

GENERAL APPLICATION FORM



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@townofmedway.org
www.townofmedway.org/zoning-board-appeal

NOTE: THE APPLICATION WILL NOT BE CONSIDERED "COMPLETE" UNLESS ALL NECESSARY DOCUMENTS, FEES, & WAIVER REQUESTS ARE SUBMITTED. A GENERAL APPLICATION FORM MUST BE COMPLETED FOR ALL APPLICATIONS.

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s):	Application Request(s):
Justin & Jennifer Smith	
Property Owner(s):	
Justin & Jennifer Smith	Appeal ☐
	Special Permit ☐
Site Address(es):	Variance ☒
18 Broad Acres Farm Rd, Medway MA	Determination/Finding ☐
	Extension ☐
	Modification ☐
Parcel ID(s):	Comprehensive Permit ☐
19-003	
Zoning District(s):	
AR-I	
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title:	
Book 32681 pg 556 (Plan No 829 of 1999 in Plan Bk 471)	

TOWN CLERK STAMP

TO BE COMPLETED BY STAFF:

Check No.: [REDACTED]

Date of Complete Submittal: 7/9/20

Comments:

GENERAL APPLICATION FORM

APPLICANT/PETITIONER INFORMATION

The owner(s) of the land must be included as an applicant, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person shall provide sufficient written evidence of authority to act on behalf of the owner(s). For legal entities such as corporations, LLCs, etc., list the type and legal status of ownership, the name of the trustees/officer members, their affiliation, and contact information. Please provide attachment for information if necessary.

Applicant/Petitioner(s): Justin & Jennifer Smith	Phone: [REDACTED]
	Email: [REDACTED]
Address: 18 Broad Acres, Medway, MA 02053	
Attorney/Engineer/Representative(s): Colonial Engineering, Inc.	Phone: [REDACTED]
	Email: [REDACTED]
Address: 11 Awl St, Medway	
Owner(s): Justin & Jennifer Smith	Phone: [REDACTED]
	Email: [REDACTED]
Mailing Address: 18 Broad Acres, Medway, MA 02053	

Please list name and address of other parties with financial interest in this property (use attachment if necessary):

Please disclose any relationship, past or present, interested parties may have with members of the ZBA:

I hereby certify that the information on this application and plans submitted herewith are correct, and that the application complies with all applicable provisions of Statutes, Regulations, and Bylaws to the best of my knowledge, and that all testimony to be given by me during the Zoning Board of Appeals public hearing associated with this application are true to the best of my knowledge and belief.

Justin Smith

Digitally signed by Justin Smith
Date: 2026.06.29 17:18:30 -04'00'

Signature of Applicant/Petitioner or Representative

Date

Justin Smith

Digitally signed by Justin Smith
Date: 2026.06.29 17:19:07 -04'00'

Signature Property Owner (if different than Applicant/Petitioner)

Date

GENERAL APPLICATION FORM

APPLICATION INFORMATION

		YES	NO
Applicable Section(s) of the Zoning Bylaw:	Requesting Waivers?	☐	☒
6.1 Schedule of Dimensional and Density	Does the proposed use conform to the current Zoning Bylaw?	☐	☒
Present Use of Property: Residential	Has the applicant applied for and/or been refused a building permit?	☐	☒
	Is the property or are the buildings/ structures pre-existing nonconforming?	☒	☐
Proposed Use of Property: Same with accessory family dwelling	Is the proposal subject to approval by the BOH or BOS?	☐	☒
	Is the proposal subject to approval by the Conservation Commission?	☐	☒
Date Lot was created: 1999	Is the property located in the Floodplain District?	☐	☒
Date Building was erected: 2000	Is the property located in the Groundwater Protection District?	☐	☒
Does the property meet the intent of the Design Review Guidelines?	Is the property located in a designated Historic District or is it designated as a Historic Landmark?	☐	☒
Yes			
Describe Application Request: We are requesting a variance from Section 6.1 (Schedule of Dimensional and Density Regulations, Table 2) and Section 6.3.F of the Medway Zoning Bylaw to allow an existing, permitted, detached accessory structure (open-air pavilion) to remain at its current location, approximately 11 to 13.5 feet from the side/rear lot line, where a minimum setback of fifteen feet is otherwise required for accessory structures exceeding 200 square feet in area. The pavilion was constructed pursuant to a building permit issued by the Town of Medway, and its location was inspected and approved by the Building Department at the footing inspection stage prior to completion of construction. We are seeking confirmation, by variance, that the structure as built and may lawfully remain in its current location.			

