

Town of Franklin



Zoning Board of Appeals

**Thursday, March 5, 2026
Meeting Minutes**

Chair Ginelle Lang 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 (via Zoom). Members absent: None. Also in attendance: Casey Thayer, Administrative Assistant; Gus Brown, Building Commissioner.

The following was provided on the agenda and read aloud by Chair Lang. 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 below. 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 announced Ms. Whitmore is attending the meeting via Zoom. All other members are present in person.

APPROVAL OF MINUTES: February 19, 2026

Motion made by Jennifer Williams to approve the meeting minutes as presented for February 19, 2026. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by Board.

TOPIC:

7:30 PM: 32 Elm Street – Lauren Egan

Applicant is seeking to construct a 2-car garage, family room and a primary suite that is 31' from the front lot line where 40' is required, 20.1' from the right-side lot line where 40' is required and 26.3' from the left side lot line where 40' is required. The building permit is denied without a Special Permit from the ZBA. Applicants present: Bruce Wilson of GW Site Solutions.

Mr. Wilson explained zoning changed all the setbacks for the property and turned it into a rural residential zone, and it does not meet the new zoning criteria. He said Building Commissioner Gus Brown suggested they come in for a special permit. They are trying to hold the setbacks they had when the house was constructed in order to put on the addition they want. He reviewed the provided plan. He explained the proposed is 31' from the front lot line where 40' is required, 20.1' from the right-side lot line where 40' is required and 26.3' from the left side lot line where 40' is required. He said the topography on the property

is pitching down so they had to put the garage forward. He said as mitigation he put in two roof drain pits. He provided color versions of the plans to the ZBA members.

Ms. Lauren Egan said she has lived in the house for 28 years. She said she wants to stay in Franklin and would like to age in place in the house and would like a garage and other areas. Mr. Wilson said with the zoning changes everything is non-conforming so there are not the proper setbacks. He said the impervious coverage is under.

Mr. Halligan asked why this is a special permit and not a variance and when was the zoning changed. Mr. Brown said it is a special permit because it is a non-conforming house, and the zoning change was 1960. Mr. Wilson said there are three bedrooms currently, and it will continue to stay three. Mr. Halligan said this is a very beautiful plan. There is no land left in Franklin. This is a little over, but this is what people want and is the future of Franklin. People want to stay in town. He said he is familiar with the area. Some of the setbacks are a little strong, but it fits and it works.

Ms. Whitmore said Mr. Halligan makes a lot of good points about it being non-conforming and thinks it looks good.

Ms. Williams said this will increase property values to the surrounding homes and neighborhood. It is a very thoughtful project. She said she has no problem with the side-yard setbacks. She said she wants to make sure the abutters in the backyard are okay with the non-conformity. Mr. Wilson clarified the side yard/back yard setbacks they were talking about. Ms. Williams asked if they are maintaining all existing mature trees along the property line. Ms. Egan said there are no trees. She said there is a fence from the abutter and some overgrown brush. The brush would be cut back to the property line. Mr. Wilson pointed out one tree that may be trimmed or taken down. Ms. Egan noted a tree that is split and said she would replace it if taken down. Ms. Williams confirmed the applicant is reconfiguring the driveway.

Ms. Carter said the renderings are beautiful. She confirmed the addition is single level and asked about the height of the roof. Mr. Wilson confirmed there is nothing changing about the original house. Ms. Carter said there are no trees there as when she drives by, she can see the applicant's backyard.

Chair Lang said the renderings helped. She confirmed the applicant is going to try to keep the tree if possible. Chair Lang asked about the driveway configuration, and Mr. Wilson provided clarification. Chair Lang asked for clarification about the roof drainage. Mr. Wilson explained the dimensions and location of the drainage and infiltration, and that it is meant to handle the 2 in. storm. Chair Lang asked Mr. Brown why it is a special permit. Mr. Brown said if it is non-conforming, 185-18.a.2, has to be used, which he read aloud.

Chair Lang said it is over the setbacks but meets the impervious. Mr. Brown said there is criteria you have to go through before making a vote or finding; there is A-G to go through and the ZBA has to vote on each one.

Motion made by Jennifer Williams to close the public hearing. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

Chair Lang read aloud the following for a special permit.

Findings: The special permit shall be granted by the special permit granting authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of

the proposal in relation to that site. This determination shall be in addition to the following specific findings.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
Williams-YES; Carter-YES; Lang-YES. Vote: 3-0 (3-Yes; 0-No)

Motion made by Jennifer Williams to approve the special permit for 32 Elm Street. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

7:35 PM: 1A Overlook Drive – Michael Bavineau

Applicant is seeking to construct an addition that is 17.7' from the left side yard setback where 25' is required. The building permit is denied without a Variance from the ZBA. Applicants present: Michael Bavineau; Paula Dulong, owner.

