

Board Members

Andy Rodenhiser, Chair
Sarah Raposa, A.I.C.P., Vice-Chair
Timothy Harris, Clerk
John Parlee, Member
Janine Clifford, Member



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20 Day Appeal
February 18, 2025

TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

Modification of Multi-family Special Permit, 20 Broad Street

RECEIVED TOWN CLERK
JAN 29 '25 AM 8:40

Decision Date: January 28, 2025

Name of Applicant: Reinaldo Faria

Address of Applicant: 88 Goulding Street West, Sherborn, Mass.

Property Owners: Faria Realty Trust, Reinaldo Faria, Trustee

Site Plan: Site Development Plan – 20 Broad Street
Dated September 16, 2019, last revised April 8, 2021
by GLM Engineering Consultants, Inc.

Location: 20 Broad Street

Assessors' Reference: Map 60, Parcel 232

Zoning District: Village Commercial
Multi-Family Housing Overlay District
Groundwater Protection District

Members Voting: Sarah Raposa, Timothy Harris, John Parlee, Janine Clifford

I. PROJECT DESCRIPTION – On February 25, 2020, the Planning and Economic Development Board (PEDB or Board) granted a prior owner of this property a multi-family housing special permit, groundwater protection special permit, land disturbance permit, and major site plan approval to develop a 6-unit residential apartment development at 20 Broad Street. The approved project includes construction of one 3-unit building and the renovation of the existing three-family building with a 270 square foot addition. All six apartment units will have 3 bedrooms.

Access to the development will be from a single curb cut from Broad Street. A total of 12 off-street parking spaces will be provided. Sub-surface stormwater management facilities will be

installed on site as will landscaping and lighting. Connections will be made to the existing Town sewer and water services on Broad Street.

The applicant now seeks a modification of the Board’s decision, to provide for the demolition of the existing three-family building and construction of a new, three-family building in its place. The proposed new building will be on the same footprint as the existing building (with immaterial deviations) and will be essentially the same as the existing building (with the approved addition) as to height, bulk, setbacks, doors, windows, and fenestration. The modification affects only the multi-family housing special permit; the groundwater protection district special permit, land disturbance permit, and site plan approval are not affected and remain in full force and effect.

II. VOTE OF THE BOARD – After reviewing the application and information gathered during the public hearing, the Planning and Economic Development Board (the “Board”), on January 28, 2025, **voted to APPROVE with Conditions the requested modification to the Multi-Family Housing Special Permit, to allow demolition of the existing three-unit residential building and construction of a new three-family residential structure in the same footprint as shown on the Architectural Plans, the property at 20 Broad Street to be developed as shown on the plan titled Site Development Plan for 20 Broad Street, dated September 16, 2019, last revised April 8, 2021, endorsed by the Board on April 13, 2021, pursuant to Section 5.6.4 of the Zoning Bylaw.**

III. PROCEDURAL HISTORY

A. Application to modify multi-family special permit filed with the Medway Town Clerk and PEDB on December 23, 2024.

B. The Public hearing notice was posted at the Town Hall and on the Town of Medway web site and mailed to parties of interest as required by chapter 40A and published in the Milford Daily News on 12/31/24 and 1/7/25.

C. The Board notified Town departments, boards and committees of this application and requested review and comment.

D. The public hearing commenced on January 14, 2025, and was continued to January 28, 2025, when the hearing was closed and a decision rendered.