GENERAL APPLICATION FORM

FILL IN THE APPLICABLE DATA BELOW

Required Data	Bylaw Requirement	Existing	Proposed
A. Use		Pavilion	Pavilion
B. Dwelling Units	1	1	1
C. Lot Size	44000	44000	44000
D. Lot Frontage	180'	180'	180'
E. Front Setback	35'	140'	140'
F. Side Setback	15'	11'	11'
G. Side Setback	15'	130'	130'
H. Rear Setback	15'	95'	63'
I. Lot Coverage	25%	.6%	.6%
J. Height	35'	13'	13'
K. Parking Spaces	Exempt under 3.5	0	0
L. Other			

FOR TOWN HALL USE ONLY

To be filled out by the Building Commissioner:

Date Reviewed _____

Medway Building Commissioner _____

Comments:

After completing this form, please submit an electronic copy to zoning@townofmedway.org and 4 paper copies to the Community & Economic Development Department.

TREASURER/COLLECTOR CERTIFICATION



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

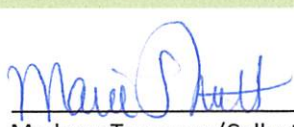
155 Village Street
Medway MA 02053

Phone: 508-321-4915 | zoning@medwayma.gov
[Zoning Board of Appeals | Town of Medway](#)

TO BE COMPLETED BY THE APPLICANT

Applicant/Petitioner(s): Justin & Jennifer Smith
Property Owner(s): Justin & Jennifer Smith
Site Address(es): 18 Broad Acres Farm Rd, Medway, MA 02053
Parcel ID(s):
Registry of Deeds Book & Page No. and Date or Land Court Certificate No. and Date of Current Title: BOOK 32681 Pg 556 C Plan # 829 of 1999 in Plan Bk 471

 Signature of Applicant/Petitioner or Representative	6/29/24 Date
--	-----------------

FOR TOWN HALL USE ONLY	
To be filled out by the Treasurer/Collector:	
7/9/26 Date Reviewed	 Medway Treasurer/Collector
Tax Delinquent: Y ☒ N	
Comments:	



TOWN OF MEDWAY

ZONING BOARD OF APPEALS

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TO BE COMPLETED BY THE APPLICANT

Please provide evidence regarding how the Variance Criteria, outlined below, is met. All Variance Criteria must be met to be considered. Provide attachments if necessary.

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

SEE ATTACHED

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be *personal hardship*)

SEE ATTACHED

3. State why desirable relief may be granted without substantial detriment to the public good.

SEE ATTACHED

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

SEE ATTACHED

[Signature]

Signature of Applicant/Petitioner or Representative

6/29/24

Date

Variance Form Responses

Date: June 29, 2026

Applicants: Jennifer and Justin Smith

Address: 18 Broad Acres Farm Rd
Medway, MA 02053

1. What circumstances exist relating to the shape, topography, or soil conditions of the subject property which do not generally affect other land in the zoning district? (See MGL c. 40A Section 10)

The subject property is affected by a diagonal side property line that reduces the usable building area and limits the placement of accessory structures. To maintain a safe and functional separation between the existing in-ground pool and the proposed pavilion, the structure could not reasonably be located closer to the pool. At the same time, the diagonal property line prevents the pavilion from being shifted farther from the property line without compromising the layout and intended use of the outdoor living space.

Additionally, the property contains underground gas lines serving the pool that are located beneath the pavilion and in close proximity to the installed footings. Relocating the pavilion would require substantial disturbance and relocation of these existing utilities, as well as impacts to the established pool and patio. Together, the irregular lot configuration and the existing site improvements create unique physical constraints that do not generally affect other properties in the zoning district.

2. What substantial hardship, financial or otherwise, is caused by the circumstances listed above when the literal enforcement of Medway Zoning Bylaw is applied? (See MGL c. 40A Section 10) (Cannot be personal hardship)

Literal enforcement of the Medway Zoning Bylaw would require the removal or relocation of the existing pavilion. Due to the irregular, diagonal side property line, the existing in-ground pool and patio configuration, and underground gas lines serving the pool, there is no practical conforming location for the pavilion that would avoid significant disruption to existing site improvements and utilities.