Mr. Bavineau provided an overview of the request. He said they have proposed a 16 ft. x 12 ft. addition. He said Ms. Dulong's son, daughter-in-law, and grandchild will be living in the main house. This area is for Ms. Dulong. He explained the setbacks. He said the property is not shaped as a square but as a parallelogram. He read aloud the Supporting Statement for a Variance submitted in the application packet.

Mr. Halligan said if it was for an ADU the applicant would not need to be here if it were a separate living quarter. Mr. Bavineau confirmed it will be one house and all three names are on the new deed. Mr. Halligan said this is probably the least aggressive variance he has seen. He wished them the best.

Ms. Whitmore said this looks reasonable and is not a big ask.

Ms. Williams said it is not substantial in terms of the side-yard setback. She asked if the existing trees and fence remain along the side yard that is there today. Mr. Bavineau explained some low shrubbery was

already removed, and the trees are on the other side of the fence. Ms. Dulong said there is an apple tree and that will depend on the health of the tree. Mr. Bavineau confirmed the driveway will remain the same, and there is room for three cars.

Ms. Carter asked for the height of the building compared to the current. Mr. Bavineau said the height will be lower than the main house dwelling which is a two-story single-family home.

Chair Lang said she appreciates they are staying with the character of the existing house. She confirmed the addition will have a bedroom and a bathroom. Ms. Dulong said it was on town sewer. Mr. Brown said as they are on town sewer there is no question regarding going up one bedroom/bathroom. Chair Lang asked about the farmer's porch. Ms. Dulong review the history of the farmer's porch and her ownership of the home.

Motion made by Jennifer Williams to close the public hearing. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

Motion made by Jennifer Williams to grant a Variance for 1A Overlook Drive to construct an addition that is 17.7' from the left side yard setback where 25' is required. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

The motion was redone.

Motion made by Jennifer Williams to grant a Variance for 1A Overlook Drive to construct an addition that is 17.7' from the left side yard setback where 25' is required, giving relief of 7.3 ft., as shown on the plan prepared by Dennis O'Brien of D. O'Brien Land Surveying, dated December 15, 2025, and submitted with the application. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

7:40 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: None.

Chair Lang said a letter of withdrawal without prejudice was received. She read aloud the letter from Galvin & Galvin dated March 2, 2026, which was provided in the online meeting packet.

Chair Lang said because we are receiving this request to withdraw and not being asked to review the plan, she is not opening this up to comment beyond the ZBA members. She said they will discuss the request to withdraw and then have a vote. She said she read section 760 CMR 71.03(b)(2) as cited in the letter. She discussed the setbacks outlined in the section cited regarding ADUs. She said this will be reviewed by the building commissioner to make sure their revised plans fall within that.

Mr. Halligan said he believes there should not be any discussion; we just vote on the withdrawal.

Ms. Williams said she concurs. Ms. Carter confirmed if the applicant were to ever come before the ZBA again, this would have no bearing.

Mr. Brown said if anyone in Zoomland has any questions, please come to his office. This is now under his purview as to whether or not he issues a permit.

Motion made by Jennifer Williams to approve the request to withdraw without prejudice for the application for 23 September Drive. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by the Board.

GENERAL BUSINESS:

Chair Lang said in looking to the next meeting, there is nothing on the agenda for March 19. She said she proposes to cancel the meeting and said the next meeting will be April 2.

Ms. Williams asked for future agendas if they are provided with renderings including those renderings with the application as record to ensure what gets built is based on what we have seen and approved.

Mr. Brown discussed that it is good when they bring something in that is architecturally done, but we have not held anyone to that standard. He said we ask that if we get something drawn on a plan and a contractor did it, we still accept it.

Mr. Halligan said what was proposed today made a difference in his thoughts. If he had just seen a plot plan, it may not have passed.

Mr. Brown said they are moving toward this being an online application and it would be easier sometimes for the enforcement part as to what they need to bring in, and it would be easier to deal with that rather than dealing with it piecemeal as it comes in.

Discussion commenced on receiving renderings. Mr. Halligan said he would like to see not just a plot plan but how the other houses are located with the application. Mr. Brown said GIS is the best we can do. Chair Lang, ZBA members, and Mr. Brown discussed items that would be helpful with the application and process improvement was noted. Mr. Brown said they are not always going to get professional drawings from an architect. He said maybe we present the application as architectural drawings are preferred; it does create a better visual. Ms. Williams said if such drawings are provided, we want to make sure it is part of the record. Chair Lang discussed that she thinks it is okay to say it is recommended. It was discussed they want time to look at the information and not have it brought to the ZBA at the meeting.

ADJOURN:

Motion made by Jennifer Williams to adjourn the meeting. Motion seconded by Isabella Carter. Vote: 3-0 (3-Yes; 0-No). Unanimous by Board.

Meeting adjourned at 8:30 PM.

Respectfully submitted,

Judith Lizardi
Recording Secretary

Signature: _____ **Casey Thayer** _____ **Date:** _____ **4/2/26** _____