

Rezoning Petition

Rezoning To Suburban II A Portion Of
Residential I North Of Rice Road

Millbury Planning Board | Public Hearing | April 28, 2022

Millbury Town Meeting | May 3, 2022

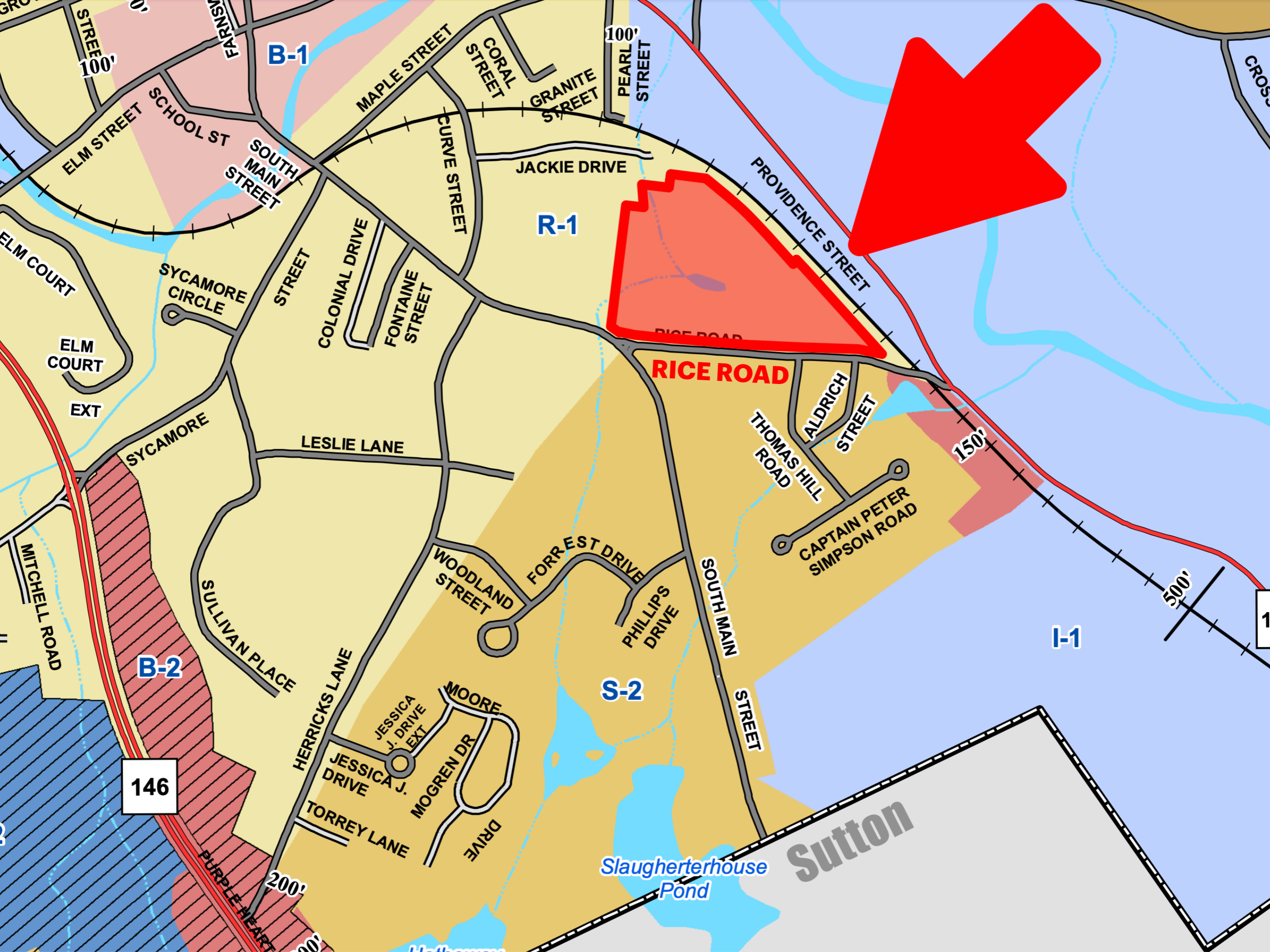
Comprehensive Master Plan

2019

KEY FINDING

“Survey results show that respondents felt that Millbury’s top housing needs include **more single-family homes** on small lots, **single-family homes** on small lots, townhouses, and assisted-living, extended care and nursing facilities.”

