

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

*20 Day Appeal
6/1/26*

DECISION
SPECIAL PERMIT
136 VILLAGE STREET

RECEIVED TOWN CLERK
MAY 12 '26 4:08:19

Applicant(s): Anthony Saade

Owner: Isaac & Sons Auto Repair, LLC

Location of Property: 136 Village Street (Assessors' Parcel ID: 60-225).

Approval Requested: The application for the issuance of a **special permit** under Section 5.5 to allow an alteration or change of an existing nonconforming use to include used car sales, maximum of three cars to be displayed on premises at any time.

Members Participating: Brian White (Chair), Gibb Phenegar (Vice Chair), Tom Emero (Member); Adam Kaufman (Associate Member)

Members Voting: Brian White (Chair), Gibb Phenegar (Vice Chair), Tom Emero (Member); Adam Kaufman (Associate Member)

Date of Decision: May 6, 2026

Decision: **Granted with Conditions**

I. PROCEDURAL HISTORY

1. On March 25, 2026, the Applicant filed for the issuance of a **special permit** under Section 5.5 to allow an alteration or change of an existing nonconforming use to include sale of used cars, with a maximum of three cars for sale on the site at any time.
2. Notice of the public hearing was published in the Milford Daily News on April 22, 2026, and April 29, 2026, and notice sent by mail to all interested parties and posted in Town Hall as required by G.L. c. 40A, §11.

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3. The public hearing was opened on May 6, 2026, and closed the same evening. In the absence of Board members Joe Barresi and Christina Oster, Associate member Adam Kaufman was designated by the Chair to sit as a member of the Board.
4. The Property is located in the Village Commercial (VC) District. The site is also in the Groundwater Protection District.
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.

II. TESTIMONY

Anthony Saade and Kozhaya Saade, were present for the applicants. Anthony Saade addressed the Board, and stated that their auto repair business, Isaac and Sons, had been located on Main Street for many years. They recently moved to 136 Village Street, replacing the automobile repair business which had been there for many years. As part of their auto repair business while on Main Street, they occasionally sold a used car for a customer, and they would like to continue to be able to do this. Anthony indicated that there is usually no more than one car at a time on the lot to be sold. They have their used car dealer's license from the Select Board, which limits the number of cars that can be on the premises at any one time to three. He stated that there are three parking spaces available next to the building at 136 Village Street that can be used for these cars. Anthony also mentioned that they perform repairs for local dealerships, so they sometimes have other cars that do not have plates, but those are not cars they are selling. Mr. Phenegar noted that the property at 136 Village Street has been used for at least 30 years for auto repair, and Mr. Kaufman concurred that it has been used for auto repair for many years, as long as he can remember. The Assessor records indicate that the building was constructed in 1960. In looking at old zoning maps, this property was originally in a commercial district, where the use was allowed.

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 evidence and testimony presented at the public hearing.

Section 5.5 Special Permit Decision Criteria

The Board found that the existing use of the premises, which includes auto repair business, a use that is not allowed in the VC District, is a legally pre-existing, nonconforming use. The Town adopted zoning in 1951, and the property has been in commercial use since at least 1960. This area was originally zoned for commercial use and allowed the auto repair business.

The Board further found that the application does meet the required special permit decision criteria for Section 5.5, that the extension, alteration or change of the nonconforming use by allowing limited sale of used cars with the conditions included in this decision will not be substantially more detrimental than the existing nonconforming use to the neighborhood. There will be no addition to, or exterior changes to the building. There is sufficient parking for this use, and there will be no increase in impervious surface. The building has sewer and water service. It is not anticipated that there will be any significant noise, trash, or traffic impacts in comparison to the pre-existing use.

The Board finds that the Applicant has demonstrated through evidence submitted, including the plan, as well as testimony from the Applicant, that they have met the required special permit decision criteria under Section 5.5 of the Zoning Bylaw.

IV. CONDITIONS OF APPROVAL

1. 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.

2. 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 XX 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

3. 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.

4. All site work shall be in compliance with the documents submitted to the Board as listed in Section V of this Decision, including the Plans, 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.

5. The owner must affirm 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.

6. The alteration or change of the prior nonconforming use is limited to allowing the additional use for sales of used cars, with no more than three vehicles for sale to be on the premises at any time.

V. INDEX OF DOCUMENTS

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

1. Plot plan showing parking area

B. Other information submitted:

1. Unofficial Property Record Card
2. Class 2 used car dealer’s license

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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 Anthony Saade a **SPECIAL PERMIT** under Section 5.5 of the Zoning Bylaw to allow an alteration or change of an existing nonconforming use to include used car sales, maximum of three vehicles for sale on the premises at any time at 136 Village Street (Assessors' Parcel ID: 60-225), in accordance with the application, and subject to the **CONDITIONS** herein.

Member:	Vote:	Signature:
Brian White	Aye	_____
Gibb Phenegar	Aye	_____
Tom Emero	Aye	_____
Adam Kaufman	Aye	_____

The Board and the Applicant have complied with all statutory requirements for the issuance of this Decision on the terms 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.

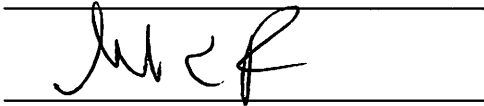
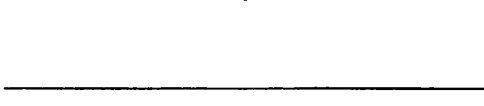
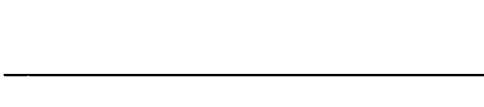
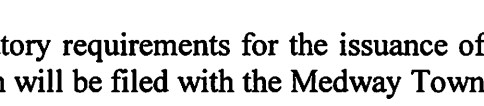
Any person aggrieved by the decision of the Board may appeal to the appropriate court pursuant to Massachusetts General Laws, chapter 40A, section 17, and shall be filed within 20 days after the filing of this notice in the office of the Medway Town Clerk.

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.

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Adam Kaufman	Aye	

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