

Town of Franklin



Zoning Board of Appeals

**Thursday, January 22, 2026  
Meeting Minutes**

Building Commissioner Gus Brown called the above-captioned meeting held in the Town Council Chambers, second floor of the Franklin Municipal Building, 355 E. Central Street, and online via the Zoom platform to order this date at 7:30 PM.

Members in attendance: Ginelle Lang, Chair; Jennifer Williams, Vice Chair; Isabella Carter, Clerk; Joseph Halligan, Associate; Meghan Whitmore, Associate. Members absent: None. Also in attendance: Casey Thayer, Administrative Assistant; Gus Brown, Building Commissioner; Mark Cerel, Town Attorney.

Mr. Brown said there are two new members of the ZBA who were voted in/ratified by the Town Council at their meeting last night. He said the members need to do an election of officers for chair, vice chair, and clerk.

***Jennifer Williams nominated Ginelle Lang as chair of the ZBA. Isabella Carter seconded the nomination. Ms. Lang accepted the nomination Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

***Ginelle Lang nominated Jennifer Williams as vice chair of the ZBA. Isabella Carter seconded the nomination. Ms. Williams accepted the nomination. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

***Ginelle Lang nominated Isabella Carter as clerk of the ZBA. Jennifer Williams seconded the nomination. Ms. Carter accepted the nomination. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

The following was provided on the agenda and read aloud by Chair Lang. A Note to Residents: All citizens are welcome to attend public meetings in person. To view the live meeting remotely, citizens are encouraged to watch the live stream on the Franklin Town Hall TV YouTube channel or the live broadcast on Comcast Channel 9 and Verizon Channel 29. To listen to the meeting remotely citizens may call-in using this number: 1-929-205-6099. To participate in the meeting remotely citizens may join a Zoom using the information provided on the agenda. Meetings are recorded and archived by Franklin TV on the Franklin Town Hall TV YouTube channel and shown on repeat on Comcast Channel 9 and Verizon Channel 29. Chair Lang read aloud the Zoom details as provided on the agenda.

**ANNOUNCEMENTS FROM THE CHAIR:** Chair Lang said this is a board that works in gray areas. We evaluate each request that comes before us with our shared professional expertise, with the expertise of town officials and peer reviewers, and with the perspectives and lived experiences of our fellow residents. She noted she is an optimist and strives for the best outcomes possible in any given situation. She noted it is impossible to please all of the people all of the time. She said we will try to make the best decisions we can with the information we have. She noted we are residents and volunteer our time to the Town of Franklin. Some ground rules for our board. We are a board of five with five individual inputs and different perspectives that we are bringing to this. With three voting members, we value all the inputs

equally. Each decision we make should come from a good place with the information that we have. If we feel we need more information before making a decision, we should all feel comfortable to ask for it. But we should not extend timelines unnecessarily. She asked fellow board members to review the materials ahead of time and be prepared to ask questions and discuss. Please plan to meet every other Thursday with a hybrid option for applicants and residents. All members agreed 7:30 PM on Thursdays works for them. Chair Lang said if there are no agenda items or there is a major conflict, we will cancel the meeting or reschedule if needed. In rare circumstances, we may meet fully remotely as long as it is still allowed by the state. She provided suggestions for the applicants. Please be as clear as you can on your applications and be prepared to read your responses at the hearing. Make your case. Justify it fully and clearly to show that there is no hardship to the town as a result. Understand we have a queue of items to review and sometimes you cannot get on the next meeting. Talk to neighbors and abutters ahead of time; letters of support are read and are helpful. If documents are received by the board within 48 hours of a meeting, she would not expect this board to review them fully, and we may continue to the next available meeting opening. She reviewed ground rules for open hearings. If there are a number of items on the agenda or multiple people in the council chambers, speakers will be limited to no more than three minutes to ask a question or present a viewpoint. The board may or may not be able to answer the question. Questions will be received in person or via Zoom. She said we will abide by a respectful code of conduct in these chambers.

**APPROVAL OF MINUTES: December 18, 2025 & December 23, 2025**

Chair Lang said this is unique as there are two sets of minutes before us. She said on December 18, Ms. Whitmore was not present, but Mr. Halligan was. Mr. Halligan said he read the minutes. Mr. Cerel confirmed the two members could approve those minutes.

