



TOWN CLERK

Donna M. Girouard  
Town Clerk

**TOWN OF GRAFTON**  
GRAFTON MEMORIAL MUNICIPAL CENTER  
30 PROVIDENCE ROAD  
GRAFTON, MASSACHUSETTS 01519  
(508) 839-5335 ext. 1195  
www.townclerkdept.grafton.ma.us



Bk: 56818 Pg: 314  
Page: 1 of 3 03/06/2017 02:09 PM WD

**CERTIFICATE OF NO APPEAL**

DECISION: GRAFTON ZONING BOARD OF APPEALS  
Special Permit 2016-829

PETITIONER: James Spahiu & Enida & Ardi Brahim  
34 Wrentham Street, Worcester, MA 01602

OWNER: James Spahiu & Enida & Ardi Brahim  
34 Wrentham Street, Worcester, MA 01602

DEED REFERENCE: 311 Providence Road  
Assessor's Map 124, Lot 8  
Worcester District Registry of Deeds  
Book 6778, Page 268

**RECEIVED**  
**MAR 08 2017**  
Zoning Board of Appeals

This is to certify that the Decision of the Grafton Zoning Board of Appeals on the petition of the above-named Petitioner to extend a pre-existing, non-conforming structure by changing a dwelling unit into a commercial use on the first floor at property located at 311 Providence Road, Grafton, MA was received in the Town Clerks office on February 13 at 12:44 pm.

No Notice of Appeal of the Decision was filed in this office within the twenty days next, the appeal period ending on March 5, 2017.

A true copy, ATTEST:

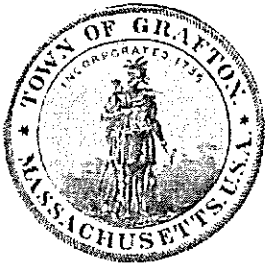
*Donna M. Girouard*  
Donna M. Girouard, Town Clerk  
Grafton, MA

**RECEIVED**

**MAR 07 2017**

Zoning Board of Appeals

*RCO  
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**Town of Grafton  
Zoning Board of Appeals  
30 Providence Road  
Grafton, MA. 01519**

**508-839-5335 x 1154 - Fax: 508-839-4602  
Website: www.grafton-ma.gov  
email: koshivosk@grafton-ma.gov**

**Zoning Board of Appeals**

**THE COMMONWEALTH OF MASSACHUSETTS**

**Town of Grafton  
BOARD OF APPEALS**

**Thursday, February 02, 2017**

**Case Number:  
2016 / 829**

**Special Permit**

**JAMES SPAHIU & ENIDA & ARDI BRAHIMI**

RECEIVED TOWN CLERK  
GRAFTON, MA  
2017 FEB 13 PM 12 44

of 34 WRENTHAM ROAD requesting that the Zoning Board of Appeals grants Special Permit  
Decision of the Board of Appeals on the petition of

**TO EXTEND A PRE-EXISTING, NON-CONFORMING STRUCTURE BY CHANGING A  
DWELLING UNIT BACK INTO A COMMERCIAL USE ON THE FIRST FLOOR.**

At their duly held meeting Thursday, February 02, 2017 the Zoning Board of Appeals took the following action

The following motion was made by Clerk - Mr. Yeomans and seconded by Member - Ms. Reed

That the Zoning Board of Appeals grant a Special Permit to **JAMES SPAHIU & ENIDA & ARDI  
BRAHIMI**

at PROVIDENCE ROAD

**TO EXTEND A PRE-EXISTING, NON-CONFORMING STRUCTURE BY CHANGING A  
DWELLING UNIT INTO A COMMERCIAL USE ON THE FIRST FLOOR, AS DEPICTED IN  
EXH. A SUBJECT TO CONDITIONS DESCRIBED HEREIN. CONDITION 1: PER PLANS  
DATED 10/27/2016 DRAWN BY J.R. ASSOCIATES, (EXHIBIT A) FIRST FLOOR AREA  
IDENTIFIED AS "WHOLESALE WAREHOUSE" WILL BE USED FOR STORAGE ACTIVITIES  
RELATED TO A PLUMBING CONTRACT BUSINESS. CONDITION 2: THERE WILL BE NO  
RETAIL ACTIVITY OCCURING IN THE STORAGE AREA.**

**FINDINGS:**

- F1. THE STRUCTURE WAS BUILT IN THE 1800'S.
- F2. THE CURRENT USE IS A RETAIL STORE AND 9 APARTMENTS.
- F3. THE PARCEL IS LOCATED IN THE VMU (VILLAGE MIXED USE) ZONING DISTRICT.
- F4. ONLY 4 RESIDENTAL UNITS ARE ALLOWED BY RIGHT FOR THIS PROPERTY IN THE VMU.
- BASED ON FINDINGS F1-F4 THE EXISTING USE IS A PRE-EXISTING, NON-CONFORMING USE.
- F5. THE NEIGHBORHOOD CONSISTS PRIMARILY OF MIXED RESIDENTIAL AND RENTAL.
- F6. THE APPLICANT PROPOSES RESIDENTIAL AND RETAIL IN THE SPACE.
- F7. APPLICANT INTENDS TO IMPROVE THE BUILDING.

BASED ON FINDINGS F5-F7, THE PROPOSED CHANGE IN USE IS NOT MORE DETRIMENTAL TO THE NEIGHBORHOOD.

F8. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT.

F9. THE CHANGE IN USE WILL RESULT IN AN INCREASE OF 0% IMPERVIOUS AREA.

BASED ON FINDINGS F8-F9, THE PROPOSED CHANGE IN USE WILL NOT BE MORE DETRIMENTAL TO THE SUPPLY AND QUALITY OF THE GROUNDWATER THAN THE EXISTING USE.

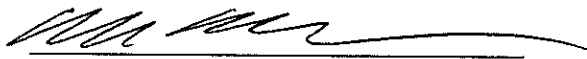
**On a roll-call vote:**

|                                  |                  |
|----------------------------------|------------------|
| Chairman: Yes                    | Member 2: Yes    |
| Vice Chairman: Absent at Hearing | Alternate 1: Yes |
| Clerk: Yes                       | Alternate 2: Yes |
| Member 1: Absent at Hearing      |                  |

**Motion Granted**

This decision is final except that any person who may be aggrieved by this decision has the right to appeal to the Superior Court in accordance with the provisions G.L. c. 40A.

William McCusker, Chairman



Robert Nault, Vice Chairman



William Yeomans, Clerk



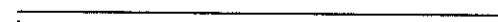
Elias Hanna, Member 1



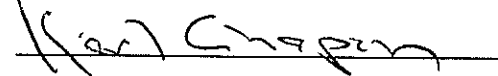
Kay Reed, Member 2



Megan Perrotta, Alternate Member 1



Karl Chapin, Alternate Member 2



A true copy,  
Attest:



Donna M. Girouard, Town Clerk  
Grafton, MA