



**TOWN
ADMINISTRATOR**
TOWN *of* FRANKLIN

MEMORANDUM

September 3, 2025

To: Town of Franklin
From: Jamie Hellen, Town Administrator

RE: Zoning Board of Appeals (ZBA) Update

The following details are updated to the community on some of the concerns and questions that have come from the Zoning Board of Appeals' August 28, 2025 meeting.

Interested parties should read this memo carefully and in its entirety.

What is the status of the 28 Queen Street application?

The Building Commissioner worked with the ZBA to schedule a meeting for Thursday, September 5, 2025 at 5:00 PM to reconsider the variance denial prior to submitting the final decision to the Town Clerk. The ZBA has 14 days to file a decision with the Town Clerk by law. In that time, the ZBA can reconsider. I am confident the ZBA will reconsider and revote its position to provide the Williams with their relief for the porch. Mr. Hunchard is required to make the motion to reconsider, as he was the deciding vote. A variance requires unanimous approval.

Is the ZBA currently a legally constituted entity?

Yes, the ZBA is currently legally constituted. It has always been a legally constituted entity and has never ceased conducting their business. None of their previous votes since June need to be rescinded or reviewed.

The membership data and facts:

- Full Member Archie Acevedo was nominated by the Town Administrator and unanimously ratified by the Town Council on June 7, 2023, 9-0, to a three year term set to expire on June 30, 2026. Mr. Acevedo is serving his seventh and final term.

- Full Member Ginelle Lang was nominated by the Town Administrator and unanimously ratified by the Town Council on August 14, 2024, 9-0, to a three year term set to expire on June 30, 2027. This is her first term on the ZBA.
- Associate Member, Meghan Lee Whitmore was nominated by the Town Administrator and unanimously ratified by the Town Council on August 14, 2024, 9-0, to a three year term set to expire on June 30, 2027. Ms. Whitmore has been an Associate Member of the ZBA for over a decade.
- Associate Member, Joe Halligan, was nominated by the Town Administrator and ratified by the Town Council on September 18, 2024, 7-2, to a three year term set to expire on June 30, 2027. Mr. Halligan was essentially replacing Chris Stickney who was a long time Associate Member of the ZBA who chose to join the Planning Board the previous year.
- Full Member and Chair Bruce Hunchard was nominated by the Town Administrator and unanimously ratified by the Town Council on June 22, 2022, 9-0, to a three year term, which was *technically* scheduled to expire on June 30, 2025. Mr. Hunchard has served on the ZBA since 1992.

With the Chair’s appointment expired on June 30, 2025, why is he still a member?

Due to the ongoing, open and legal public hearing on the project at 444 East Central Street, Mr. Hunchard’s potential nomination to be ratified by the Town Council was delayed until after the hearing closes on that project.

Section 8-4-1 of the Town Charter states:

“8-4-1 All Town officers, boards, commissions or agencies shall continue to perform their duties until re-appointed or re-elected, or until successors to their respective positions are fully appointed or elected or until their duties have been transferred or assumed by another town office, board, commission or agency.”

The reasoning is simple: any disruption to the public hearing process, including the composition of the Board, notably the presiding Chair, would likely be used by the proponent as a reason to appeal and overturn a denial of the project by the ZBA. The proponent would have almost certainly sought empathy from a presiding officer on an appeal (and/or a judge through subsequent litigation) demanding relief based on the fact that the Chair was removed from a Board in the middle of the legally advertised public hearing. In my professional assessment, at the time, this would have given the proponent potential leverage to successfully appeal a denial by the ZBA. Residents who oppose the project, or desire for this project to be scaled back in size and scope, should embrace this decision by town leaders.

Annual Board and Committee appointments expire on June 30th of each year. Staff begin the renewal process each year around April. This past year, staff did volunteer recruitment notices to encourage new volunteers throughout the winter and spring. The [Town website hosts a 24-7-365 day a year Volunteer form](#) for those seeking to volunteer on town boards. Residents can apply anytime! The link is located right off the homepage.