This citizen’s petition aligns with a key finding in Millbury’s Comprehensive Master Plan (2019) and the intent of the residents of the Town of Millbury for **more single-family homes**.



B-1

R-1

B-2

S-2

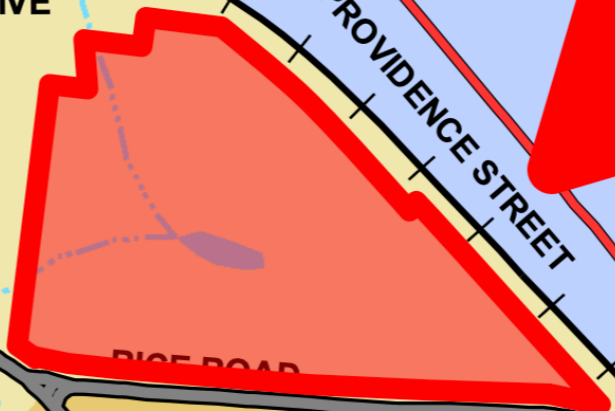
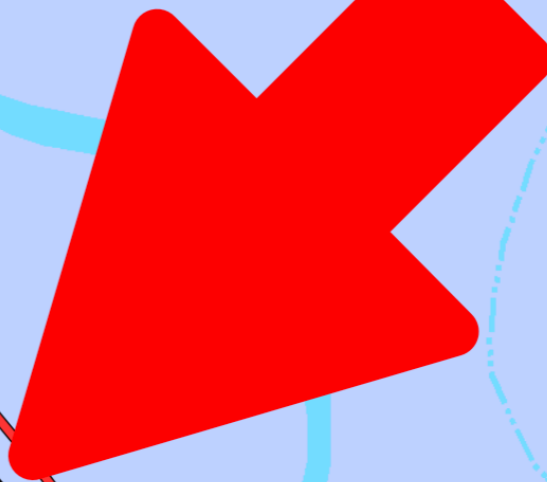
I-1

RICE ROAD

Slaughterhouse Pond

Sutton

146



100'

100'

150'

500'

200'

200'

