

SEE COMMENTS IN RED WITHIN THIS APPLICATION FROM THE MCSWEENEY FAMILY,
LOCATED AT 20 BROAD ACRES FARM RD, AND THE DIRECT ABUTTER TO THE PROPERTY LINE
WHERE THE PAVILION W/FIREPLACE IS LOCATED. COMMENTS SUBMITTED ON 7-23-26.

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

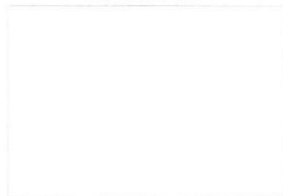
RECEIVED TOWN CLERK
7/9/26 4:05 PM

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): Justin & Jennifer Smith	Application Request(s):
Property Owner(s): Justin & Jennifer Smith	Appeal ☐
Site Address(es): 18 Broad Acres Farm Rd, Medway MA	Special Permit ☐
	Variance ☒
	Determination/Finding ☐
	Extension ☐
	Modification ☐
Parcel ID(s): 19-003	Comprehensive Permit ☐
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: 7/9/26
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'	Date
Signature of Applicant/Petitioner or Representative		
Justin Smith	Digitally signed by Justin Smith Date: 2026.06.29 17:19:07 -04'00'	Date
Signature Property Owner (if different than Applicant/Petitioner)		

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? Yes	Is the property located in a designated Historic District or is it designated as a Historic Landmark? ☐ ☒
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 12 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. T 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.	

COMMENTS FROM THE MCSWEENEY'S: THERE IS NO BASIS FOR GRANTING A VARIANCE BASED ON THE SCHEDULE OF DIMENSIONAL & DENSITY REGULATIONS TABLE #2 FOR THE FOLLOWING REASONS:

- 1) WITH PROPER PLANNING, SURVEYING & PLACEMENT, THE 16'X16' PAVILION W/FIREPLACE COULD HAVE BEEN PLACED 15'+ FROM PROPERTY LINE TO MEET REQUIRED SETBACK. THE PAVILION COLUMNS ARE CURRENTLY LOCATED 10'-8" & 11'-7" FROM THE ABUTTING PROPERTY LINE. THE FIREPLACE THAT IS LOCATED ON A SLAB IS <5' FROM OUR PROPERTY LINE. (SEE AS-BUILT DATED 7-1-26 ATTACHED)
- 2) IT IS THE RESPONSIBILITY OF THE HOMEOWNER & CONTRACTOR TO DO THEIR DUE DILIGENCE PRIOR TO THE CONSTRUCTION OF THE PAVILION W/FIREPLACE. THIS WOULD INCLUDE VERIFYING THE REQUIRED SETBACKS, & HIRING A SURVEYOR TO STAKE OUT THE CRITICAL PROPERTY LINE THAT WAS THE BASIS OF THE LATERAL DIMENSION FOR THE PAVILION W/FIREPLACE. THE HOMEOWNER & CONTRACTOR HAD (7) MONTHS FROM TIME OF POOL INSTALL IN OCT/NOV OF 2025 TO THE PAVILION INSTALL IN MAY OF 2026. THIS PERIOD OF TIME ALLOWED ADEQUATE TIME FOR DUE DILIGENCE & OPPORTUNITY TO PLAN THE PROPER LOCATION FOR THE PAVILION IN ACCORDANCE WITH THE REQUIRED SETBACKS. (SEE PAVILION CONTRACT DATED 11-10-26 & PLAN DESIGN 11-5-26 ATTACHED AS SEPARATE PDF)
- 3) THE EXISTING 44,010 SQFT RECTANGULAR IN SHAPE LOT COULD HAVE CONFORMED TO THE REQUIRED 15' SETBACK FOR THE 16X16 PAVILION. THE HOMEOWNER & CONTRACTOR COMPLETELY DISREGARDED THE SETBACK REQUIREMENT & AS A RESULT BUILT THE PAVILION 10'-8" FROM PROPERTY LINE & PLACED THE FIREPLACE 5' FROM THE PROPERTY LINE.
- 4) THE PAVILION & BACKYARD DESIGN PLAN INCLUDED W/APPLICATION INTENTIONALLY LEAVES OFF THE CRITICAL DIMENSIONAL LOCATION OF THE PAVILION IN RELATION TO THE ABUTTING PROPERTY LINE. HOWEVER, IT DOES SHOW THE 17'-5.5" DIMENSION TO THE SHED THAT IS CLEARLY FURTHER AWAY FROM THE PROPERTY LINE THAN THE MUCH LARGER PAVILION. THIS SHOWS INTENT TO DISREGARD THE 15' SETBACK REQUIREMENT & TO DELIBERATELY LOCATE THE PAVILION INSIDE THE 15' SETBACK AND NOT OUTSIDE OF IT. (SEE BACKYARD DESIGN PLAN 11-5-25 ATTACHED AS SEPARATE PDF)
- 5) THE INSPECTION APPROVAL OF THE FOOTINGS DOES NOT WARRANT A VARIANCE BECAUSE IT IS NOT THE BUILDING INSPECTORS RESPONSIBILITY TO MAKE SURE THE HOMEOWNER & CONTRACTOR ADHERE TO THE MEDWAY DIMENSIONAL REGULATIONS REGARDING SETBACKS FOR STRUCTURES OVER 200 SQFT. ADDITIONALLY IT IS EXPLICITLY NOTED IN THE EMAIL CORRESPONDANCE FROM THE BUILDING INSPECTOR WHEN HE ISSUED THE PERMIT FOR THE PAVILION ON 5-6-26 THAT "The issuance of a Building Permit shall not be construed to be an approval of any other law or ordinance. Approval from other Town Departments may be required before work can commence." THIS STATEMENT WOULD APPLY TO SETBACKS. (SEE EMAIL FROM BUILDING INSPECTOR FOR ISSUANCE OF PAVILION PERMIT CARD ON 5-6-26 ATTACHED).
- 6) THE PAVILION NEEDS TO MOVE BECAUSE THE OUTDOOR FIREPLACE INCLUDED WITH THE PAVILION IS CURRENTLY LESS THAN 5' FROM OUR PROPERTY LINE & POSES A FIRE THREAT TO OUR TREE-LINE CANOPY & 20+ EVERGREENS. IT ALSO POSES A SMOKE & ODOR NUISANCE & HEALTH HAZARD TO OUR FAMILY, SPECIFICALLY TO (3) MEMBERS OF OUR HOUSEHOLD THAT SUFFERS FROM ASTHMA, WHICH INCLUDES MY 83YO FATHER WHO LIVES WITH ME. (SEE EMAIL FROM BUILDING INSPECTOR FOR ISSUANCE OF PAVILION PERMIT CARD ON 6-22-26 ATTACHED).

