

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member
Adam Kaufman, Associate
Member



Medway Town Hall
155 Village Street
Medway, MA 02053
Telephone (508) 321-4890
zoning@medwayma.gov

TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

August 11, 2025

BY FIRST CLASS MAIL & E-MAIL

Gus Massabni
131 Main Street
Medway, MA 02053

Re: Special Permit

Dear Gus Massabni,

The Medway Zoning Board of Appeals has **granted with conditions** your request seeking a Special Permit under Zoning Bylaw Section 5.5 Nonconforming Uses and Structures to allow an expansion to the existing dentist office. The Decision has been reduced to writing and has been filed with the Medway Town Clerk on **August 11, 2025**. A copy of the Decision is enclosed with this letter. There is a twenty-day appeal period following filing with the Town Clerk. Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to General Laws chapter 40A, Section 17, within twenty days after the date of filing this Decision with the Town Clerk.

After the appeal period has elapsed, you may obtain a Certificate from the Town Clerk's office. The certificate may be obtained in-office, during normal Town Hall business hours, which may be found on the Town website, www.medwayma.gov, or you may contact the Town Clerk by email at sohannesian@medwayma.gov or by telephone at 508-533-3204 to request the Certificate. You may also request the *original* Decision from the Zoning Board of Appeals after the appeal period has elapsed.

In accordance with Massachusetts General Laws chapter 40A, Section 11:

No special permit... shall take effect until a copy of the decision 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, or the appeal has been filed within such time,... 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. 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.

Once you have obtained a Certificate from the Town Clerk, you must record the *original* Decision, along with any plans attached thereto, with the Norfolk County Registry of Deeds. The Registry is located at 649 High Street, Dedham, MA 02026. You will need to provide the Town Clerk Certificate to the Registry in order to record your Decision, and there will be a fee for recording. You may contact the Registry of Deeds by email at registerodonnell@norfolkdeeds.org or by telephone at 781-461-6101 for information on how to record the Decision.

Lapse. Special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

You will need to provide a copy of your receipt from recording the Decision with the Registry of Deeds to the Medway Zoning Board of Appeals and/or the Medway Building Department if necessary, as proof of recording.

Respectfully,



Sophia Boucher
Administrative Assistant
Community & Economic Development

Disclaimer: This information is provided as an informal guide for the procedure for filing a decision at the Registry of Deeds following a written decision obtained from a petition or application. This content should not be construed as legal advice. Please consult with legal counsel and G.L. c. 40A sections 10-17 for more detailed information.

Encl.
131 Main Street Decision

Board Members
Brian White, Chair
Gibb Phenegar, Vice Chair
Christina Oster, Clerk
Joe Barresi, Member
Tom Emero, Member
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TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

DECISION
SPECIAL PERMIT
NONCONFORMING STRUCTURE AND USE
131 MAIN STREET

20 day NO
appeal Period:
September 2, 2025

Applicant: Gus Massabni
Owner: Massabni Medway, LLC

Location of Property: 131 Main Street (Assessor Parcel ID: 48-034-C001)

Approval Requested: The application is seeking a special permit under Zoning Bylaw Section 5.5 to allow an expansion to the existing dentist office.

Members Voting: Brian White, Chair; Gibb Phenegar, Vice-Chair; Christina Oster, Clerk; Adam Kaufman, Associate Member

Date of Decision: August 6, 2025

Decision: Granted with conditions

I. PROCEDURAL HISTORY

1. On June 27, 2025, the Applicant filed for a special permit under Zoning Bylaw Section 5.5. Nonconforming Uses and Structures
2. Notice of the public hearing was published in the Milford Daily News on July 23, 2025, and July 30, 2025, and notice sent by mail to all parties in interest and posted in Town Hall as required by G.L. c. 40A §11.
3. The public hearing was opened on August 6, 2025. The hearing was closed that evening.
4. The Property at 131 Main Street is located in the AR-II (Agricultural Residential II) District. The front setback requirement is 35 feet, and the side and rear setback requirements are 15 feet. The minimum lot area requirement is 22,500 square feet and the minimum lot frontage requirement is 150 feet. The property is also located in the Multi-Family Housing Overlay District, Section 5.6.4 of the Zoning Bylaw.

5. The Board notified Town departments, boards, and committees of this application.
6. All documents and exhibits received during the public hearing are contained in the Zoning Board of Appeal's files and listed in Section V of this Decision.
7. Associate member Adam Kaufman was designated by the Chair to sit on this application in the absence of a regular board member.

