section 3010 Riparian Buffers and 3101 Landscaping	✓	✓	✓
7	The proposed development will implement appropriate erosion control and stormwater management practices that conform to the standards of Sections 3012 Erosion Control and 3020 Stormwater Management	✓	✓	✓
8	Signs for the proposed development will conform to the standards of Section 3107 Signs	✓	✓	✓
9	The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements (roads, sidewalks, driveways, utilities, etc.), building codes, and standards for emergency service access.	✓	✓	✓
10	The demand for water supply, wastewater, educational and municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned community facilities.	–	✓	✓
11	The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in Paragraph 5003.C(1) character of the area.	–	✓	✓
12	Traffic generated by the proposed development will not exceed the capacity of or create congestion or unsafe conditions on roads, highways and intersections in the vicinity.	–	✓	✓
13	The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and environmental quality.	–	✓	✓
14	The proposed development will logically extend existing settlement patterns and create interconnected road networks to the maximum extent feasible given the terrain and other characteristics of the land.	–	–	✓
15	The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of roads and other infrastructure necessary to serve the lots.	–	–	✓
16	Lots within the proposed development will vary in size and frontage, and buildings will vary in design (form, style, color, materials, etc.) and placement, to replicate rural or village settlement patterns (i.e., not a 'cookie-cutter' subdivision).	–	–	✓

Item 1 The dimensional standards of the proposed development conform to the standards of the applicable district or of 1303 Nonconforming Lots if a pre-existing nonconformity

Dimensional Standards for conforming lots. In the Mixed Use district:

1. Lot size: 1 acre minimum
2. Lot frontage: 150 feet minimum
3. Lot coverage: 60% maximum
4. Front setback: 20 feet minimum
5. Side setback: 12 feet minimum
6. Rear setback: 12 feet minimum
7. Footprint: 6,000 square feet maximum

8. Height: 35 feet maximum
9. Density: 1 dwelling unit or principal use per 10,000 of lot area maximum

Nonconforming standards are

1301 A nonconforming lot may continue to exist unchanged indefinitely

In accordance with statute, a landowner may develop a lot that does not meet the minimum lot size for the zoning district in accordance with all other applicable provisions of this bylaw provided that the lot:

1. Is legally subdivided and able to be conveyed separate from any other lot;
2. Existed as of the effective date of this bylaw;
3. Is at least $\frac{1}{8}$ acre (5,445 square feet) in area; and
4. Is not less than 40 feet wide or deep.

A landowner with a lot that does not meet the minimum lot frontage for the zoning district:

- 1) May develop that lot in accordance with all other applicable provisions of this bylaw provided that:
 - (a) The lot has access to a public or private road that is maintained year-round by lot frontage, permanent easement or right-of-way at least 20 feet in width; and
 - (b) Access to the proposed development will conform to the requirements of Section 3002 and Section 3008.
- 2) Must not subdivide that lot unless:
 - (a) The lot has access to a public or private road that is maintained year-round by lot frontage, permanent easement or right-of-way at least 50 feet in width; and
 - (b) Access to the subdivided lots will conform to the requirements of Section 300 and Section 3002 and 3008 or Subsection 3305.D, as applicable.

Item 2 Performance Standards

310

3105 PERFORMANCE STANDARDS

- 3105.A **Purpose.** The provisions of this section are intended to protect the character of and quality of life in Chester by preventing proposed development from creating or contributing to adverse off-site impacts that interfere with the reasonable use and enjoyment of nearby property.
- 3105.B **Noise.** Noise emanating off-site must be muffled, must not be distinct from the background sound level beyond the property line, and must not interfere with the reasonable use and enjoyment of nearby property. The Development Review Board may place specific limits on noise levels and hours of operation as deemed necessary to protect the character of the area. Unless otherwise approved by the Development Review Board, noise levels must not exceed the following as measured at the property line:
- (1) 70 dBA for continuous time weighted average noise over any one-hour period; and
 - (2) 120 dBA for impulse or impact noise.

- 3105.C **Glare.** Lighting must not be used in such a manner that it produces glare on roads or nearby property. Arc welding, acetylene torch cutting or similar processes must be performed so as not be visible from any point beyond the property line.
- 3105.D **Odors.** Emission of odors that are readily detectable without special instruments at any point beyond the property line and that interfere with the reasonable use and enjoyment of nearby property is prohibited. This will not apply to heating systems serving single- or two-family homes.
- 3105.E **Particulate Matter and Airborne Solids.** Generation of dust, dirt, fly ash or other airborne solids that accumulate at any point beyond the property line is prohibited except when related to approved construction or extraction activities. Generation of smoke or particulate matter beyond the property line that interferes with the reasonable use and enjoyment of nearby property is prohibited. This will not apply to heating systems serving single- or two-family homes.
- 3105.F **Vibration.** Vibration that is easily discernible without special instruments at any point beyond the property line is prohibited. This will not apply to vibration caused by motor vehicle, train or aircraft traffic or during construction. The Development Review Board may approve greater vibration levels for a specified period, frequency and purpose as appropriate to the proposed development and location.
- 3105.G **Electrical or Radio Interference.** No use or process must create interference with the operation of electrical or radio apparatus beyond the property line.
- 3105.H **Junk and Junk Vehicles.** Except as specifically authorized as part of an approved use under this bylaw, accumulation of junk or storage of more than 3 junk motor vehicles (see Paragraph 2202.I and 5003.J) outside an enclosed structure is prohibited. Applicants must show the location of any proposed junk or junk motor vehicle storage areas on the site plan and must screen such facilities in accordance with Subsection 3106.F. Also see Section **Error! Reference source not found.**
- 3105.I **Waste and Material Storage.** Storage of wastes or materials that attract insects or rodents, or otherwise create a health hazard is prohibited. Applicants must show the location of waste or materials storage facilities (including, but not limited to dumpsters) on the site plan and must screen such facilities in accordance with Subsection 3106.f.
- 3105.J **Underground Storage Tanks.** Underground storage tanks must be installed, maintained, decommissioned and removed in accordance with state and federal regulations, including reporting of leaks and spills. Underground storage tanks must not be located within district setbacks, riparian buffers, wetlands or wetland buffers. Applicants for site plan approval must show the location of any proposed underground storage tanks on the site plan.

- 3105.K **Flammable, Toxic or Hazardous Substances and Wastes.** Flammable, combustible or explosive materials must be stored and handled in conformance with state and federal regulations. Such materials must be securely stored within an enclosed building or tank. Toxic or hazardous substances or wastes must not be released into the environment so as to cause contamination of any potable water supply, sanitary sewer or septic system, watercourse or water body, soil or air except as specifically permitted by the Vermont Agency of Natural Resources. See Section 3223 for specific use standards for tank farms or fuel storage and distribution.

Item 3 The proposed development will provide safe and adequate access and circulation that conforms to the standards of Sections 3002 Access and 3008 Driveways.

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3002 Access

- 3002.A **Applicability.** All land being developed must have vehicular access from a maintained public or private road in accordance with the provisions of this section except that:
- (1) For pre-existing lots without frontage on a maintained public or private road, see Subsection 2005.E; and
 - (2) The provisions of this section will not apply to access to working lands or open space used solely for conservation, agricultural or silvicultural purposes, but such access must be brought into conformance with the provisions of this section before it may be used to access any other land use or development.
- 3002.B **Access Permit.** An applicant for development to be served by a new curb cut on a town road or state highway must provide the Zoning Administrator with a copy of an access permit or letter of intent from the town or state for the curb cut before the Zoning Administrator may issue a zoning permit.
- 3002.C **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.
- 3002.D **Curb Cuts.** New and modified curb cuts must conform to the following:
- (1) **Number.** A lot must not be served by more than one curb cut except that:
 - (a) The Development Review Board may approve a waiver allowing more than one access on a lot if the applicant can demonstrate that it is necessary to:
 - (i) Accommodate unique physical conditions on the property, including inadequate space to allow turning a vehicle around;
 - (ii) Meet minimum standards for emergency access;
 - (iii) Provide access that conforms to the minimum standards of the Americans with Disabilities Act; or
 - (iv) Improve the safety of traffic circulation within the site.
 - (b) The Development Review Board may require a secondary or emergency access for subdivisions or developments when deemed necessary to protect public safety.

- (c) The Development Review Board may require the elimination, consolidation, redesign or relocation of existing curb cuts to conform to the standards of this section.
- (2) **Width.** Curb cuts must be clearly defined through use of curbing, landscaping or other means to prevent uncontrolled access. The width of a curb cut as measured at the edge of the road right-of-way must not exceed the distance specified below unless otherwise recommended by the Chester Public Works Director or VTrans District Permit Coordinator as applicable (this will include reducing the width of existing nonconforming curb cuts if they are modified or resurfaced):
 - (a) 12 feet for curb cuts serving single- and two-family dwellings;
 - (b) 16 feet for curb cuts serving multi-family dwellings;
 - (c) 20 feet for curb cuts serving non-residential uses not frequently accessed by trailer trucks; or
 - (d) 24 feet for curb cuts serving non-residential uses frequently accessed by trailer trucks.
- (3) **Sidewalks.** Where a sidewalk exists or will be constructed along the frontage, it must continue across the curb cut (this will include replacement of missing sidewalks across existing nonconforming curb cuts if they are modified or resurfaced).
- (4) **Spacing.** Curb cuts must conform to the standards below unless otherwise recommended by the Chester Public Works Director or VTrans District Permit Coordinator as applicable:
 - (a) A new curb cut must be aligned with any existing curb cut on the opposite side of the road whenever feasible, and if not feasible, the centerlines must be offset by at least 30 feet.
 - (b) A new curb cut must be separated from existing curb cuts on the same side of the road by at least 60 feet (as measured from centerline to centerline).
 - (c) A new curb cut must be separated from an intersection on the same or opposite side of the road by at least 90 feet (as measured from the edge of the road right-of-way to the curb cut centerline).

