

# TOWN OF FRAMINGHAM

## SELECTMEN'S RECORDS

\*REGULAR MEETING OF THE BOARD OF SELECTMEN MARCH 28, 1955\*

The regular meeting of the Board of Selectmen was held at 2:00 o'clock P.M. Present: Mr. Norman B. Hartnett, Chairman, Mr. John M. Kennedy, Clerk, and Mr. John C. Acton.

### \*COMMON VICTUALER'S LICENSE\*

A Common Victualer's License was granted to the C. & S. Spa, 2 School Street.

### \*DINE AND DANCE LICENSE\*

A Dine and Dance License was granted to the Towne House, Inc., 26-28 South Street, March 31, April 1, 2, 8 to 11:30 P.M.

### \*INTELLIGENCE OFFICE LICENSE\*

An Intelligence Office License was granted to the Nicholson Employment Service at 116 Concord Street.

### \*SHOW LICENSE\*

A Show License was granted to Elaine's Dancing School, Dennison Memorial Hall, dance recital, May 27, 8 to 11:30 P.M.

### \*SUNDAY ENTERTAINMENT LICENSES\*

Sunday Entertainment Licenses were granted to the following:

Arthur Kemp - 14 Kendall Street, bowling, April 3, 17, 24.

Cinema Theatre - Shoppers' World, April 3.

Fram Gard Theatres - Gorman & St. George Theatres, April 3.

Towne House, Inc. - 26-28 South Street, orchestra, television, radio, April 3, 10.

### \*APPLICATION FOR STATE PEDDLER'S LICENSE\*

The application of Dominico DiFazio, 59 Seminole Avenue, for a State Peddler's License, was approved.

### \*BUILDING REMOVAL PERMITS\*

Building Removal Permits were granted to the following:

B. F. Goodwin & Son Inc. - From Temple Street to Rt. 9 to Rt. 30 to Framingham-Southboro Line.

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### \*SIGN PERMIT\*

A Sign Permit was granted to Hub Sign Co., Local Finance Corp. of R. I., Hemenway, Inc., at 32 Union Avenue.

### \*SIDEWALK OBSTRUCTION PERMIT\*

A Sidewalk Obstruction Permit was granted to the Seventh Day Adventist Church, business section, tag day, April 21 (if inclement weather to run on April 22, 1955).

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### \*STREET OPENING PERMIT\*

A Street Opening Permit was granted to the Boston Edison Company, Old Connecticut Path from 115 to 250 feet N. E. of Hamilton Street, install two JO and remove three JO poles, March 29 to June 29.

### \*RATIFICATIONS\*

Action taken informally in granting permits was ratified:

Obstruct sidewalk - Home Specialties Co., Inc., 95 Hollis Street, install awning, March 23 to March 24.

Obstruct sidewalk - Home Specialties Co., Inc., 109 Concord Street, repair awning, March 23 to March 24.

Obstruct sidewalk - Home Specialties Co., Inc., 67 Concord Street, install awning, March 23 to March 24.

Obstruct sidewalk - Fargo Signs, 11 Concord Street, take down sign, March 28.

Obstruct sidewalk - John P. Chiumento, 35 Concord Street, remove sign, March 28 to March 29.

Open, occupy and obstruct street - Worcester Gas Light Company, Morton Street from Coolidge Street easterly, replace gas main and services, March 22 to April 22.

Open, occupy and obstruct street - Worcester Gas Light Company, Hampden Road from #5 northerly, extend gas main, install services, March 22 to April 22.

Open, occupy and obstruct street - Worcester Gas Light Company, Wood Avenue from #41 Southerly, extend gas main and service, March 22 to April 22.

Open, occupy and obstruct street - Worcester Gas Light Company, Chestnut Street Saxonville from Elm Street, install new gas main from Elm Street west side-easterly, install services, March 22 to April 22.

### \*HEARING SCHEDULED\*

A public hearing will be held on April 11, at 2:30 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the application of the Marane Oil Corporation for a license to use the land at 128-136 Waverly Street for the storage of 10,000 additional gallons of gasoline, in one tank underground.

### \*NOMINATION OF INSPECTOR OF ANIMALS\*

Edward G. Slade, 334 Concord Street, was nominated Inspector of Animals.

