



OFFICE OF THE BUILDING DEPARTMENT

30 Providence Road
Grafton, MA 01519
(508) 839-5335 ext 1190
Inspector of Buildings: *Robert S. Berger C.B.O.*
bergerr@grafton-ma.gov
www.grafton-ma.gov

October 25, 2022,

Certified Mail: 7015 0640 0002 0144 5887

Jagath C Senasinghe & Dinusha M Senasinghe
25 Snow Road
N. Grafton MA 01536
Zoning Districts Medium Density Residential (R-20) & Water Supply Protection Overlay
(WSPO)
Acc# 1100370000001070

Cease and Desist Order

Dear Jagath & Dinusha Senasinghe:

On October 24, 2022, the Building Department received a complaint from the Planning Department that a child care center is being operated at the above location. This letter is notification that the property is in violation of the Town's Zoning By-Laws and the State Building Code CMR 780. More specifically, the town has no record/s that this operation is permitted.

Therefore, I ORDER the following:

1. That you immediately cease and desist from running a childcare operation;
2. That you apply for all required permits and obtain all necessary Approvals; and
3. That you allow all Grafton Permitting Departments to inspect the property as is required by law.

Please call the building department office so we can assist you in resolving this matter.

Please refer to the full text of the *Massachusetts Building Code & Grafton By-Laws*, available on-line at the Town's website. For your convenience, the following are some provisions that are relevant.

APPENDIX A - 3.2.3.1 - USE REGULATION SCHEDULE
(CDO uses - See Section 9)

Public and Semi-Public Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	VMU-WS	VMU-TV	VMUGW	FP	WSPO
1. Public, private sectarian or denominational school (non-profit) (T.M. 10-20-97)	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2. Day Care Centers (T.M. 5-11-92)	P	P	P	P	P	P	P	P	P	P	P	P	P	---
3. Family Day Care Home (T.M. 5-11-92)	P	P	P	P	P	P	P	P	P	P	P	P	P	---

Massachusetts Building Code 780 CMR Section R105.1 It shall be unlawful to construct, reconstruct, alter, repair, remove or demolish a building or structure; or to change the use or occupancy of a building or structure . . . without first filing a written application with the building official and obtaining the required permit.

Grafton Zoning By-Law Section 1.3.5 Occupancy Permit: No building erected, materially altered, relocated or in any way changed as to construction or use under a permit or otherwise, and no land shall be occupied or used without an occupancy permit signed by the Inspector of Buildings. Said Permit shall not be issued until the building, and its use and accessory uses, and the use of all land comply in all respects with this By-Law.

Grafton Zoning By-Law Section 1.3.2.1 Zoning Permit. A Zoning Permit issued by the Inspector of Buildings shall be obtained before any building or structure is erected, structurally altered, moved or changed in use or any earth is moved in preparation for any new or changed use.

Below are the penalties clauses from the Commonwealth of Massachusetts Building Code and Grafton Zoning By Law that are applicable to these violations:

MGL 143 Section 91 Whoever violates any of the provisions of sections one to ninety, inclusive, shall, unless another penalty is prescribed, be punished by a fine of not less than one hundred nor more than one thousand dollars.

Grafton Zoning By Law Section 1.3.6.3 Whoever violates any provision of this By-Law shall be punished by a fine imposed by a Court of Law not exceeding one-hundred (100) dollars for each offense and each day that such a violation continues shall constitute a separate offense.

Should you choose to appeal this Order, you may do so according to the following:

Any person who is aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or official charged with the administration or enforcement of the State Building Code (780 CMR) or any of its rules and regulations, may file an appeal with the Building Code Appeals Board as prescribed in M.G.L. c. 143, §100.

Grafton Zoning By-Law Section 1.3.6.2 Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or other administrative officer under the provisions of this By-Law, or any person including an officer or board of the Town, aggrieved by an order of decision of the Inspector of Buildings, or other administrative officer, in violation of the provisions of Chapter 40A of the General Laws or any provision of this By-Law, may file an appeal in accordance with the provisions of Chapter 40A of the General Laws.

Regards,



Robert S. Berger

CC Town Administrator
Fire Department
Board of Health
Principal Assessor
Town Counsel
1st Class U.S. Mail

exhibit A

