



## TOWN OF MILLBURY

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Department of  
Building & Inspections  
Paul F. Stringham  
Inspector of Buildings

DATE: March 23, 2022  
TO: Conor McCormack, Acting Planner  
RE: Rice Pond Road Citizens Petition Zoning Review  
CC: Town Manager, file

Per your request, I have performed and completed a Zoning Review of the above reference Zoning Map Amendment submitted by Citizens Petition Process. My Findings are as followed:

1.) The Petition submitted intent is to change the Zoning District Classification of Specific parcels of land from their current legal status of Residential R-1 to a Suburban S-II District.

2.) This particular Zoning District Dimensional Requirement are as followed:

Land serviced by Public Water and Sewer the Min. Land area is 15,000-sf  
(This will cause an increase in Required Land Area up from 12,500-sf)  
Minimum Required Street Frontage is 150-ft  
(This will cause an increase in Street frontage up from 100-ft.)  
No change in maximum lot coverage will occur.  
No change in Minimum Front, Side or Rear Setback will occur.

3.) The proposed Petition will not affect the following lots of land legal status:

+Assessors Map 63 lot 76	#19 Rice Rd.
+Assessors Map 63 lot 74	# 1 Rice Rd.
+Assessors Map 63 lot 75	#17 Rice Rd.

(Sufficient land area and frontage requirements exist)

4.) The proposed Petition will clearly affect the following lots of land legal status:

+Assessors Map 63 lot # 129	# 3 Rice Rd.
+Assessors Map 63 lot # 128	# 5 Rice Rd.
+Assessors Map 63 lot # 127	# 7 Rice Rd.
+Assessors Map 63 lot # 126	# 9 Rice Rd.
+Assessors Map 63 lot #130	# 11 Rice Rd.
+Assessors Map 63 lot #144	# 0 So. Main St.

These specific lots will become Legal Pre-existing Non-Conforming.

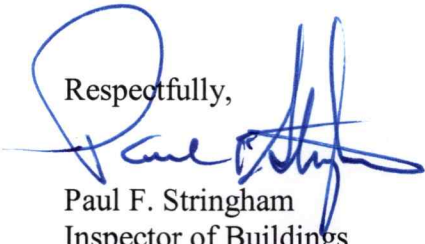
- 5.) The Proposed Petition does not contain the following parcels of land that are adjacent to or surround by those parcels contained in this Petition, and exclude  
+Assessors Map 63 lots 75-A, 75-B, 75-C which are legal conforming lots on record along Rice Road

This Petition will create isolated parcels remaining in the R-I Zoning District, which is totally inconsistent with common principle of providing uniformity whenever establishing or changing any zoning district line or map and conflicts with provisions or goals under Millbury Zoning Bylaws Section 11 Purpose, and M. G. Laws Chapter 40A ss 4 Uniform Districts; Zoning Maps.

Due to numerous court challenges, the Courts requested the legislature to make serious changes to this law In 1975 New Zoning Enabling Act was passed, and it included mandatory language that prohibits or discourages any form of form of spot zoning from being created. This Petition as proposed, in my opinion, appears to create this specific condition.

+Assessors Map 63 lots 75A, 75-B, 75-C are legal conforming lots on record.

Respectfully,



Paul F. Stringham  
Inspector of Buildings  
Zoning Enforcement Officer