From: rbarese@medwayma.gov
Sent: 05/06/2026 - 04:21 PM
To: c.stonelandscapingco@gmail.com
CC:
Subject: Permit Issued/ 18 Broad Acres Farm Rd. Medway

Attachments:
Permit Card - Residential Building.htm

(PERMIT FOR 16X16 PAVILION – ONLINE FOR PUBLIC INFORMATION)

Dear Christopher Schmidt:

This email is to inform you that your Building Permit Application and associated documentation have been reviewed for code compliance and your Building Permit has been issued with the Town of Medway, Massachusetts for the property listed below. Please print this Building Permit, and post it at the property, so that it is visible from the street.

Please note: The issuance of this Building Permit shall not be construed to be an approval of any other law or ordinance. Approval from other Town Departments may be required before work can commence.

Permit #: RB26-000174
18 BROAD ACRES FARM RD
MEDWAY, MA 02053

Sincerely,
Rindo Barese
Building Inspector
508-533-3253
rbarese@medwayma.gov

**COMMENTS FROM ABUTTER:
THIS EMAIL IS FROM THE ACTING BUILDING INSPECTOR TO THE HOMEOWNER,
AND HAS BEEN ADDED BY THE ABUTTER AS PART OF THE COMMENTS
SECTION. THIS EMAIL IS AVAILABLE ONLINE FOR PUBLIC VIEWING.**

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.

SEE PHOTO BELOW SHOWING LOCATION OF THE PAVILION AND FIREPLACE WITH CLOSE PROXIMITY TO OUR PROPERTY LINE. ALSO NOTE THAT THE POOL AREA IS NOT SECURED WITH A FENCE & THE "SAFETY COVER" HAS WATER ON TOP, POSING A DROWNING HAZARD FOR THE NEIGHBORHOOD CHILDREN, & **IS IN VIOLATION OF THE MEDWAY SWIMMING POOL BARRIER REQUIREMENTS**. THE POOL HAS BEEN FULL OF WATER SINCE NOVEMBER 2025 WITH NO FENCING SINCE. THIS TOO SHOWS A DISREGARD FOR THE MEDWAY RULES & REGULATIONS & TO THE SAFETY CONSIDERATION OF THE NEIGHBORHOOD & SPECIFICALLY TO US AS THE DIRECT ABUTTERS.



