

Illustrations of the Proposed Legacy Use and Adaptive Re-use Bylaw Amendments

Legacy Use

A recent example of a legacy use in Chester is Baba a Louis, the restaurant and bakery on Route 11 west of the center of town. The business received a permit for a restaurant/retail store at that location in 1995. It was a gathering place for many Chester residents and the source of delicious baked goods until 2018, when the business closed.

When the permit was issued in 1995, the parcel was in the R-20 district and restaurant and retail store were conditional uses in the district. Changes to the bylaws and zoning map were enacted in 2014. The parcel ended up in the R120 district, where restaurant and retail store were not allowed. The existing business was allowed to continue as a non-conforming use. When the business closed in 2018, the building was left vacant. No other business took its place. Three years later, interest in starting some type of food preparation business on the parcel emerged. The permit for the non-conforming restaurant/retail store had lapsed. Section 3.19 of the adopted bylaws states "The nonconforming use shall not be re-established if such use has been discontinued for a period of two years ". No new permit could be issued since no type of food preparation was allowed in the R-120 district.

The Legacy Use amendment would allow an applicant to show that the former restaurant/retail store had not caused any difficulties in the past and had been part of Chester's culture. When those criteria are met, an applicant could apply for a restaurant/retail permit via a conditional use hearing. The hearing would give the neighbors to the proposed business a chance to hear the proposal and make any objections they might have.

This amendment acknowledges that commercial activity in Chester can move slowly and facilitates re-establishment of businesses that were successful in the past.

Adaptive Re-use

Many buildings are built for a specific purpose and have architectural features to support the purpose. The building could be unusually large, such as a barn, or it could have specialized doors such as a warehouse. At times, a building outlives its purpose, as when a farm is broken into smaller tracts of land for housing, but the barn remains. The building is still useable, but none of its potential uses is allowed in the zoning district where the building is located. Adaptive re-use would allow the building to have a new use not currently allowed in the district after a conditional use hearing. The barn might be converted into a brewery and restaurant even though it is in a residential district where these uses are not allowed. The conditional use hearing would document the impact the business could have on the neighborhood. The business hours, traffic patterns, light, noise, hazardous chemicals, etc. would be discussed and the neighboring property owners could voice their objections or support. The armory on Route 11 West is an example of a specialized building which is vacant and is having difficulty finding a new purpose. This amendment would remove some barriers to putting it back in service.

Re-using the building can reduce the waste stream associated with tearing down the building and constructing another, can encourage denser land use and can conserve the historic appearance of a town. If the original building does not conform with the current zoning district setbacks, adaptive re-use will allow the project to go forward without meeting those standards. The assumption is the placement of the building has been tolerated by the town since it was built and there is no need to force a change.