Relocating or reconstructing the pavilion would require substantial disturbance to the established outdoor living area, including potential relocation of underground utilities and reconfiguration of the pool/patio layout. These physical constraints of the property significantly limit feasible compliant locations for the structure.

As a result, the enforcement of the setback requirement creates a substantial hardship arising from the unique physical conditions of the property itself and the location of gas lines, rather than from personal circumstances of the owner.

3. State why desirable relief may be granted without substantial detriment to the public good.

Granting the requested variance may be done without substantial detriment to the public good because the pavilion is a customary accessory structure that is consistent with the residential character of the neighborhood. The pavilion is located adjacent to the neighboring property's side yard with trees, driveway and garage area rather than near the primary outdoor living space, minimizing its impact on the neighboring property's use.

The structure does not obstruct public ways, create traffic or safety concerns, interfere with sight lines, or adversely affect municipal services. It does not create drainage or stormwater issues and complies with all applicable building code requirements under the issued building permit. The applicants are also willing to install additional landscaping to further reduce any visual or privacy impacts.

The pavilion was constructed in good faith pursuant to a valid building permit and remains consistent with the intended residential use of the property. Granting the requested variance would allow the existing structure to remain without altering the character of the neighborhood or causing substantial detriment to the public good.

4. State why relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

Granting the requested variance will not nullify or substantially derogate from the intent or purpose of the Medway Zoning Bylaw because the pavilion remains a customary accessory structure serving a single-family residence and is consistent with the residential character of the neighborhood.

The purpose of the setback requirement — to ensure adequate separation, light, air, and privacy between properties — is not undermined by the structure's open, unenclosed design and modest encroachment. Granting the variance would simply confirm a condition already reviewed and accepted through the Town's own permitting process, consistent with the Bylaw's overall intent.

Although the pavilion encroaches into the required setback, it does not adversely affect public safety, impede access, create drainage or stormwater issues, or interfere with the use and enjoyment of neighboring properties. The applicants are also willing to relocate the fireplace within the pavilion and install additional landscaping or fencing, if requested by the Board, to further reduce any visual or privacy impacts.

The requested variance is the minimum relief necessary to allow the existing pavilion, which was constructed in good faith pursuant to a valid building permit, to remain in its current location. Granting this limited relief will preserve the intent of the Zoning Bylaw while recognizing the unique physical constraints of the property and will not impair the health, safety, welfare, or character of the surrounding neighborhood.

FORM NO. 10-77	CHK BY: EWS	TF-1 OF 1
	PROJECT D:	

Pavilion — Existing Conditions & Setback Measurements



Under-Pavilion View



Pool & Pavilion Overview



Side View — Property Line Side

Setback Measurements (Post to Property Line): **Nearest Post: 10.6 ft** | **Far Post: ~14.0 ft** | **Bylaw Requirement: 15 ft (Section 6.3.F)**

