

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN AUGUST 20, 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:

#17 - Aug. 20, 1974 - Bill - \$787,619.82
#18 - Aug. 20, 1974 - School Payroll - \$31,270.05
#19 - Aug. 20, 1974 - Payroll - \$966,191.18

AMUSEMENT LICENSE:

Wesley United Methodist Church, 80 Beacon St., Annual Church Fair on Sept. 28, 1974
10:00 A.M. to 3:00 P.M.

HAWKER'S & PEDDLER'S LICENSE:

Domenic Castigliero, 25 Roma St., Bristol, R.I., one year term.

LODGING HOUSE LICENSE:

Robert L. Hughes, 115 Franklin St.

SECOND HAND ARTICLES LICENSE:

Zallen's of Framingham, Inc., 101 Concord St.

SIGN PERMIT:

United Way, Banner Permit, from 95 Concord St. to 282 Concord St.

SUNDAY ENTERTAINMENT LICENSES:

Framingham Carousel Flea Market, Old Conn. Path, Flea Market
Sept. 1, 8, 15, 22, 29, Oct. 6, 13, 20, 27, 1974.

Kiddietime Corp. d/b/a "Funway", 11 Blandin Ave. - Sundays August 25 to Dec. 31, 1974.
Coin Operated Amusements Group 1 Electronic Gun, Group 2 Coin-Activated Pin Tables, Group 6
Coin-Activated Driving & Racing Games.

RATIFICATIONS:

Obstruct Sidewalk; Patricia Soko, 14 Kendall St., truck unloading bowling equipment, 8/13/74.

Open, Occupy & Obstruct St.

Fantoni Co., Inc., 1359 and 1361 Concord St., install water & sewer service
8/13/74 - 9/9/74.

Open, Occupy & Obstruct Sts. - Commonwealth Gas Co.:

Western Ave. @ G.M. Plant, 8/13-9/13/74, test & repair.
Western Ave. @ Pole #20, 8/13-9/13/74, test & repair.
15 Morse Rd., 8/13-9/13/74, lay gas supply line.
1359-1361 Concord St., 8/13-10/5/74, lay new gas line.
26 Swanson Rd., 8/13-9/13/74, lay gas supply line.
20 Fox Hill Rd., 8/14-10/8/74, install new service.
State College, State St./ 8/23-10/13/74, lay new gas supply line.
Beaver St. near Waverly St., 8/20-9/20/74, test & repair.

Open, Occupy & Obstruct St.

New England Tel. & Tel., Old Worcester Rd. from Manhole #8149 to Pole #3, 8/12-8/30/74
installing two telephone ducts.

SIDEYARD VARIANCES:

Sideyard variance request from Herman Weissman - 13 Fairfield Terrace - was withdrawn at the petitioner's request. Will be re-submitted at a later date.

It was unanimously voted to authorize the Building Official to issue a permit to Peter Grinnell, Jr. for the construction of a swimming pool at 5 Brookfield Circle, with a 10' rear yard.

It was unanimously voted to authorize the Building Official to issue a permit to Jonathan W. Gourlie for the construction of a sundeck at 25 Hemenway Road with an 8'6" side yard.

MCALEE AVE. RESIDENT PARKING:

A number of residents from McAlee Ave. appeared before the Board to request the installation of signs denoting "resident parking only" in front of their property in accordance with Art. 24, A.T.M. 1974. Mrs. Sam Brillhart, spokesman for the group, told the Board that because of the congested and illegal parking on her street the residents have been faced with many problems. Specifically, the residents protested lack of parking on their street caused by tenants they said at two duplex houses at #22 and #24 McAlee Ave. They said the tenants own a total of a dozen cars, three motorcycles, two trucks, and park in front of neighbor's houses because the landlord of the duplex has not provided enough parking for his tenants. In connection with same, the Building Official, in a letter to the Board, advised the landlord of the houses had complied with town regulations in providing 1-1/2 spaces per unit, or six off street parking spaces. He noted, however, that although the spaces were in accord with the parking plan submitted to the Planning Board, it appeared that the landlord is allowing occupancy by more than two families per building which has resulted in lack of parking for the residents on the street. He told the Board that he had advised the landlord of the duplexes to restrict the occupancy to two families each, thereby eliminating part of the problems.

