

To Select Board members and the Town Manager,

10/16/24

Last week the PC voted to reinstate a minimum lot size in the R-120 and CR district. This is a step in the right direction, but it should be returned to the original 3 acre minimum. The setback standards worked perfectly fine as they were. People want space around them, it maintains a rural countryside which is the goal of the town plan:

“Goal 1: To encourage development so as to maintain the existing settlement pattern of compact village centers separated by rural countryside.”

Recommendations:

1. Intensive residential development should be encouraged only in areas of town serviced by sewer and water. Strip development along the highways should be discouraged.

7. Development should be consistent with the existing density pattern of the area and consistent with a historic rate of growth.

8. Growth and development should occur at a rate which does not undermine the taxpayers ability to support the town on a sound financial basis.

I understand from reading the Chester Planning Commission minutes and watching the zoom meeting of the last Wednesday that they are now proposing a 2 acre minimum lot size in the R-120 when it used to be 3 and a 2 acre minimum lot size in the Conservation Residential when it used to be 5 acres.

I am trying to understand why the Regional Planning Commission is proposing density based zoning and reducing the minimum lot size when 3 and 5 acres has work perfectly well for the two rural districts.

Where is this directive for Density Based Zoning coming from?

Where else has Density Based Zoning been approved in rural Vermont?

To build one home on a back road in Vermont and get all the necessary permits in hand a low ball cost is \$400,000 and up. The rural districts are not areas where “affordable housing” is supposed to be developed. The Home ACT of 2023 notes that Affordable housing is needed and is supposed to be placed in the areas of town served by municipal water and sewer.

Density Based Zoning in the Rural Districts which cover roughly 90% or 45 square miles of Chester is not Smart Growth. And to do it when it has not been really tested in other rural areas of the state is an unwise gamble.

If a person owns 20, 40, 60, 180 acres and they want to develop their land or do a cluster development they can go through the Planned Unit Development (PUD) process which is overseen by the DRB and has a more thorough review process and performance standards that are to be met on a case by case basis.

If the goal is to create wildlife corridors and provide “flexibility” a PUD is a stronger way to achieve that result and it is unlikely to result in an “administrative headache.” Density Based Zoning of 2 acre lots across 90% of the towns rural areas is not consistent with Smart Growth Principles and does not appear to have been driven by any public need or public desire. Have people attended the PC meetings since January and asked the planning commission to eliminate lot sizes or to make minimum lot sizes smaller?
NO

When I read the planning commission minutes going back to January 2024 the public posed concerns and valid questions, in fact many of the same questions we are considering tonight. Some of the important

questions were not really answered. The Planning Commission is supposed *“To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.”*

The easiest thing to do is put the pages back in that give the Minimum lot sizes and Frontage and Setback Standards that have been in the rural districts for years and then add the Permitted and Conditional Uses.

Residential-120:

CHESTER UNIFIED DEVELOPMENT BYLAWS

D. Dimensional Standards:

Minimum Lot Size	3 acres
Minimum Lot Frontage	200 ft.
Minimum Front Yard Setback	50 ft.
Minimum Side Yard Setback	50 ft.
Minimum Rear Yard Setback	50 ft.
Maximum Lot Coverage	10%
Maximum Building Height	35 ft.

Conservation Residential:

D. Dimensional Standards:

Minimum Lot Size	5 acres
Minimum Lot Frontage	250 ft.
Minimum Front Yard Setback	50 ft.
Minimum Side Yard Setback	50 ft.

12.06.2023

ARTICLE 2 – Establishment of Zoning Distri

CHESTER UNIFIED DEVELOPMENT BYLAWS

Minimum Rear Yard Setback	50 ft.
Maximum Lot Coverage	10%
Maximum Building Height	35 ft.

We live in a state that floods. We live in a town with rural areas and roadways that flood and wash away. We live in a time of global climate change. Why would we want to intentionally change the bylaws to encourage carving off small lots for new development in the rural areas?

Large storms are becoming more and more common. Vermont is susceptible to flooding and many of the roadways run along rivers. We have culverts and bridges that are in constant need of upkeep. Chester has rivers and brooks that flood, the Williams River, Whitmore Brook, Lovers Lane Brook, Middle Branch Williams River, South Branch Williams River, Hall Brook, etc. all flood. And not only do these rivers flood in the rural areas and back roads they also converge and flood the more densely populated areas of the downtown.

In Conclusion,

It is important to carefully study the big picture, look at the build out scenarios, take into account all the rivers, the Current Use Overlay, follow the Town Plan, and follow Vermont's Smart Growth Principles. Density based zoning is not what'ss best for Chester and the adverse impacts have not been considered or addressed.

The town has done what was needed from the States perspective to meet the VT HOME ACT by increasing density in the Town Center. Those changes were supported by Smart Growth Principles. Affordable housing belongs in areas of Town served by municipal water and sewer.

If the town wants to incorporate density based zoning they could maintain a 3 acre minimum lot size with water and septic on each individual lot. Language could be written into the bylaws to require each lot to have their own well and septic to provide clarity for new development. It should not be the DRB's responsibility to enforce each time a subdivision review comes before them.

Planned Unit Developments would be a way for landowners to cluster development while maintaining open space.

Two acres is too small. I ask the Select board and Planning Commission to maintain the rural areas by keeping minimum lot sizes and set back requirements in the rural districts as they were. If it isn't broken then don't change it.

I appreciate your careful consideration and I thank you for your time.

Submitted by:
Amy Mosher
Chester, VT

Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 001 : General Provisions; Definitions

(Cite as: 24 V.S.A. § 4302)

•§ 4302. Purpose; goals

(a) General purposes. It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this State by the action of its constituent municipalities and regions, with the aid and assistance of the State, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this State to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property.

(b) It is also the intent of the Legislature that municipalities, regional planning commissions, and State agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and State agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the State, as well as the community in which it takes place.

(Cite as: 24 V.S.A. § 2791)

•§ 2791. Definitions

(13) “Smart growth principles” means growth that:

- (A) Maintains the historic development pattern of compact village and urban centers separated by rural countryside.
- (B) Develops compact mixed-use centers at a scale appropriate for the community and the region.
- (C) Enables choice in modes of transportation.
- (D) Protects the State’s important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts.
- (E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries.
- (F) Balances growth with the availability of economic and efficient public utilities and services.
- (G) Supports a diversity of viable businesses in downtowns and villages.
- (H) Provides for housing that meets the needs of a diversity of social and income groups in each community.
- (I) Reflects a settlement pattern that, at full build-out, is not characterized by:
 - (i) scattered development located outside compact urban and village centers that is excessively land consumptive;
 - (ii) development that limits transportation options, especially for pedestrians;
 - (iii) the fragmentation of farmland and forestland;
 - (iv) development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers;
 - (v) linear development along well-traveled roads and highways that lacks depth, as measured from the highway.