### \*STAFF CONSULTANTS, CIVIL DEFENSE\*

The following were appointed Staff Consultants, Civil Defense:  
Norman B. Hartnett - John M. Kennedy. - John C. Acton.

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### \*APPOINTMENT\*

Stephen G. Haynes was appointed a special police officer for a term of one year.

### \*APPLICATIONS FOR CERTIFICATE OF INCORPORATION\*

Harold N. Farrar, 119 Maple Street, Framingham, and others not residents of Framingham, for a certificate of incorporation under the name of Better Home Heat Council, Inc., to be located in the City of Boston, was approved so far as the Framingham resident is concerned.

Frances Hawley Ritchie, 81 Millwood Street, Framingham, and others not residents of Framingham for a certificate of incorporation under the name of The Kiwi Club, Incorporated to be located in the Town of Winchester, Massachusetts, was approved so far as the Framingham resident is concerned.

### \*HEARINGS\*

A public hearing was held at 2:30 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Company JO New England Tel. & Tel. Company for two pole locations on Old Connecticut Path, northeasterly from a point approximately 115 feet northeast of Hamilton Street, (three existing JO poles to be removed). No one was present in favor of, or in opposition to, the granting of the petition and the same was granted.

A public hearing was held at 2:45 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Company JO New England Tel. & Tel. Company for three pole locations on Old Worcester Road, westerly from a point approximately 1600 feet west of Temple Street. James H. Johnson and Arthur E. Pfeiffer, abutters, objected to the petition. The Edison Company wishes this petition held up for a new plan. Chief Engineer Mackey will check the matter for the Selectmen.

A public hearing was held at 3:00 o'clock P.M., in the Selectmen's Office, Room 21, Memorial Building, on the petition of the Boston Edison Company JO New England Tel. & Tel. Company for one pole location on Mayhew Street Extension, approximately 255 feet southwest of Winter Street. Ernest J. Sibson, an abutter, was present in opposition to the petition. Chief Engineer Mackey will check the matter for the Selectmen.

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A hearing was given Alex Goodman, 56 Clark Street on complaints received that a dog owned by him is tied out and its continual barking has become a nerve wracking thing. Mr. & Mrs. Alex Goodman were present at the hearing.

Also present were Mr. and Mrs. Fred Pearson, 60 Clark Street, Arthur Willis, 60 Clark Street, Mrs. Granville Carr, 59 Clark Street, Mrs. Albert Dion, 59 Clark Street, Miss Margaret Acton, 42 Clark Street, Miss Mary Donahue, 47 Clark Street, some of the signers of the petition presented to the Board complaining about the dog. Fred Pearson stated that the dog has been a source of nuisance since last fall, and that complaints were made by different residents of the street - some to the Police and some to the owner. He further stated that nothing was done about it. He stated also that the dog is tied out and that when the trucks come in or out of their yard the dog starts barking. He further stated that the dog goes up the street and that the dog barks at cats and children, and that they make no effort to make the dog stop barking. He also stated that last Friday Mrs. Goodman hit the dog twice and told it to stop barking. It goes across the street and up Clark Street to Concord Street. He said that when warm weather comes the windows in homes will be open and that he thought something should be done about the dog. Arthur Willis stated that he had nothing to add to what Mr. Pearson had told the Board, and that he thought something should be done about the matter. Margaret Acton stated that every morning and night the Goodmans take the dog up to her front yard, and that she spoke to them several times and asked them to keep the dog off of her lawn. Mrs. Fred Pearson stated that she could not get any rest when she was home sick, and that it was the cause of her waking up in the early morning. Mary Donahue stated that she has lived on Clark Street all her life and never before have they ever had to do anything like this. She further stated that it is not the dog's fault, that the dog is a beautiful dog. She said it is the way it is taken care of. Alex Goodman stated that from the evidence the Board has heard that they would get the impression that the dog is barking twenty-four hours a day. He further stated that the dog is taken in every night before 5:00 o'clock to get his supper. He said the dog is in the house from 5:00 in the evening to 8:30 the next morning, that he is in the house approximately 15 hours and does not bark. He said that he sleeps outside his bedroom and that