GR

CROSS

1

11

3

FAIRBANKS

STREET

SCHOOL ST

SOUTH MAIN STREET

MAPLE STREET

CORAL STREET
GRANITE STREET

JACKIE DRIVE

PROVIDENCE STREET

ELM STREET

ELM COURT

ELM COURT

EXT

SYCAMORE CIRCLE

STREET

COLONIAL DRIVE

FONTAINE STREET

CURVE STREET

SYCAMORE

LESLIE LANE

SULLIVAN PLACE

MITCHELL ROAD

WOODLAND STREET

FORREST DRIVE

PHILLIPS DRIVE

SOUTH MAIN STREET

THOMAS HILL ROAD

ALDRICH STREET

CAPTAIN PETER SIMPSON ROAD

HERRICKS LANE

JESSICA J. DRIVE EXT

JESSICA J. DRIVE

MOGREN DR
DRIVE

TORREY LANE

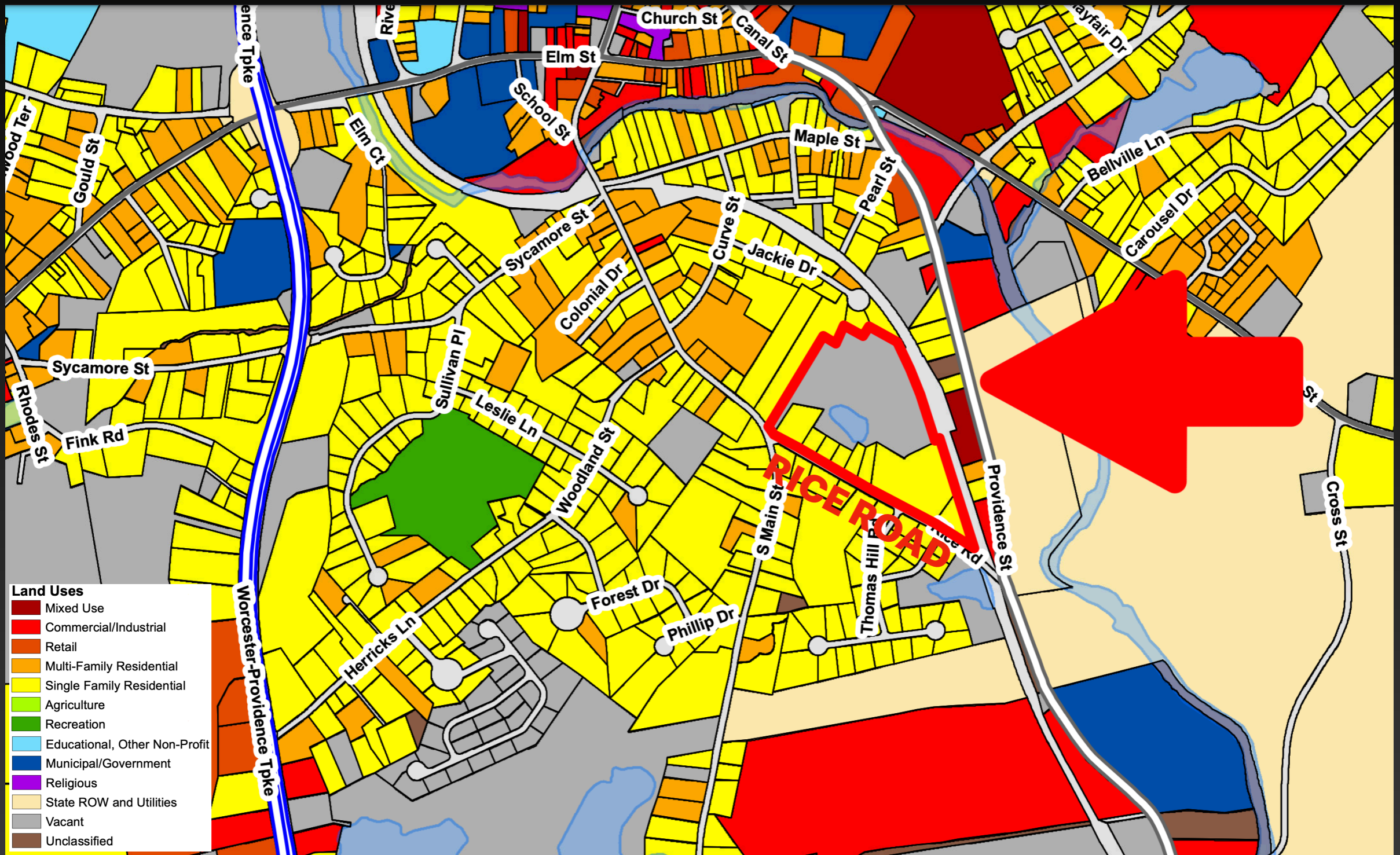
PURPLE HEART

200'

200'