II. SUMMARY OF EVIDENCE AND TESTIMONY

The property at 131 Main Street consists of a two-story building that contains three condominium units: a dentist's office and two dwelling units. This building is on the same parcel as 133 Main Street, a building containing two condominium units: a tattoo establishment and another residential unit. Under the Zoning Bylaw, the dentist's office is classified as "Medical Office or Clinic", and the tattoo establishment is classified as "Personal Care Service Establishment". Mixed-use, Medical Office or Clinic, and Personal Care Service Establishment are all prohibited uses in the AR-II zoning district.

William Halsing, P.L.S. of Land Planning, Inc. represented the petitioner. Mr. Halsing explained that Massabni Medway, LLC was applying for a special permit to expand the existing dentist's office. It will meet the impervious coverage requirements, the addition meets the setback requirements, and there are sufficient parking spaces for the uses on site. He addressed the Board of Health's comments about being careful of the back egress' of the building while construction is underway. He stated the building was built around 1900, and has been used as a dentist office for many years. Mr. Phenegar noted that the dentist that used the office before the applicant was there for at least 40 years.

Mr. Phenegar noted that the addition will not be in the setbacks, and will not be very visible from the street since the addition will be behind the building.

Mike Cannistraro, owner of Visions Tattoo at 133 Main Street, stated his building directly abuts the property of 131 Main Street and shares a parking lot with the dentist's office. He asked the Board to address potential impacts from construction vehicles using the parking area and not having sufficient parking for his business. It was suggested that construction vehicles be prohibited from parking on the west side of the parking lot.

Sam Hopperstad of 129 Main Street informed board members that he and his family live next door to the dentist's office, and with the expansion they fear they will lose privacy to their home. He asked Mr. Halsing if a barrier or screening could be added between the building and his home for privacy. Mr. Halsing agreed that this is not an unreasonable request, and that the applicant can make a fence-like barrier from the front of the building to the back of the parking lot. They agreed that whatever works best can be used, such as fencing or evergreen shrubs to provide visual screening.

III. FINDINGS

In making its findings and reaching the decision described herein, the Board is guided by G.L. c. 40A, as amended, and by the Medway Zoning Bylaw. The Board also considered the Plans, comments from Town officials and committees, and evidence and testimony presented at the public hearing.

1. The building at 131 Main Street is on the same lot as the building at 133 Main Street, both depicted as Assessors' parcel 48-034; the entire site is depicted on the plot plan submitted by the applicant. The building at 131 Main Street contains three condominium units: a dentist's office, and two dwelling units. The building at 133 Main Street contains two condominium units: a tattoo establishment, and another dwelling unit.
2. Under Section 2 of the Zoning Bylaw, Definitions, the tattoo establishment is considered a Personal Care Service Establishment, the dentist office is considered a Medical Office or Clinic, and both buildings are classified as Mixed-Use Buildings.
3. The property is zoned as Agricultural-Residential II (AR-II). In the AR-II district, Mixed-use Buildings, Medical Office or Clinic, and Personal Care Service Establishments are all prohibited. See Table 1: Schedule of Uses.
4. The two buildings share a parking lot in the center of the parcel.
5. The lot contains approximately 42,809 square feet. The plan shows the addition to the dentist's office would be 999 square feet.
6. The proposed extension of the building will be located behind the existing building, and will be only one story. With the visual screening along the eastern lot line as conditioned herein, there will be no substantial detriment. Further, there is sufficient parking and the extension of the existing use of the dentist office, which is a typical professional office use, will not cause substantial detriment to the neighborhood.
- 7. The Board finds that the existing mixed use as Medical Office or Clinic, three dwelling units, and Personal Care Service Establishment is a nonconforming use, as these uses are not currently allowed in the AR-II district. The Board finds that the applicant has established these as a legally pre-existing, nonconforming use of the property.**
- 8. The Board finds that the existing building is a nonconforming structure as to front yard setback, because the structure is not set back at least 35 feet from Main Street. The Board finds that the nonconformity pre-dates the applicable zoning bylaw and is therefore a protected pre-existing, nonconforming structure. The Board further finds that the proposed extension of the structure does not create any new nonconformities.**
- 9. The Board finds that the applicant has established a legally pre-existing, nonconforming structure at the property (131 Main Street), which is nonconforming as to front yard setback.**

Special Permit Decision Criteria for Section 5.5: that the alteration or extension of the pre-existing, nonconforming structure will not be substantially more detrimental to the neighborhood.

10. The Board finds that the extension or alteration of the nonconforming structure and use as proposed and as conditioned herein, will not be substantially more detrimental to the neighborhood, for the reasons set forth above.

IV. CONDITIONS OF APPROVAL

1. Smoke, heat and carbon monoxide detectors must be installed in accordance with the Massachusetts Fire and Building Codes.

2. This special permit is subject to all subsequent conditions that may be imposed by other Town departments, boards, agencies, or commissions. Any changes to the special permit that may be required by the decisions of other Town boards, agencies or commissions shall be submitted to the Board for review as a new request.