3002.E **Cross Access.** Applicants proposing to subdivide or develop commercial or industrial lots must provide a two-way access connection and access easement to abutting undeveloped, commercial or industrial lots whenever physically feasible (this will not be interpreted to include abutting lots that are in the Residential, Rural 6 or Rural 18 zoning districts). As a condition of site plan approval, the Zoning Administrator or Development Review Board may require an applicant to:

- (1) Fully construct the cross access to the edge of his/her property;
- (2) Partially construct the cross access to the edge of his/her property (ex. install the base but not the final surface); or
- (3) Provide a legally binding agreement for construction of the access at a later time (when the access would also be constructed on the abutting property).

3002.F **Sight Distance.** Trees, shrubs, hedges, fences, walls, signs and similar structures must not obscure vision above a height of 3 feet from any curb cut or intersection. This will not be interpreted to apply to buildings constructed in accordance with district standards.

- 3002.G **Class 4 Roads and other Unimproved Rights-of-Way.** A Class 4 road or other unimproved right-of-way is not a maintained public road and cannot be used to meet the access requirements of this bylaw. An applicant may propose to construct, extend, upgrade and/or maintain a Class 4 road or other unimproved right-of-way to meet Class 3 road standards at his/her expense and in accordance with town policies and specifications so that it may serve to provide access to proposed development under this bylaw. No provision of this bylaw will be interpreted to require the Town of Chester to construct, extend, upgrade or maintain a Class 4 road or other unimproved right-of way so that it may serve to provide access to adjoining property.

Item 4 The proposed development will provide sufficient parking and loading areas that conform to the standards of Section 3104 Parking and Loading Areas

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3104 PARKING AND LOADING AREAS

3104.A **Purpose.** The provisions of this section are intended to:

- (1) Ensure that development provides adequate off-street parking and loading areas to avoid congestion on surrounding roads;
- (2) Avoid creating excess parking and loading areas that result in increased flooding and land consumption, and decreased water quality and pedestrian-friendliness;
- (3) Promote greening and quality design of parking and loading areas to improve stormwater performance and enhance the character of streetscapes and property frontages in Chester.

3104.B **Applicability.** All development must provide off-street parking and all nonresidential or mixed-use development must provide loading areas in accordance with this section.

3104.C **Amount of Parking and Loading Space.** All development must provide an adequate amount of off-street parking and loading areas to fully meet the needs of the proposed use(s) in accordance with the following:

- (1) **Minimum Number of Parking Spaces.** The minimum number of parking spaces will be as specified below unless the applicant submits a professionally prepared parking study establishing the amount of parking needed:
 - (a) **Residential Uses:** 2 spaces per detached single-family dwelling, two-family dwelling or manufactured home and 1 per accessory dwelling. For all other dwellings, 1 per unit plus 0.2 for each bedroom in excess of one (i.e., 1.2 for a two-bedroom unit, 1.4 for a three-bedroom unit, etc.).
 - (b) **Lodging Uses:** 1.2 spaces per guest room.
 - (c) **Commercial Uses:** 1 space per 500 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.
 - (d) **Industrial Uses:** 1 space per 1,000 square feet of gross floor area (does not include outdoor use areas). For uses that entirely or primarily occur outdoors, see (f) below.
 - (e) **Arts, Entertainment, Recreation, Civic and Community Uses:** 1 space per 5 seats or 1 space per 500 square feet of gross floor area if no seats (does not include outdoor use areas). For uses that entirely or primarily occur outdoors or for uses that do not involve public assembly, see (f) below.

- (f) **All Other Uses.** The Zoning Administrator will establish the minimum number of spaces for any use that does not fit into a category above based on consideration of parking demand and requirements for the proposed use or a functionally similar use in Chester or elsewhere in Vermont.
- (2) **Maximum Number of Parking Spaces.** The maximum number of parking spaces will be twice the minimum number of spaces based on the applicable ratio in Paragraph (1), above, unless the applicant submits a professionally prepared parking study establishing that a greater amount of parking is needed.
- (3) **Calculation of Number of Parking Spaces.** The Zoning Administrator will determine which ratio in Paragraph (1), above, applies to a proposed use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number. On lots with multiple units or uses, the number of spaces for all units and/or uses may be added together before rounding up any decimal.
- (4) **Modification of Number of Parking Spaces.** The Development Review Board may increase or decrease the amount of off-street parking required if:
 - (a) The applicant submits a parking study prepared by a qualified professional demonstrating the amount of parking that will be needed;
 - (b) The applicant meets the requirements for shared parking in Subsection (D) below; or
 - (c) The applicant demonstrates that there is adequate on-street or public parking available within 1,000 feet of the proposed development (as measured along the sidewalk or walkway) to meet all or a portion of the demand.
- (5) **Loading Areas.** All development that generates regular deliveries/shipments by truck or that serves customers/guests who arrive/depart by bus must provide adequate off-street loading areas. The Development Review Board may waive the requirement for on-site loading areas in the village districts upon the applicant demonstrating that delivery vehicles or busses can serve the proposed use by parking safely and legally in the road right-of-way in a location that is not more than 500 feet from the proposed use.
- (6) **Bicycle Parking.** All non-residential uses in the *village and *business districts must provide bicycle parking as follows (bicycle storage requirements for multi-family residential uses are specified in Subsection 3202.D:
 - (a) Bicycle racks must be provided at a ratio of 1 bicycle parking space per 20 vehicular parking spaces with a minimum requirement for 2 bicycle parking spaces for each principal non-residential use. When calculating the total number of spaces, any decimal will be rounded up to the nearest whole number.
 - (b) Bicycle racks must be located within 50 feet of the entrance or no further from the entrance than the nearest vehicular parking space, whichever is greater.
 - (c) The Development Review Board may:
 - (i) Modify the requirements of this paragraph to allow for bicycle lockers or similar enclosed bicycle storage.
 - (ii) Waive the requirements of this paragraph for industrial uses that have no more than 10 vehicular parking spaces and do not include direct retail sales or other activities that would generate customer traffic.

3104.D

Shared or Off-Site Parking. The Development Review Board may approve a cooperative parking and/or loading plan to allow parking to be shared by two or more uses and/or to be provided off-site in accordance with the following:

- (1) Calculate the total amount of shared parking required by:
 - (a) Determining the minimum parking requirements for each use as if it were a separate use in accordance with Subsection (C) above.
 - (b) Multiply each amount by the corresponding percentages for each of the five time periods set forth in Figure 3-05. The Zoning Administrator will establish percentages for any unlisted use.
 - (c) Calculate the total for each time period.
 - (d) Select the highest total as the required minimum number of shared parking spaces.
- (2) Unless shuttle service is provided:
 - (a) The parking area and building(s) served must be connected by a sidewalk and/or pedestrian walkway; and
 - (b) Any shared or off-site parking must be located within 1,000 feet of the associated use (as measured along the sidewalk or walkway).
- (3) The applicant must record a written agreement between the owners and lessees, executed for a minimum of 20 years, in the town's land records. Should the use(s), parties involved, and/or terms of the agreement change in a manner that would alter the amount of parking provided or required, the agreement must be revised, re-approved and re-recorded in accordance with this section. Should the agreement expire or otherwise terminate, the use(s) for which the shared or off-site parking was provided will be considered in violation of this bylaw unless replacement parking is provided in accordance with this section.
- (4) The applicant must submit plans showing the location of the use(s) or structure(s) for which shared or off-site parking will be provided, the location of the parking, and the schedule of times used by those sharing the parking.

	Week days		Weekends		Nighttime
Land Use	Daytime (9 am – 5 pm)	Evening (6 pm – 11 pm)	Daytime (9 am – 4 pm)	Evening (6 pm – 11 pm)	
Office or Industrial	100%	10%	10%	5%	5%
Retail	60%	70%	100%	70%	5%
Lodging	50%	100%	50%	100%	100%
Dining	60%	100%	70%	100%	5%
Other Commercial	60%	80%	100%	90%	5%
Residential	50%	90%	80%	90%	100%

3104.E **Location Standards.** Off-street surface parking and loading areas must be located as follows:

- (1) Required parking and loading areas must be located on the same lot as the use or structure they serve unless a cooperative parking plan is approved in accordance with Subsection (D) above.
- (2) Parking and loading must only occur on those portions of the lot indicated for such use on the approved site plan.
- (3) Required parking and loading areas must be located on the lot in accordance with the following:
 - (a) Parking areas must meet district minimum setback requirements except that:
 - (i) Shared parking areas may be located within a common side or rear setback provided that a cooperative parking plan is approved in accordance with Subsection (D) above.
 - (b) The portion of the lot between the frontline of the principal building and the road may only be used for parking as follows:
 - (i) In the village districts and on properties in the General Business district fronting on Route 11 or Route 103, no additional front parking will be allowed. Existing front parking areas may be repaired, maintained, redesigned and/or reconstructed provided that there is no net increase in the number of parking spaces or amount of impervious surface.
 - (ii) In all other locations, 1 row of front parking not exceeding 10 spaces will be allowed. Existing front parking areas may be repaired, maintained, redesigned and/or reconstructed provided that there is no net increase in the number of parking spaces or amount of impervious surface.
 - (iii) The Development Review Board may waive or modify the standards of this subparagraph upon the applicant demonstrating that adequate parking cannot be located to the rear or side of the building due to either physical constraints on the property or functional requirements of the business.
 - (c) No provisions of this bylaw will be interpreted to prohibit parking of registered, operable motor vehicles within a residential driveway.
 - (d) Loading areas must be located to the side or rear of building they serve, except this provision will not apply to:
 - (i) Lots in the General Business District that do not front on Route 11 or Route 103; and
 - (ii) Passenger loading/unloading areas.

3104.F **Dimensional Standards.** Off-street parking and loading areas must conform to the following:

- (1) **Parking Spaces.** Off-street parking spaces must not be less than 9 feet wide by 18 feet deep. Each space must be accessible from a driveway or access aisle except for:
 - (a) Spaces serving a single-family or two-family home; or
 - (b) Tandem parking (a double-depth parking space with one vehicle blocking the other) approved by the Development Review Board.

