

CITIZENS PETITIONED ARTICLE FOR TOWN MEETING  
**Rezoning To Suburban II A Portion Of Residential I North Of Rice Road**

**Supporting Information**

*This petition is to simply align the zoning districts on the north and south sides of Rice Road to be consistent with the purposes of Section 22 of the Zoning Bylaws.*

**Town Warrant Content (ORIGINAL)**

To the Honorable Board of Selectmen:

We, the undersigned registered voters of the Town of Millbury, hereby petition the Board of Selectmen pursuant to MGL Ch. 39, S. 10 to insert the following article into the Warrant for the [x] Annual [ ] Special Town Meeting to be held on May 3, 2022:

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 75
- Assessors Map 63, Lot 76
- Assessors Map 63, Lot 126
- Assessors Map 63, Lot 127
- Assessors Map 63, Lot 128
- Assessors Map 63, Lot 129
- Assessors Map 63, Lot 130
- Assessors Map 63, Lot 144

**Town Warrant Content (AMENDMENT)**

To the Honorable Board of Selectmen:

We, the undersigned registered voters of the Town of Millbury, hereby petition the Board of Selectmen pursuant to MGL Ch. 39, S. 10 to insert the following article into the Warrant for the [x] Annual [ ] Special Town Meeting to be held on May 3, 2022:

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 76

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- Assessors Map 63, Lot 75
- Assessors Map 63, Lot 75-A
- Assessors Map 63, Lot 75-B
- Assessors Map 63, Lot 75-C
- Assessors Map 63, Lot 126
- Assessors Map 63, Lot 127
- Assessors Map 63, Lot 130
- Assessors Map 63, Lot 144

### Properties Impacted By Amendment

The following properties are contained within the amendment of the Millbury Zoning Map:

Map/Parcel	Address	Signed Petition	Lot Area (acres)
63/74	1 Rice Road	Yes	1.0783±
63/129	3 Rice Road	Yes	0.3524±
63/128	5 Rice Road	Yes	0.3448±
62/127	7 Rice Road	Agree <sup>1</sup>	0.3271±
63/126	9 Rice Road	Yes	0.3988±
63/130	11 Rice Road	Yes	0.4637±
63/75	17 Rice Road	— <sup>2</sup>	2.0418±
63/75-A			0.3202±
63/75-B			1.4704±
63/75-C			0.2880±
63/144			11.9674±
63/76	19 Rice Road	Agree <sup>1</sup>	0.7163±

<sup>1</sup> registered voter was not available when signatures were collected, however, have expressed agreement with efforts.

<sup>2</sup> landowners do not reside at this address; however, they have told several neighbors that their intent was to develop the parcels of land as single-family house lots.

### Millbury’s 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 intent of the residents of the Town of Millbury. Clearly, single-family homes on small lots are of high importance since it is mentioned twice (not a typographical error in this document).

### Town of Millbury Zoning Bylaws (Excerpts)

#### Section 22. Residential Districts.

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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 Residential Office Overlay District overlies the presently existing Residential-I District. This underlying district remains unchanged, and all Residential-I regulations must be met, except where the requirements of the overlaying Residential Office District are more stringent, in which case the more stringent requirements shall govern.

22.2 In a Residential District the following uses are permitted if granted a special permit by the special permit granting authority:

22.21 In a Residential I District

- Accessory dwelling in accordance with Section 46.2
- Assisted Living Facility in accordance with Section 42;
- Multifamily dwelling: provided that it is serviced by public sewerage and public water
- Nonprofit club or lodge;
- Par 3 golf course;
- Public utility without service yards;
- Residential social service facility, provided that all building code, health and zoning by-law requirements are met, and that the specific premises are not unsuitable in relation to the needs of the persons being cared for<sup>1</sup> and in consideration of avoidance of undue concentration of such facilities in any neighborhood.
- Temporary structure or uses not conforming to this by-law;
- Accessory scientific use in accordance with Section 46;
- In a residential office overlay district only, offices for legal, educational, accounting, engineering, medical, real estate, insurance or architectural uses, or other activities having similar externally observable characteristics, or for a funeral home or mortuary; if not allowed outright under Section 22.13.

