

MEMORANDUM

TO: Chester Planning Commission
FR: Preston Bristow, Town Planner
DT: March 31, 2022
RE: Westward expansion of Village Center District

I received a call yesterday from Andrea Ogden of Sugar Bob's Finest Kind indicating that they are getting closer to a purchase of the Baba A Louis building at 92 VT-11. However, their financial and legal advisers are unable to recommend the purchase of a nonconforming property, the availability of which is enabled by an Interim Bylaws Amendment and the use of which is governed by the conditions of a 1995 Board of Adjustment decision. Andrea asked if there could be a zoning change that would allow light industry and retail as conforming uses on this property.

There is a relatively easy fix to this problem which is to amend the official Zoning Map to extend the Village Center district west along VT-11 to Blue Hill Road as shown on the attached map.

This change is not new. It was first proposed by Brandy Saxton of PlaceSense in the Zoning Audit of 2018, it was included in two public informational meetings on the 2019 Draft Chester Unified Development Bylaws, and it continues to be among the zoning changes under active consideration by the Planning Commission.

Brandy Saxton had also proposed dividing the Village Center district into a Village 4 and Village 6 district, but for expediency, I am suggesting only a Zoning Map amendment to expand the current Village Center district westward on VT-11 with no proposed wording changes at all to the current adopted development bylaws.

Just because Sugar Bob's is the impetus for this change does not make it spot zoning. The Vermont Supreme Court has stated (in *Granger v. Town of Woodford* and *Galanes v. Town of Brattleboro*) that "Spot Zoning consists of zoning that singles out a small parcel or perhaps even a single lot for a use classification different from the surrounding area and inconsistent with any comprehensive plan, for the benefit of the owner of such property."

By contrast, this expansion of the Village Center district would affect 20 properties including Knockout Carpet and the Chester Health Center as well as the former Baba A Louis Bakery. The expansion would be consistent with the town plan and more for the benefit of the community than a particular landowner.

It is a piecemeal change, but zoning changes in most towns are piecemeal. As Voltaire said long ago, "Perfect is the enemy of good," meaning we could insist on a perfect comprehensive development bylaw amendment and lose a good use for the town of Chester.

If the Planning Commission decides to go forward with a Zoning Map amendment, we could schedule a public hearing as soon as Monday, May 2.