- (2) **Access Aisles.** The access aisles within a parking lot or structure must be not less than 20 feet wide except that one-way aisles serving angled parking spaces may be not less than 16 feet wide.
- (3) **Loading Areas.** Loading areas:
 - (a) Serving single-unit trucks must have an overhead clearance of at least 10 feet and must be not less than 10 feet wide and 20 feet long, exclusive of access and maneuvering area.
 - (b) Serving tractor trailer trucks or busses must have an overhead clearance of at least 14 feet and must be not less than 12 feet wide and 50 feet long, exclusive of access and maneuvering area.
 - (c) Located within 100 feet of a dwelling unit must not be used between the hours of 8 p.m. and 7 a.m. unless located in the General Business District or otherwise approved by the Development Review Board.
- (4) **Turnarounds.** All off-street parking and loading areas must be designed so that vehicles can enter and exit the property without backing out onto a road right-of-way except for parking that serves a single-family or two-family home.

3104.G **Design, Construction and Maintenance Standards.** Off-street surface parking and loading areas must conform to the following:

- (1) **Surface.** Off-street parking and loading areas must provide a level hard surface appropriate for the anticipated level of use in all seasons. New parking areas for more than 10 vehicles, drive-through lanes and loading areas must be surfaced with asphalt or concrete. Existing gravel parking areas with more than 10 spaces may be maintained provided the number of parking spaces will not increase (the applicant must pave the entire parking area if expanding the number of spaces). The Development Review Board may modify the surfacing requirements:
 - (a) To accommodate green stormwater management practices; or
 - (b) For overflow or special event parking that is not frequently used.
- (2) **Layout.** Perpendicular (90 degree) parking is required unless the applicant demonstrates that due to site-specific conditions angled parking will allow for more efficient site design and compact development footprint. The Development Review Board may modify the dimensional requirements for angled parking spaces and associated aisles.
- (3) **Erosion and Drainage.** Off-street parking and loading areas must be surfaced, graded, drained and maintained to properly dispose of all stormwater runoff and minimize erosion in accordance with the provisions of Sections 3012 and 3019. Run-off and/or eroded surface materials must not flow onto adjacent roads or properties.
- (4) **Markings.** Parking areas with more than 10 spaces must demarcate the parking spaces. The markings must be kept clearly visible and distinct. Accessible parking spaces must be marked and signed in accordance with state and federal requirements.
- (5) **Screening.** Off-street parking areas and loading areas must be screened as follows:
 - (a) Parking areas located within 20 feet of a property line with a residential lot must be screened with a fence in accordance with Subsection 3106.G and a vegetated buffer in accordance with Subsection 3106.E
 - (b) Loading areas must be screened in accordance with Subsection 3106.F.

- (6) **Landscaping.** Off-street parking areas must be landscaped in accordance with Subsection 3101.G.
- (7) **Snow Removal.** Snow storage areas must be shown on the site plan in accordance with the following:
 - (a) Applicants must demonstrate that adequate area is available on the site for snow storage or, if an adequate area does not exist, that snow will be removed from the site.
 - (b) Snow must not be stored within buffers, landscaped areas or stormwater infrastructure unless those features are specifically designed for that purpose.
 - (c) If the parking area has more parking spaces than the minimum required for the use under this section, snow may be stored on the excess spaces.
- (8) **Accessible Parking.** Development must provide accessible parking in accordance with applicable state and federal regulations. Accessible spaces will count towards the minimum parking required under this section. The Development Review Board may waive or modify the standards of this section when necessary to comply with state or federal accessible parking requirements.
- (9) **Electric Vehicle Charging.** Electric vehicle charging stations may be provided within off-street parking areas as an allowed accessory use in any zoning district. Additional parking will not be required when parking spaces are converted and/or reserved for charging vehicles and such spaces will count towards the minimum parking required under this section.
- (10) **Maintenance.** Parking and loading areas must be maintained in good condition, free of weeds, dust, trash and debris, and appropriately surfaced and graded to prevent erosion, sedimentation and runoff.
- (11) **Resurfacing of Pre-Existing Parking Areas.** Parking areas that are being resurfaced must meet the following:
 - (a) The number and width of existing curb cuts must be brought into conformance with Section 3002 Access unless waived or modified by the Development Review Board upon the applicant demonstrating that the redesign would result in a loss of parking spaces below the number required under Subsection 3104.C or would adversely impact traffic circulation on the site.
 - (b) Parking areas with no stormwater management (i.e., sheet flow to the road or off-site) or with failed stormwater management (i.e., catch basins no longer at proper grade to function as designed) must be brought into conformance with Section 3020 Stormwater Management unless waived or modified by the Development Review Board upon the applicant demonstrating that he/she is proposing the best fix feasible given pre-existing site conditions.
 - (c) Front parking areas (between the front line of the building and the road) with no or less landscaping than required under Subsection 3101.G must be brought into conformance with landscaping requirements unless waived or modified by the Development Review Board upon the applicant demonstrating that providing landscaping would result in a loss of parking spaces below the number required under Subsection 3104.C or would adversely impact traffic circulation on the site.

Item 5 The proposed development will provide exterior lighting where necessary for public safety and to facilitate nighttime use that conforms to the standards of Section 3102. Outdoor Lighting

3102 OUTDOOR LIGHTING

3102.A **Purpose.** The provisions of this section are intended to:

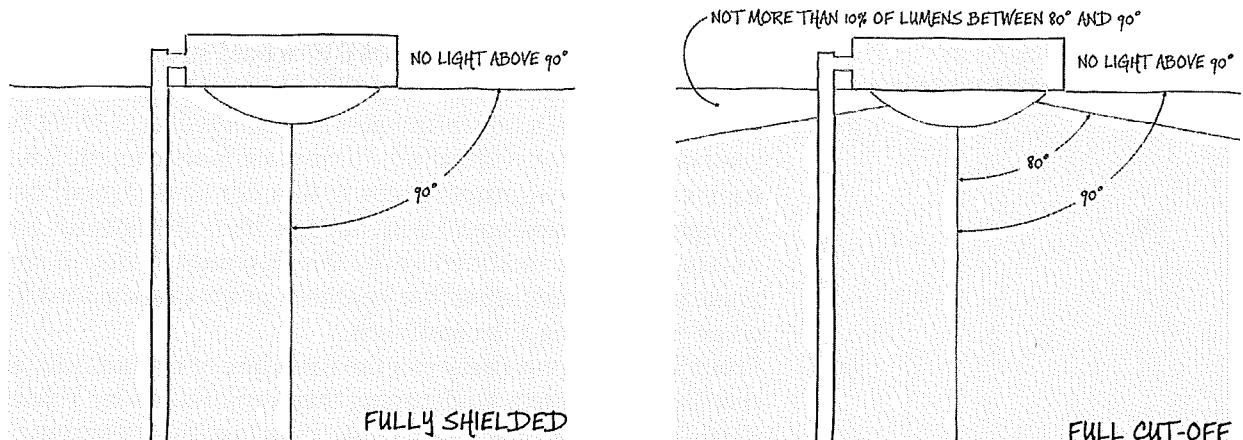
- (1) Ensure that outdoor lighting is designed to maintain safety and security;
- (2) Minimize the obtrusive and disruptive aspects of outdoor lighting;
- (3) Reduce energy use by directing appropriate amounts of light where and when it is needed, and using energy-efficient light sources; and
- (4) Prevent light trespass and glare by requiring light fixtures to be shielded and properly aimed.

3102.B **Applicability.** All outdoor lighting must be installed in accordance with the provisions of this section except for public street lights located within rights-of-way.

3102.C **General Standards.** All outdoor lighting must conform to the following:

- (1) **Lighting Plan.** Applicants for major site plan approval (see Subsection 4304.C) must submit a lighting plan prepared by a professional lighting engineer or designer if outdoor lighting will be altered or installed.
- (2) **Shielding.** All outdoor light fixtures not exempted in Paragraph 1101.A(18) or Paragraph 1101.A(19) must be shielded as specified below. All fixtures that are required to be fully shielded must be installed and maintained in such a manner that the shielding is effective.
 - (a) Light fixtures with an initial output greater than 2,000 lumens must be both fully shielded and full cut-off; and
 - (b) Light fixtures with an initial output of 2,000 lumens or less must be fully shielded but do not have to be full cut-off.

Figure 3-01. Fully Shielded and Full Cut-Off Fixtures



- (3) **Total Output.** Total output from:
 - (a) All light fixtures on a site must not exceed:
 - (i) 2.5 lumens per square foot of developed lot area max in the Village Business, General Business and Rural Business districts; or
 - (ii) 1.25 lumens per square foot of developed lot area in all other districts.
 - (b) For lots not more than 2 acres in area, total lot area may be substituted

for developed lot area.

- (4) **Uniformity.** Outdoor lighting must be designed to provide a uniform distribution of light in areas regularly traversed by vehicles or pedestrians. Lighting plans that produce a ratio of 3:1 or less between the highest light level and lowest light level within a trafficked area on the site are strongly encouraged and ratios in excess of 10:1 are prohibited.
- (5) **Spot Light Aiming.** Light fixtures containing spot or flood lamps must be aimed no higher than 45° above straight down. Use of flood or similar high-intensity lighting is discouraged.
- (6) **Freestanding Lights.** Freestanding light fixtures must not exceed 30 feet in height in the General and Rural Business districts and 24 feet in height in all other districts. Freestanding light fixtures may be located within setbacks. Use of decorative fixtures not more than 12 feet in height is encouraged to light walkways and other pedestrian-oriented spaces.
- (7) **Glare and Light Trespass.** Outdoor light fixtures must be located, oriented and shielded as necessary to prevent glare and light trespass over adjacent property or rights-of-way.
- (8) **Internally Illuminated Architecture.** The initial lamp output of any architectural element (ex. wall, fascia or canopy edge) that is internally illuminated will be included in the calculation of lumens per square foot on the site.
 - (a) **Time Limits.** Outdoor lighting must be extinguished by 10 p.m. unless otherwise approved by the Development Review Board upon finding the lighting necessary to accommodate a use occurring after 10 p.m., protect public safety or secure the property. To achieve the purposes of this section and protect the character of the area, the Development Review Board may further limit when outdoor lighting may be used and may require use of timers or sensors.