*Motion made by Joseph Halligan to approve the Meeting Minutes as presented for December 18, 2025. Motion seconded by Ginelle Lang. No Vote Taken. Chair Lang said we will accept those minutes of December 18.*

Mr. Cerel said he wanted to extend an offer. He is doing a workshop Monday night, weather depending, with the Planning Board on holding a public hearing. He said he is happy to do the same for the ZBA at a convenient time. He has a one-page handout that summarizes the information, and he will get that to them in advance.

Chair Lang said the other set of minutes is for December 23. She said those minutes are very lengthy, and she has not gone through them, so she is going to withhold approval of those minutes to the next meeting. Mr. Cerel said to table to the next meeting. Chair Lang said they will table it.

**TOPIC:**

**7:30 PM: 23 September Drive – Timothy and Jenny McGee**

*Applicant is seeking to construct an attached ADU with a garage that is 15.5' from the right-side yard setback where 40' is required. The building permit is denied without a variance from the ZBA.*

Applicants present: Timothy and Jenny McGee.

Ms. McGee said they are requesting to build a 900 sq. ft. ADU with an attached garage. She said the reason is that their parents basically gave up their lives so her brother and she had opportunities. She would like to repay that and take care of them. She reviewed the ages and health of her parents. She discussed how they spent over a year trying to find the right home, and they settled on Franklin because they liked the town. She talked about the ADU bylaws. She reviewed that they would like the ADU attached to the home. She discussed the 15.5 ft. from the right-side yard setback where 40 ft. is required.

Mr. McGee said they want to make as minimal impact as they can in considering their abutters and neighbors. He said having a detached ADU with less setback would have more impact on the abutters. Ms. McGee said they did not want to put in something detached that looked haphazard and not intentional. She read allowed the Supporting Statement for a Variance which was provided in the application available in the online agenda packet.

Mr. Halligan said he got emails and one was from the abutting neighbor at #19 who requested that if anyone would like to look at the site to give him a call. Mr. Halligan said he did call and met with the abutter. He discussed the setup of the neighborhood. These two homes are on pie-shaped lots, and they are exactly on the 40 ft. setbacks. He said if he lived at #19, he would feel uncomfortable living there because when you look out the kitchen window, you are looking right into the neighbor's windows next door. All the homes have 100 ft. to 200 ft. between them except these two which are extremely close. He said he is pro-development, but this definitely does not fit on that property adjacent to the neighbor. It does not fit the character of the neighborhood. It would not allow #19 to have any privacy. If this ADU were on the other side, it would be fabulous. He said he was there, and in his opinion, this would affect #19 greatly. He said if it was on the other side, he would be supportive of a variance.

Ms. Whitmore said she also responded to the email and walked the property and feels the same way about it. It looks great, but it is really tight. She said if this was moved over and redone, it would make sense.

Ms. Carter said she has not been to the site yet, but she thinks it is tight. She would like to take a drive past to see the feel of the neighborhood. She said Mr. Halligan and Ms. Whitmore made great points.

Ms. Williams asked if the applicants knew if they did a standalone structure, it probably would have been accepted without going through this process. Ms. McGee said yes, but said it would be so close to the property line and look awkward for the neighborhood. Ms. Williams asked what they explored for attaching to the house. Ms. McGee explained what they explored. Mr. McGee noted they are aware they did not need to go through this process with a standalone ADU. Ms. Williams asked what is the purpose of the second floor of the ADU; what is the purpose for the height. Ms. McGee said it is a single story. Ms. Williams requested site sections illustrating the relationship of the neighbor's house and their grade and height relative to the existing house and proposed ADU. She asked if any sun studies were performed regarding shadows and light. She said she is conflicted with this. She appreciates the need of what the applicant is trying to achieve. The property is very large, but it is tough to see it get so close to the neighbor's property. She would like to go there to take a look.

Mr. Halligan asked Mr. Brown to explain roof lines on a single standing building. Mr. Brown explained the process is difficult, and it depends on height of the first floor and pitch. Ms. McGee summarized if they go through the route of building a detached ADU we may end up with the same proposed unit just detached and 10 ft. from the abutter's property. Mr. Brown said that is possible. Ms. McGee said right now they are 15.5 ft. at one closest point. Discussion commenced on the look of a detached unit and the proposed. Mr. Halligan said he is having trouble with the closeness. He recommended ZBA members look at the site.

