

To members of the Select board and Town Manager,

9/18/24

I appreciate the Select board inviting the public to share their thoughts and concerns this evening.

I was relieved to see the Planning Commission took cottage courts back out of the RUR-5 and RUR-10. Cottage Courts are best suited in areas with town water and sewer. Keene, NH recently approved a Cottage Court ordinance but made sure to site them only in areas served by town water and sewer.

It would be beneficial if setbacks were not reduced in the rural areas. Setbacks are a part of what gives land owners peace of mind knowing they are not going to be encroached upon. I would like to see the set back distances maintained as they were in the rural districts.

After reading the proposed revisions several times, I didn't notice that Minimum Lot Size requirements had a black line through it until a week ago because it was crossed out in black not red. **It is very concerning Minimum Lot Size requirements are proposed to be eliminated in the RUR-5 and RUR-10 Districts.**

If we take a minute, and refer to the zoning map attached..... and look at the expansive area the Rural RUR-5 and RUR-10 covers, we can see we are talking about roughly 9/10ths or **90% of the town**. If Chester covers 55 square miles then we are talking about a big change that would impact roughly 49.5 square miles of Chester.

By taking away the Minimum Lot Size requirement in the RUR-5 (R120) and RUR-10 (Conservation Residential) the town would be inviting suburban development into these sensitive rural areas. **How does it make sense for the rural RUR-5 and RUR-10, (90% of Chester) to be the only two districts the town where Minimum Lot Size would not required?**

For example:

In the RUR-5 if a person owns 30 acres, they could develop 5 homes on 2 acres (each on 1/3 or .3 acres of land) as long as they maintained a 6th home on a minimum of 5 acres. If someone owns 60 acres they could build 11 homes on 1/3 acre lots covering 4 acres right next to the road. As long as the 11 homes met the 150 foot frontage and minimum set back requirements. Leaving room for one more home on the largest parcel.

This move to strike through Minimum Lot Size would be pretty much anything goes, do what you want, back road suburbia with strip development mixed in. Never knowing who is going to do what next because there would be no Conditional Use Permit requirement to let neighbors know in advance. After the homes are built we have more trips per day on narrow town highways, increased maintenance of the roads, more mud season truck loads of gravel and the "rural" character has been completely altered and does not look or feel rural anymore and there is no going back.

There would be NO impact fees to help cover the costs to the town if this is allowed. **Have other Vermont towns eliminated Minimum Lot Sizes in the rural districts? If yes which towns?**

The place to create affordable, work force housing is where there's town water and sewer. This is supported by the Vermont HOME Act 47 (S.100). **The HOME Act encourages affordable housing and density in residential districts and areas of towns served by sewer and water.** **The VT HOME Act does not encourage density zoning or affordable housing in rural areas.**

After reading the Planning Commission minutes and agenda packets back to January, I found a letter from Jason Rasmussen from the Regional Planning Council (dated January 2, 2024) sent to the Town Manager, Zoning Administrator and Planning Commission. In the attached letter Mr. Rasmussen states: *“Alternative: In rural districts, I like eliminating a minimum lot size and replacing it with a unit/acre density standard. It allows for flexibility, but it can be an **administrative headache**.”* On January 5, The Planning Commission Packet included a working draft of the bylaws with ~~Minimum Lot Size~~ crossed out in both rural RUR-5 and RUR-10 districts.

The Planning Commission seems to believe the density zoning in rural districts is a good idea because it could leave more open space. That all sounds nice, but it's important to remember these rural districts are prone to flooding as the rivers and streams run alongside many of the unpaved town roads and highways. Last year Chester suffered two flooding events in July and December.

Eliminating Minimum Lot Sizes in the rural districts would make land easier to develop and at the same time make development harder to regulate!

This approach of density zoning in the rural areas is not consistent with the Chester Town Plan. **And it is not in conformance with VT HOME Act 47 because the act specifically encourages increasing density in areas served by town water and sewer.** The rural areas are not served by town water or sewer.

In Conclusion:

Tonight, I ask the Chester Select board to slow down, carefully think through and understand how eliminating the Minimum Lot Size requirements across 90% of town would impact the scenic and rural character. Please take the time to envision the big picture and consider the number of undue adverse impacts that would occur if Minimum Lot Size requirements are eliminated in the RUR-5 and RUR-10 districts.

I ask the Select board to be thoughtful and open to conversation. We live in a state and a community that wants to preserve the rural areas now and in the future.