IV. INDEX OF DOCUMENTS

A. The following documents were provided at the time the special permit modification application was filed with the Board:

- Architectural Plans dated 12/21/2024 prepared by Brett Thibault, Architect
- Plan entitled “New Foundation Plan and Sections”, dated 12/21/2024 prepared by Brett Thibault, Architect

B. During the course of the review, the following additional materials were submitted to the Board by the Applicant and its representatives and consultants:

- Email correspondence with Brett Thibault, Architect re: foundation
- Email from Brett Thibault, Architect dated 1/6/2025 re: trim board

C. During the course of the review, the following materials were submitted to the Board by Town staff:

- Memo from Jon Ackley, Building Commissioner, dated 12/31/2024
- Memo from Barbara J. Saint Andre, Director of Community and Economic Development, dated 12/31/2024
- Email from Bridget Graziano, Conservation Agent, dated 1/8/2025
- Email from Nolan Lynch, Deputy Director, DPW, dated 1/3/2025
- Email from Stephanie Carlisle, Sustainability Coordinator, dated 1/6/2025
- Email from Jeremy Thompson, Planning and Economic Development Coordinator, dated 1/6/2025
- Letter from Design Review Committee dated 1/15/25

V. **TESTIMONY** – During the course of the public hearing, the Board heard and received verbal testimony from applicant Reinaldo Faria and his representative, John Oliveira. Also:

- Mike McKeown, 9 Barber Street
- Lisa Mitchell, 25 Broad Street

VI. FINDINGS

The Board incorporates its findings from its decision of February 25, 2020. It further found that the proposed modification, to demolish and replace the existing three-unit dwelling rather than renovate it, is in accordance with the special permit criteria of the Zoning Bylaw. The existing structure is in a seriously dilapidated condition, having been open to the weather for many months, with windows missing and rotted conditions. The new building will be constructed to look substantially the same as the existing building looked prior to its deterioration. With respect to multi-family housing criteria finding number 12 of the original decision, the Board finds that the determination of the Building Commissioner that the existing three-family house is unused, uninhabited, and open to the weather and needs to be demolished, satisfies the requirement for a finding under Section 5.6.4.E.7, Historic Properties.

VII. **CONDITIONS** – These conditions are binding on the Applicant, Owner, and subsequent owners. If there is a conflict between the Plan and the Conditions, the Decision shall rule. If there is a conflict between this Decision and the Zoning Bylaw, the Bylaw shall apply.

1. All conditions included in the previously issued decision of February 25, 2020, are incorporated herein and continue in full force and effect except as modified by this decision.
2. **Site Plan** – References in the site plan to “Existing Building” shall be deemed to refer to the new building to be constructed in place of the Existing Building on Sheets 4 and 5. References to the Architectural Plans shall include the Architectural Plans dated 12/21/2024 prepared by Brett Thibault, Architect
3. **Recording** - No building permit for any work which is contingent on this decision shall be issued before this Decision is recorded at the Norfolk County Registry of Deeds and proof of such recording is provided to the Board.

4. The Original Decision shall be construed as being amended consistent with this modification. In particular, Special Condition I is deleted, Special Condition J is amended by deleting the words “for the renovations of the existing building”; and “existing building” shall be construed to refer to the construction of the new building on the site of the existing building.

**Medway Planning and Economic Development Board
Special Permit Modification Decision
20 Broad Street**

Date of Action by the Planning and Economic Development Board: January 28, 2025

Andy Rodenhiser, Chair

Date

1/28/25

Sarah Raposa, AICP, Vice-Chair

Date

1/28/25

Timothy Harris, Clerk

Date

1/28/25

John Parlee, Member

Date

1/28/25

Janine Clifford, Member

Date

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee, and notice will be mailed to all parties in interest as provided in G.L. c. 40A §15.

Any person aggrieved by the Special Permit Modification Decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, Chapter 40A, §17, which shall be filed within twenty days after the filing of this decision in the office of the Medway Town Clerk.

In accordance with G.L. c. 40A, §11, no special permit shall take effect until a copy of the Decision is recorded in the Norfolk County Registry of Deeds, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title, bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the office of the Town Clerk and no appeal has been filed within said twenty day period, or that an appeal has been filed. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. The fee for recording or registering shall be paid by the Permittee. A copy of the recorded Decision, and notification by the Permittee of the recording, shall be furnished to the Board.