3102.D **Special Use Lighting.** There are additional lighting standards for the following uses:

- (1) **Recreation Facilities.** Lighting for outdoor recreation facilities must conform to the following:
 - (a) Lighting for outdoor recreation facilities will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(3).
 - (b) The facility lighting must be designed to achieve no greater than the minimal levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
 - (c) Light fixtures must be fully-shielded or use internal and/or external louvers or shields to minimize off-site glare and light trespass.
 - (d) Light fixtures must be installed and maintained with aiming angles that permit no greater than 5% of the light emitted by each fixture to project above the horizontal. [**note PC asked whether fully shielded lighting can be used and my review of lighting guidelines for sport facilities indicates that they typically range from 5-10% above the horizontal and it appears necessary to have lighting above the horizontal for "aerial activity"*]
 - (e) All field lighting must be extinguished within 30 minutes of the cessation of play. Events must be scheduled so as to complete activity before 10 p.m. Illumination of the facility will be permitted after 10 p.m. only to conclude a scheduled event that did not conclude before the time limit due to unusual circumstances.

- (2) **Sales Lots.** Lighting for the frontage row display area of a sales lot must conform to the following:
 - (a) All frontage row lighting must use fully-shielded light fixtures, but is not required to use full cut-off fixtures.
 - (b) The total outdoor light output used for illuminating the frontage row display area must not exceed 60 lumens per square foot of the frontage row display area.
 - (c) Lighting for the frontage row will be exempt from the lumens per square foot limit specified in Paragraph 3102.C(3).
 - (d) Any frontage row lighting that exceeds the lumens per square foot limit specified in Paragraph 3102.C(3) or that is not full cut-off must only be turned on when the business is open.
- (3) **Fueling Station Canopies.** Lighting for fueling station canopies must conform to the following:
 - (a) All light fixtures mounted on or recessed into the lower surface of the canopy must be fully shielded and use flat lenses.
 - (b) The total light output used for illuminating fueling station canopies must not exceed 60 lumens per square foot of canopy.
 - (c) The total light output used for illuminating fueling station canopies will be counted towards the site's lumens per square foot limit as specified in Paragraph 3102.C(3).

3102.E **Pre-Existing Outdoor Lighting.** Existing light fixtures must be included in the calculation of total light output on a site. Applicants seeking major site plan approval who are proposing to add additional fixtures must bring all existing outdoor lighting into conformance with the provisions of this section.

Item 6 The proposed development will include landscaping, screening and buffers to add visual appeal and mitigate off-site impacts that conform to the standards of Sections 3018 Riparian Buffers and 3101 Landscaping

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3018 RIPARIAN BUFFERS

- 3018.A **Purpose.** This section is intended to protect and enhance the overall quality, natural function and ecological health of the town's surface water resources by mitigating the impact of development within riparian areas.
- 3018.B **Applicability.** The provisions of this section apply to all land (as measured from the top of bank) within 50 feet of mapped surface waters. Where this land is also within the Flood Hazard Overlay District, the provisions of Section * will take precedence over the provisions of this section.
- 3018.C **General Standards.** Development is prohibited and natural woody vegetation must be maintained or established within riparian buffers except that:
 - (1) Water-dependent structures or uses, public recreation facilities and public trails or walkways will be allowed to the extent allowed in the applicable zoning district.

- (2) Private water access, outdoor recreation, or outdoor seating may occupy not more than 1,000 square feet within the riparian buffer. That area may be covered with mowed lawn, decks, patios, walkways or other impervious surfaces.
- (3) The vegetation within the riparian buffer may be used in conjunction with green stormwater infrastructure (GSI) practices provided that such practices will not significantly compromise the existing functions of naturally vegetated riparian buffers.

3018.D **Nonconforming Sites.** Pre-existing development within riparian buffers will be regulated in accordance with the following:

- (1) The pre-existing development within the buffer may continue.
- (2) A pre-existing building, developed site, or portion of a building or site within the buffer may be used for any purpose allowed in the zoning district provided that there will be no exterior modifications within the buffer.
- (3) Exterior modification, redevelopment or replacement of structures or developed areas within the buffer may be allowed as a conditional use (see Subsection 3018.E).
- (4) On previously developed single- and two-family residential lots, natural woody vegetation will not have to be re-established on areas within the riparian buffer being maintained as lawns or gardens.

3018.E **Conditional Use Criteria.** In addition to all other applicable criteria of this bylaw, an applicant seeking conditional use approval for redevelopment within the riparian buffer must demonstrate that:

- (1) The proposed redevelopment cannot reasonably be accommodated on any portion of the lot outside the riparian buffer;
- (2) The proposed redevelopment will not have new or greater (as compared to existing conditions) adverse impact on the natural functions of the surface water and land within the riparian buffer; and
- (3) The site will be brought into conformance with the purpose and standards of this section to the maximum extent feasible, which may include re-planting any open space areas with suitable woody, riparian vegetation.

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3101 LANDSCAPING

3101.A **Purpose.** The provisions of this section are intended to:

- (1) Enhance the appearance and quality of development in Chester;
- (2) Provide shade, and reduce heat and glare;
- (3) Avoid unnecessarily reducing solar access;
- (4) Control soil erosion and stormwater runoff;
- (5) Screen potentially incompatible land uses and utilitarian site features; and
- (6) Calm traffic, and improve pedestrian safety and comfort.

3101.B **Applicability.** Proposed development subject to major site plan (see Subsection 4304.C) or subdivision approval, including planned unit developments, must provide landscaping in accordance with the provisions of this section.

- 3101.C **General Standards.** All landscaping required under this bylaw must conform to the following:
- (1) **Landscape Plan.** Applicants for major site plan approval must submit a landscape plan prepared by a licensed landscape architect or a certified horticulturist if landscaping will be installed. Landscape plans must consist of mixed, layered plantings of trees, shrubs and ornamental plants selected based on site conditions and plant function.
- 3101.D **Plant Materials.** Plant materials must meet the specifications in Figure 3-02. Chester strongly encourages use of native species and prohibits use of invasive or potentially invasive species as identified in the Vermont Agency of Agriculture's list of *Invasive and Noxious Weeds* and in *.
- (1) **Performance Bond.** If landscaping cannot be installed at an appropriate stage in the construction due to time of year or unusual weather conditions, the applicant may install the landscaping within 6 months of the end of construction. The applicant must submit a performance bond to ensure that landscaping will be installed in accordance with the approved plans. The performance bond will be held until the landscaping is completed.
 - (2) **Planting and Maintenance.** Landscaping must be:
 - (a) Installed in accordance with accepted nursery and horticultural standards;
 - (b) Watered as necessary for at least 3 growing seasons after installation;
 - (c) Mulched as appropriate to retain soil moisture and prevent soil erosion or compaction, but not to a depth greater than 3 inches;
 - (d) Maintained in an attractive, healthy condition and as shown on the approved plans as follows:
 - (i) Dead or dying plants must be replaced within one growing season with a comparable plant (in terms of type, form, size at maturity, etc.) of at least the minimum size requirements specified in Figure 3-02.
 - (ii) Invasive and other "volunteer" plants or weeds must be removed.
 - (iii) Trash and debris must not be allowed to accumulate in landscaped areas.
 - (iv) Plants must be pruned or cut back as called for in the approved plans and in accordance with accepted nursery and horticultural standards.
 - (3) **Inspection.** The Development Review Board may require that the Zoning Administrator inspect the site to determine that the plant materials are healthy and that the landscaping is functioning as intended after several growing seasons as a condition of approval. An inspection is recommended when landscaping is integral to ensuring that the proposed development performs as approved (such as within green stormwater infrastructure or riparian buffers, or where there is a specific screening or aesthetic concern, for example).

Figure 3-02. Planting Specifications

Plant Material	Maximum Crown/Spread (at maturity)	Maximum Height (at maturity)	Minimum Caliper (at planting)	Minimum Height (at planting)	Minimum Soil Volume (per plant)	Equivalent Planting Units
Large Tree	40 ft or more	50 ft or more			1,000 cf	1.0

Medium Tree	<40 ft	30 ft or more	2.5 inches for single-trunk trees (measured at 6" above grade)	6 ft for multi-trunk trees	500 cf	0.8
Small Tree	<30 ft	<30 ft			250 cf	0.6
Large Shrub	9 ft or more	8 ft or more	n/a	30 in	120 cf	0.5
Medium Shrub	<9 ft	4 to <8 ft	n/a	18 in	60 cf	0.3
Small Shrub	<6 ft	<4 ft	n/a	12 in	15 cf	0.1

Notes

Minimum soil volume will not include any soil below 4 feet in depth (ex. 1,000 cf could equal an area 20' wide by 25' long by 2' deep or an area 10' wide by 25' long by 4' deep).

Minimum soil volume per plant may be reduced by 40% for planting areas landscaped with multiple plants that are not less than 10 ft in any dimension.

Existing, healthy, mature plant materials that will be preserved may be counted towards landscaping requirements at a rate of 120% of the applicable equivalent planting units.

Perennial ornamental plants may be substituted for not more than 30% of the total number of required plants at a rate of 0.1 equivalent planting units. Minimum size at planting must be a #1 container or equivalent.

3101.E **Front Yard Standards.** Proposed development requiring major site plan approval (see Subsection 4304.C) must provide landscaping within the minimum front setback unless the principal building is or will be constructed to or within 4 feet from the edge of the sidewalk in accordance with the following:

- (1) **Location.** Front yard landscaping must be provided between the edge of the road right-of-way and the frontline of the principal building to:
 - (a) Highlight and enhance entrances to the site and/or free-standing signs located within the front setback;
 - (b) Provide direction to and enhance building entrances;
 - (c) Provide visual breaks along blank building facades;
 - (d) Enhance and shade sidewalks and walkways;
 - (e) Screen parking areas or other utilitarian site elements; and/or
 - (f) Intercept and filter stormwater runoff.
- (2) **Specifications.** Front yard landscaping must conform to the planting specifications in Figure 3-02.
- (3) **Quantity.** Front yards that are 20 feet or more deep must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 30 feet of lot frontage (exclusive of street trees). Front yards that are less than 20 feet deep must be landscaped with not less than 1.0 equivalent planting unit (EPU) for every 60 feet of lot frontage (exclusive of street trees).
- (4) **Green Stormwater BMPs.** Chester strongly encourages front yard landscaping to also function as green stormwater best management practices (BMPs).