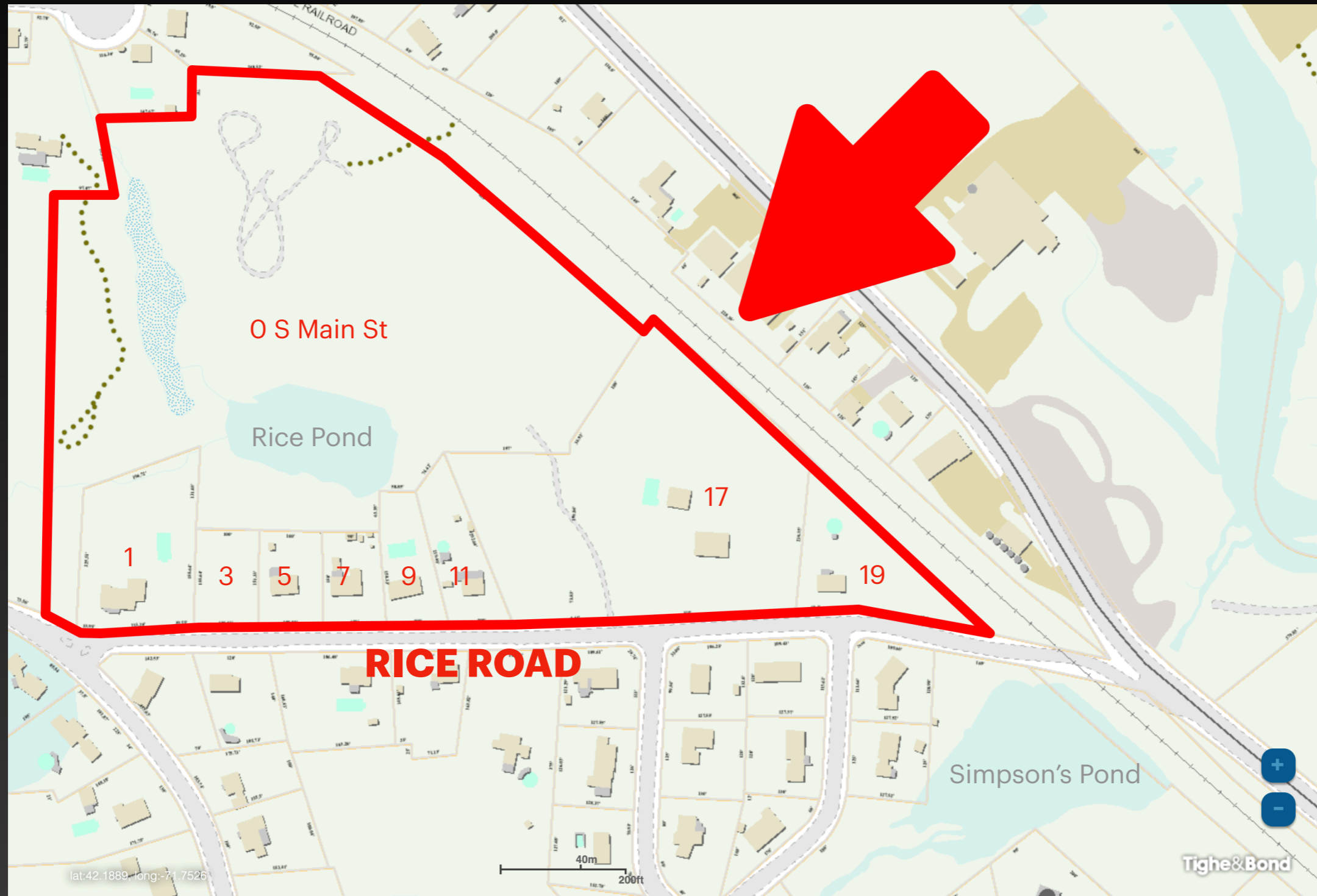
Current Land Use

Majority Single-Family Homes



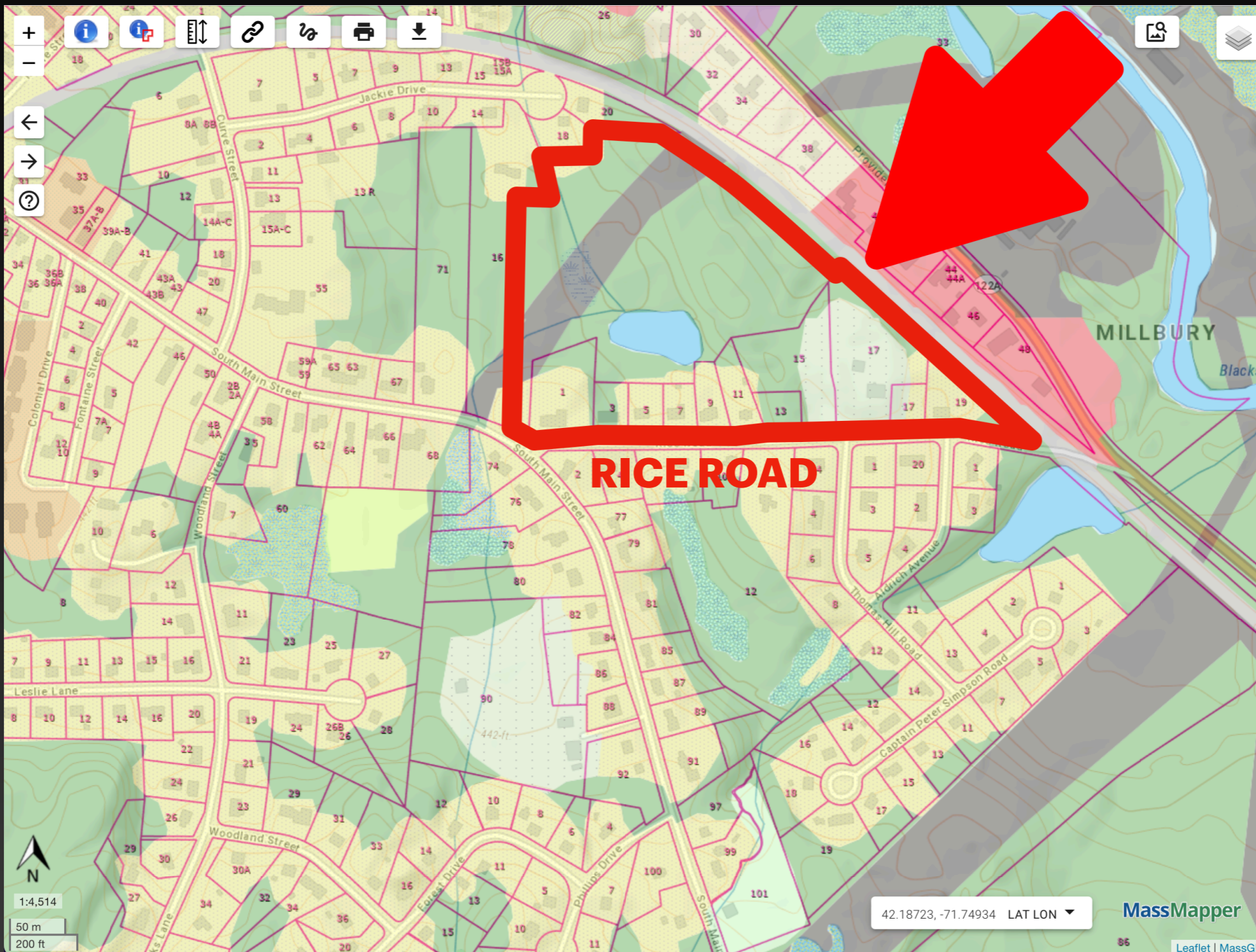
Millbury Assessors Map

(Publicly Accessible Information)



MassGIS Data

(More Accurate Information)



Petition Contents

To see if the Town will vote to:

amend the Zoning Map by rezoning to Suburban II District that portion of the Residential I District that includes the following lots shown on the Town of Millbury Official Zoning Map, last edited on November 2, 2021, and on file in the Town Clerk's Office, or take any action thereto:

Assessors Map 63, Lot 74

Assessors Map 63, Lot 126

Assessors Map 63, Lot 75

Assessors Map 63, Lot 127

+ Assessors Map 63, Lot 75-A

Assessors Map 63, Lot 128

+ Assessors Map 63, Lot 75-B

Assessors Map 63, Lot 129

+ Assessors Map 63, Lot 75-C

Assessors Map 63, Lot 130

Assessors Map 63, Lot 76

Assessors Map 63, Lot 144

Properties Contained

North Side Of Rice Road

#	Map/Lot	Address	Signed Petition	Land Area
1	63/74	1 Rice Road	Yes	1.0783± Acres
2	63/129	3 Rice Road	Yes	0.3524± Acres
3	63/128	5 Rice Road	Yes	0.3448± Acres
4	63/127	7 Rice Road	Agree ¹	0.3271± Acres
5	63/126	9 Rice Road	Yes	0.3988± Acres
6	63/130	11 Rice Road	Yes	0.4637± Acres
7	63/75 + 63/75-A + 63/75-B + 63/75-C	17 Rice Road (Subdivided In 2020)	— ²	2.0418± Acres 0.3202± Acres 1.4704± Acres 0.2880± Acres
8	63/144	0 South Main Street	— ²	11.9674± Acres
9	63/76	19 Rice Road	Agree ¹	0.7163± Acres

¹ registered voter was not available when signatures were collected, however, have expressed agreement with efforts

² landowners do not reside at this address; however, they have told at least four neighbors (households) that their intent was to develop the parcels of land as single-family house lots

Zoning District Differences

The Key Differences

Topic	Residential I	Suburban II
Zoning Intent	The intent of Residential Districts is to provide for a range of dwelling types in areas having existing development at relatively high densities and having public utility service, and in residential office overlay districts, to additionally provide for a limited range of compatible business uses.	The intent of Suburban Districts is to provide for low-density one and two family development at moderate density where public services are provided and at low density where they are not.
Minimum Lot Area	12,500 SQ FT	15,000 SQ FT
Minimum Frontage	100 FT	150 FT
Multi-Family Special Permit	provided that it is serviced by public sewerage and public water	provided that it is serviced by public sewerage and public water, and provided that access from a major street as herein defined does not require use of a minor street substantially developed for single-family homes.

