

Recommendations to Montpelier City Council regarding Sabin's Pasture Zoning

Leigh Seddon, May 10, 2017

Following up on my comments of April 12 regarding the zoning changes being proposed for Sabin's Pasture (the Zorzi property off of Barre Street), I would like to offer the following comments and suggestions.

Under Vermont law, a town or city's master plan is the document that must guide any adopted zoning bylaws or proposed changes to those bylaws. Montpelier's current master plan was adopted in September 2015. In this plan, specific recommendations are made regarding natural resource conservation, open space, recreational opportunities, and protection of scenic vistas. Below are some of these recommendations that relate to the zoning and development of Sabin's Pasture.

Page 65 – Natural Resources

2c Secure land in environmentally-sensitive areas through fee simple transactions, partnerships, and other legal vehicles, like land trusts and conservation easements.

Page 66 – Natural Communities & Biodiversity

3a Protect and manage species and establish recovery measures for threatened species.

- Establish linked networks of representative reserves in the city and throughout the bioregion, so that wildlife corridors are protected and restored.

Page 68 - Open Space & Recreation

1d Increase Montpelier parkland to provide recreational opportunities within walking and biking distance of all city residents.

Page 69 – Open Space & Recreation

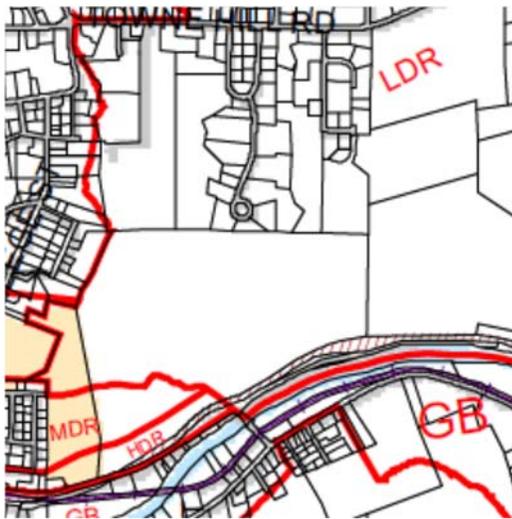
2b Adopt an open space protection plan supporting conservation education, and a development review process to assure that there is accessible, well-maintained open space in all neighborhoods.

Page 73 – Land & Soil

2a Establish priorities and tools for open space and natural resource protection, including fee purchase, transfer or purchase of development rights, acquisition of easements conservation overlay districts, or other appropriate zoning.

2e Enact zoning policies to protect hillsides and ridgelines, productive agricultural and forestlands, preserve and enhance riverfronts, and existing neighborhoods.

Under current Montpelier zoning (adopted 2008), Sabin’s Pasture is broken into three separate categories – Low Density Residential (LDR) for the majority of the property including the upper pasture, Medium Density Residential (MDR) in the southwest corner, and the High Density Residential (HDR) for a section along Barre Street.