3. Any work or use that deviates from this Decision may be a violation of the Medway Zoning Bylaw. All conditions imposed by this Decision are mandatory, and any violation of a condition imposed by this decision may be a violation of the Medway Zoning Bylaw. Any violations of this Decision may prevent the issuance of a building permit and/or occupancy permit or result in the issuance of a cease-and-desist order, noncriminal penalties, or fines, as further provided in Section 3.1 of the Zoning Bylaw. Please note that Section 3.1.F of the Zoning Bylaw provides:

1. Anyone who violates a provision of this Zoning Bylaw, or any condition of a variance, site plan review decision or special permit, shall be punishable by a fine of not more than three hundred dollars for each offense. Each day during which any portion of a violation continues shall constitute a separate offense.

2. As an alternative means of enforcement, the Building Commissioner may impose noncriminal penalties pursuant to G.L. c. 40, § 21D and Article 19 of the Town's General Bylaws, in accordance with the following schedule:

First offense: warning (verbal or written)

Second offense: one hundred dollars

Third offense: two hundred dollars

Fourth and each subsequent offense per violation: three hundred dollars

4. As provided in Section 3.4.E of the Zoning Bylaw, special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, §17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date, except for good cause. Upon receipt of a written request

by the applicant filed at least 30 days prior to the date of expiration, the Board may grant an extension for good cause. The request shall state the reasons for the extension and also the length of time requested.

5. Any and all new gutters and downspouts shall not be placed in a manner to allow discharge of stormwater to the street or toward abutting properties.

6. All site work shall be in compliance with the Plans as conditioned by this Decision, provided, however, that the Building Commissioner may approve minor changes in the course of construction that are of such a nature as are usually approved as “field changes” that do not require further review by the Board. The dimensions shall not be changed without Board approval, except that minor changes in dimension that do not increase the size of the addition or encroach on any required setback may be allowed by the Building Commissioner as field changes.

7. There shall be no tracking of construction materials onto any public way. In the event construction debris is carried onto a public way, the applicant shall be responsible for all clean-up of the roadway which shall occur as soon as possible and in any event within twelve hours of its occurrence.

8. The owner must affirm prior to issuance of an occupancy permit that there is no connection whether direct or indirect to the Town storm water system from the site, including any drainage sump pump, perimeter drains, roof drains, or any other source.

9. The applicant shall comply with all Department of Public Works (DPW) regulations and requirements for any street opening permits, utility connections, or other work within DPW jurisdiction.

10. The applicant shall install and maintain a visual barrier along the eastern side of the property, from a point at the front of the building to the rear of the parking lot to screen the abutting property. The visual barrier may include evergreen plantings and/or a solid fence. This visual barrier shall be in place before an occupancy permit is issued for the addition.

11. During construction, all parking spaces located on the west side of the parking area shall be left clear of all construction vehicles, equipment, and materials, so that the parking spaces in the west parking row will be available for tenants, employees, customers, and visitors.

V. INDEX OF DOCUMENTS

A. The application included the following information that was provided to the Board at the time the application was filed:

1. Application dated June 18, 2025
2. Plan entitled “Plot Plan Located at 131-133 Main Street, Medway MA” prepared by Land Planning, Inc. dated May 29, 2025

3. Architectural Plans entitled “Medway Family Dental 131 Main Street Medway, MA” prepared by Wayne John Jacques dated June 15, 2025


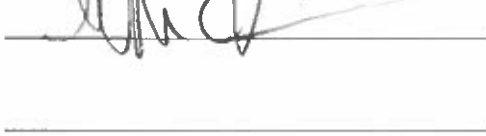

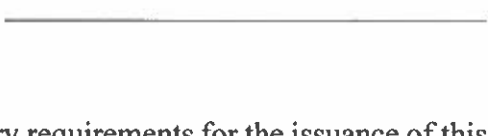
B. Other documents received by the Board:

1. Email from Derek Kwok, Health Director, dated July 9, 2025
2. Email from Barbara Saint Andre, CED Director, dated July 28, 2025
3. Email from Samuel and Rachel Hopperstad dated August 5, 2025

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VI. VOTE OF THE BOARD

By a vote of 4 to 0, the Zoning Board of Appeals hereby GRANTS the Applicant, Gus Massabni, a **Special Permit** under Zoning Bylaw Section 5.5 for an addition to a legally pre-existing nonconforming use and structure on a finding that it will not be substantially more detrimental than the existing non-conforming structure and use to the neighborhood, subject to the Plans and the CONDITIONS contained in this decision, see copy of Plans attached.