3101.F **Streetscape Standards.** Proposed development must provide street trees along existing and proposed roads in accordance with the following:

- (1) **Location.** Street trees must be planted as follows:
 - (a) Within 5 feet of the edge of the road right-of-way unless otherwise recommended by the Public Works Director or VTrans District Permit

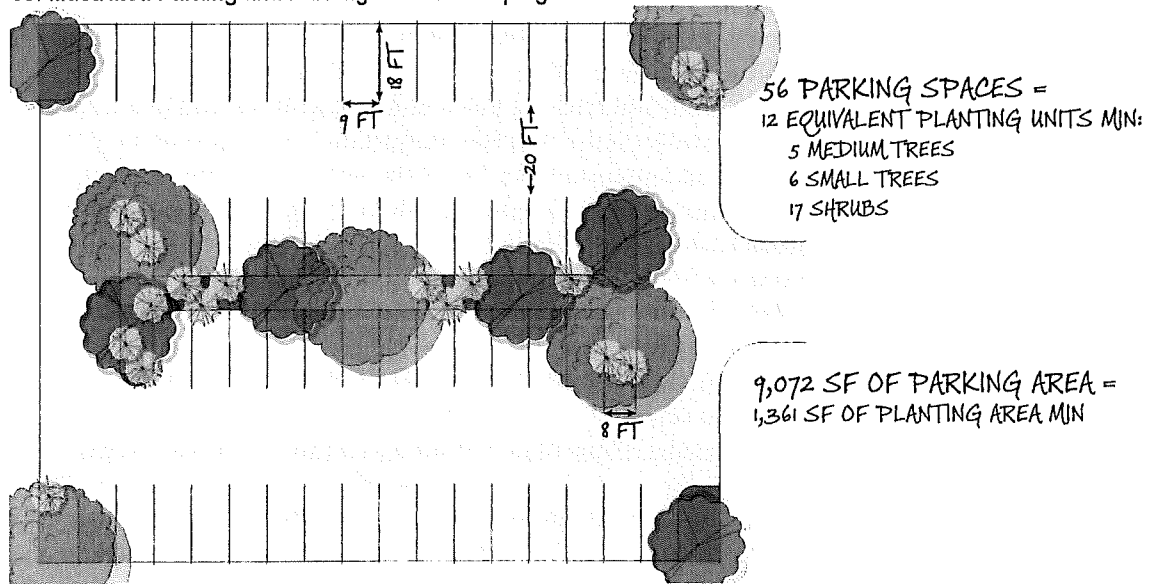
- Coordinator as applicable; and
- (b) In a planting strip or a tree well that is not less than 5 feet in any dimension unless otherwise recommended by the Public Works Director or VTrans District Permit Coordinator as applicable.
- (2) **Specification, Size and Spacing.** Street trees must conform to the planting specifications in Figure 3-02, and be sized and spaced as follows:
 - (a) Where there are no existing or proposed overhead utility lines, street trees must be large trees.
 - (b) Where there are existing or proposed overhead utility lines with at least 35 feet of vertical clearance, street trees must be medium trees.
 - (c) Where there are existing or proposed overhead utility lines with less than 35 feet of vertical clearance, street trees must be small trees.
 - (d) Street trees must be planted with a reasonably even, linear spacing as specified below:
 - (i) Large trees must be planted at a minimum ratio of one for every 50 feet of frontage.
 - (ii) Medium or small trees must be planted at a minimum ratio of one for every 30 feet of frontage.
 - (e) The Development Review Board may modify the above requirements and allow the applicant to:
 - (i) Plant medium or small trees if buildings or other obstructions will conflict with large trees as they mature;
 - (ii) Shift the spacing and/or size of street trees to accommodate site features, underground utilities or maintain sight distance.
- (3) **Preservation of Existing Trees.** Chester strongly encourages preservation of existing, healthy, mature trees. The Development Review Board may waive the location, spacing and alignment standards above to allow existing trees within 15 feet of the edge of the road right-of-way to meet street tree requirements.

3101.G **Parking Area Standards.** Proposed development requiring major site plan approval (see Subsection 4304.C) must landscape existing and proposed off-street surface parking areas in accordance with the following:

- (1) **Small Parking Lots.** Single-loaded parking areas with up to 10 spaces and double-loaded parking areas with up to 20 spaces may be landscaped solely along the perimeter of the parking area provided that the planting area is not less than 8 feet in any dimension.
- (2) **Large Parking Lots.** Single-loaded parking areas with more than 10 spaces and double-loaded parking areas with more than 20 spaces must incorporate landscaped planting islands within the parking area. Parking lot landscaping must be located to:
 - (a) Provide visual breaks within or along rows of parking;
 - (b) Shade parking spaces, sidewalks and walkways;
 - (c) Screen parked vehicles from view at the road and from adjoining properties; and/or
 - (d) Intercept and filter stormwater runoff.
- (3) **Planting Islands.** Planting islands must:
 - (a) Be not less than 8 feet in any dimension; and
 - (b) Equal an area that is not less than 15% of the total area of parking spaces (excluding access aisles).

- (4) **Specifications.** Parking area landscaping must conform to the planting specifications in Figure 3-02.
- (5) **Quantity.** Parking areas located in front of buildings or otherwise visible from public view must be landscaped with not less 1.0 equivalent planting unit (EPU) for every 5 parking spaces. Parking areas located behind buildings or otherwise screened from public view must be landscaped with not less 1.0 EPU for every 10 parking spaces.
- (6) **Expansion of Pre-Existing Parking Areas.** Parking areas that are being expanded must conform to the landscaping requirements of this section as follows:
 - (a) If the increase in the number of spaces and impervious surface will be not more than 30% from what existed prior to [EFFECTIVE DATE], the quantity of landscaping required will be based on the number of new spaces.
 - (b) If the increase in the number of spaces or impervious surface will be more than 30% from what existed prior to [EFFECTIVE DATE], the quantity of landscaping required will be based on total number of spaces (new + existing).
- (7) **Green Stormwater BMPs.** Chester strongly encourages parking area landscaping to also function as green stormwater best management practices (BMPs).

Figure 3-03. Illustrated Parking and Parking Lot Landscaping Standards



Item 7 The proposed development will implement appropriate erosion control and stormwater management practices that conform to the standards of Sections 300 Erosion Control and 3020 Stormwater Management

300

3012 EROSION CONTROL

3012.A

Purpose. This section is intended to promote construction practices on development and redevelopment sites that limit soil disturbance and compaction, and minimize erosion and sedimentation of downstream water bodies.

- 3012.B **Applicability.** All construction activities that will disturb soil must implement appropriate measures to prevent erosion and sedimentation from adversely impacting nearby properties, public infrastructure or downstream water bodies as set forth in the general standards below.
- 3012.C **Projects Subject to State Permitting.** Development that obtains a state construction general or individual permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.
- 3012.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.
- 3012.E **General Standards.** All construction or demolition activities that will disturb soil must be undertaken in accordance with the following practices (for further guidance see the Vermont Agency of Natural Resource's *Low Risk Site Handbook for Erosion Prevention and Sediment Control*):
- (1) Limit the size of the disturbance area to the minimum necessary to accommodate the proposed development or demolition. Unless otherwise approved in accordance with a professionally-prepared erosion prevention and sediment control plan, the disturbance area must not extend more than 30 feet beyond the footprint of the construction/demolition area.
 - (2) Preserve significant existing trees within the disturbance area where feasible. Trees to be preserved within the disturbance area should be protected by fencing that at a minimum encloses the area around their drip line.
 - (3) Mark site boundaries to identify the limits of disturbance (including storage and access areas) with flags or fencing. No soil disturbance or compaction should occur outside the delineated disturbance area.
 - (4) Limit the amount of soil exposed at one time to reduce the potential for erosion by phasing construction.
 - (5) Stabilize and maintain the construction entrance to prevent mud from being tracked onto roads.
 - (6) Install silt fences to intercept runoff and allow suspended sediment to settle out on the downslope side of construction/demolition activities and between disturbed soil and any drainage feature, stormwater inlet or water body.
 - (7) Divert any stormwater from upslope areas around the disturbed area with appropriately stabilized berms and/or ditches to prevent the runoff from picking up sediment. Untreated stormwater and sediment must not be diverted to neighboring properties, public rights-of-way or surface waters.
 - (8) Treat and filter any water pumped out of the disturbance area before allowing it to flow off the site or to be discharged to a storm drain or surface water.
 - (9) Slow any concentrated flows of runoff by installing stone check dams in drainage channels.
 - (10) Stabilize exposed soil with seed and mulch or erosion control matting promptly when work in an area is complete.
 - (11) Monitor the site to ensure that all sediment and erosion control measures are functioning properly. It is particularly important to check erosion control measures just before and after any significant rainfall.

- (12) Periodically clean, replace and maintain all sediment and erosion control measures until vegetation is permanently established on all disturbed areas.
- (13) Till any compacted soil prior to the final seeding and mulching.
- (14) Stockpile the topsoil removed during construction/demolition and spread it back onto disturbed areas prior to the final seeding and mulching. If the quality of the site's topsoil is inadequate to support appropriate vegetative cover, it does not need to be stockpiled and it may be replaced with better quality soil or, if it is retained, it must be amended as needed.

3012.F **Erosion Control Plan Required.** Applicants for major site plan approval proposing construction or demolition activities that will disturb more than 10,000 square feet of soil must submit and implement a professionally prepared erosion control plan in accordance with the *Vermont Standards and Specifications for Erosion Prevention and Sediment Control*.

3020 **Stormwater Management**

3020.A **Purpose.** This section is intended to:

- (1) Minimize and/or control the quantity and quality of stormwater run-off;
- (2) Promote stormwater management methods that maintain pre-development hydrology and drainage patterns through project layout, site design, and best management practices that manage stormwater run-off as close to the source as possible;
- (3) Limit clearing and grading to the minimum needed for construction and minimize impacts to natural vegetation;
- (4) Prevent soil erosion and sedimentation resulting from non-point source pollution generated by development;
- (5) Protect surface waters and other natural resources from degradation as a result of development;
- (6) Minimize hazards from flooding and streambank erosion; and
- (7) Prevent damage to, and reduce public expenditures associated with maintaining municipal infrastructure resulting from inadequate stormwater controls.

3020.B **Applicability.** The provisions of this section apply to any development that will increase the amount of impervious surface on a lot.