TREASURER/COLLECTOR CERTIFICATION



TOWN OF MEDWAY

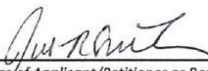
ZONING BOARD OF APPEALS

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 02055
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 <u>N</u>	
Comments:	

VARIANCE FORM



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](#)

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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*)

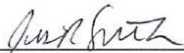
SEE ATTACHED

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 of Applicant/Petitioner or Representative

6/29/24
Date

From: rbarese@medwayma.gov
Sent: 06/22/2026 - 03:14 PM
To: c.stonelandscapingco@gmail.com
CC:
Subject: 18 Broad Acres Farm rd. Medway/ Plot plan as-built

We need an as-built plan for pavilion and fireplace Looks like it's too close to the neighbors property line. Please call the Medway Building Department asap 508-533-3253. Thank you

COMMENTS FROM ABUTTER:
THIS EMAIL IS FROM THE ACTING BUILDING INSPECTOR TO THE CONTRACTOR AND HAS BEEN ADDED BY THE ABUTTER AS PART OF THE COMMENTS SECTION. THIS EMAIL IS AVAILABLE ONLINE FOR PUBLIC VIEWING.

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.

ABUTTER COMMENTS REGARDING VARIANCE QUESTION #1 & #2:

- 1) The 195' abutting property line & the 202' width lot does NOT restrict the pavilion from conforming to the 15' setback. Furthermore, if the homeowner identified that the "diagonal" property line limited usable buildable area & limited placement of accessory structures as they stated above then they could have built a smaller pavilion. (See AS-BUILT Plan attached from Colonial Engineering dated 7-1-26)
- 2) The edge of the pool is currently 36'-0" from our property line, & the As-Built Plan dated 7-1-26 clearly shows that the pavilion can be relocated 15' off the abutter's property line with a 5'+ patio area in front of the pavilion, which is more than adequate to maintain a safe & functional separation between the pool and pavilion. Additionally, the pavilion will have 256 sqft of patio area that will extend 16' out to the 5' patio area around the pools edge to create a total of 21' to the pools edge. There is adequate room to move the pavilion with minimal disturbance to the outdoor living area & the pool patio layout because the patio at the pavilion end has not been completed to date.
- 3) The existing gas line that goes to the pool heater is underground & should not be impacted by relocating the pavilion. Any additional utilities that may be servicing the pavilion are also underground & the area under the pavilion is dirt, so the disturbance should be minimal.
- 4) The lot is not irregular nor does it have unique physical conditions that prohibit the pavilion from conforming to the required setback. There is adequate space to move the pavilion 5' to conform to the setback requirement, & to maintain the pavilion's parallel position to the pool.
- 5) The disregard for the Town Bylaws is NOT a reason for a variance, & the ZBA should deny the request based on proof presented by the abutter that the shape & size of the lot is not a factor for consideration, & there is room for the pavilion to move. The variance should also be denied because if the fireplace is not moved it poses a fire & smoke hazard, & health concern for our family w/3 asthmatics. A variance is not intended for a homeowner or contractor to ask for leniency from the ZBA after deliberate violation of the Bylaw when the violation could have been avoided. If the ZBA grants the variance it sends a message that the setbacks have no significance or consequence to a homeowner or contractor, & that the safety & health concerns that directly impact the abutters, DO NOT MATTER!

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.