22.3 In a Residential District, no lot shall be built upon or changed in size or shape except in conformity with the following:

<b>District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>	<b>Minimum Yards Front/Side/Rear</b>	<b>Max. Lot Coverage</b>	<b>Max. Building Height</b>
Residential	40,000 s.f.*	100 ft.	25 ft. / 10 ft. / 10 ft.	30 %	30 ft.

- \* The minimum lot area requirement may be reduced to 32,000 s.f. if the lot will be serviced by public water. The minimum lot area requirement may be reduced to 20,000 s.f. if the lot will be serviced by public sewerage. The minimum lot area requirement may be reduced to 12,500 s.f. if the lot will be serviced by public water and public sewerage.

**Section 23. Suburban Districts**

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

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.

23.1 In a Suburban District, only the following uses are permitted:

23.11 Permitted Residential Uses:

- One family dwelling other than a mobile home;
- Boarding, lodging or tourist homes;
- Residential use in accordance with Section 47.

23.12 Permitted Community Service Uses:

- School or college;
- Religious, sectarian or denominational buildings or uses;
- Nursing, convalescent or rest home, or hospital;
- Cemetery;
- Municipal use not elsewhere more specifically cited;
- Philanthropic institutions

23.13 Other Permitted Uses:

- Agricultural, horticultural or floricultural uses;
- Earth Removal;
- Florist shop;
- Milk processing plant;
- Parking to service a permitted use;
- Standard or par-3 golf course.

23.14 Permitted Accessory Uses:

- Home occupation, in accordance with Section 41;
- Roadside stand for goods principally produced on the premises;
- Parking to service a permitted use, but not including more than one (1) commercial vehicle or any construction equipment or any truck over one and one-half (1 1/2) ton;
- Temporary structures to be used only as temporary construction offices in relation to and in conjunction with a current construction project and to be removed in the case of building construction up on the final issuance of all occupancy permits or in the case of other types of construction projects upon the completion of all construction work, in either case the temporary structure shall not remain on the property for more than twenty-four (24) months;
- Other customary accessory uses.

23.2 In a Suburban District, the following principal uses are permitted if granted a Special Permit for an exception by the special permit granting authority:

- Multifamily dwelling, 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

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minor street substantially developed for single-family homes. In a Suburban Zone for dwelling units in excess of one, increase the minimum lot area requirement by 10,000 s.f. per additional dwelling unit, plus 5,000 s.f. per additional bedroom.

- Non-profit club or lodge;
- Public utility, without service yards;
- Airfield or heliport;
- Veterinary, animal hospital, or kennel;
- Temporary structures or uses not conforming to this bylaw;
- Residential social service facility, provided that all building code, health and zoning by-law requirements are met, and that the specific premises are not unsuitable in relation to the needs of the persons being cared for, and in consideration of avoidance of undue concentration of such facilities in any neighborhood.
- Accessory scientific use in accordance with Section 46.
- Accessory Dwelling in accordance with Section 46.2;
- Assisted Living Facility in accordance with Section 42;

23.3 In a Suburban District, no lot shall be built upon or changed in size or shape except in conformity with the following:

23.32 In a Suburban II District:

<b>District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Frontage</b>	<b>Minimum Yards Front/Side/Rear</b>	<b>Max. Lot Coverage</b>	<b>Max. Building Height</b>
Suburban II	40,000 s.f.*	150 ft.	25 ft. / 10 ft. / 10 ft.	30 %	30 ft.

- \* The minimum lot area requirement may be reduced to 32,000 s.f. if the lot will be serviced by public water. The minimum lot area requirement may be reduced to 15,000 s.f. if the lot will be serviced by public sewerage or if the lot is serviced by public water and public sewerage.
- See Section 23.2 for multifamily formula.

**ARTICLE 5. DEFINITIONS**

In this bylaw the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed.

**Lot Coverage** - Percentage of total lot area covered by structures or roofed.

**Major Street** - 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.