

Variance Application

18 Broad Acres Farm Road, Medway, MA 02053

Justin & Jennifer Smith

Relief Sought: Section 6.1 & Section 6.3.F — Accessory Structure Setback

Zoning Board of Appeals
Hearing Date: August 5, 2026

Agenda

01

Property Overview

A brief introduction to our property and the project.

02

The Pavilion

Construction details, permit history, and inspection approval.

03

Setback Measurements

Survey results and the relief being requested.

04

The Case for Granting This Variance

Our response to each of the four variance criteria.

05

Good Faith Actions

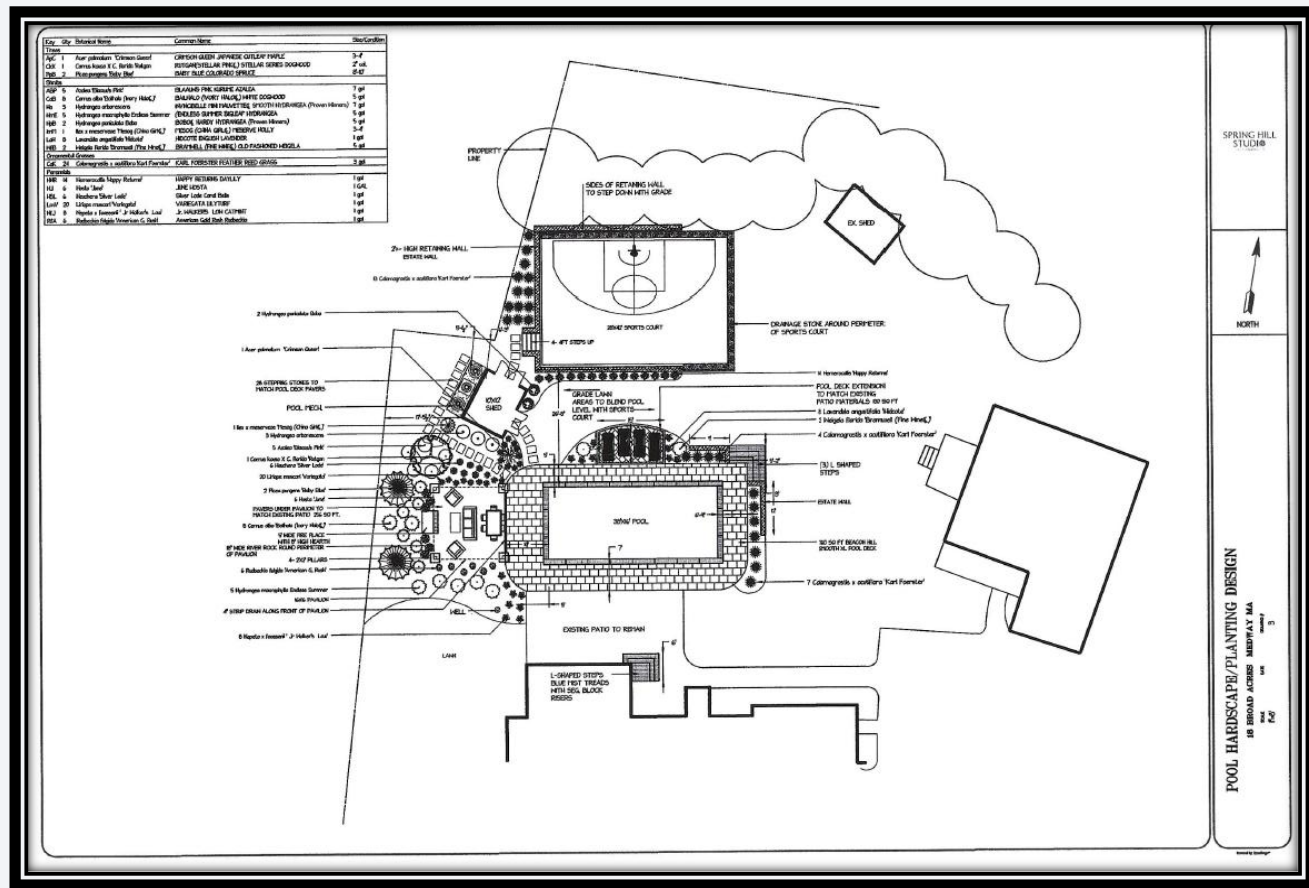
Steps we have taken to address neighbor concerns.