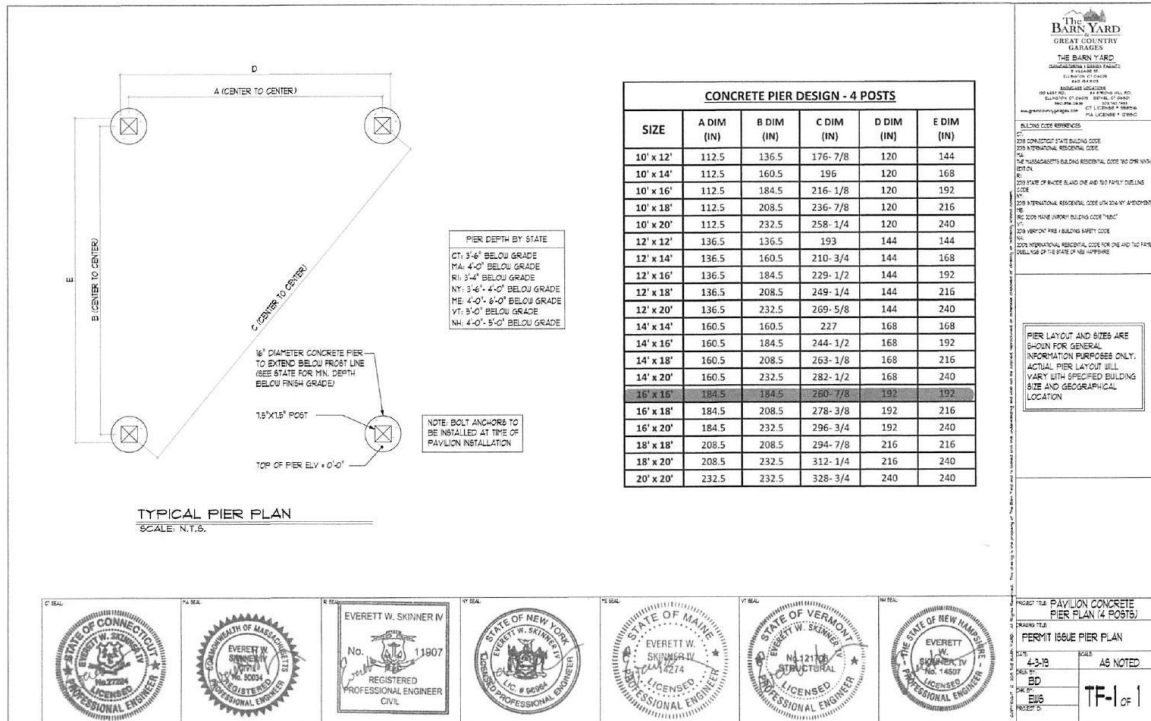
The purpose of the setback requirement — to ensure adequate separation, light, air, and privacy between properties — is not undermined by the structure's open, unenclosed design and modest encroachment. Granting the variance would simply confirm a condition already reviewed and accepted through the Town's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

ABUTTER COMMENTS REGARDING VARIANCE QUESTION #3 & #4:

- 1) The pavilion is not consistent w/the residential character of the neighborhood because there is NO other pavilion w/fireplace on BAFR that violates the 15' setback & has a fireplace 5' from the abutter's property line as is in our case as the direct abutters to this pavilion.
- 2) The current location & close proximity of the fireplace to our property poses a significant fire, smoke, & health hazard to us. The MassDep Regulations 310 CMR 7.09 prohibits any burning which creates a nuisance or condition of excessive odor, smoke or hazard to others, & the fire dept. has the authority to enforce this prohibition. If the pavilion & fireplace are relocated this will minimize this issue.
- 3) The current location of the pavilion & fireplace also poses a fire hazard for our future shed proposed for this abutting area.
- 4) The purpose of the 15' setback is to ensure adequate separation, & is more critical to abide by when a large outdoor fireplace is part of the pavilion.
- 5) The town is not responsible for the homeowner & contractors lack of due diligence to know the local Bylaws. The town's Bylaws are easily and readily available to the public on the MedwayMA.gov Website & can easily be answered with a phone call to the appropriate town department.
- 6) The towns permitting & approval process are not construed to be an approval of any other law or ordinance, & approval from other town departments may be required. The proper time for a variance request would have been prior to constructing the pavilion. Furthermore, the encroachment can be avoided because there are NO unique constraints of the property, & there is adequate area to move the pavilion so that it conforms to the Bylaw.
- 7) The encroachment is very relevant to our health & safety & directly affects us as the abutters, & the impact & safety of the "public" is irrelevant in this matter. We would like to request that the ZBA enforce the relocation of the fireplace to minimize the fire, smoke, & health hazard to our family.
- 8) It is the ZBA's responsibility to enforce the Bylaw in this matter & NOT grant a variance because the pavilion can be moved, & the request for a variance could have been avoided with homeowner & contractor due diligence & better choice on size & placement of the pavilion w/fireplace prior to any construction commencing. The homeowner and their contractor need to be held accountable to correct the violation.



- ABUTTER COMMENTS:**
- 1) This chart from The Barn Yard shows the several pavilion size options available for the homeowner to choose from.
 - 2) The homeowners chose the 16X16 back in November of 2025 pursuant their contract & scope of work documents dated 11-10-2025 (see attached contract in separate PDF).