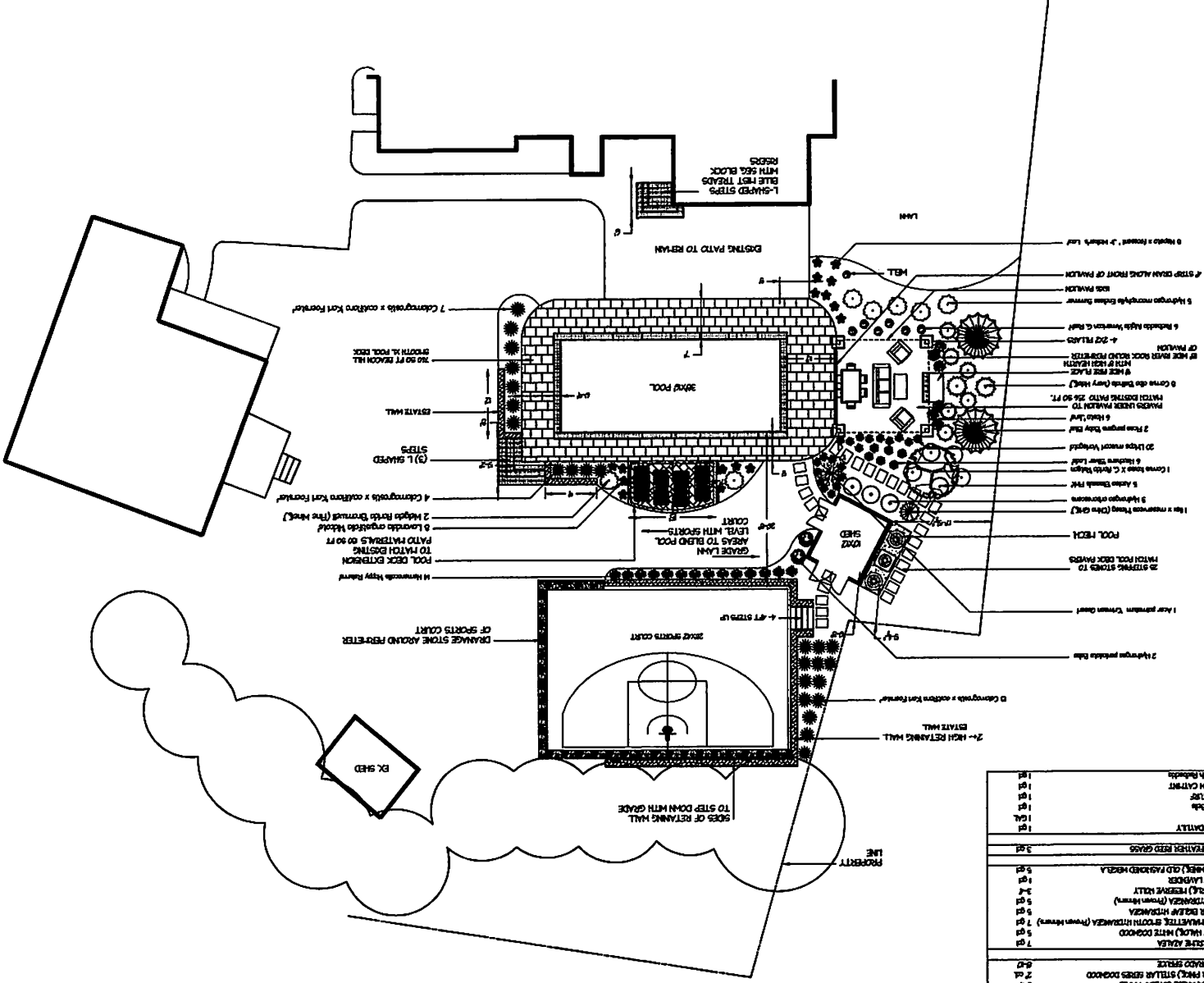
**Structure constructed pursuant to Building Permit issued by Town of Medway.*

**Gas Line runs underneath the center of Pavilion and is exactly 10 ft from waters edge making in impossible to achieve the required 15ft setback.*

**Applicant has agreed to relocate the outdoor fireplace to the right side of the pavilion to address concerns raised by abutting property owner*