Mr. Cerel suggested asking the direct abutter's if they would want to articulate their concerns.

Chair Lang reviewed that she understands why this does not make sense on the other side of the house. She said the one that is allowed by law does not fit with the scale of the neighborhood, and what is proposed keeps it as far away from the abutters as possible. She reviewed some options with possibly a longer and narrower addition. She said in this neighborhood other homes are 40 to 70 to 80 ft. off the property lines. Ms. McGee said this is the first look with the architect, and they could look into extending it, but having read the abutter's letter, that is not their goal. Mr. McGee explained they have been in

contact with the abutters and trying to do what is best for both properties. He talked about the height of trees on the property and how much more they would grow. Chair Lang asked about the plantings and if they would propose a landscaped screen. Mr. McGee said they would. He said they would also like more privacy.

Chair Lang said she received emails and letters from the abutters. She said she wants to go out to see the property. She said a concern was casting shadows. She said the architect should do a solar study to see where the shadows are cast.

Mr. Halligan said it is a 40 ft. setback. It would be easier to accept something with 5 to 10 ft. relief. He said they are asking for over 50 percent of the 40 ft. for relief. That is kind of extreme. He talked about the view as shown on the art rendering. These are \$2 million homes, and they were not purchased to look at a black wall of roof shingles that close to their home. He said he is extremely concerned.

Ms. McGee said it seems like a significant variance request, but not in the context of a standalone ADU which the setback is further.

Mr. Mark Pestana, 19 September Drive, said he does not know if all his communications went through to the board. He had printed visuals and handed them out to all ZBA members and noted all have been provided to Ms. Thayer. He said he wants to be clear that he wants to find a path that works for both families. He is here to advocate for his property and home and setback protections that were put in place. He said the overall scale of the project is unusually large. He said the total footprint is 1,390 sq. ft. not including a covered porch area as indicated by the architect. The addition in aggregate is half the size of the existing footprint of the house. A very high percentage of the footprint of what is being proposed is in variance. He said about 80 percent of the construction is in a variance zone. He discussed the challenge of the layout. He noted the impact of the rooflines as well. He said the roof peaks will impact the light coming into his house on their pool area. He talked about investing in landscaping, and it will be hard to screen this, and he will not be free of the rooflines for years. He said the entire addition is placed on the side of the house with the least available setback. He said because of the size, design, and placement, it would have a substantial impact on us as abutters. He requested all ZBA members take a look. He said this does not fit the pattern of Countryside Estates where homes were thoughtfully placed and considered the open feel of the neighborhood. He is committed to working with the applicants. He is asking the ZBA to encourage a design that works within the setbacks or makes a meaningful effort to do so. He said he believes there are many opportunities to do so. He submitted a letter from the Thomas family at 16 September Drive to ZBA members and Ms. Thayer. He explained this will even impact the marketability of his home.

Chair Lang said she would like to come out and look at the two properties. She encouraged the applicant to talk to the architect about other options to minimize the roof impact or the relief need on the side. She requested a solar shadow study and a planting plan. Ms. Williams requested a site plan that shows more context of relationship to the neighboring properties. Mr. Pestana recommended the applicant consider the attached ADU on the other side of the home. He noted the stress this has been causing him.

Ms. Bryna Morehouse, 15 October Drive, said she has lived there for 23 years. She discussed reasonableness. She said when neighbors are asking for more than 50 percent to impede on the neighbor, when she looks at that, it is not reasonable and not okay. She said people bought there due to the land and the space between the homes. She said there are a lot of places that already have in-law setups, and the applicant could have bought elsewhere. She said as it stands right now, it is not reasonable and is not fair and something else needs to be done and it may cost more money. She said they want to maintain the neighborhood.

Ms. Poppy Alexandrew, 15 September Drive, noted the letter she is submitting in support of the Pestana family. She talked about her decision to purchase in this neighborhood was with the understanding of tranquil character with ample spacing between the residences. She said this variance threatens to undermine this. She said this variance would impact the Pestana home with reduced privacy, loss of natural light, negative views, and would create a crowded appearance and diminish the neighborhood's overall aesthetic.