06

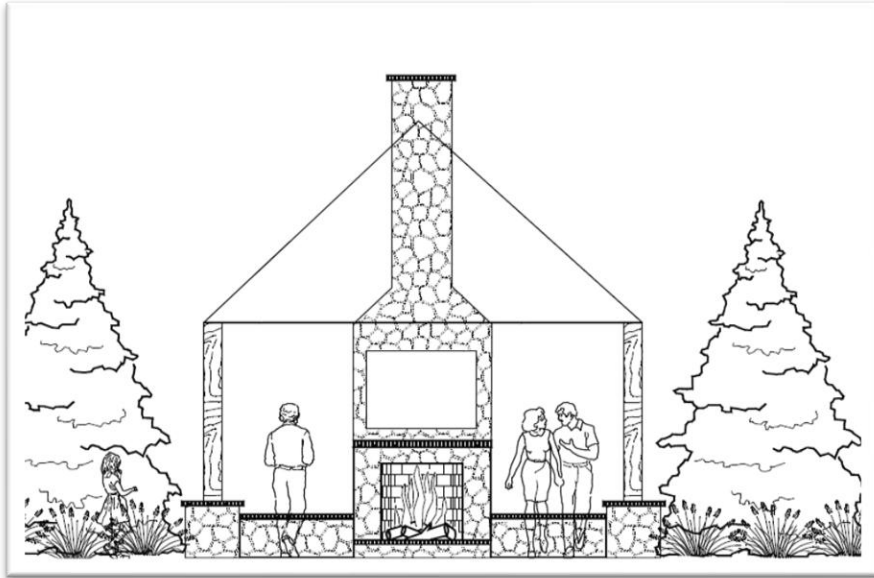
Conclusion & Request

Our formal request to the board.

Address	18 Broad Acres Farm Road, Medway, MA 02053
Owners	Justin & Jennifer Smith
Zoning District	Agricultural Residential I (AR-I)
Lot Size	44,010 sq ft
Lot Frontage	180 ft
Existing Use	Single Family Residential
Existing Structures	Principal dwelling, detached in-law apartment, existing shed, in-ground pool



The Pavilion — Construction & Permit History



Structure Type:



Custom open-air timber frame pavilion (no walls, no enclosure)

Builder:



The Barnyard — custom fabricated structure- Amish built

Footprint:



16 ft × 16 ft roofline (256 sq ft)

Building Permit:



Duly issued by Town of Medway prior to construction

Footing Inspection:



Inspected and signed off by Town of Medway Building Department

Good Faith:



Applicants relied fully on Town's permitting and inspection process

Setback Measurements

Nearest Post
to Property Line

10.6 ft

Post closest to abutter

Far Post
to Property Line

~14.0 ft

Post on far side

Bylaw Requirement
(Section 6.3.F)

15.0 ft

Required setback >200 sq ft

Relief
Requested

4.4 ft

Minor encroachment

Measurements confirmed by professional land survey conducted July 2026 — see attached as-built plan.



The Case for Granting This Variance

MGL c. 40A Section 10 — Four Criteria

01 Circumstances Relating to Shape, Topography, or Soil

- Property is affected by diagonal side property line that reduces usable building area and limits placement
- To maintain safe and functional separation between the pool and proposed pavilion, this structure can not be located any closer to the pool. Currently sits at 10ft from pools edge
- Structure was placed in the only feasible location adjacent to the pool area
- All features constructed concurrently as part of a single approved project

02 Substantial Hardship

- Relocation would require significant disturbance to completed pool area, hardscape, and associated infrastructure
- Gas lines run underneath the pavilion making it impossible to move footings further away from property line
- Cost and disruption would be grossly disproportionate to a 4.4-foot setback deficiency
- Structure was built in good faith reliance on a Town-issued permit and signed footing inspection
- No practical alternative placement exists within the approved project footprint

03 No Detriment to the Public Good

- Structure is open-air and fully unenclosed — no walls, no enclosure
- Creates no noise, drainage, light, or privacy impacts on surrounding properties
- Not visible from the street — no impact on neighborhood streetscape
- High-quality custom timber frame structure, confirmed structurally sound
- Adding in privacy landscaping behind pavilion to maintain aesthetics vs a white privacy fence

04 No Derogation from the Intent of the Zoning Bylaw

- Purpose of setback requirements (separation, light, air, privacy) is not undermined by this minor encroachment
- Structure was sited following the Town's own permitting and inspection process
- Granting relief confirms a condition already reviewed and accepted by the Building Department
- Minor 4.4 ft relief on a single side — no impact on the bylaw's broader intent
- Does not adversely impact public safety or interfere with the use or enjoyment of neighboring properties.

Good Faith Actions Taken

1

Building Permit Obtained

A building permit was applied for and duly issued by the Town of Medway prior to any construction beginning. All required documentation was submitted.

2

Footing Inspection Approved

The Town's Building Department inspected and signed off on the structure's location at the footing stage — the standard checkpoint for verifying setback compliance.

3

Professional Survey Commissioned

Upon becoming aware of a potential setback discrepancy, we immediately commissioned a professional land survey to establish accurate measurements — see attached as-built plan.

4

Fireplace Voluntarily Relocated

In direct response to the abutter's stated concerns about the outdoor fireplace, we have revised our landscape design to relocate the fireplace to the right side of the pavilion, further from the abutting property even though the Fire Chief, Thomas Irwin confirmed our original location was fine appropriate for the fireplace to be located

5

Variance Application Filed

Rather than contesting the matter informally, we chose to participate in the formal variance process and present our case transparently before the board.

Our Request to the Board

✓ We built this structure in complete good faith, pursuant to a building permit duly issued by the Town of Medway.

✓ The structure's location was inspected and approved by the Building Department at the footing inspection stage.

✓ We have voluntarily relocated the outdoor fireplace to address our neighbor's stated concerns.

✓ The encroachment is minor — 4.4 feet — and the open-air structure creates no adverse impact on surrounding properties.

✓ Neighbor support letters confirm the pavilion has had no negative impact on the broader neighborhood.

We respectfully request that the Board grant the variance and allow the structure to remain in its current location.