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he does not bark. He further stated that he is only tied out nine hours of the twenty-four, and that if a dog barked all the time for nine hours it would get laryngitis. He said that when the trucks come in the yard, that is the customers are coming for material only occasionally, that is a time he barks. He said the dog is tied out, right outside the house on a leash, and that he never roams, also that he never disturbs any one's sleep. He further stated that it has been said that his dog has been barking at 3:30 A.M. He said that his dog has never been out at that hour. He stated that there are approximately six or seven other dogs in the neighborhood which he hears barking and that he never complains about it. He said that he got the dog from Charles Curran on August 23, and that the same morning he got a complaint that the dog was barking all night and that they did not have the dog twelve hours. He said that a few years ago when he came home on furlough from the service he was handed a notice to appear before the Selectmen on a previous dog. He said that if this particular dog in question disturbed anyone it would disturb he and his wife. He said that there was a cat in the yard which caused his dog to bark, and that a few days ago the owners of the cat moved out. Mrs. Goodman stated that she is the one who takes care of the dog. She further stated that it is not true as previously stated at the hearing today that her dog was barking at 3:30 A.M. because her dog is sleeping in the house at that time. She said there are a few houses down the street where Sam Fiore is and another one on Lawrence Street where there are dogs, and that the reason her dog is on a leash when she takes it out is because she sees dogs digging holes in people's lawn and she does not want her dog doing that. She stated that Mrs. Pearson had told her that the people in the apartment house at 59 keep them awake with the drinking parties. Mrs. Goodman stated that they have a gas man, paper hanger, electrician, and oil burner man coming in to their place and that the dog barks once and no more, and that the dog would not bark if it was left alone. She insisted that it is not her dog barking at night. Miss Acton stated that Mrs. Goodman brings the dog out every night between 7 and 8:30. Mary Donahue stated that the dog is not only barking but it is a whine also. She further stated that it is a beautiful dog, but it is the way it is taken care of. She stated that she has lived on Clark Street all her life and has seen a business growing with trucks going in and out. She

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further stated that it is a nuisance, and she said it is a wonder that someone has not been hurt on account of the heavy trucks going in and out. Miss Acton wanted to know why the dog is tied up. Mr. Goodman stated that it is a valuable dog, a one-hundred percent thoroughbred, and that the main reason it is tied up is because he does not want it to run over people's lawn, and also the dog is liable to get run over because there are so many cars going by. Mrs. Goodman stated that Mrs. Pearson asked her why she didn't hit the dog over the nose with a piece of iron, and she told her "that is not the way we do". Mr. Pearson stated that Miss O'Brien is up in her bedroom in the apartment across the street after just coming out of the hospital, and that there is one person who works split shifts as a telephone operator in the other apartment house who has to sleep in the daytime. Dog Officer Kinnarney stated that he never had a complaint on the dog. Miss Acton stated that she called him last fall, to which Mr. Kinnarney stated "oh, yes, but not lately". Mr. Hartnett asked Mr. Goodman if he had an area other than where it is presently tied, would he be willing to tie it in the area to abate the nuisance, to which he replied "yes". Mr. Hartnett stated that we will ask the Dog Officer to investigate. Mr. Goodman stated that the dog is better since the people downstairs moved out (including the children). Mrs. Goodman stated that there is a tenant on the other side with children who take sticks and hit the dog and the mother does not come out to stop the children, and that will be near the area suggested here at the meeting. Mr. Goodman stated that last Friday night his wife had to go out and tell the dog to stop barking. He further stated that the dog has been brought up with children. He also stated that there is a great dane and a small dog in a pen, and that he hoped the three of them won't start barking at the same time. Miss Acton stated that if they tie it out it will keep on barking, and she would like to have it stop barking. Mr. Acton asked Mr. Goodman if he had ever contemplated releasing the dog or keeping it tied up the rest of its natural life, and that the Board has more complaints about dogs which are tied up than the ones which are not. Mr. Goodman stated it would be better if the neighbors would cooperate and keep the children out of the yard. Mr. Pearson stated that the Goodmans never come down and tell the dog to stop barking, and that sometimes it has barked for an hour at a time. He further stated that it is going

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to be ten times worse unless something is done about it. Mr. Kennedy asked Mr. Goodman if he had ever tried a pen affair in the rear of the home to see if the dog would respond differently and see if the pen would give the dog more freedom, and cause the dog not to bark so much. Mr. Kennedy further suggested that Mr. Goodman attempt to quiet the dog over a period of time so we could learn if the dog wouldn't be so bothersome in the neighborhood. It was voted that we would get a report from the Police Chief, the Dog Officer and the Health Department of complaints received since September, 1954, and to have the Dog Officer make a periodic check and to consider the remarks at the hearing today.