3020.C **Projects Subject to State Permitting.** Development that obtains a state stormwater permit will be assumed to have met the requirements of this section. Any zoning permit or approval will be conditional upon the applicant submitting a copy of the state permit to the Zoning Administrator prior to the start of construction.

3020.D **Public Works Specifications.** If there is a conflict between a provision of this section and a provision of any Public Works Specifications duly adopted by the Town of Chester, the Public Works Specifications will take precedence.

3020.E **General Standards.** All proposed development that will increase the amount of impervious surface of a lot must implement appropriate measures to reduce and manage stormwater to prevent run-off from adversely impacting nearby properties, public infrastructure or downslope water bodies.

3020.F

Design and Engineering Requirements. Applicants must design and engineer proposed development in accordance with low-impact site design (LID) approaches and green stormwater infrastructure (GSI) best management practices to the maximum extent feasible given the site specific conditions including, but not limited to, soil characteristics and slope as follows:

- (1) Applicants proposing development that is not subject to major site plan approval and that will increase the amount of impervious surface on a lot by 2,500 square feet or more must demonstrate that appropriate stormwater best management practices will be implemented based on the *GSI Simplified Sizing Spreadsheet*.
- (2) Applicants proposing development that is subject to major site plan approval and that will increase the amount of impervious surface on a lot by 2,500 to 10,000 square feet must demonstrate that appropriate stormwater best management practices will be implemented either:
 - (a) Based on the *GSI Simplified Sizing Spreadsheet*;
 - (b) By submitting and implementing a professionally prepared stormwater management plan in accordance with the *Vermont Stormwater Management Manual*.
- (3) Applicants proposing development that is subject to major site plan approval and that will increase the amount of impervious surface on a lot by more than 10,000 square feet must submit and implement a professionally prepared stormwater management plan in accordance with the *Vermont Stormwater Management Manual*.

3020.G

Best Management Practices. Development that will increase the amount of impervious surface on a lot by 2,500 square feet or more must be designed so that stormwater run-off will be routed through one or more appropriate green stormwater management best management practices (BMPs) in accordance with the following:

- (1) BMPs must be sized and designed to capture 90% of the annual storm events, or the first inch of rainfall. (See the *Simplified GSI Sizing Tool* for methods and calculations.)
- (2) Stormwater from on-site impervious surfaces including, but not limited to, roofs, roads, driveways, parking areas, sidewalks and walkways must be guided to vegetated areas, retention areas, and/or other pervious surfaces in order to promote on-site water retention and filtration.
- (3) Applicants must demonstrate that the proposed width of all roads and driveways is the narrowest possible to provide safe access and circulation in accordance with the provisions of this bylaw.
- (4) Applicants must demonstrate that the proposed amount of on-site parking is the minimum necessary to meet anticipated parking demand in accordance with the provisions of this bylaw.
- (5) Applicants must demonstrate that the area to be disturbed during construction is the smallest area necessary to accommodate the activity. Unless otherwise approved in accordance with a professionally prepared erosion prevention and sediment control plan, the disturbance area must not extend more than 30 feet beyond the footprint of the construction area.

- (6) Pervious paving will not be allowed as a BMP unless the applicant provides a professionally prepared stormwater management plan that includes maintenance protocols for the pervious paving.

3020.H **Post-Construction Soil Depth and Quality.** All disturbed areas on a site not covered by impervious surface, incorporated into a structural stormwater treatment practice, or engineered as structural fill or slope once development is complete, must conform to the following:

- (1) The duff layer and topsoil in areas to be disturbed during construction must be removed and stockpiled onsite in a designated, controlled area that is not adjacent to surface waters, wetlands, floodplains, or river corridors. The duff layer and topsoil must be re-applied to the disturbed areas once construction activities are complete.
- (2) At project completion, soil within the disturbance area must be treated and/or amended as necessary to repair construction-related damage and compaction. At a minimum, the soil in disturbed areas must:
 - (a) Include a topsoil layer with a minimum depth of 8 inches except where tree roots limit the depth of incorporation of amendments needed to meet the criteria.
 - (b) Have had the subsoils below the topsoil layer scarified at least 4 inches with some incorporation of the upper material to avoid stratified layers, where feasible.
- (3) If the stockpiled duff layer and topsoil is not sufficient to amend the graded areas, the applicant must import and establish a minimum 8-inch topsoil layer with subsoils below scarified to at least 4 inches to allow for some incorporation of the topsoil layer.
- (4) The resulting soil must be capable of supporting healthy vegetation and infiltrating stormwater.

Item 8 Signs for the proposed development will conform to the standards of Section 3107 Signs.

3007 SIGNS

3007.A **Purpose.** By encouraging the orderly and appropriate design, scale and placement of signs, the provisions of this section are intended to:

- (1) Protect public safety, including but not limited to, safe pedestrian and vehicular travel;
- (2) Encourage the use of street graphics that are compatible with the community's rural, small town character;
- (3) Promote effective identification, communication and wayfinding; and
- (4) Maintain and enhance an attractive visual environment that fosters a healthy economy.

3007.B **Applicability.** All signs must be designed and installed in accordance with the provisions of this section. The Zoning Administrator must issue a permit before any sign is erected, enlarged, replaced, reworded, redesigned or altered in any way except as specifically exempted in Subsection 3007.C.

3007.C **Exempt Signs.** The following signs are not subject to this bylaw and do not require a zoning permit provided that they are not designed or installed in a manner that would cause them to be prohibited under Subsection 3007.D:

- (1) Public signs or notices erected or required by a government entity.
- (2) Signs that are exempt from state regulation under 10 V.S.A § 494 (such as welcome signs, official traffic control signs, legal notices, hazard warning signs, and municipal information and guidance signs).
- (3) Temporary banners installed within the public right-of-way as approved by the Chester Selectboard.
- (4) Political campaign signs that are not:
 - (a) Displayed more than 1 month prior to or more than 1 week following an election or vote;
 - (b) Located within a public right-of-way or mounted on a utility pole;
 - (c) More than 6 square feet in area; and
 - (d) More than 4 feet in height.
- (5) Historic markers approved under Vermont's State Historic Site Marker program.
- (6) Noncommercial signs memorializing the names of buildings and when they were constructed that are:
 - (a) An integral architectural element of the building; and
 - (b) Cut into masonry or constructed of bronze or a material of comparable durability and attached to the wall.
- (7) Noncommercial property identification signs (such as street address, mailbox number, building number, or resident's name) that are not:
 - (a) Free-standing (must be mounted on the building or a related accessory structure such as a mailbox);
 - (b) Located within a public right-of-way or mounted on a utility pole; and
 - (c) More than 2 square feet in area.
- (8) Noncommercial directional, traffic control, parking, instructional or warning signs that are not:
 - (a) Located within a public right-of-way or mounted on a utility pole;
 - (b) More than 4 square feet in area; and
 - (c) More than 6 feet in height.
- (9) Not more than one temporary, unlit, noncommercial sign per lot that is not:
 - (a) Displayed for more than 2 weeks;
 - (b) Located within a public right-of-way or mounted on a utility pole;
 - (c) More than 6 square feet in area; and
 - (d) More than 4 feet in height.
- (10) Not more than one "open" flag or window sign per business establishment that is not:
 - (a) Displayed when the business is closed (flags must be brought in or window signs must be turned off);
 - (b) Located so that it would project into the public right-of-way or sidewalk within a height of 8 feet from the ground or sidewalk surface if a flag; and
 - (c) More than 15 square feet in area if a flag or more than 6 square feet in area if a window sign.
- (11) Not more than one unlit sign per lot advertising the sale or lease of real estate by the owner or an agent that is not:
 - (a) Located within a public right-of-way or mounted on a utility pole;
 - (b) More than 6 square feet in area; and
 - (c) More than 4 feet in height.

- (12) Signs incorporated into machinery or equipment by a manufacturer or distributor, which provide instruction or identify only the product or service dispensed by the machine or equipment (such as signs customarily affixed to vending machines, newspaper racks, ATMs or fuel pumps).
- (13) Flags and insignia of any government, religious, charitable, fraternal or similar organization (see Section 3003 if installing a flagpole).

3007.D Prohibited Signs. The following signs are prohibited:

- (1) Off-premise signs, except for signs on a common scheme premises in conformance with this section or signs that are exempt from state regulation under 10 V.S.A § 494.
- (2) Abandoned signs (see Paragraph **definition*).
- (3) Signs applied or attached to trees, utility poles, public benches, streetlights or similar public infrastructure.
- (4) Signs placed on any public property or in any public right-of-way, except for sandwich board signs in conformance with this section.
- (5) Signs that obstruct pedestrian traffic or visibility.
- (6) Signs that limit drivers' sight distance, that could be confused with official highway signs or signals, that unduly distract drivers' attention, or that otherwise impair public safety.
- (7) Internally illuminated signs.
- (8) Signs illuminated by, composed of, or containing flashing, intermittent, rotating or moving lights, except for electronic message signs in conformance with this section.
- (9) Signs that are composed of or incorporate laser source lights, searchlights or other high intensity lights.
- (10) Signs containing neon gas.
- (11) Signs that move or that incorporate any pennant, ribbon, streamer, spinner, balloon, inflatable or other similar moving, fluttering or revolving device, including but not limited to feather or whip signs.
- (12) Signs that make noise or emit sound.
- (13) Signs that use obscene, lewd, vulgar or indecent words or images not suitable for a general audience.
- (14) Signs more than 150 square feet in area.
- (15) Signs more than 24 feet in height or, if building mounted, above the building's roofline except as specifically authorized in this section.
- (16) Signs on vehicles or trailers that are parked or located for the primary purpose of displaying the sign. In determining whether a vehicle or trailer is functioning primarily as a sign, the Zoning Administrator will consider factors including, but not limited to, whether:
 - (a) The vehicle or trailer is registered and capable of being legally driven.
 - (b) The sign interferes with the functional use of the vehicle or trailer.
 - (c) The vehicle or trailer is located in a lawful or approved parking space.
 - (d) Less visible parking spaces are available on the subject property where the vehicle could reasonably be parked.
 - (e) The vehicle or trailer is regularly moved or driven.