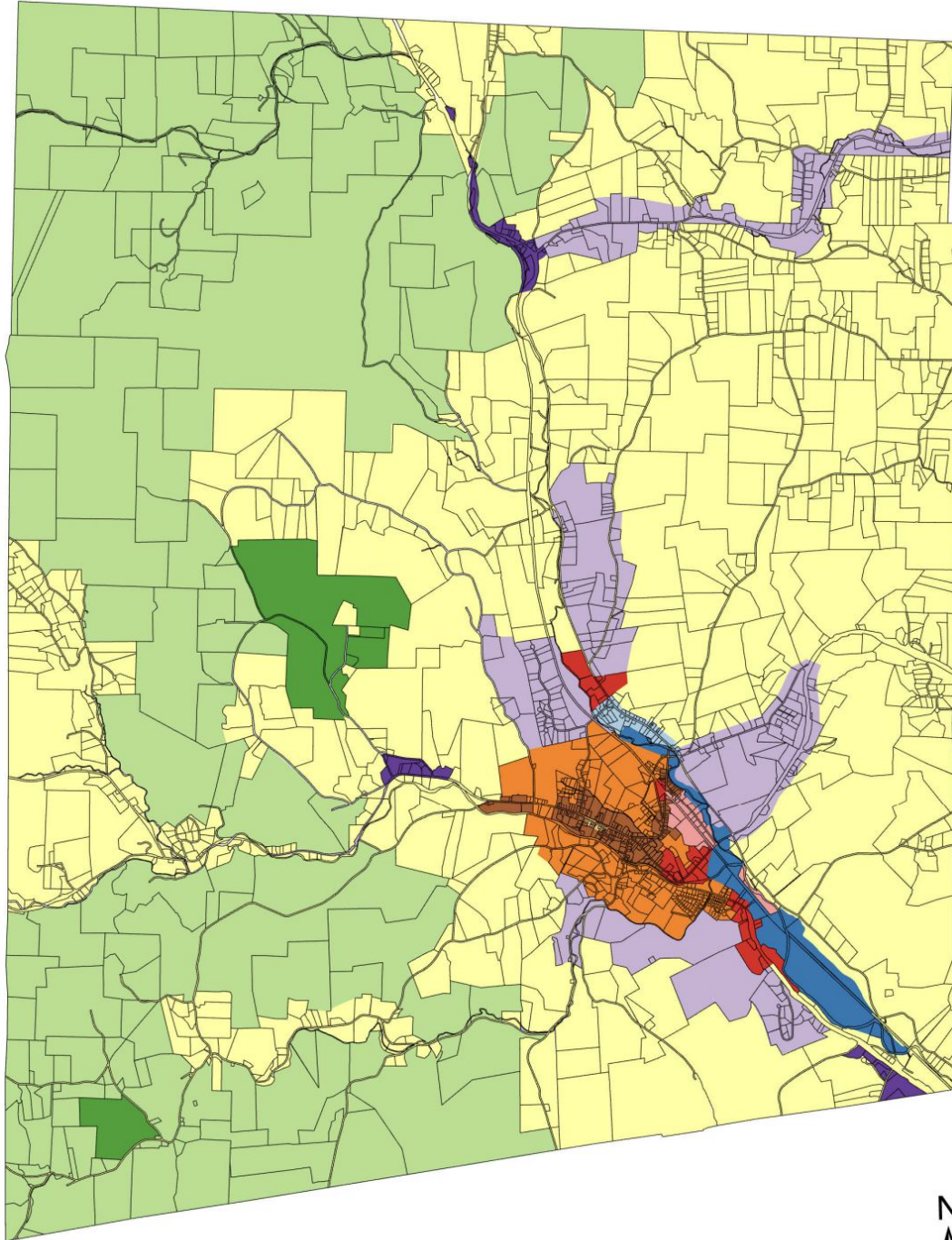
I ask the Select board to send these proposed bylaws back to the Planning Commission and ask them to maintain Minimum Lot Size requirements and maintain healthy building setbacks in the rural districts. Thank you for your time.

Respectfully Submitted by,

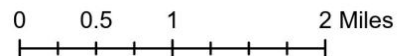
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Town of Chester Zoning Districts

Drafted: February 12, 2024



- | | |
|-------------------------|----------------------|
| Rural 8 [RUR8] | Rural 5 [RUR5] |
| Conservation [C] | Residential 2 [RES2] |
| General Business | Open Space |
| Village Mixed Use [VMU] | Village Center |
| Rural Mixed Use [RMU] | Stone Village |
| Neighborhood | Village Green |



Data sources: Zoning (RPC 2023), Parcels (VCGI 2023), Road names (VTrans 2023).

VT State Plane. Meters, NAD 83

For planning purposes only.
Not for regulatory interpretation.



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January 2, 2024

TO: Chester Planning Commission
Preston Bristow, Zoning Administrator
Julie Hance, Town Manager
FROM: Jason Rasmussen, AICP, Executive Director
SUBJECT: Unified Development Bylaw Updates – Rural Portion of Chester

It has been a pleasure helping you to prepare updates to Chester's Unified Development Bylaws over the past couple years. Congratulations on getting the changes for the zoning districts in the center of Chester adopted. I think these recent amendments are substantially consistent with the HOME Act, and they help to further village revitalization efforts and implement Town Plan goals. And now it is time to focus on the rural portion of town.

