

Board Members

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



Medway Town Hall
155 Village Street
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TOWN OF MEDWAY COMMONWEALTH OF MASSACHUSETTS

PLANNING AND ECONOMIC DEVELOPMENT BOARD

20 Day Appeal:
4/29/25

Modification of Multi-family Special Permit, 20 Broad Street

RECEIVED TOWN CLERK
APR 9 '25 AM 8:53

Decision Date: April 8, 2025

Name of Applicant: Reinaldo Faria

Address of Applicant: 86 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: Andy Rodenhiser, 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 the 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.

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On January 28, 2025, the PEDB granted a modification of the Board's decision to allow for the demolition of the existing three-family building previously slated for renovation, 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 constructed to look substantially the same as the existing building looked prior to its deterioration (with the approved addition).

The applicant now seeks a modification of the Board’s decision by amending General Condition L to allow for the issuance of a building permit for the second building without having to provide a form of performance security, and additional amendments to General Condition L.

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 April 8, 2025, **voted to APPROVE with Conditions the requested modification to the Multi-Family Housing Special Permit, to amend General Condition L allowing for the issuance of a building permit for the second building without having to provide a performance security for 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 March 17, 2025.

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 3/25/25 and 4/1/25.

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

D. The public hearing commenced on April 8, 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:

- Project Narrative prepared by Reinaldo Faria (RF Home Improvement Inc.), applicant and property owner

B. During the course of the review, no additional materials were submitted to the Board by the Applicant and its representatives and consultants.

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

- Email from Barbara Saint Andre, CED Director, dated 4/2/2025
- Email from Marie Shutt, Assistant Treasurer Collector, dated 4/1/2025

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:

VI. FINDINGS

The Board incorporates its findings from its Multifamily Housing Overlay District Special Permit, Major Site Plan Review, Land Disturbance Permit and Groundwater Protection District Special Permit decision of February 25, 2020, and its Modification of Multi-family Special Permit decision of January 28, 2025. It further found that the proposed modification, to amend General Condition L allowing for the issuance of a building permit for the second building without having to provide a performance security, is in accordance with the special permit criteria of the Zoning Bylaw and in keeping with recently approved Multifamily Housing Overlay District Special Permit projects of a similar size and scale.

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.

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 decisions of February 25, 2020, and January 28, 2025, are incorporated herein and continue in full force and effect except as modified by this decision.
2. **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.
3. The Original Decision shall be construed as being amended consistent with this modification. In particular, General Condition L is stricken out entirely and replaced with the following:
 - L. Performance Security:
 - A. Prior to the issuance of any certificate of occupancy, unless a Certificate of Site Completion has been issued, the Permittee may request that the Board accept suitable performance security, to the Board's satisfaction, to cover the cost of all remaining site work, and that the Board so notify the Building Commissioner. A certificate of occupancy can be issued for any unit in the site after the performance security has been provided.
 - B. The Board shall determine a reasonable and sufficient amount to cover the Town's cost to complete the work if the Permittee fails to do so. The Town's consulting engineer shall prepare an estimate of the current cost to complete the work that remains unfinished at the time the first occupancy permit is requested. The estimate shall be based on unit prices in the latest Weighted Average Bid Prices by the Massachusetts Department of Transportation. The

estimate shall also include the cost to maintain the infrastructure, site improvements and amenities, and off-site mitigation measures in the event the Permittee fails to adequately perform such. The estimate shall reflect the cost for the Town to complete the work as a public works project, which may necessitate additional engineering, inspection, legal and administrative fees, staff time and public bidding procedures. A contingency of up to thirty percent shall be added to the total estimate. The Board shall approve the estimate and notify the Town Treasurer/Collector and the Building Commissioner of the approved amount.

- C. The performance security shall be accompanied by a performance security agreement executed by the Permittee, the Board, and the performance guarantee company, in a form acceptable to the Board, the Town Treasurer/Collector, and Town Counsel, which shall define the obligations of the Permittee and the performance security company. It shall include:
 - 1) the date by which the Permittee shall complete construction
 - 2) a statement that the agreement does not expire until released in full by the Board
 - 3) procedures for collection upon default.
- D. Final Release of Performance Security - Final release of performance security is contingent on project completion.

[Remainder of page left intentionally blank; signature page follows]

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

Date of Action by the Planning and Economic Development Board:

Andy Rodenhiser, Chair

Date

Sarah Raposa, AICP, Vice-Chair

Date

Timothy Harris, Clerk

Date

John Parlee, Member

Date

Janine Clifford, Member

Date

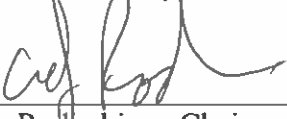
The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms set forth herein. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Permittee, and notice will be mailed to all parties in interest as provided in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

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

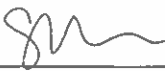
Date of Action by the Planning and Economic Development Board:



Andy Rodenhiser, Chair

4/8/25

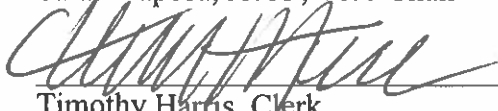
Date



Sarah Raposa, AICP, Vice-Chair

4/8/25


Date



Timothy Harris, Clerk

4-8-25

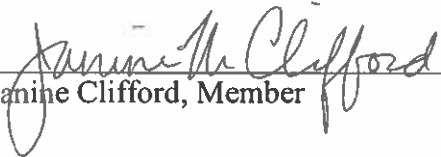
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