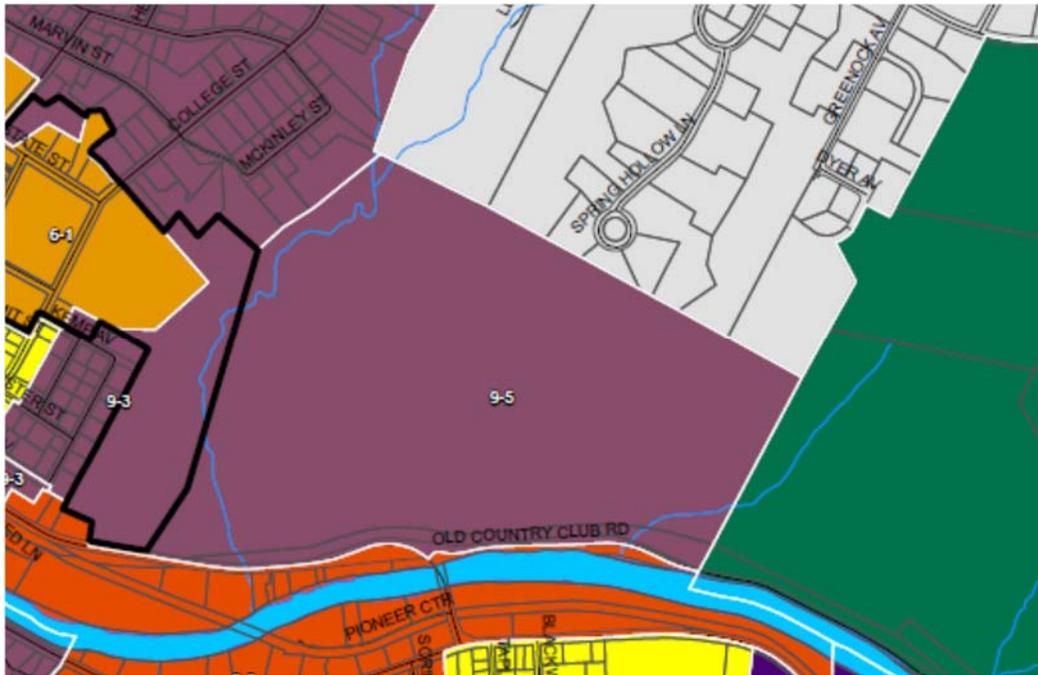


Appendix 13, 2008 zoning map (current zoning)

This zoning reflects planning studies done since 2002 and the report of the Sabin’s Pasture Working Group in 2008 that recommended clustered development on the lower portions of the property and protection of the upper pasture and quarry area as publically accessible open space. For a parcel this size and with attributes both supporting housing development and open space, having multiple zoning designations is both logical and necessary.

The proposed 2017 zoning changes to the property fundamentally alter this arrangement and are in direct conflict with the City’s Master Plan and the recommendations of the Parks Commission and Conservation Commission. The proposed zoning, shown below, would place the entire parcel in Residential 6000 without regard to longstanding recommendations for mixed used development along Barre Street, clustered housing on the lower hillside, and conservation of the upper pasture.

It should be noted that the property directly east of Sabin’s pasture (Elk’s Club) was rezoned from Low Density Residential (LDR) to “Rural”.



Sabin's Pasture Detail from Draft Zoning Districts 2017

I would like to suggest that the Planning Director and the Planning Commission should have considered rezoning the upper portion of the Zorzi property to the "Rural" designation both to be in conformance with the Master Plan and to support the recommendations of the Working Group, Park Commission, and Conservation Commission.

By designating the upper pasture as "Rural", the new zoning bylaws would require a Conservation Planned Unit Development (CPUD) for development of more than three lots in a 10-year period. Under a CPUD process, where 60% of the land must be set aside as open space, it would be possible to protect the upper pasture while allowing clustered housing on the hillside below.

CPUDs are defined in Section 3405 of the proposed bylaws.