18 BROAD ACRES MEDFAY MA
 104 046 3

SPRING HILL
STUDIO



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Original Plan

Key	Qty	Botanical Name	Common Name	Size/Condition
Tru				
APC 1		<i>Acer palmatum</i> 'Japanese Green'	GREEN QUEEN JAPANESE GUTLEAF MAPLE	3-4'
APC 1		<i>Cornus kousa</i> 'X. Cr. Florida Rutgers'	CRUSH(STELLAR PINK) STELLAR SERIES DOGWOOD	2 cal.
PhB 2		<i>Picea pungens</i> 'Baby Blue'	BABY BLUE COLORADO SPRUCE	8-10'
Shrub				
ASP 5		<i>Acacia birostris</i> 'Puff'	BLAUHOLZ PINK KIRDEE ACACIA	7 gal
CB 6		<i>Cornus alba</i> 'Bohale' (Navy Holly)	BLAUHOLZ (NAVY HOLLIE) WHITE DOGWOOD	5 gal
Hy 5		<i>Hydrangea arborescens</i>	MUNICIPAL HYDRANGEA SMOOTH HYDRANGEA (Proven Winner)	5 gal
Hy 5		<i>Hydrangea macrophylla</i> 'Endless Summer'	(ENDLESS SUMMER BIGLEAF HYDRANGEA)	5 gal
Hy 6		<i>Hydrangea paniculata</i> 'Bob'	BOBO HARDY HYDRANGEA (Proven Winner)	5 gal
Inf 1		<i>Ilex x mesaeucae</i> 'Tango' (China Girl)	FESOG (CHINA GIRL) FESOGUE HOLLY	3-4'
Inf 1		<i>Lavandula angustifolia</i> 'Habitat'	HICOGUE JUNGLE LAVENDER	1 gal
Hy 5		<i>Heigala Fendis</i> 'Bramble' (Fire Hike)	BRAMBLE (FIRE HIKE) OLD FASHIONED HEIGALA	5 gal
Ornamental Grass				
Cal 2		<i>Calamagrostis x acutiflora</i> 'Karl Foerster'	KARL FOEDSTER FEATHER REED GRASS	3 gal
Perennials				
HJR 14		<i>Hemerocallis</i> 'Happy Return'	HAPPY RETURNS DAYLILY	1 gal
HL 6		<i>Hosta</i> 'Silver'	SILVER HOSTA	1 GAL
HL 6		<i>Heuchera</i> 'Silver Lady'	Silver Lady Coral Bell	1 GAL
HL 20		<i>Lupinus</i> 'Mississippi Vampiro'	VAMPIROGATA LUPINUS	1 gal
HL 2		<i>Nepeta x faasseni</i> 'J. J. Harkness' Lady	J. J. HARKNESS LADY CATNIP	1 gal
RL 4		<i>Roburja</i> 'Mississippi Vampiro' G. P. Harkness	G. P. HARKNESS (Mississippi Vampiro) Roburja	1 gal

Chimney to be
relocated to right
side of pavilion

11' to center of post

14' to center of post

28 STEPPING STONES TO
MATCH POOL DECK PAVING

POOL HECH

1. 10' x 16' concrete Trough (China Girl)
3 Hydroxide atomizers
5 Azalea Shrubbery Plant
1 Corner Jumbo X.C. (China Girl)
4 Heathers Silver Leaf

