

TOWN OF FRAMINGHAM

SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN MAY 13, 1974

The regular meeting of the Board of Selectmen was held at 7:30 p.m. Present: Mr. John F. King, Chairman, Mr. John F. DelPrete, Clerk, and Mr. Peter W. Ablondi.

WARRANTS:

#212 - May 13, 1974 - Bill - \$145,493.24
#213 - " " " - Pay Roll - \$336,328.34
#214 - " " " - School Pay Roll - \$56,983.14
#215 - " " " - Investments - \$3,000,000.00

AUCTIONEER'S LICENSES:

Daniel O. Bushey, 41 Richwood St.
Robert S. White, 92 Higgins Rd. (residence) - 228 Turnpike Rd., Southboro (business).

DANCE LICENSE - Framingham Foresters Association, Inc., Framingham Foresters Hall,
May 18, 7 p.m. to 12 p.m.

JUNK DEALER'S LICENSES:

Harry Quitt, 1 Second St.
Harry Carey d/b/a M & H Iron and Metal Company, 47 Blandin Ave.
Quitt Bros., 88 Waverly St.

LODGING HOUSE LICENSES:

Robert L. Hughes, 100 Pearl St.
Robert Hedges, 45-47 Winthrop St.

SUNDAY ENTERTAINMENT LICENSE - B'Nai Brith Chapter-Robert Grossman, Carnival, Co-op
Shopping Center, Franklin St., May 26.

SPECIAL MALT BEVERAGES AND WINE LICENSE - The Dukakis Committee, Village Hall, Framingham
Center, 7:30 p.m. to 1 a.m., June 10, 1974.

BUILDING REMOVAL PERMIT - Howard M. Blades, from 801 Water St. to rear 770 Water St. (rear
of the Nobscot Shopping Center, May 14, to May 21, 1974.

SECOND HAND ARTICLE LICENSES:

I. Laney Ferriell & Winifred A. Libby, 235A Franklin St., Framingham.
Henry S. Fraser, 6 Elm St.
Sidney Katz d/b/a Lou's Used Furniture, 80 Morton St.

CARNIVAL LICENSE - B'Nai B'Rith of Framingham, Robert Grossman, carnival with rides &
booths, at Co-Op Shopping Center Parking Lot, Franklin St., May 20 to 24, 5 p.m.
to 10 p.m., Sat., May 25, 1 p.m. to 10 p.m.

RATIFICATIONS:

Obstruct sidewalk:

Robert D. Kasarjian, 937 Worcester Rd., erect sign, May 13.
Farrell Sign Co., 12 Union Ave., erect sign, (barricade), May 9 to 10.
Bigham & Sons, Inc., 120-170 Concord St., install awnings, May 9 to 25.
Colony Neon Sign Co., 158 Union Ave., erect flat sign, May 10.

Open, occupy & obstruct st.-New Eng. Tel. & Tel. Co.:

Greenleaf Circle, repair cable trouble, May 10 to 17.
Pole 20 Winter St., splicing buried cable, May 13 to 31.

Open, occupy & obstruct street-Commonwealth Gas Co.:

68 Main St., install new service, May 14.
34 Circle Dr., install new gas service, May 13 to June 13.

APPOINTMENTS:

The following were appointed special police officers for a term of one year, eff. 5/13:
David Hilton, 198 Beacon St., Fram.
James Mickel, 295 Turnpike Rd., Westboro.

JUROR:

The following was drawn to serve as a Grand Juror on July 1, 1974 at Cambridge:
Francis J. McManus, Jr. Vice-Pres., Electronics Engineering Firm, 223 Crescent St.,
Waltham, Mass. (residence, 10 Blueberry Circle).

VARIANCES:

It was unanimously voted to authorize the Building Official to issue a permit to the following persons
who have requested variances:

Edward D. Collins for the construction of a single family residence, Lot #6 Edmands Rd., 15' rear yard.
Murray S. Zuk, 16 August Dr., construction of an aboveground swimming pool; 11' rear yard.
Robert Y. Greenberg, 5 Cherry Oca Lane, construction of a swimming pool; 36' rear yd. & 10' side yard.
Thomas C. Sawyer, 5 Robert Rd., construction of a swimming pool; 2' rear yard.
Richard Prybyl, 9 Eaton Rd. construction of an aboveground swimming pool, with a 50' rear yard,
thereby also legalizing the rear yard requirements of the house itself to eliminate any possible
impediment to a future sale. (Approval granted concurrent with Town Counsel's opinion).