Member:	Vote:	Signature:
Brian White, Chair	Aye	
Gibb Phenegar, Vice-Chair	Aye	
Christina Oster, Clerk	Aye	
Adam Kaufman, Associate Member	Aye	

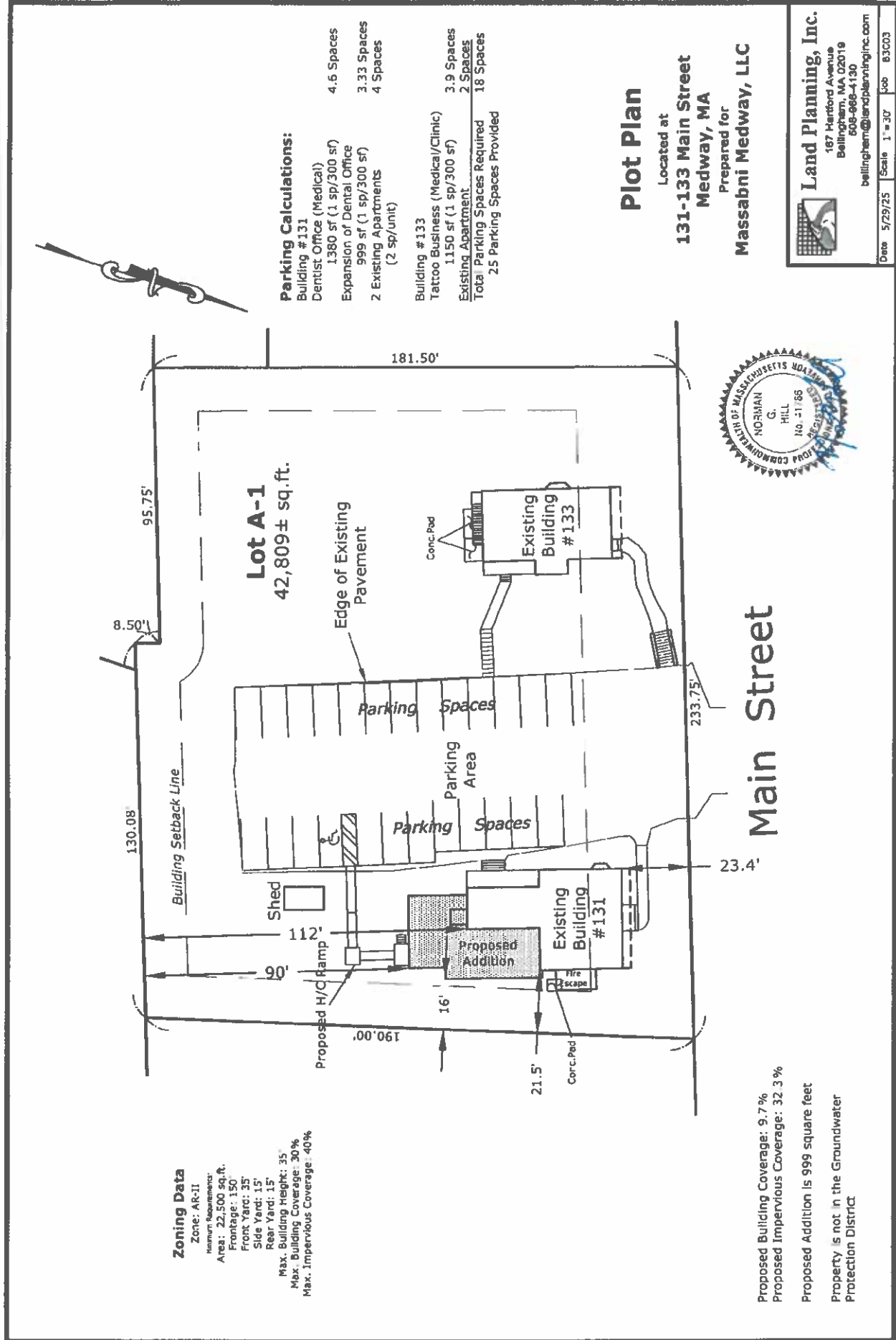
The Board and the Applicant have complied with all statutory requirements for the issuance of this appeal on the terms herein set forth. A copy of this Decision will be filed with the Medway Town Clerk and mailed to the Applicant, and notice will be mailed to all parties in interest as provided in General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

Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 40A, section 17, and shall be filed within twenty days after the filing of this notice in the office of the Medway Town Clerk.

In accordance with General Laws chapter 40A, section 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 the appeal has been filed within such time. 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 Applicant. A copy of the recorded Decision certified by the Registry, and notification by the Applicant of the recording, shall be furnished to the Board.

Exhibit A





**WAYNE
JOHN
JACQUES**
ARCHITECTURAL DESIGN
43 Peldstone Circle
Middletown, MA 02346
Phone: 508-320-1850
Fax:
www.jacquesea.com

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