



TOWN CLERK

Kandy L. Lavallee
Town Clerk

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-5335 ext. 1195
clerks@grafton-ma.gov



BK: 63666 Pg: 358

Page: 1 of 4 07/22/2021 09:26 AM W/D

CERTIFICATE OF NO APPEAL

DECISION: GRAFTON ZONING BOARD OF APPEALS
874- Special Permit

PETITIONER: Tracy Kennedy
331 Providence Road, South Grafton, MA 01560


OWNER: Tracy Kennedy
331 Providence Road, South Grafton, MA 01560

DEED REFERENCE: 331 Providence Road
Assessor's Map 124, Lot 23
Worcester District Registry of Deeds
Book 62322, Page 375

This is to certify that the Decision of the Grafton Zoning Board of Appeals to extend a pre-existing, non-conforming use with the addition of an accessory apartment (In-Law) at property located at 331 Providence Road, South Grafton. The Decision was duly recorded in the Town Clerks office on June 17, 2021 at 2:51 pm.

No Notice of Appeal of the Decision was filed in this office within the twenty days next, the appeal period ending on July 7, 2021.

A true copy, ATTEST:


Kandy L. Lavallee, Town Clerk
Grafton, MA



**ZONING BOARD OF APPEALS
TOWN OF GRAFTON**

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519

Phone: (508) 839-5335 ext. 1157 • FAX: (508) 839-4602
www.grafton-ma.gov

2021 JUN 17 PM 2:57
RECORDED & INDEXED

**THE COMMONWEALTH OF MASSACHUSETTS
Town of Grafton
BOARD OF APPEALS**

2021/Case#874

Special Permit

Decision of the Board of Appeals on the petition from **TRACY KENNEDY** of **331 PROVIDENCE ROAD, SOUTH GRAFTON, MA**, requesting that the Zoning Board of Appeals grant a Special Permit **TO EXTEND A PRE-EXISTING, NON-CONFORMING USE WITH THE ADDITION OF AN ACCESSORY APARTMENT (IN-LAW)**.

At their duly held meeting on Thursday, June 10, 2021 the Zoning Board of Appeals took the following action: Motion made by Mr. Yeomans and seconded by Ms. Desrosiers that the Zoning Board of Appeals grant a Special Permit to **TRACY KENNEDY** of **331 PROVIDENCE ROAD, SOUTH GRAFTON, MA**

TO EXTEND A PRE-EXISTING, NON-CONFORMING USE WITH THE ADDITION OF AN ACCESSORY APARTMENT (IN-LAW), PER EXHIBIT A ATTACHED AND SUBJECT TO THE FOLLOWING 6 CONDITIONS:

- C1. This Special Permit / Site Plan Approval is granted specifically to the Applicant for property located at 331 Providence Road, South Grafton (as identified within this Decision) and does not run with the land.
- C2. The unit will be occupied by the Owner's family members and may not be occupied by non-family members. If in the future, the unit is vacated, then the use of the property reverts back to single family house and the accessory unit ceases to qualify as a separate living unit.
- C3. This Special Permit decision shall be recorded at the Worcester District Registry of Deeds within thirty (30) days following the expiration of the appeal period. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Zoning Board office within thirty (30) days of recording.
- C4. By recording this Special Permit Decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.
- C5. In accordance with Section 1.5.8 of the ZBL, this Special Permit shall lapse within one (1) year

from the date of the expiration of the appeal period if substantial use has not commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.

- C6. Any modification to the use or Site as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Zoning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Zoning Board reserves the right to solicit comments from other Town boards, departments, and committees, as well as its consulting engineer, in making determinations regarding such changes. The Zoning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed change(s) are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.3.3 of the Zoning By-law, and any other applicable regulations.

FINDINGS:

F1. THE STRUCTURE WAS BUILT IN 1960.

F2. THE STRUCTURE IS A SINGLE-FAMILY HOME IN THE OLI DISTRICT, SINGLE FAMILY HOMES ARE NOT ALLOWED IN THE OLI (OFFICE LIGHT INDUSTRIAL) DISTRICT.

BASED IN FINDINGS F1-F2, THE HOUSE IS A PRE-EXISTING, NON-CONFORMING USE.

F3. THE CURRENT USE IS A RESIDENTIAL HOME.

F4. THE CURRENT HOME IS A 3 BEDROOM, 2 BATH HOME, PROPOSED HOME IS A 4 BEDROOM, 3 BATHS, THIS IS INCLUDING THE ACCESSORY APARTMENT.

F5. THE NEIGHBORHOOD CONSISTS PRIMARILY OF RESIDENTIAL STRUCTURES.

F6. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT (WSPOD).

BASED ON FINDINGS F3-F6 THE PROPOSED ADDITION OF THE IN-LAW APARTMENT IS NOT MORE DETRIMENTAL TO NEIGHBORHOOD.

F7. THE LOT IS IN THE WATER SUPPLY PROTECTION OVERLAY DISTRICT (WSPOD).

F8. THE CHANGE WILL RESULT IN 901 SQ. FEET OR 1.4% INCREASE ABOVE WHAT WAS EXISTING ON THE SITE AS OF THE DATE OF ENACTMENT OF THE WSPOD (MAY 1989).

BASED ON FINDINGS F7-F8 THE PROPOSED CHANGE IS WITHIN THE 50% INCREASE ALLOWED IN THE WSPOD AND WILL NOT BE MORE DETRIMENTAL TO THE SUPPLY AND QUALITY OF GROUNDWATER THAN THE EXISTING USE.

ON A ROLL CALL VOTE:

William McCusker, Chairman:

Brian Waller, Member:

Marianne Desrosiers, Vice Chairman:

Carl Parisi, Alternate Member:






Kay Reed, Clerk:

Peter Adams, Alternate Member:

William Yeomans, Member:

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 
Marianne Desrosiers, Vice Chairman 
Kay Reed, Clerk 
William Yeomans, Member 
Brian Waller, Member 
Peter Adams, Alternate Member _____
Mitali Biswas, Alternate Member _____

A complete file of this case (Case #874/2021) is on file with the Town Clerk.

A true copy;

Attest:



Kandy L. Lavallee, Town Clerk
Grafton, MA

\\GTHSERVER6\Building\Electronic Street File\Providence Road Building Number #331\5.0 decision.docx

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ATTEST: WORC. Kathryn A. Toomey, Register

Official Receipt for Recording in:

Worcester South Registry of Deeds
90 Front St.

Worcester, Massachusetts 01608

Issued To: TOWN OF GRAFTON 508839335

Recording Fees

Document Description	Number	Book/Page	Recording Amount
DECN	00101955	65666 358	\$105.00

			\$105.00

Collected Amounts

Payment Type	Amount
Check	156

	\$105.00

Total Received : \$105.00
Less Total Recordings: \$105.00

Change Due : \$.00

Thank You
KATHRYN A. TOOMEY - Register of Deeds

By: S Sam-Clarke