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APPOINTMENTS:

The Board of Selectmen unanimously voted to appoint the following:

BURIAL AGENT - John J. Murtagh, term to expire April 1, 1975.

TOWN CONSTABLE - Arthur F. Martins, term to expire April 1, 1975.

CONSERVATION COMMISSION

Lois Ward, term to expire April 1, 1977 (Vice-Sheila Silverberg)

John F. Sullivan, term to expire April 1, 1977 (Vice-Dr. Dana Jost).

DOG OFFICER - Paul Gosselin, term to expire April 1, 1975.

COMMISSION FOR YOUTH SERVICES

Daniel V. MacDonald, term to expire April 1, 1976.

Ruth Winett, term to expire May 1, 1976.

Luke Tedeschi, M.D., term to expire May 1, 1976.

FENCE VIEWER - John Myron, term to expire April 1, 1975.

FOREST WARDEN - Jerome N. Byrne, term to expire April 1, 1975.

GRAVES REGISTRATION OFFICER - John J. Murtagh, term to expire April 1, 1975.

LOCKUP KEEPER - Arthur F. Martins, term to expire April 1, 1975.

INSECT PEST CONTROL - Robert H. Ralston, term to expire April 1, 1975.

POUND KEEPER - Paul Gosselin, term to expire April 1, 1975.

SUPERINTENDENT MEMORIAL BUILDING - John F. King, term to expire April 1, 1975.

SUPERINTENDENT NOBSCOT HALL - Peter W. Ablondi, term to expire April 1, 1975.

SUPERINTENDENT ATHENAEUM HALL - John F. DelPrete, term to expire April 1, 1975.

SURVEYOR OF PLASTER & BRICK WORKS - James H. Lee, term to expire April 1, 1975.

TOWN FOREST COMMITTEE - Paul Brackett, term to expire April 1, 1975.

Mrs. Elinore D. Berenson, term to expire April 1, 1976.

ADVISORY BOARD MEMBER TRINITY MENTAL HEALTH - Jeanne M. Costin, term to expire April 1, 1975.

REGISTRAR OF VOTERS - Anna D. Barbieri, term to expire April 1, 1977.

TRUSTEES OF EDWARDS CEMETERY - Term to expire April 1, 1975. (Everett Wheet, Walter T. Matthews, Seymour E. Gilliland)

TRUSTEES OLD SOUTH CEMETERY

Term to expire April 1, 1975. Frank Coffin, Guy Mori, Joseph Croci

MEMBER ZONING BOARD OF APPEALS - Arnold Mindick, term to expire April 1, 1977.

ASSOCIATE MEMBERS ZONING BOARD OF APPEALS

Joseph Tosti - term to expire April 1, 1975.

William Celorier, term to expire April 1, 1975.

INDUSTRIAL DEVELOPMENT COMMISSION - Term to expire April 1, 1979.

Lewis M. Briant

Norman B. Fine

SCHOOL TRANSPORTATION COMMITTEE:

Member of the School Transportation Committee - Richard A. Sonsini (To fill an existing vacancy.)

HUMAN RELATIONS COMMISSION - Term to expire May 1, 1977

Attorney Alan Greenwald

Robert Glick

Reverend Mason Wilson, Jr.

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HEARING - APPLICATION FOR TRANSFER OF LIQUOR LICENSE:

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building, in accordance with Ch. 138, Section 23 of the General Laws, on the application of Henri's, Inc., holder of an All Alcoholic Beverage License as a Common Victualer, at 266 Worcester Rd., Framingham, for the transfer of ownership of its license to Casa Mexico of Framingham, Inc. d/b/a Casa Mexico, at the same location. Present were Ernest Bellora, President & Treasurer of Henri's, Inc.; David B. Sherwood, President & Manager of Casa Mexico, and Attorney Victor H. Galvani, representing Sherwood. Attorney Galvani told the Board that Attorney John Garrahan, representing Henri's, was unable to be present and has asked him to represent both parties. Mr. Galvani explained that Mr. Bellora who has been operating Henri's for the past 19 years was leaving the business because of poor health and, therefore, selling the real estate to David Sherwood. He detailed further that the new restaurant would specialize in Gourmet Mexican food and the owner would continue to operate the business in a manner that would be worthy of the Town; also noting Mr. Sherwood's expertise in the restaurant business. An affidavit was presented to the Board confirming that all abutters had been notified. No one appeared in opposition. John King asked who the stock holders were and if they were involved in any other alcoholic beverage establishment. Mr. Sherwood advised him that he was the sole stock holder and other than the restaurant in Cambridge (similar operation), there was no other involvement in an alcoholic beverage license. On the motion of John DelPrete, it was unanimously voted to grant the transfer of ownership of Henri's, Inc. to Casa Mexico of Framingham, Inc. d/b/a Casa Mexico, at 266 Worcester Road., Framingham.