20 Lilies (mural) Variegated
4 Heathers Silver Leaf

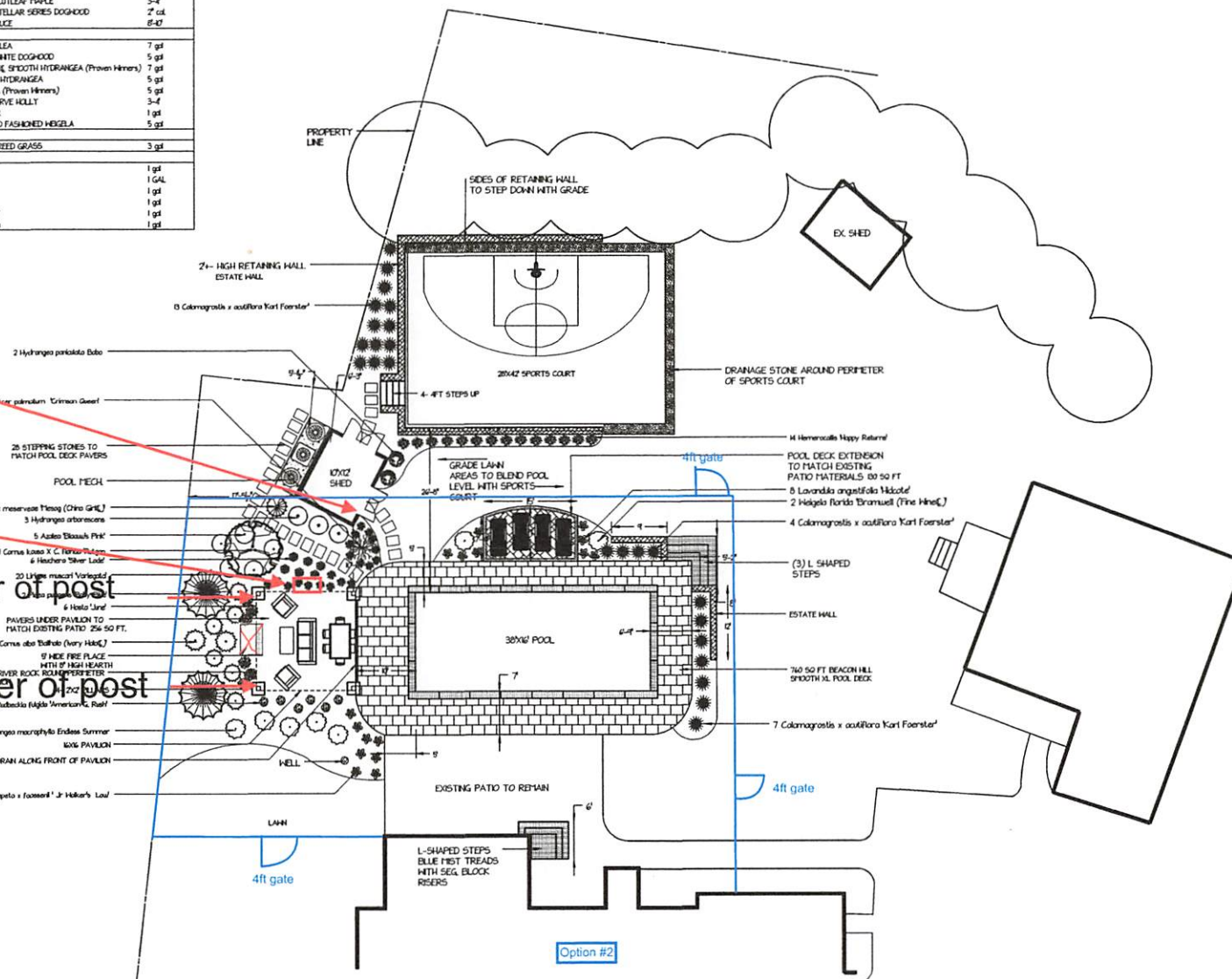
6 Heathers Silver Leaf

PAVERS UNDER PAVILION TO
MATCH EXISTING PATIO 25' x 50'

8 Corner Jumbo (China Girl)

5' HIDE FIRE PLACE
WITH 1' HIGH HEARTH
10' HIGH RIVER ROCK BURNING FIRE PIT

20' x 20' x 10'



