

Members of the Chester Snowmobile Club attended the July 2, 2018 Planning Commission meeting to discuss a possible snowmobile refueling station somewhere along the Vermont Association of Snow Travelers (VAST) network in Chester. The Chester bylaws did not support a snowmobile refueling use near any of the trails. The Chester Snowmobile Club has a widely known reputation for marking, maintaining and grooming a substantial trail network and doing a very good job of it. The club members explained that the Chester trails lacked a trailside refueling station. Fuel may be obtained at the Ludlow Country Store and the Weston Marketplace but nowhere closer. Trailside refueling means snowmobiles will not have to be trailered to a gas station or refilled from cans in order to continue a long trip.

The Planning Commission discussed this with the Chester Snowmobile Club. It was clear the Chester Unified Development Bylaws would have to be modified in some way to allow a refueling station. Given the minimum three-month turn-around needed for an amendment to the bylaws, the process would need to be expedited so that the change would be in place for the coming cold weather. The Planning Commission decided to hire Brandy Saxton of Place Sense to craft a bylaw change. Brandy suggested making an interim bylaw change as allowed by 24 V. S. A § 4415 (attached). This process would require a single public hearing followed by a vote by the Selectboard and notification of the change to the surrounding towns. This interim change to the bylaws will expire in two years. The Planning Commission expects to have new bylaws in place before the interim law expires. The new bylaws would allow this type of accessory use.

The interim bylaw (also attached) would change the definition of accessory use slightly, modify Section 3.28, Storage of Flammable Fluids slightly and add section 3.30 Accessory Uses which allows the Zoning Administrator to issue a permit for an accessory use that is “a subordinate use that is located on the same lot as the related principal use and that is clearly incidental to the principal use.” The accessory use must meet the Performance Standards in Section 4.9, cease when the principal use of the lot ceases, be owned and operated by the principal user, and be subordinate in size to the principal use.

Please note that this change to the bylaws would allow an inn or a restaurant to set up a refueling station as an accessory use, but it may not allow the Chester Snowmobile Club to operate a fuel station on town-owned land at the Pinnacle. The provision that the accessory use “Be in common ownership and operation with the related principal use” may prevent this.

The Planning Commission hopes you will be able to act on this change promptly so that a refueling station may be operational in time for the coming winter.

**ACCESSORY USE:** A use of a lot or structure (or a portion of a lot or structure) that is clearly incidental and subordinate to the principal use. For the purpose of permitted uses listed in Article 2, accessory use includes home occupations, residential care homes and family child care home as defined in this section. All other accessory uses will be subject to the provisions of Section 3.30.

### **3.28 STORAGE OF FLAMMABLE FLUIDS**

The storage of all flammable fluids and the equipment in which it is stored is controlled under the Fire Code of Vermont as administered by the Division of Fire Safety. Storage of flammable fluids for personal or business use consistent with this code is permitted in any district, but will require a Zoning Permit if the capacity is over one thousand (1,000) gallons and must meet setback requirements. Bulk storage for commercial distribution or retail sale may be allowed in specified zoning districts (see Article 2) or as an accessory use (see Section 3.30) in accordance with all applicable provisions of this bylaw.

### **3.30 ACCESSORY USES**

- A. This section applies to any subordinate use that is located on the same lot as the related principal use and that is clearly incidental to the principal use. An allowed principal use includes accessory uses in accordance with this section.
- B. The Zoning Administrator may issue a zoning permit for an accessory use upon finding that the applicant has demonstrated that the proposed accessory use will:
  - 1. Support and further the purposes of the related principal use on the same lot;
  - 2. Be in common ownership and operation with the related principal use;
  - 3. Be subordinate in size and intensity to the related principal use;
  - 4. Meet the performance standards of Section 4.9; and
  - 5. Meet any standards of this bylaw applicable to the proposed use.
- C. The Zoning Administrator:
  - 1. Must condition any zoning permit for the accessory use upon the accessory use terminating if the related principal use is discontinued;
  - 2. May condition any zoning permit for an accessory use as deemed necessary to ensure that the use continues to meet the criteria in (B) above; and

# The Vermont Statutes Online

## Title 24 : Municipal And County Government

### Chapter 117 : Municipal And Regional Planning And Development

#### Subchapter 007 : Bylaws

(Cite as: 24 V.S.A. § 4415)

- **§ 4415. Interim bylaws**

(a) If a municipality is conducting or has taken action to conduct studies, or has held or is holding a hearing for the purpose of considering a bylaw, a comprehensive plan, or an amendment, extension, or addition to a bylaw or plan, the legislative body may adopt interim bylaws regulating land development in all or a part of the municipality in order to protect the public health, safety, and general welfare and provide for orderly physical and economic growth. These interim bylaws shall be adopted, reenacted, extended, or amended by the legislative body of the municipality after public hearing upon public notice as an emergency measure. They shall be limited in duration to two years from the date they become effective and may be extended or reenacted only in accordance with subsections (f) and (g) of this section. An interim bylaw adopted under this section may be repealed after public hearing, upon public notice by the legislative body. The legislative body, upon petition of five percent of the legal voters filed with the clerk of the municipality, shall hold a public hearing for consideration of amendment or repeal of the interim bylaws.

(b) An interim bylaw adopted, extended, or reenacted under this section may contain any provision authorized under this chapter.

(c) Interim bylaws shall be administered and enforced in accordance with the provisions of this title applicable to the administration and enforcement of permanent bylaws, except that uses other than those permitted by an interim bylaw may be authorized as provided for in subsection (d) of this section.

(d) Under interim bylaws, the legislative body may, upon application, authorize the issuance of permits for any type of land development as a conditional use not otherwise permitted by the bylaw after public hearing preceded by notice in accordance with section 4464 of this title. The authorization by the legislative body shall be granted only upon a finding by the body that the proposed use is consistent with the health, safety, and welfare of the municipality and the standards contained in subsection (e) of this section. The applicant and all abutting property owners shall be notified in writing of the date of the hearing and of the legislative body's final determination.

(e) In making a determination, the legislative body shall consider the proposed use with respect to all the following:

(1) The capacity of existing or planned community facilities, services, or lands.

(2) The existing patterns and uses of development in the area.

(3) Environmental limitations of the site or area and significant natural resource areas and sites.

(4) Municipal plans and other municipal bylaws, ordinances, or regulations in effect.

(f) The legislative body of the municipality may extend or reenact interim bylaws for a one-year period beyond the initial two-year period authorized by subsection (a) of this section in accordance with the procedures for adoption in that subsection.

(g) A copy of the adopted, amended, reenacted, or extended interim bylaw shall be sent to adjoining towns, to the regional planning commission of the region in which the municipality is located, and to the agency of commerce and community development.  
(Added 2003, No. 115 (Adj. Sess.), § 95.)