Major Street

Official Zoning Bylaws Definition

“All state-numbered highways (Routes 20, I-190, 122, 122A, and 146) Auburn Road, Carleton Road, Elm Street, Grafton Street, Greenwood Street, Howe Avenue, Martin Street, Millbury Avenue, McCracken Road east of Greenwood, North Main Street, Stone Road, Sutton Road, West Main Street, plus any street subsequently laid out with right-of-way width of sixty feet (60') or more.”

Rice Road is **minor street** with a variable right-of-way width, the majority being forty feet (40') and the “Layout Plan for Rice Road” in the Town Clerk’s records shows a portion of the right-of-way width as only twenty-seven feet (27'±).

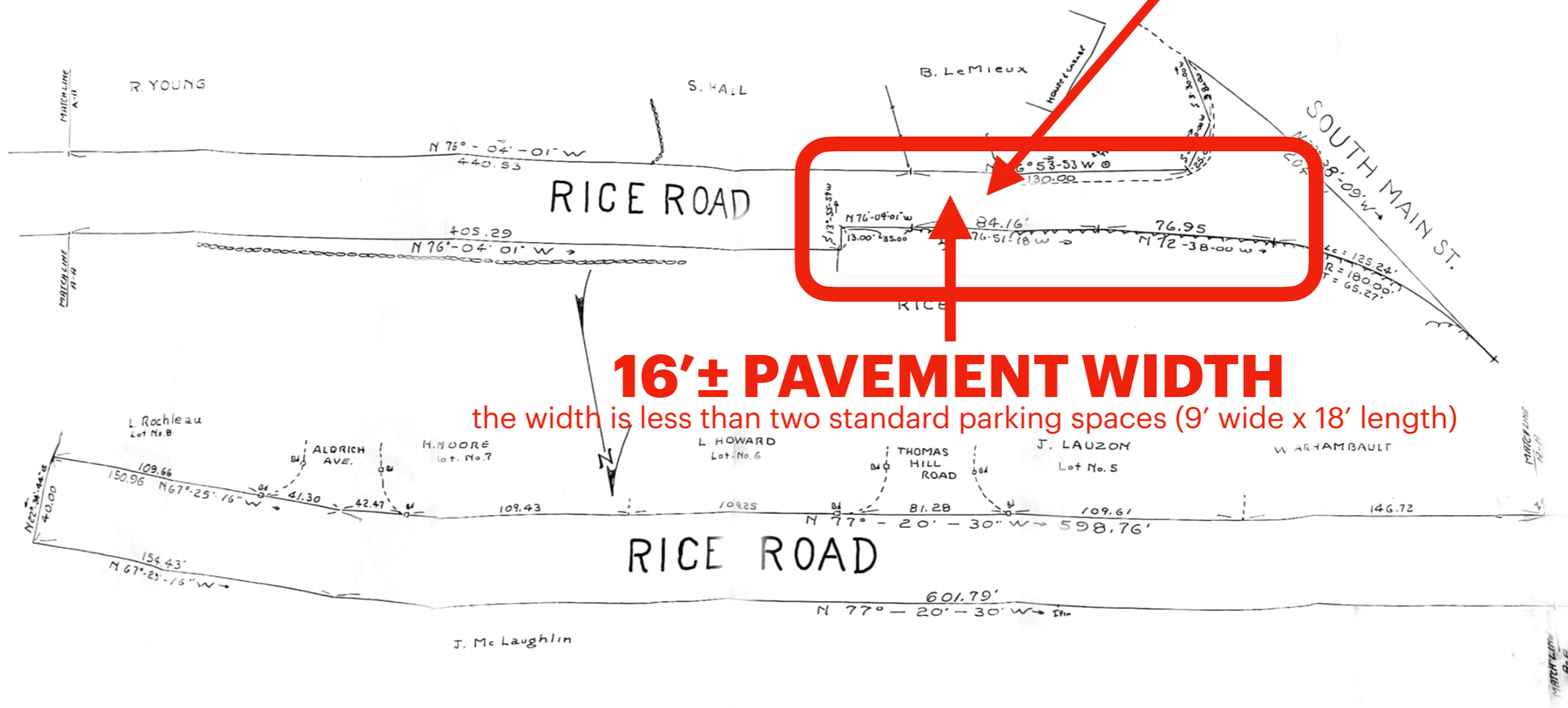
LAYOUT PLAN OF RICE ROAD IN MILLBURY MASS.