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 it impossible to achieve the required 15ft setback.*

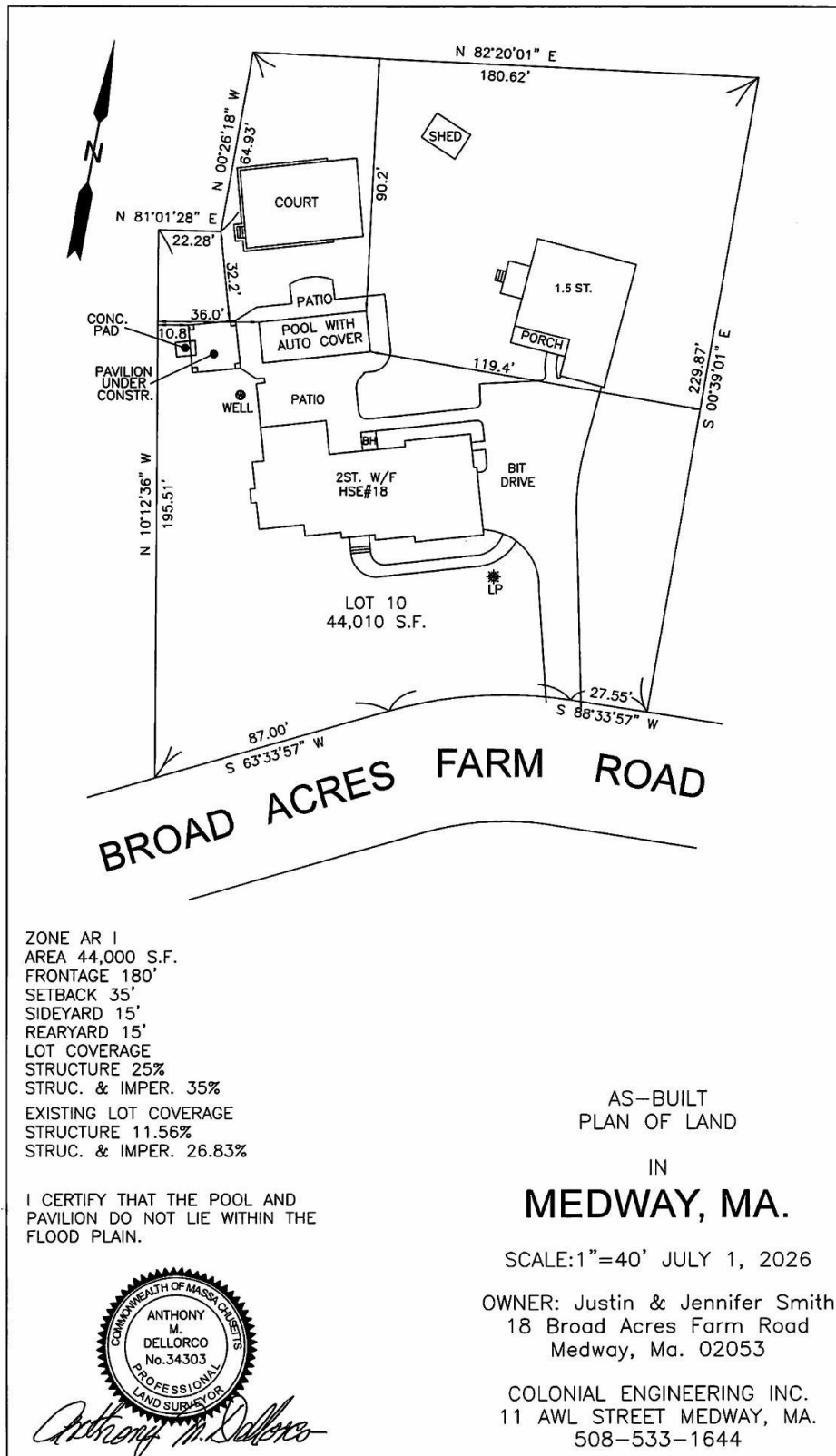
**Applicant has agreed to relocate the outdoor fireplace to the right side of the pavilion to address concerns raised by abutting property owner*

ABUTTER COMMENTS:

- 1) The nearest finished edge of the post is 10'-8" from our property line and the opposite rear finished edge of the post is 11'-7" from our property line (See the "As-Built Plan from Colonial Engineering dated 7-1-26 for location of nearest post).
- 2) We want the ZBA to enforce the relocation of the fireplace to minimize the fire, smoke, & health hazards to us as the abutter that is most impacted by the encroachment of the setback. The fireplace is currently 5' from our tree-line canopy & our 20+ Green Giant Evergreens that could ignite due to a "rogue" ember if the fireplace is not moved. Furthermore, the close proximity of the fireplace to our outdoor activity area & patio will produce smoke that is an Asthmatic "trigger" for three of our household family.
- 3) We want the pavilion moved so that it meets the minimum requirement of the 15' setback Bylaw (See email dated 6-22-26 from the Building Inspector under the Pavilion Permit online)