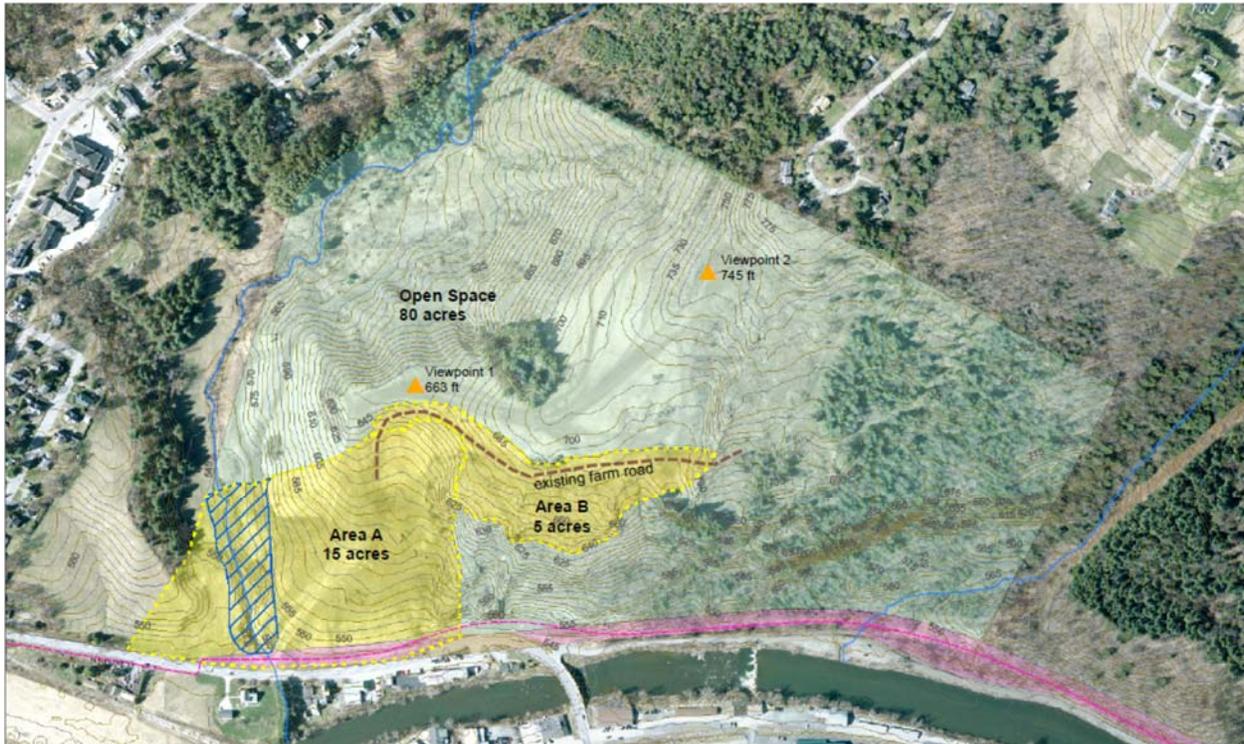
Section 3405. Conservation Subdivision

3405.A Purpose. The purpose of this section is to provide flexibility in site design for residential subdivisions in order to preserve natural resources, open space and rural character.

3405.B Applicability. Conservation subdivisions are:

- (1) Allowed in the Residential 9000, Residential 17000 and Rural districts.
- (2) Allowed on any site with significant natural resource constraints that preclude reasonable use of the infill housing or new neighborhood development types.
- (3) Required for subdivision of 3 lots or more in a 10-year period in the Rural district.

While the Sabin's Pasture Working Group endorsed development close to Barre Street, it also designated an "Area B" that could have limited housing once "Area A" was built out and there was a need for additional housing. These areas are shown in the figure below from the Working Group report. If the upper portion of the property were zoned "Rural", Area B is where clustered housing could be located in a CPUD development.