LAYOUT PREPARED FROM
Plan of Property of M. DIANA HILL ET AL
by John C. Miller Dated Dec 10 1959
See PLAN BOOK 24 PLAN 102 Sheet 2 *
ALSO A SURVEY LOCATING PHYSICAL FEATURES & ETC.
* WORCESTER DISTRICT REGISTRY OF DEEDS



DATE OF THIS PLAN JAN 1963
SCALE 1"=40'

FRYER ENGINEERING
WESTBOROUGH MASS.



Zoning Compliance

After Town Warrant Article Amendment

#	Map/Lot	Address	Frontage	Land Area (SF)
1	63/74	1 Rice Road	≥ 150'	≥ 15,000
2	63/129	3 Rice Road	< 150'	≥ 15,000
3	63/128	5 Rice Road	< 150'	≥ 15,000
4	63/127	7 Rice Road	< 150'	< 15,000
5	63/126	9 Rice Road	< 150'	≥ 15,000
6	63/130	11 Rice Road	< 150'	≥ 15,000
7	63/75	(Subdivided In 2020)	≥ 150'	≥ 15,000
8	63/75-A		< 150'	< 15,000
9	63/75-B		< 150'	≥ 15,000
10	63/75-C		< 150'	< 15,000
11	63/144	0 South Main Street	< 150'	≥ 15,000
12	63/76	19 Rice Road	≥ 150'	≥ 15,000

Pre-Existing Non-Comforting Use = A use of land that was originally legal and was made unlawful under new zoning laws, but remains to be permitted because of the prior, lawful use. A "substantial change" may require a variance, waiver, or special permit.

Multi-Family Special Permit

RICE POND VILLAGE DENIAL DECISION EXCERPTS

- "...the Project is designed **contrary to the requirements...**"
- "The Project's **inadequate access would present a public safety risk** for the residents of the Project and existing residents in the neighborhood with respect to vehicular access and circulation, pedestrian activity in the neighborhood, and accessibility to police, fire, and ambulances services..."
- "The residential neighborhood in the **vicinity of the Project currently has relatively low density** development consisting of single family homes on lots ranging from one-third of an acre to more than half an acre. The Project would add 46 new residential units in 23 multifamily residential structures on the Property, **significantly increasing the density in the neighborhood and having a detrimental impact upon the character of the neighborhood...**"
- "...with respect to vehicular and pedestrian circulation and **would detract from the use and enjoyment of the** proposed buildings and structures and **neighboring properties...**"
- "...the Project would add 46 new residential units in 23 multifamily dwelling structures on the Property, **significantly increasing the density in a neighborhood** that currently has relatively low density development, **contrary to the purposes...**"

“Spot” Zoning

Legal Definition

The “classic” definition of spot zoning is “the process of singling out a small parcel of land for **a use classification totally different from that of the surrounding area** for the benefit of the owner of such property and to the detriment of other owners.”

Spot zoning is, in fact, often thought of as the very antithesis of plan zoning. When considering spot zoning, courts will generally determine whether the zoning relates to the **compatibility of the zoning of surrounding uses**. Other factors may include; the characteristics of the land, the size of the parcel, and the degree of the “public benefit.” Perhaps the most important criteria in determining spot zoning is the extent to which the disputed zoning is consistent with the municipality’s comprehensive plan.

Protect Our Neighborhood

MAY 3, 2022

Millbury Memorial Junior/Senior High School

Pass the “Rezoning To Suburban II A Portion Of Residential I North Of Rice Road”
Town Warrant Article and the “Amendment” that will be offered at the Town Meeting
as highlighted in this presentation.