3007.E General Standards. All signs must conform to the following:

- (1) Signs must be structurally sound and located so that they do not pose a threat to pedestrian or vehicular traffic.

- (2) Permanent free-standing signs must be self-supporting structures built on and attached to concrete footings or other permanent foundation.
- (3) Signs must be designed to withstand a wind pressure of at least 30 pounds per square foot.
- (4) Signs must be constructed of durable, all-weather materials.
- (5) Signs must be limited to not more than three colors and use of fluorescent colors is prohibited. The color(s) of building-mounted signs must complement the color scheme of the associated building. Designs that feature light colored lettering and graphics on a dark background are strongly encouraged for better legibility.
- (6) Signs must not be designed or located in a manner that would obstruct access to any fire escape, window or door.
- (7) Signs must not be designed or located in a manner that would obscure architectural features such as cornices, arches, columns, etc.

3007.F **Wall Signs.** A maximum of 1 wall sign is allowed per establishment as follows:

- (1) Externally illuminated and backlit wall signs are allowed in all zoning districts in conformance with the provisions of Paragraph 3007.O.
- (2) A wall sign must not exceed a sign area of 1 square foot multiplied by the width of the building facade to which it will be attached up to a maximum of 40 square feet for ground floor uses and 20 square feet for upper floor uses. If the use occupies only a portion of the building, the sign area will be based on the width of the facade associated with the establishment being advertised.
- (3) A wall sign must have a signable area that is at least 12 inches and not more than 36 inches in height.
- (4) A wall sign must not project more than 8 inches from the wall and must not extend above or beyond the wall on which it will be mounted.

3007.G **Awning Signs.** Signs may be painted, printed or appliued on any awning over a window or door as follows:

- (1) Awning signs are allowed in all zoning districts.
- (2) Awning signs must not be illuminated.
- (3) Not more than 25% of the sloping plane or 75% of the valence of an awning may be used as signable area.
- (4) Awning sign content must be limited to the business name, logo and/or address.
- (5) Awnings must be mounted so that no portion is less than 9 feet above the ground or sidewalk surface below.

3007.H **Window Signs.** Signs may be painted, applied or placed on the inside of windows or doors as follows:

- (1) Window signs are allowed in all zoning districts.
- (2) Window signs must not be illuminated.
- (3) No window sign may exceed 12 square feet in signable area.
- (4) Not more than 20% of the glass surface of a window or door may be used for or obscured by signage.

3007.I **Free-Standing Pole or Monument Signs.** A maximum of 1 free-standing pole or monument sign is allowed per lot as follows:

- (1) Free-standing pole or monument signs are allowed in all zoning districts.
- (2) Externally illuminated signs are allowed in conformance with the provisions of Paragraph 3007.O.
- (3) No free-standing pole or monument sign may exceed 24 square feet in signable area or 6 feet in height in the *village districts or 12 feet in height in all other districts.
- (4) Free-standing pole or monument signs may be located within minimum front setbacks, but they must be set back a distance equal to at least their height from the edge of the right-of-way.

3007.J **Projecting or Hanging Signs.** A maximum of 1 projecting or hanging sign is allowed per establishment as follows:

- (1) Projecting or hanging signs are allowed in all zoning districts.
- (2) Externally illuminated signs are allowed in conformance with the provisions of Paragraph 3007.O.
- (3) No projecting or hanging sign may exceed 12 square feet in signable area.
- (4) Signs must be mounted so that no portion projects more than 4 feet from the building wall to which it is attached.
- (5) Signs must be mounted so that no portion is less than 9 feet above the ground or sidewalk surface below.
- (6) Signs that will project over a public right-of-way will also require approval from the Chester Selectboard.

3007.K **Sandwich Board Signs.** A maximum of 1 sandwich board sign is allowed per establishment as follows:

- (1) Sandwich board signs are allowed only in the village zoning districts.
- (2) Sandwich board signs must not be illuminated.
- (3) No sandwich board sign may exceed 6 square feet in signable area or 3 feet in height.
- (4) Sandwich board signs must not be placed within public rights-of-way, and must not interfere with pedestrian travel or encroach upon the required accessible path.
- (5) Sandwich board signs may only be displayed during business hours and must be removed when the business is closed.

3007.L **Common Scheme Premises Signs.** Signage for a single development site that consists of multiple uses, buildings or lots sharing a common entrance from the road must be designed and located in a comprehensive and coordinated manner as set forth in an approved signage master plan in accordance with the following:

- (1) A common scheme premises may use free-standing signs that advertise multiple uses irrespective of whether the advertised uses are located on the same lot as the sign or the ownership of the lots.
- (2) All signs located on a common scheme premises must be consistent with the site's approved signage master plan. The master plan must include proposed sign locations, sign types, and schematic design concepts for each sign type.
- (3) A zoning permit will not be required to replace a panel or reword the message portion of a common scheme premises sign provided that there is only a change in content and there are no changes to the approved sign location, size, type or design.

- 3007.M **Fuel Pricing Signs.** A fueling station may have either:
- (1) A pricing sign at each pump not to exceed 1 square foot in area; or
 - (2) A pricing sign incorporated into the free-standing sign allowed under Paragraph 3007.I..
 - (3) Pricing signs must not be illuminated when the station is not open for business.
- 3007.N **Menu Signs.** In addition to the signs otherwise allowed under this section, a restaurant may have menu signs as follows:
- (1) One menu sign may be mounted on the building near each public entrance that is not more than 2 square feet in area.
 - (2) One menu sign may be mounted near each service window for restaurants with drive-through or walk-up service that is not more than 24 square feet in area and, if free-standing, 6 feet in height.
 - (3) Menu signs must not be illuminated when the restaurant is not open for business.
- 3007.O **Sign Lighting.** External lighting of signs must be designed and located to avoid light trespass and glare, and must conform to the following unless otherwise specified in this section:
- (1) The total light output of external fixtures illuminating a sign must not exceed 5 lumens per square foot of sign area.
 - (2) Fixtures used to illuminate signs must be full cut-off, and located and aimed so that the light falls entirely on the sign except as specified in Paragraph (3) below.
 - (3) Signs must be lit from above, except that wall signs may be backlit provided that the light falls entirely on the building wall.
 - (4) Sign lighting must be turned off by 10 p.m., or the close of business if later and must not be turned back on until the start of business. The Development Review Board may further limit when signs may be illuminated as deemed necessary to achieve the purposes of this section and protect the character of the area.
 - (5)
- 3007.P **Temporary Signs.** Temporary signs are allowed to advertise openings, sales or special events in accordance with the following:
- (1) Property or business owners may purchase annual licenses to display temporary signs in accordance with Figure 3-04.
 - (2) The Zoning Administrator may only issue one license per establishment in a calendar year.
 - (3) The license for a temporary sign authorizes the holder to display one or more signs provided that the total sign area does not exceed the maximum amount allowed.
 - (4) The license holder must:
 - (a) Securely attach a temporary sign to a permanent structure (i.e. building or a permanent ground-mounted sign).
 - (b) Not install permanent footings, posts or similar structures to support a temporary sign.

- (c) Not illuminate a temporary sign.
- (5) Signs prohibited in Paragraph 3007.D must not be used as temporary signs.
- (6) Chester will consider temporary signs that are not readily movable to be permanent signs subject to all applicable provisions of this section.

Figure 3-04. Temporary Sign Fee Schedule

DURATION OF DISPLAY	TOTAL SIGN AREA		
	12 sf max	24 sf max	48 sf max
Not to exceed 14 days in the 12-month period	\$50	\$100	\$200
Not to exceed 14 days in any 6-month period	\$100	\$200	\$400
Not to exceed 14 days in any 3-month period	\$200	\$400	N/A
Seasonal use not to exceed 120 days in the 12-month period	\$400	\$800	N/A

3007.Q **Sign Area.** Sign area will be determined in accordance with the following:

- (1) The sign area will include all the elements that serve primarily to communicate the sign's message and not the structural elements supporting or serving as a background for the sign. If the support structure will be visually prominent, designed to attract attention, or otherwise integral to communicating the sign's message, it will be included in the calculation of sign area.
- (2) The area of a sign will be calculated by drawing a rectangle around all the elements that serve to communicate the sign's message. The area of signs that consist of multiple elements may be calculated by drawing a separate rectangle around each element and totaling the area.
- (3) Sign area will only include one side of a double-sided sign. The Zoning Administrator or Development Review Board may waive or modify the sign area requirements for three-dimensional signs.
- (4) The calculated signable area of a non-rectangular sign will be adjusted to compensate for the amount of negative space within the sign area rectangle as follows:
 - (a) No adjustment if the amount of negative space within the sign area rectangle is less than 30%;
 - (b) A 15% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 30% and less than 50%;
 - (c) A 30% reduction in the calculated area if the amount of negative space within the sign area rectangle is at least 50% and less than 70%; or
 - (d) A 45% reduction in the calculated area if the amount of negative space within the sign area rectangle is 70% or greater.

3007.R **Sign Removal.** A sign must be removed within 90 days of its associated use being changed or terminated as follows:

- (1) For conforming signs, only the message components of the sign associated with the changed or terminated use must be removed or covered, and the support components may remain.
- (2) For nonconforming signs, both the message and support components of the sign associated with the changed or terminated use must be removed.

3007.S

Nonconforming Signs. Nonconforming signs will be regulated as follows:

- (1) A nonconforming sign must not be relocated unless the relocation will bring the sign into greater conformance with this bylaw.
- (2) The support components of a nonconforming sign may be repaired or maintained provided that there is no change in materials, dimensions or location except if the alteration will bring the sign into greater conformance with this bylaw.
- (3) The message components of a nonconforming sign may be repaired or maintained by replacing or repainting a sign panel, individual letters or graphics within the same sign area provided that there is no change in the sign's primary content except if:
 - (a) The alteration will bring the sign into greater conformance with this bylaw;
 - (b) A business with a nonconforming sign undergoes a name change with no other changes in operation of the business, in which case the sign may be altered, modified or reconstructed to update the business name by replacing or repainting a sign panel, individual letters or graphics within the same sign area; or
 - (c) A business with a nonconforming sign undergoes a change in affiliation with no other changes in operation of the business, in which case the sign may be altered, modified or reconstructed to update the affiliation by replacing or repainting a sign panel, individual letters or graphics within the same sign area.
- (4) A nonconforming sign must be brought into conformance with this bylaw when:
 - (a) There is a change in the primary content of the sign, except as authorized in Paragraph (3) above;
 - (b) An applicant proposes development that requires major site plan approval (see Subsection 4304.C); or
 - (c) The sign is damaged or deteriorated to the extent that the cost of repair or restoration will exceed 50% of the replacement value of the sign immediately prior to the damage.