[illegible]

- 1) **The Post dimensions are not accurately shown on this plan** (See Colonial Engineering As-Built Plan dated 7-1-26 for accuracy).
- 2) **The Pavilion Pillars area 2x2 trimmed out with stone.** (See enlarged Backyard Design Plan as separate attachment in email for clarity).
- 3) **The orientation of the Primary Home and Pool are not represented accurately on this plan** (See Colonial Engineering As-Built Plan dated 7-1-26 for accuracy).
- 4) **The Pool Fence has not been installed around the Inground Pool that was installed on November of 2025. The homeowners have disregarded the Towns Swimming Pool Barrier Requirements.**
- 5) **This Plan clearly shows that the homeowner and contractors had ample area to avoid a setback violation, and intentionally built the Pavilion extremely close to our property line on the left, and the Basketball Court even closer to the property line of the abutter located at 9 Stable Way in the rear upper left.**



- ABUTTER COMMENTS:**
- 1) THIS AS-BUILT PLAN SHOWS THE DISTANCE TO THE CLOSEST PAVILION POST, AND THE ADEQUATE AREA AVAILABLE ON THE POOL PATIO SIDE THAT WILL ALLOW FOR THE PAVILION TO MOVE SO THAT IT MEETS THE MINIMUM 15' SETBACK REQUIREMENT.
 - 2) THIS PLAN ALSO ILLUSTRATES THAT THE BACKYARD IMPROVEMENTS COULD HAVE BEEN MADE WITHOUT VIOLATING THE SETBACK REQUIREMENTS FOR A STRUCTURE OVE 200 SQFT.
 - 3) THIS PLAN ALSO ILLUSTRATES THAT THE LOT DOES NOT HAVE A DIAGONAL PROPERTY LINE THAT REDUCES THE USABLE BUILDING AREA, & THAT THE HOMEOWNER INTENTIONALLY CHOSE TO PLACE ALL STRUCTURES INCLUDING A 28X42 BASKETBALL COURT CLOSER TO THE LEFTSIDE PROPERTY LINE WITH A TOTAL DISREGARD FOR THE SETBACK REQUIREMENTS OR CONSIDERATION OF THE IMPACT OF THESE STRUCTURES & BASKETBALL COURT TO THE ABUTTERS. THERE IS CLEARLY PLENTY OF AREA ON THE RIGHTSIDE TO HAVE SHIFTED EVERYTHING DURING THE PLANNING PROCESS.