NORTH

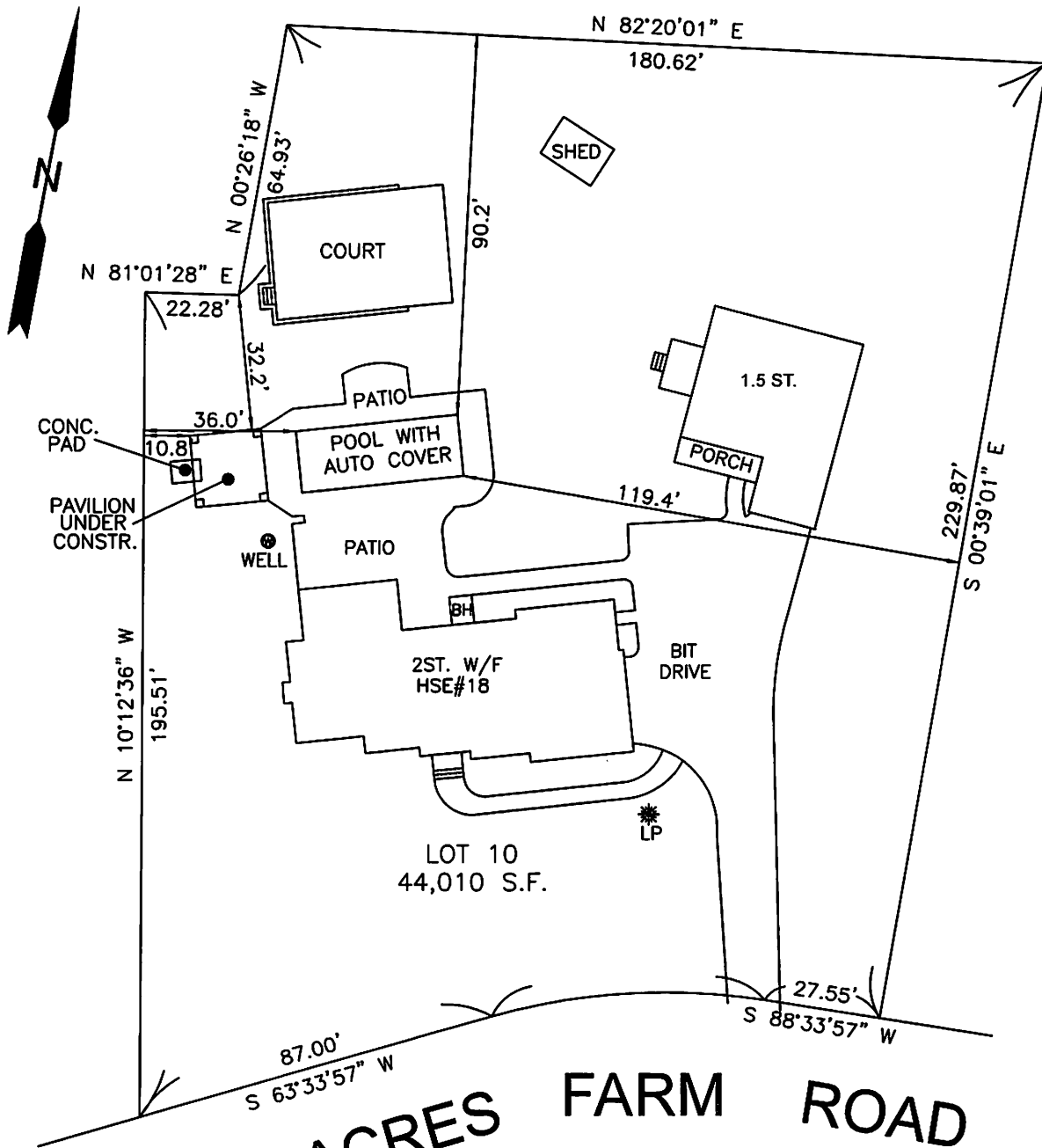
POOL HARDSCAPE/PLANTING DESIGN

18 BROAD ACRES MEDWAY MA

MODEL	DATE	DURATION /
-------	------	------------

100

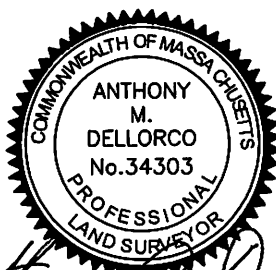
Edward M. Bradley



BROAD ACRES FARM ROAD

ZONE AR I
 AREA 44,000 S.F.
 FRONTAGE 180'
 SETBACK 35'
 SIDEYARD 15'
 REARYARD 15'
 LOT COVERAGE
 STRUCTURE 25%
 STRUC. & IMPER. 35%
 EXISTING LOT COVERAGE
 STRUCTURE 11.56%
 STRUC. & IMPER. 26.83%

I CERTIFY THAT THE POOL AND
 PAVILION DO NOT LIE WITHIN THE
 FLOOD PLAIN.



Anthony M. Dellorco

AS-BUILT
 PLAN OF LAND

IN

MEDWAY, MA.

SCALE: 1"=40' JULY 1, 2026

OWNER: Justin & Jennifer Smith
 18 Broad Acres Farm Road
 Medway, Ma. 02053

COLONIAL ENGINEERING INC.
 11 AWL STREET MEDWAY, MA.
 508-533-1644



TOWN OF MEDWAY
COMMONWEALTH OF MASSACHUSETTS
ZONING BOARD OF APPEALS

Medway Town Hall
155 Village Street
Medway, MA 02053
Phone (508) 321-4890
Email: zoning@medwayma.gov
Zoning Board of Appeals | Town of
Medway

Legal Notice Billing Agreement Form

Board Members

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

The Zoning Board of Appeals will prepare and submit a legal notice to be published in the *Milford Daily News*. This legal notice will appear in two consecutive issues of the newspaper, at least 14 days prior to the date of your hearing. The cost varies based upon the applicant request and information required for the notice. The Zoning Board of Appeals will forward the ad proof with the total to be paid by the applicant.

Justin Smith

Applicant Name

18 BROAD ACRES FARMS RD

Property Address

[REDACTED]

Telephone Number

17-003

Parcel ID

[REDACTED]

Email Address

AR-1

Zoning District

I hereby agree to provide a check in the sum of the ad proof total provided by the Zoning Board of Appeals for the required legal notice for a public hearing before the Zoning Board of Appeals.

Justin Smith

Applicant Signature

7/9/29

Date

Please Note: This form must be returned to the Zoning Board of Appeals when submitting your application