

SUMMARY FOR THE CHESTER SELECTBOARD
PROPOSED INTERIM AMENDMENT TO THE UNIFIED DEVELOPMENT BYLAWS
JANUARY 19, 2022

On January 3, 2022, the Planning Commission voted unanimously to expand by Interim Bylaws amendment the time from two years to five years that a nonconforming use, if discontinued, may be re-established and to present the Interim Bylaws amendment to the Selectboard for adoption at their earliest opportunity.

Interim Bylaws are authorized by statute under 24 V.S.A. § 4415. They may be adopted by emergency measure by the Selectboard following a public hearing, and they become effective immediately. They are limited in duration to two years and may be extended for one additional year. They may be repealed following a public hearing at any time during their duration by the Selectboard.

An Interim Bylaws amendment was last used in Chester in 2018 to allow a snowmobile refueling station to be established at the Stone Hearth Inn.

This Interim Bylaws amendment is town-wide and would potentially enable three recently discontinued nonconforming uses to be re-established: the former Baba a Louis Restaurant and Bakery at 92 VT RT 11 W, the former Waawwe Farms Market/Alcaro's Italian Kitchen at 32 VT RT 10, and the former Bux Auto Repair at 3057 VT RT 11.

It is important to note that this simple change of "two years" to "five years" in the existing Unified Development Bylaws means that a nonconforming use that has been discontinued for up to 5 years may be re-established without a permit or DRB review.

The Planning Commission considers this Interim Bylaws amendment to be a stopgap measure and intends to transmit a permanent bylaws amendment to the Selectboard on preserving town-wide "legacy uses" (traditional nonconforming uses) within six months.

Suggested resolution: The Town of Chester Selectboard adopts an Interim Bylaws amendment under 24 V.S.A. § 4415 that consists of changing "two years" to "five years" under Article 3.19 (Non-Conformities), Section D (Nonconforming Uses), Subsection 1(b) of the Town of Chester Unified Development Bylaws as follows: "The nonconforming use shall not be re-established if such use has been discontinued for a period of ~~two years~~ **five years** or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so."

CHESTER SELECTBOARD

PUBLIC HEARING NOTICE

PROPOSED INTERIM AMENDMENT TO UNIFIED DEVELOPMENT BYLAWS

The Chester Selectboard will convene a public hearing on a proposed Interim Bylaws amendment to the Town of Chester Unified Development Bylaws on **Wednesday, January 19, 2022, at 6:00 p.m.** at the Chester Town Hall at 556 Elm Street in Chester, Vermont. The proposed Interim Bylaws amendment is being considered at the request of the Planning Commission and pursuant to 24 V.S.A. § 4415.

The principal purpose of the proposed Interim Bylaws amendment is to expand the time from two years to five years that a nonconforming use, if discontinued, may be re-established. The Interim Bylaws amendment, if adopted, is limited in duration to two years and will apply to all zoning districts in the Town of Chester.

The proposed Interim Bylaws amendment consists of changing “two years” to “five years” under Article 3.19 (Non-Conformities), Section D (Nonconforming Uses), Subsection 1(b) of the Town of Chester Unified Development Bylaws as follows:

The nonconforming use shall not be re-established if such use has been discontinued for a period of ~~two years~~ **five years** or has been changed to, or replaced by, a conforming use. Intent to resume a nonconforming use shall not confer the right to do so.

A link to participate in this hearing via Zoom videoconference may be found on the Town of Chester website home page at www.chestervt.gov under Zoom Meetings: Select Board Meeting.

Dated at Chester, Vermont this 5th day of January 2022.
Julie Hance, Town Manager, Town of Chester, Vermont