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

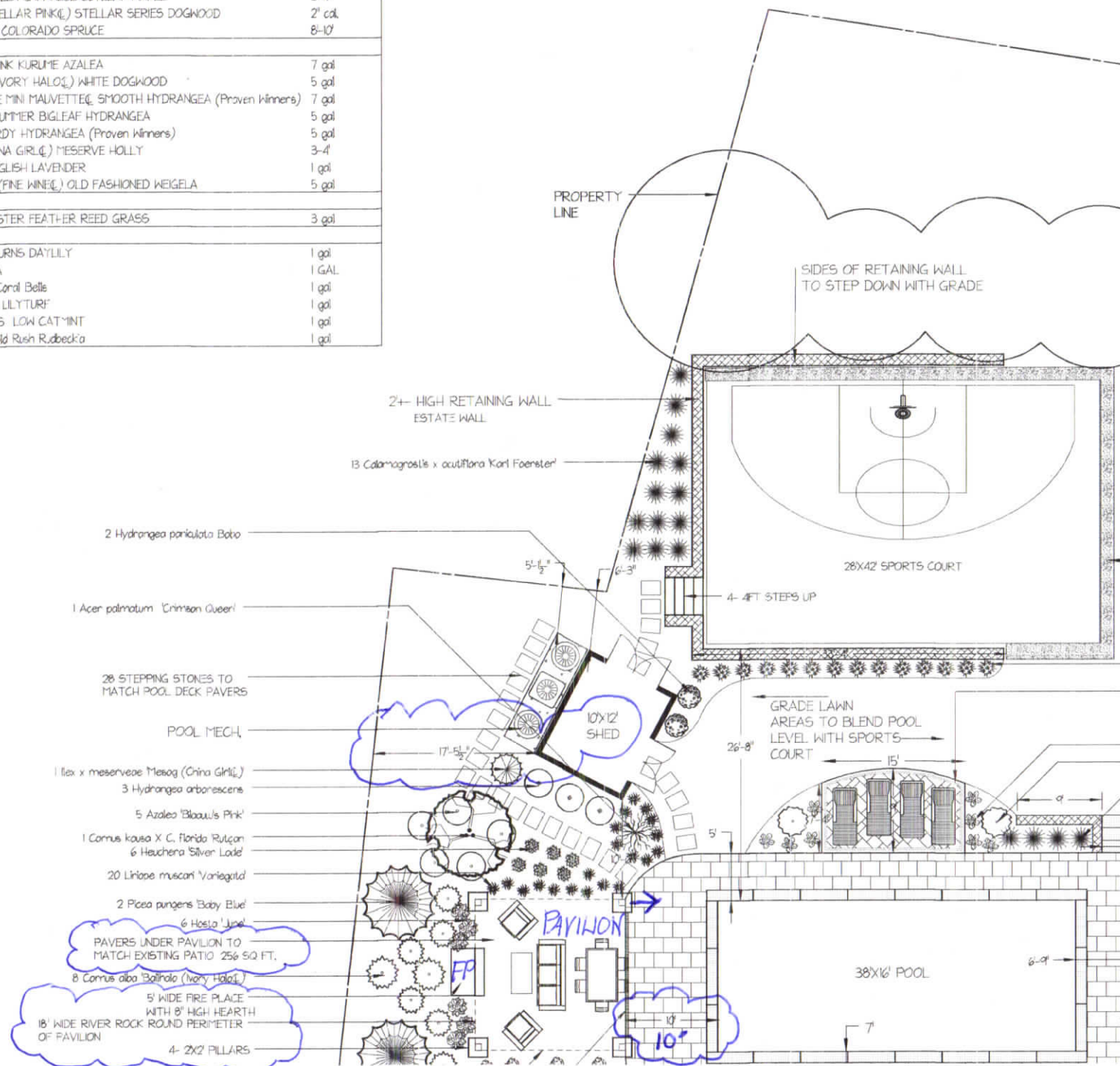
Applicant Signature

7/9/29

Date

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

Key	Qty	Botanical Name	Common Name	Size/Condition
Trees				
ApC	1	Acer palmatum 'Crimson Queen'	CRIMSON QUEEN JAPANESE CUTLEAF MAPLE	3-4'
CkX	1	Cornus kousa X C. florida Rutgan	RUTGAN(STELLAR PINK(L)) STELLAR SERIES DOGWOOD	2' cal.
PpB	2	Picea pungens 'Baby Blue'	BABY BLUE COLORADO SPRUCE	8-10'
Shrubs				
AiBP	5	Azalea 'Blaauw's Pink'	BLAAUWS PINK KURUME AZALEA	7 gal
CaB	8	Cornus alba 'Balthalo (Ivory Halo(L))'	BALTHALO (IVORY HALO(L)) WHITE DOGWOOD	5 gal
Ha	3	Hydrangea arborescens	INVINCIBELLE MINI MALVETTE(L) SMOOTH HYDRANGEA (Proven Winners)	7 gal
HmE	5	Hydrangea macrophylla 'Endless Summer'	(ENDLESS SUMMER BIGLEAF HYDRANGEA	5 gal
HpB	2	Hydrangea paniculata 'Bobo'	BOBO(L) HARDY HYDRANGEA (Proven Winners)	5 gal
ImM	1	Ilex x meserveae 'Mesog (China Girl(L))'	MESOG (CHINA GIRL(L)) MESERVE HOLLY	3-4'
LcH	8	Lavandula angustifolia 'Hidcote'	HIDCOTE ENGLISH LAVENDER	1 gal
WtB	2	Weigela florida 'Branwell (Fine Wine(L))'	BRANWELL (FINE WINE(L)) OLD FASHIONED WEIGELA	5 gal
Ornamental Grasses				
CaK	24	Calamagrostis x acutiflora 'Karl Foerster'	KARL FOERSTER FEATHER REED GRASS	3 gal
Perennials				
HmR	14	Hemerocallis 'Happy Returns'	HAPPY RETURNS DAYLILY	1 gal
HJ	6	Hosta 'June'	JUNE HOSTA	1 GAL
HSL	6	Heuchera 'Silver Lode'	Silver Lode Coral Belle	1 gal
LmV	20	Liriope muscari 'Variegata'	VARIEGATA LILYTURF	1 gal
NfJ	8	Nepeta x faassenii 'Jr. Walker's Low'	Jr. WALKER'S LOW CATMINT	1 gal
R'A	6	Rudbeckia fulgida 'American G. Rush'	American Gold Rush Rudbeckia	1 gal