A hearing was held on a protest received from the Berean Holiness Church on the application of the Framingham, Massachusetts Lodge No. 1264 of The Benevolent and Protective Order of Elks of The United States of America, Joseph L. O'Malley, Exalted Ruler and Manager, for the sale of all alcoholic beverages, seasonal, as a club, at 450 Union Avenue. Present: Mr. O'Malley, twelve more members of the Elks, together with their attorney, Victor H. Galvani, and three members of the Berean Holiness Church. Attorney Galvani stated that the Board had their affidavit, and that in fairness to the objectors he would like to inform those present that the Elks are a legally chartered branch of the Benevolent and Protective Order of Elks, and that the local branch has some 400 members. He stated that all of their proceeds are for good works and that is the sole purpose of their organization. He further stated that they were formerly located near the town hall, where the present parking space is in back of the Memorial Building, and were burned out there, and that they conducted themselves well for thirty years at that location. He said that they are now next to the High School Annex and have conducted themselves in an honorable fashion. He said they are also a social group and would like to sell liquid refreshments or alcoholic beverages to their own members. He further stated their record, in forty years, was that there never had been an objection filed against the Elks. He said they would sell to their own members, and would not cater to the public. He further stated that they have an annual ladies night and that their Ladies Auxiliary is the Emblem Club. He also stated that he believed the Berean Holiness Church will realize that they will be good neighbors, and that he doesn't think that they will ever have occasion to protest them being there, and further that the drinking will be done by their membership. He said that

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the Elks ask favorable consideration. He said further that their membership is about ninety percent Framingham residents and that there are some from Dover and Ashland. Mr. Henry Bowie, of Northboro, stated that he is the Assistant to the Pastor, Reverend Sneed. He stated that the Pastor is sick and he is representing him and the members of the church. He stated that they, as a church, do not believe in liquor of any kind under any circumstances, and being close to the church and not knowing anything about it they naturally opposed it. He said that his personal point of view is that he opposes liquor, and has never taken a drink yet. He stated that he did not think liquor is necessary even in a Benevolent Society. He stated that they are opposed to it. Mr. Hartnett stated that he assumed from his remarks that he would oppose any liquor license, to which Mr. Bowie replied "that is right." Mr. Hartnett asked him if his objection is general, to which Mrs. Bowie replied "as a church you cannot take liquor and live holy, and that as a missionary it is her duty to stand against liquor. Mr. Hartnett asked her if they had regular meetings, to which she replied "yes, sir." Mr. Acton asked her how many members in Framingham, to which Mrs. Bowie replied "three." Mr. Galvani asked if the pastor is a duly ordained pastor, to which Mr. Bowie replied "yes, our Bishop of the District lives in Philadelphia, and that their headquarters are in Boston. He said their Bishop's name is B. B. Lyons. Mr. Bowie stated that they have service every Sunday morning, and they try to have one every Tuesday night. Deacon Tucker was also present. It was voted to grant, subject to the approval of the Alcoholic Beverages Control Commission, an All Alcoholic Beverages Seasonal, Club, License, to the Framingham, Massachusetts Lodge No. 1264 of the Benevolent and Protective Order of Elks of The United States of America, Joseph L. O'Malley, Exalted Ruler and Manager, at 450 Union Avenue.

### \*JURORS\*

The following Jurors were drawn for the jury pool of May 2, 1955:

Elaine K. Beaton, Home, 15 Charles Street.

Ann C. Boyle, Nurse, 75 Maynard Road.

Patrick J. Ferriter, Railroad, 431 Concord Street.

### \*ADJOURNMENT\*

The Board adjourned at 5:45 o'clock P.M.

  
CLERK