ONE WAY TRAFFIC - RIVER STREET:

In connection with a proposal to implement one way traffic on River Street, which had been tabled pending receipt of reaction from residents on the surrounding streets, a number of residents appeared to see what action was contemplated by the Board. Mr. Fitts, owner of property on River Street said although he was sympathetic to the residents, it would be an imposition to businesses on River St. to implement one way traffic. Other owners of businesses on River St. were also present to express strong opposition to the contemplated restriction, claiming the action would harm their businesses. A number of complaints were registered against the businesses with residents stating that the businesses have not been fulfilling their obligations to the residents. Several residents said drivers leaving the Dairy Queen drove recklessly and at high speeds down River St., noting also that a number of accidents have resulted. Alan Griswold, a resident of River St., said they were tired of the logic they were getting and accused the businessmen located on the street of a tremendous credibility gap. Crown Chevrolet was strongly criticized by the residents as a major offender. Mr. Griswold suggested strongly that if nothing is done to relieve the problem they would take matters into their own hands by parking in the street, thereby limiting River St. to one lane. Allen Glick, President of Crown Chevrolet told the residents that if River St. is made one way a tremendous burden will be placed on Wood Terrace. He explained that all service customers and employees are required by zoning regulations to park on the rear third of the lot and use the River St. exit. Zoning Board of Appeals' conditions in connection with the Crown Chevrolet license was discussed and conflicting reports were given. Paul Tremblay, Chairman of the Sidewalk Committee and a resident of River Street, reported that Crown Chevrolet causes autos to be unloaded on River St. and they should be unloading off the traveled street. He said there has been no cooperation on Crown's part to prevent accidents. Alternative solutions were suggested. Paul Tremblay suggested dividing River Street into two zones, making it two way as far as the commercial property. After further discussion, Peter Ablondi said he was not prepared to take action that evening. He said he wanted to review the Zoning Board hearings with regard to Crown Chevrolet, and also confer further with the Board of Public Works, Engineering Department and Safety Officer before he could make a determination. The matter was tabled further.

BUILDERS REALTY GASOLINE STORAGE:

Discussion was held on the tabled matter of the possible revocation of the gasoline storage license held by Francis Cueroni and Builders Realty Corp. (Public hearing was held last week). Attorney Leon Fox, his secretary and Mr. Cueroni appeared for further discussion and clarification. Attorney Fox, responding to discussion last week on the location of the storage tank, presented corrected plans of the location of the tank as new information which, he said, he hoped the Board would consider in reaching their decision. He explained the tank was not placed at the location shown in the sketch on file with the Board of Selectmen because of a septic system which has been located there for 25 years. He raised a question as to the validity of the original sketch, pointing out that if anyone with knowledge of the property had drawn the initial plan they never would have located the tank at that location. Mr. Ablondi who had expressed concern earlier about the possible affect the Board's decision would have on other existing licenses, questioned Town Counsel again as to how a vote to revoke the license would affect all other permits that have not been renewed. Town Counsel informed him it would depend on the reason upon which the Board based their decision. If it is revoked for lack of annual filings, as opposed to the location of the tank, then those who have not filed may be expected to be treated in the same way. However, he pointed out, the decision would not be binding because of factors which vary from case to case. The new plans presented that evening were reviewed by the Board. Norman Pontremoli, who has registered his opposition to the storage tank, pointed out to the Board that only part of the land owned by Cueroni was zoned for business; the other part being residential. Mr. Ablondi asked him whether the neighborhood was objecting to the tank or the location of the tank. Mr. Pontremoli responded "I object to the storage of gas in a residential area; I object to the issuance of a license; I object to the location of the tank which is not in accordance with the original plot plan filed with this office." Attorney Fox countered "It is important to keep in sight of the reason we are here which is a revocation of a storage permit. Each of the objectors store some gasoline. The only difference is in volume. The critical issue is the certificate of registration which has been filed and the fees have been paid for the last 20 years, and the tank was installed pursuant to the registration in accordance with the license issued to the land. No requirements are violated. The location of the tank does not appear on the license. Its present location is further away from the people objecting, therefore, it cannot be a material objection in my judgement." After further discussion, Selectman DelPrete said he would be in favor of considering the revocation of the license. Peter Ablondi said he would not take any action until a determination is made as to whether the tank is located in a business zone, or in a residential zone. John King said he found it to be a complex question, however, based on the facts presented to the Board "I find that from August 23, 1954 to January 28, 1974 no Annual Certificate of Registration was filed by the holder of the storage license in question (Builders Realty Corp.); I also find that the