The purpose of this memo is to make a few observations and suggestions to guide our discussion at the January 8, 2024 Planning Commission meeting. I met with Preston and Hugh a few weeks ago, and the following is based mostly on our discussion at that meeting. I'd like to get your thoughts on the following to help set a direction for rural zoning amendments:

1. Upon reflection, I think it makes better sense to modify the existing Zoning Districts Map as opposed to going back to the draft prepared by Brandy. Initial map changes might involve:
 - a. Renaming the remaining "Residential 40,000" District to "Residential 1" (e.g., 1 acre).
 - i. Consider this District to form a concentric circle roughly around the Neighborhood/Mixed Use/Stone Village Districts.
 - ii. Perhaps a 2 acre minimum lot size is more appropriate than 1 acre.
 - b. Renaming "Residential 120,000" District to "Rural 3" (e.g., 3 acres).
 - i. Consider shrinking this District to avoid sensitive habitat and/or more remote areas.
 - ii. Based on minimum lot sizes decided for R1 and R5, an increased minimum lot size here may be worth considering (e.g., Residential 2, Rural 5, Rural 8).
 - iii. Alternative: In rural districts, I like eliminating a minimum lot size and replacing it with a unit/acre density standard. It allows for flexibility, but it can be an administrative headache. See the example on page 2.
 - c. Renaming "Conservation Residential" to "Rural 5" (e.g., 5 acres) or "Forest."
 - i. Consider increasing the minimum lot size or decreasing the density, perhaps, in the 6 to 10 acre range.
 - ii. Consider increasing the geographic area for this Rural 5 District to better encompass sensitive habitat areas and large remote lots to encourage working landscape activities and discourage forest fragmentation.

- iii. I encourage thinking about this expanded District connecting the purple blobs to the north and south of town as shown on the ANR Natural Resource Atlas. I'll explain this at the meeting.
 - iv. I suggest scaling back the allowable land uses to encourage a working landscape, but with fewer options for dwellings and commercial uses.
 - d. Renaming "Forest" District to "Conservation." This District only includes publicly owned forest lands. "Conservation" better articulates the desired/actual land use activities.
 - e. I thought again about combining "Adaptive 3" into "Mixed Use," but the dimensions and some of the uses don't make sense to do so. Consider making this "Rural 3" or keep it as "A3" and tweak the standards as needed.
2. A conversation that we need to have is how best to zone the VT Route 103 corridor south of the Mixed Use District. The Future Land Use map designates it as "rural/forest." State law articulates goals to maintain a rural countryside and discourage strip development along highways. Therefore, I suggest making this "Rural 3."
- a. On the other hand, many people express a desire to develop along this corridor. If higher-density development and/or non-residential uses are allowed here, I ask you to think carefully about how to control undesirable patterns of future growth. It seems reasonable to me that there could be proposals for storage units, trucking businesses, franchise businesses, etc., in this area. Is that desirable? Does that achieve town and state planning goals?

I plan to bring a few maps to aid our discussion including, but not limited to, the current 2023 Zoning District Map, Town Plan Future Land Use Map, and a map from the ANR Natural Resource Atlas that shows large forest blocks and potential wildlife travel corridors.

Thanks for your consideration. Please let me know if you have questions or comments.

Example of Minimum Lot Size vs. Density Standards in a 5 Acre District:

Figures X.1 and X.2 are simplistic and are only intended to illustrate the difference between a conventional minimum lot size standard and a maximum density standard. Please note that the Rural District no longer requires a certain minimum lot size. In order to provide flexibility, a maximum density standard applies in this District. In the conventional example (Figure X.1), a 20 acre lot can be subdivided into four 5-acre lots. In the maximum density example (Figure X.2), the same 20 acre lot could be subdivided into four lots, three of which can be much smaller if desired, as long as the overall density meets the standard. The benefits of the density approach is flexibility to create smaller sized lots and reduce fragmentation. Please note that the 17 acre lot cannot be further subdivided.

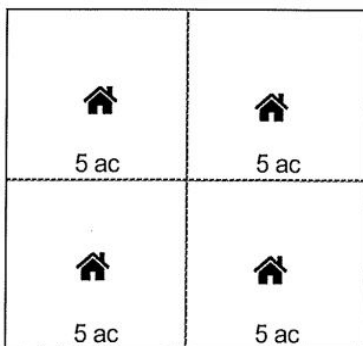


Figure X.1: Minimum Lot Size

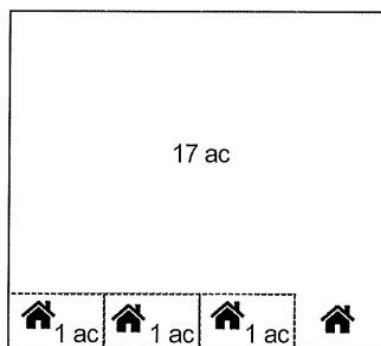


Figure X.2: Maximum Density