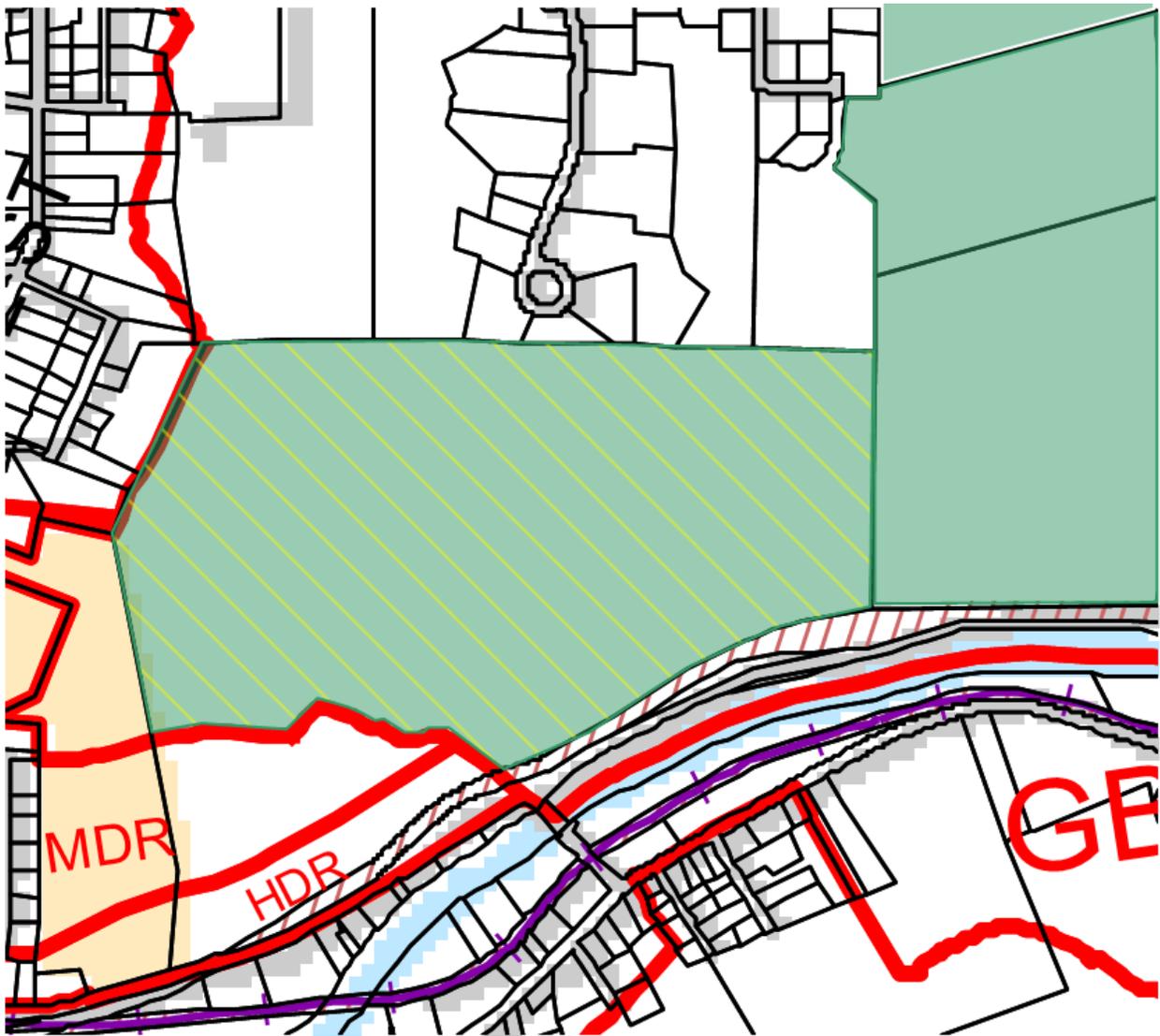
From Trust for Public Land, June 2008

In addition, the proposed zoning bylaws clearly articulate the character of the Eastern Rural District and this conforms to the goals of the Master Plan and past recommendations and studies regarding Sabin's Pasture.

2112.B Neighborhood Character. The Rural District includes the following neighborhoods:

- (1) **Eastern Rural.** This neighborhood encompasses approximately 600 acres of land along the city's eastern boundary. It includes the golf course, productive farmland and a small amount of residential development, but most of the land is undeveloped forestland or former farmland returning to forest. This undeveloped land remains in large parcels. Proposed land development should discourage fragmentation of this land by following conservation subdivision principles that would cluster development while protecting large tracts of open space for conservation, forestry, farming and/or recreation uses.

Based on this concept and the current zoning of the property, a new "Rural" zone on Sabin's Pasture could be constructed as shown below.



Proposed "Rural" zoning shown with yellow cross-hatch

The current HDR and MDR zones on the property could be updated to newer designations that are consistent with existing studies and recommendations. These might be Residential 3000 for the current MDR and Residential Mixed Use for the HDR zone.

In conclusion, I would ask the City Council direct the Planning Director and Planning Commission to revisit the proposed zoning of this parcel. It is important that our new zoning bylaws reflect the intent and goals of our Master plan and that they are also informed by the many planning studies performed by both City and Regional commissions. I believe this suggestion of a "Rural" designation on a portion of the property meets these goals, does so without any issue of "takings", and relies on the tools put forth in the proposed zoning bylaws.