Every committee always receives ample applications, with the one exception being the ZBA. The town receives virtually no applicants. In the past five years, only nine people out of 33,000 residents have even checked the box to show interest in the ZBA. Two of those nine are Sam Williams and Jennifer Williams. Two others were appointed: Joe Halligan and Ginelle Lang. Three of the others were first time volunteers and chose other committees to serve, one person moved out of town and one person applied recently, but was in a neighborhood dispute, where I did not think it was a good time to nominate them. The community enjoys attending ZBA meetings to tell them their thoughts on projects, but we have received microscopic interest to serve as a member of the ZBA.

By the time the renewal period for another term for Mr. Hunchard arrived (June 2025), the ZBA had already held two-three meetings on the project at 444 East Central Street (March 27, May 8, June 5 and a scheduled hearing on July 17). Thus, per *Mullin v Brewster Planning Board (1983)* and the subsequent state law, MGL Chapter 39, sec 23(D), any new members would have missed more than one of the hearing dates on the project; therefore, any new member would have been disqualified from participating in the deliberations and final decision making of the 444 East Central public hearing. That also holds true today: any new member of the ZBA would be prohibited from participating and voting in the 444 East Central Street hearing. By statute, an active member of a permitting board may only miss one (1) meeting, if they exceed that number, they are disqualified from voting and participating.

Furthermore, the mere nomination of Mr. Hunchard would have certainly received resident pushback to not renew his term for another full three years. Political pressure to not (nominate or) ratify him would be present and would have received fair critique from the public and from the Town Council - for many of the reasons we saw on August 28th.

Thus, allowing Mr. Hunchard to serve through the closing of the 444 East Central Street public hearing is the cleanest and most legally considerate manner to allow the legal hearing to proceed without disruption. As the nominating authority, my priority was to maintain a legal public hearing process and allow for as little disruption to that process as possible. Neither the Town Administrator nor Town Council were put in the position of inciting disruption of a legal public hearing on a controversial project. I made the decision to not put the Town Council in a position to disrupt the public hearing. I also decided to not put myself in the position of disrupting a public hearing.

Given these dynamics, the decision to allow Charter provision 8-4-1 to prevail was the advantageous position for the community to be in.

By highlighting his appointment dynamics in a brighter light (e.g. – a press release, major announcement or a formal communication with citizens) would have gone against my goals of preserving the legal public hearing without influence from the Town Administrator or Town Council. I would be potentially inciting a public response to a controversial appointee who is at the helm of a committee hearing a controversial project, in the middle of a public hearing.

I directly spoke to Mr. Hunchard about these dynamics at length earlier this summer. I have also discussed this dynamic with all who have asked me about his June 30, 2025 expiration, including many elected officials and residents. Many people inquired about it throughout the summer. The only reason this has bubbled up further is because of the outcome of the 28 Queen Street decision at the August 28, 2025 meeting. This dynamic has been far from a secret, but again, I was not interjecting myself into the public hearing with any records to disturb that hearing.

However, the dynamics have changed throughout the 444 East Central Street public hearing process, as well as with Mr. Hunchard's conduct on August 28, 2025. I had an in-person, front row seat to the meeting as I was present throughout. I am very knowledgeable of the three topics on the agenda for that evening (Franklin Ridge, 28 Queen Street and 444 East Central Street). I share the concerns of the residents about the 28 Queen Street decision, however, my disappointment extends far wider than just that part of the meeting. It is very clear the general public has lost complete faith and trust in the town's Zoning Board of Appeals and are questioning whether Mr. Hunchard can be an objective voting member of the committee.

As time unfolds, I will bring forth more information on a remedy to this situation and hope it will be as soon as possible. But anyone who has read to this point can safely understand there is a perfect storm of factors that I must contend with.

I will continue to update the public as information becomes more concrete.

Town Administrator role

The role of the Town Administrator is very clear in the Town Charter. I nominate individuals to the Board and they are ratified by the Town Council. That is it.

The Town does NOT have a bylaw or charter provision on the removal of board members. I cannot unilaterally "fire" or "remove" a board member.