Item 9.

The proposed development will conform to town (or state, if applicable) specifications for construction of necessary improvements (roads, sidewalks, driveways, utilities, etc.), building codes, and standards for emergency service access.

None of the following items are required for a Site Plan Review

Item 10

The demand for water supply, wastewater, educational and municipal services to serve the proposed development will be reasonable and will not create an undue adverse effect upon the capacity existing or planned community facilities.

Item 11

The proposed development will be compatible with and will not have undue adverse effects on the character of the area as defined in Paragraph 0, character of the area.

5003.C CHARACTER OF THE AREA means an area's distinctive "personality" or sense of place, which is created through a combination of existing and/or planned (as described in the Chester Town Plan and the zoning district purpose statements) elements including, but not limited to:

- (1) The pattern, type, scale and intensity of land use;
- (2) Traffic conditions, street design, streetscaping and walkability;
- (3) The bulk, form, size, scale, placement and arrangement of buildings;
- (4) Historic resources, landmarks, views and scenic resources;
- (5) The type, size, arrangement, use and accessibility of open space; and
- (6) Noise, light, odors, vibration and other impacts perceptible off-site.

Item 12

Traffic generated by the proposed development will not exceed the capacity of or create congestion or unsafe conditions on roads, highways and intersections in the vicinity.

Item 13

The proposed development will avoid, minimize and/or mitigate (listed in order of preference) undue adverse effects on significant natural resources and environmental quality.

Item 14

The proposed development will logically extend existing settlement patterns and create interconnected road networks to the maximum extent feasible given the terrain and other characteristics of the land.

Item 15

The proposed development will be designed and laid out to make efficient use of land and to minimize the amount of roads and other infrastructure necessary to serve the lots.

Item 16

Lots within the proposed development will vary in size and frontage, and buildings will vary in design (form, style, color, materials, etc.) and placement, to replicate rural or village settlement patterns (i.e., not a 'cookie-cutter' subdivision).
Item 17 The proposed development will not receive deliveries or send out loaded trucks or other vehicular traffic that exceed bridge weight limits on the roads leading to the site.

420 Zoning Permits

4201 Submitting a Zoning Permit Application

4201.A The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require a zoning permit, and any associated development approvals, under this bylaw;
- (2) Providing applicants with the necessary form(s) to apply for the applicable permit(s) and approval(s);

- (3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development;
- (4) Informing applicants that state permits may be required for the proposed development and recommending that applicants contact the regional permit specialist; and
- (5) Providing applicants with copies of the state energy standards for residential or commercial buildings as applicable.

4201.B Applicant. The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a zoning permit, and any associated development approval, under this bylaw;
- (2) Provide all the information necessary to demonstrate compliance with this bylaw; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4201.C Application Requirements. The Zoning Administrator:

- (1) May waive an application requirement upon finding the information is not necessary to determine compliance with this bylaw;
- (2) May require an applicant to provide additional information as necessary to demonstrate compliance with this bylaw; and
- (3) Must keep written documentation of any application requirement waived or additional information requested as part of his/her office records.

4201.D Determination of Completeness. The Zoning Administrator must:

- (1) Determine whether an application is complete promptly and in no case more than 15 days after the applicant submits it; and
- (2) Inform the applicant of his/her determination. If the application is incomplete, the Zoning Administrator must inform the applicant in writing of what additional information is required.

4204 Amending Permits or Approvals

4204. A An applicant may submit a written request for the Zoning Administrator to amend a zoning permit, and any associated development approval, prior to the permit's expiration. The applicant must demonstrate that the proposed changes to the development are in conformance with the dimensional standards for the district and:

- (1) Are minor modifications that conform to all applicable provisions of this bylaw;
- (2) Do not have the effect of materially or substantively altering any of the findings of fact of the permit and any associated development approvals; and
- (3) Do not change the scale, location, type, character or intensity of the approved development or use to a greater extent than specified below:
 - (a) Any proposed increase in structure height must not exceed 5 feet;
 - (b) Any proposed decrease in setback from the road and property lines resulting from a change in the structure's footprint or location must not exceed the lesser of 10 feet or 50%;
 - (c) Any proposed increase in building footprint must not exceed the lesser of 250 feet or 50%;

- (d) Any proposed increase in the total amount of impervious surface on the lot must not exceed the lesser of 500 square feet or 50%;
- (e) Any proposed modification must not result in an increased requirement for parking or loading spaces; and
- (f) Any proposed substitution of plant materials must not change the overall landscape design concept and function.

4204.B The scope of the review will be limited to those aspects of the development affected by the proposed changes.

4204.C The Zoning Administrator may decline to amend a permit, and any associated development approval, and refer the request to the Development Review Board for review under Section 4309

4204.D The approval of an amendment will not affect the expiration date of the original permit and any associated development approvals.

430 Development Approvals

4301 Application Process

4301.A Pre-Application Conference. A prospective applicant may request a pre-application conference with the Zoning Administrator prior to submitting a complete application. A pre-application conference is an informal meeting that provides the prospective applicant with an opportunity to consult with and receive advice in order to save time and expense in the preparation of the application. Any comments or recommendations made are intended to provide general direction to the prospective applicant, but will not be deemed binding in the preparation or review of any subsequent application for development approval.

4301.B Zoning Administrator. The Zoning Administrator will assist prospective applicants by:

- (1) Determining whether a project will require one or more development approvals, including design review, under this bylaw;
- (2) Providing applicants with the necessary form(s) to apply for the required approval(s); and
- (3) Notifying applicants of the fees or other charges that the town may charge in relation to the application or proposed development.

4301.C Applicant. The applicant must:

- (1) Submit all required forms, supporting materials and fees to the Zoning Administrator to apply for a development approval under this bylaw;
- (2) Provide all the information necessary to demonstrate compliance with this bylaw; and
- (3) Certify, by signing the application form, that all the information provided is complete and accurate to the best of his/her knowledge.

4302 Application Requirements

4302.A Site or Subdivision Plan. Applicants must submit a site or subdivision plan with any application for a development approval that at a minimum conforms to the specifications below and any application checklist(s) provided by the Zoning Administrator unless a specific

requirement is waived in accordance with Subsection 4301.E. It is the applicant's responsibility to provide the information necessary to demonstrate compliance with this bylaw. As per Section 4301 and Subsection 4305.F, the Zoning Administrator or Development Review Board may require an applicant to provide additional materials.

- (1) Scale. All plan drawings must be to scale. Site plan drawings should be at a scale of 1" = 30' or less whenever possible.
- (2) Project Narrative. The applicant must submit a written statement demonstrating that the proposed development conforms to the applicable standards of this bylaw by listing the facts and reasons why the application meets each of the applicable criteria of Figure 4-01.
- (3) Site or Subdivision Plan Drawing(s). The applicant must submit a site or subdivision plan drawing(s) that includes the following information:
 - a) Drawing Details. Drawing details must include:
 - i. The location of all existing and proposed lot lines, building envelopes, setbacks, easements or rights-of-way, monuments or survey pins;
 - ii. The location of significant natural, historic or archeological resources including but not limited to: watercourses, wetlands, flood hazard areas, fluvial erosion hazard areas, steep slopes, critical wildlife habitat and rare, threatened or endangered species;
 - iii. The location, height, footprint and use of all structures and impervious surfaces;
 - iv. The location and use of all greenspace, open space and green stormwater infrastructure;
 - v. The location and use of all existing and proposed utilities and associated easements; and
 - vi. The location and dimensions of all existing and proposed roads, sidewalks and walkways, bikeways and paths, driveways, parking facilities, loading spaces, dumpster locations, snow storage locations, points of access to surrounding roads, points of access to surrounding bike and sidewalk network, and associated easements.
 - (4) Landscape and Lighting Plan Drawing(s). When landscaping and/or outdoor lighting will be installed or modified, the applicant must submit a landscape and/or a lighting plan drawing(s) that includes the following information:
 - a) Landscaping Details. Landscaping details must include:
 - i. Location and species of all plant materials that will be used to meet landscaping or screening requirements under this bylaw;
 - ii. Existing and proposed amenities associated with the landscape plan (hardscapes, fencing, walls, recreation facilities, benches, trash receptacles, bike racks, other site furniture, public art, etc.).
 - b) Lighting Details. Lighting details must include:
 - i. Location, height and initial output (measured in lumens) of all proposed outdoor light fixtures to be installed and existing outdoor light fixtures to be retained; and
 - ii. Specifications of all proposed light fixtures including any shields, mounting hardware, poles or bases demonstrating compliance with the requirements of Section *.
 - (5) Architectural Drawing(s). For new principal buildings or exterior modifications to existing principal buildings in the village districts, building elevations and other

architectural drawings as necessary to demonstrate compliance with the applicable standards of this bylaw.

- (6) Erosion Control and Stormwater Management Plan Drawing(s). When the provisions of Section * and/or Section * apply to proposed development, the applicant must submit erosion control and/or stormwater management plan drawing(s) that demonstrate compliance with Section * and/or Section * as applicable.

4302.B Signage.

Applicants must submit a signage plan with any application for a development approval that involves the installation or modification of a sign that includes all required elements listed below unless a specific requirement is waived in accordance with Subsection 4301.E.:

- (1) Type, location, height and area of all existing and proposed signs;
- (2) Design, materials and colors of all existing and proposed signs; and
- (3) Location, type and initial output (measured in lumens) of all existing and proposed sign lighting.

4302.C State Highways.

The applicant must submit a letter of intent from the Vermont Agency of Transportation with any application for proposed development that involves access to a state highway.

4302.D Appeal of Administrative Actions.

The applicant or other interested person may appeal any of the Zoning Administrator's actions or decisions under this section to the Development Review Board as specified in Section 4402.

