

Chester Planning Commission Reporting Form for Municipal Bylaw Amendment
Legacy Uses and Adaptive Re-use

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments... The report shall provide (:)

(A) brief explanation of the proposed bylaw, amendment, or repeal and ... include a statement of purpose as required for notice under §4444 of this title,

The purpose of this amendment is to address two situations which involve non-conforming uses. In the case of a Legacy use, a parcel has had a use with a benign history that had become part of the town’s cultural heritage. If business was discontinued for more than 2 years and the use is no longer allowed in the zoning district, it cannot be restarted. The legacy use provision would allow the original use to be restarted on the parcel in question after the applicant shows the use had a benign history, is a part of the town’s heritage and a conditional use hearing is held.

The purpose of adaptive re-use is to take advantage of the life left in a specialized building which has outlived its original purpose. The purpose may no longer be necessary or profitable. The amendment would allow a such a building to be put to a use it is suited for but is not currently allowed in the zoning district. Again, a conditional use hearing before the Development Review Board would be required before the permit could be issued.

1. The proposal conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing

This strategy will support Goal 1 of the Town Plan: “To encourage development so as to maintain the existing settlement pattern of compact village centers separated by rural countryside” and Goal 2, “to encourage a strong and diverse economy that provides satisfying and rewarding job opportunities”. The proposed amendments allow existing buildings to be put to new uses instead of sitting vacant and restore uses in the same place they have proven successful in the past.

2. Is compatible with the proposed future land uses and densities of the municipal plan

The amendments will encourage the re-use of existing buildings and the re-establishment of businesses in their traditional locations. They do not encourage development in areas currently not developed.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

These changes foster in-fill development, not expansion of development into undeveloped areas. This will minimize any impact to planned community facilities. Adaptive re-use could provide space to house community facilities.

The two amendments will be added to Section 3.19 Non-Conformities.