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BUILDERS REALTY (CONT'D.):

license was not exercised during this period. In addition, I find that the hand-drawn plan in the file of the Board of Selectmen was the plan upon which the original license was issued, and that the tank has not been installed in the location shown on said plan. Accordingly, it is my decision that within 60 days from the date of this meeting, the holder of this license remove the tank from its present location and install it in a location as shown on the plan on file with the Board of Selectmen. In the alternative the holder of the outstanding license may surrender it to the Board, and reapply for a new license for the location where the tank is presently located. If no action is taken by the licensee with the said 60 days, the license issued on August 23, 1954 will be revoked." He indicated this would be the way to legally rectify the situation and repeated his statement in the form of a motion, asking the other Board Members to accept it. Mr. Ablondi said he was not prepared to take action until additional information was provided. Specifically, he asked the Building Official to review the property in question and provide him with answers to:

1. The history of the parcel prior to zoning.
2. What area was used for business prior to 1939?
3. What area is now being used for business purposes?
4. Is the gasoline storage tank on property properly used for business purposes?

Mr. King's motion was not voted and the matter was tabled for an additional week pending receipt of the requested information.

APPLICATION FOR BEER & WINE LICENSE:

Attorney John Garrahan appeared before the Board to request permission to submit an application for a Beer & Wine license (Common Victualer) for his client, Round-Up of Framingham, Inc. at 1 Worcester Road. He explained the reason for the request and detailed the type of operation, including the hours of operation. After further discussion, and in fairness to the public, John King motioned to open it up to the public. It was unanimously voted to receive applications in the Selectmen's Office until May 24, 1974, 5:00 P.M., for Beer and Wine licenses as a Common Victualer.

TRAFFIC REGULATIONS:

On the recommendation of Safety Officer, Sergeant Robert Foley, it was unanimously voted to approve the installation of the following signs:

- SCHOOL - On Grove St. 500 feet west of Vernon St. for eastbound traffic.
- On Vernon St. 200 feet north of Grove St. for southbound traffic.
- On Vernon St. 300 feet south of Grove St. for northbound traffic.

TOWN ENGINEER PERSONNEL:

In accordance with a request of the Town Engineer, and with the concurrence of Dana N. Burdette, Personnel Director, it was unanimously voted to grant permission for the advancement of Mr. James Steele to an E3-1 to fill the existing vacancy in the Engineering Department caused by the resignation of Mr. Charles Adams.

NEWBURY STREET DRAINAGE:

In accordance with the Board of Selectmen's request, an alternate plan for drainage on Newbury St. was submitted to the Board by the Town Engineer. Mr. Sergeant, who was present, informed the Board that should Town Meeting not appropriate the funds requested by the Department of Public Works to correct the Newbury St. problem, then the plan presented, at a cost of \$4,000, could be implemented, dependent, however, upon obtaining easements from the abutters.

TOWN OWNED PROPERTIES:

Selectman John F. DelPrete and Peter W. Ablondi directed the Director of Parks & Recreation to chain off the Edwards Cemetery. Also noted was the work required at the Stone Academy, with a request for prompt action.

ASSESSING PRACTICES:

Responding to the mandate of a resolution submitted at ^{the} Annual Town Meeting, 1973, John King requested that a hearing be scheduled at the next Selectmen's Meeting with regard to the assessing practices in the Town of Framingham. Chairman of the Board of Assessors, Donald Croatti, was present and said in his opinion the resolution had been complied with and suggested he be allowed to answer any questions in connection with assessing practices on the Town Meeting floor rather than ^a scheduled hearing. After further discussion it was agreed to schedule a hearing for May 20, 1974.

SENATE BILL #644:

It was unanimously voted to oppose Senate Bill #644. (Pay Level Building Inspector). The Honorable David M. Bartley and Area Legislators will be so advised.

MEETING ADJOURNED AT 10:00 P.M.


John F. DelPrete, Clerk