Mr. Stephen Morehouse, 15 October Drive, said he was here to provide some history. He said they bought their home 23 years ago. He discussed there was an agreement with the prior ZBA board that the homes be designed and placed on the lots thoughtfully and preserve privacy, maintain a tree buffer, maintain trees on the lot, and maintain a consistent look and feel for the community which are reasons why people bought homes there. Allowing this change opens a precedent for all. This will not be in the best interest of our community and upsets the balance, look and feel, and privacy of the neighborhood, and potentially the value of our homes.

Chair Lang asked if the applicant could come back to a meeting on February 19 and bring the architect. Ms. McGee said yes.

***Motion made by Jennifer Williams to continue the hearing to February 19, 2026, at 7:30 PM. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

**GENERAL BUSINESS: 237 Pleasant Street Request for Extension of Comprehensive Permit Letter for Extension Request**

Ms. Carter disclosed that her company is working on this project; however, she is not personally involved in the project.

Mr. Brown said he wanted to add that this is a 60-unit fully affordable project on Pleasant Street that was approved several years ago, and they are asking for an extension.

Mr. Cerel reviewed the process for an extension. He said it is not unusual; it is fairly common. He said in this case it is a financing issue. He said Franklin Ridge was 10 years from the time they were approved and had multiple extensions. He said the applicant sent a letter with the date. He said if they were to allow it, it must get filed with the town clerk. Ms. Williams questioned when the extension would be granted until as it was not in the letter. Mr. Brown said the comprehensive permit was recorded on April 21, 2023. Ms. Williams said it says until April 21, 2026. She asked how much does the extension give them. Mr. Brown said they will have to come back on a yearly basis. He said it is not uncommon. Mr. Cerel said they were working with Community Builders which is a non-profit. Chair Lang asked about blanket extensions. Mr. Cerel reviewed the process during covid. Chair Lang said the letter was from Community Builders.

Mr. Robert Smith-Mendes (via Zoom) said this would be for a one-year extension. It is possible they would need another extension if granted this extension depending on funding.

Mr. Brown said based on what he is reading, if it was approved between the dates of January 1, 2023, and January 1, 2025, it is an automatic two-year extension. Chair Lang said that is what she thought. Mr. Cerel said there is no downside to giving them the extension, and they may have it anyway. Chair Lang confirmed that if they do not extend it and it expires, the whole permitting process starts again. Mr. Cerel said yes. He said this was not a no-opposition project. He said he believes the clergy from the church is here. He said they have a very generous thing here in his opinion. He said he thinks this will be a great

project for the community. Chair Lang said we think there might already be a two-year automatic extension, and the request before us is to grant a one-year extension through April 21, 2027.

***Motion made by Jennifer Williams to grant the extension of a comprehensive permit for 237 Pleasant Street. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

Mr. Brown said he would like to recognize the two members who are no longer serving on the board: Bruce Hunchard and Robert Acevedo. He said they gave a lot of their lives for the ZBA and did a fantastic job at it. They helped a lot of homeowners in Franklin with relief over the years, and the knowledge was something that he is sure will carry through with the new board members.

Chair Lang said that is partly why she learned a lot from them in one year, and they helped a lot of people.

**EXECUTIVE SESSION: To discuss strategy with respect to litigation; specifically for Vertex Towers LLC pending Federal and State Court cases appealing ZBA’s denial of wireless tower approval.**

Chair Lang said they will be entering into executive closed session to discuss strategy with respect to litigation; specifically for Vertex Towers LLC pending Federal and State Court cases appealing ZBA’s denial of wireless tower approval. She declared that an open meeting may have a detrimental effect on the litigating position of the public body, and the open session will not reconvene at the conclusion of the executive session.

***Motion made by Isabella Carter to enter into executive session to discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the public body and the chair has so declared, and that the open session not reconvene at the conclusion of the executive session. Motion seconded by Jennifer Williams. Roll Call Vote: Carter-YES; Williams-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.***

***Open session ended at 8:55 PM.***

Respectfully submitted,

Judith Lizardi  
Recording Secretary

Signature: \_\_\_\_\_ *casey thayer* \_\_\_\_\_ Date: 2.20.26