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RECIPIENT:

Justin & Jenn

18 Broad Acres Farm Road
Medway, Massachusetts 02053

Job #763

Scheduled	Nov 10, 2025
Description	Pool & Sports Court Project (Pricing #2)

Product/Service	Description	Qty.
Remove Existing Pavers & Fire Pit	- Remove pavers and fire pit block in order for new pool excavation to commence - Save fire pit block for relocation	1
Base Prep for New Patio	- Excavate unsuitable soils from around the pool to prep for retaining wall and pavers - Haul all materials off the property - Compact sub-grade - Backfill with 3/4" stone and compact in lifts - Spread 3/8" stone for paver setting bed - Labor, Equipment, & Materials	1
Pool Coping (108LF)	- Place concrete bond beam around pool edge (6"x6") for pool coping to sit on - Install Unilock Urban Fullnose coping (Sterling) - Set coping on Ardex77 and ensure levelness - Tool each joint with Ardex silicon caulking - Final cleaning - Labor & Materials	1
Retaining Wall & Granite Steps	- Set first course of wall block in concrete and ensure levelness - Install Unilock Estate Wall block & cap (2ft high) (Sierra) - Backfill cells with 3/4" stone - Backfill wall with 3/4" stone and perf pipe to allow for drainage - Daylight perf pipe into lawn area - Install geo-grid every other course of wall block to help with structural integrity - Install granite steps leading from lawn area up to pool deck (L-Shape) - (2) 8ft granite steps - (2) 7ft granite steps - (2) 6ft granite steps - Final cleaning - Labor, Equipment, & Materials	1



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Product/Service	Description	Qty.
Pool Patio & Lounging Area (1,156 sq.ft.)	- Install Unilock Beacon Hill XL Smooth (Platinum) - Install Unilock Beacon Hill Flagstone (Sierra) in lounge area - Install Unilock Copthorne (Burgundy Red) border on lounge area - Spread permeable polymeric sand in paver joints (Grey) - Final clean-up - Labor, Equipment, & Materials	1
Lawn Renovation	- Spread fresh loam throughout all disturbed areas (4") thick - Ensure grades allow for water to drain towards woods - Spray hydroseeding throughout new lawn area *Installing SOD would be an additional cost*	1
Sports Court (42'x28')	- Excavate unsuitable soils from sports court area - Haul all debris off property - Backfill with 3/4" stone and compact - Install (4) 4ft wide steps using Unilock Estate wall block & cap - Install Unilock Estate wall block & caps (3 sided) - Install concrete floor and ensure levelness - Install rubber mats (color TBD) - Install metal edging to separate stone from lawn area - Spread 3/4" stone around edge of sports court to help with drainage - Labor, Equipment, & Materials * Lighting price not included* * Client will be responsible for purchasing (basketball hoop, netting, Etc.)	1
Stepping Stones (Shed Access)	- Install (28) 2'x3' stepping stones around new shed to allow for a clear access path (Match Pool Pavers) - Set each step in a bed of mortar and ensure levelness - Labor & Materials	1
Easton Traditional Pavilion (16'x16')	- Excavate for footings - Build forms and install rebar for footings - Place concrete and install require anchors - Backfill around footings with 3/4" stone and compact - Install Easton Pavilion (16'x16') (Color: Espresso) - Build block knee walls around (4) columns - Install CT Blend veneer at (4) knee walls - Build fireplace chimney along backside of pavilion - Build (2) storage nooks for fire wood - Install CT blend veneer around chimney - Install Unilock Beacon Hill Flagstone (Fossil) pavers (252 sq.ft.) - Install Unilock Copthorne (Burgundy Red) border - Install french drain along entrance of pavilion to divert water - Spread permeable polymeric sand in paver joints (Grey) - Final clean-up - Labor, Equipment, & Materials *This price does not include any utilities (electrical, plumbing, or gas)	1



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Product/Service	Description	Qty.
Plantings & Mulch	- Define new planting beds - Install new plantings (refer to plant schedule for quantities and size) - Backfill each plant with loam/compost mix for added nutrients - Put a clean edge in the new beds - Spread fresh mulch throughout new planting beds (Black or Brown) - Labor & Materials	1

Date

Client Signature