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MCALEE AVE. (CONT'D.):

Mrs. LaFrance of 27 McAlee Ave. who complained strongly about being harrassed by the owner of a truck which was parked in front of her house constantly, and Mrs. Brillhart urged the Board to implement Article #24 A.T.M. 1974 which prohibits a person from parking any motor vehicle in front of any dwelling house, effective only in those areas where signs, portable or permanent, are installed. Discussion followed on the intent of Article 24. Suggestions were also presented to alleviate the problems. Sgt. Foley explained to the Board that as a result of the number of complaints received he had investigated the area, however, he indicated that before making a firm recommendation he would like to review the "no parking" proposal with all the residents on the street. Those residents present informed him that they represented all the residents on the street and were emphatically in favor of restricting parking on the street. After further discussion, it was voted unanimously to authorize the installation of "No Parking" signs on McAlee Avenue, both sides from Hollis St. to Whitney Ave.

POLICE APPOINTMENTS:

The following individuals were unanimously appointed Permanent Patrolmen effective September 8, 1974:

Robert L. Haynes
Charles R. Cooper
Paul M. Blakely
William E. Fuer III
James B. Finks
Robert F. Tibor

James E. Harrington
Edward A. Meiners
Paul J. Farley, Jr.
Robert A. Sambuchi
Michael Hill
David B. Murphy

Albert G. Grow
Charles F. Kritzas
James W. Steinwachs
Bruce S. Mercer
Joseph E. Gately, Jr.
Frank J. Masiello

All requirements had been met for each of the above appointees.

HEARING - DOG VIOLATION:

A public hearing was held at 7:45 P.M. in Room 21, Memorial Building, pursuant to the Mass. General Law, Chapter 140, Section 157, "Vicious or Barking Dogs", on the complaint by Dorothy J. Gilson and others, to determine whether a dog reported to be harbored at 934 Waverly St. is a nuisance by reason of vicious disposition. Present were Dog Officer Paul Gosselin, his assistant, Joseph Panella, a number of residents, including the complainant, and the owner of the dog, Ann Riskalla. All witnesses were sworn in. Officer Gosselin reported on the incidents leading to the complaint. A petition objecting to the dog, which was signed by several residents, was presented by Mrs. Greyson Gilson, 22 Wilson Ave., who told the Board that on July 30, 1974 at approximately 7:30 P.M. the dog had attacked her dog, (Toy Manchester) causing severe injuries. Mrs. Gilson said the residents were especially concerned for the safety of the children in the area because Ms. Riskalla's dog was often times walked by a four year old child who would not have the necessary control over the dog. Other witnesses reported incidents where the dog (Pitt Bull Terrier) frightened them, tore one boy's pants, attacked another neighborhood dog and barked a great deal so that it was disturbing to the residents. Mrs. Riskalla said she did not know if her dog had been disturbing residents because she worked and was not at home much of the time, however, she indicated the complaint was filed as a result of her having filed an assault and battery complaint against a neighborhood youth. She noted that since the complaint had been filed, she has been harassed, marshmallow and chocolate cake have been smeared on her car, and her children have been threatened. She emphasized that she needed the dog for protection. Mrs. Riskalla pointed out that she has had her dog for three years and questioned why, after three years, she is suddenly receiving all these complaints. She reiterated that she felt it was directly related to the assault charge she filed. Responding to a question raised by John King, Ms. Riskalla said she was well aware of the leash law and does observe it, however, on several occasions the dog has accidentally got loose. After further discussion, the matter was taken under advisement.

TRANSFER OF LIQUOR LICENSE (SHAMROCK, INC.):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building at 8:00 P.M. for reconsideration on the matter of the application of Shamrock, Inc., holder of an All Alcoholic Beverage License as a Common Victualer, at 145 Hollis St., for the transfer of its license at a location at the corner of Roxanna and Snow Streets, Framingham; said transfer to be on the condition that such license shall be issued upon completion of the building at the corner of Roxanna and Snow Streets. Present were the owner, Browning Gifford, and his counsel, Attorney George Leary. An affidavit of notice to abutters was presented to the Board, as well as several pictures of the present location which illustrated adverse conditions which did not prevail at the time the license was issued; i.e. traffic congestion and parking problems. For the record, Mr. Leary also introduced the certificate of vote, the outside plan of the proposed location, inside plan of the new building, Conservation Commission findings; Department of Public Works notice, Department of Public Works findings, Building Permit, reports from the Engineering, Public Works and Fire Departments and permits to fill by the Town Engineer and Department of Public Works. Mr. Leary explained that Mr. Gifford had been at the present location for a number of years, however, because of the change in conditions over the last three or four years - which he detailed - Mr. Gifford felt it was necessary to move his business. He noted that one of the conditions arising since Mr. Gifford first located on Hollis St. was the opening of a religious center, pointing out that if the situation was reversed Mr. Gifford would not have been allowed to operate at this location. In support of Mr. Gifford's request for approval for the relocation of his business, Mr. Leary offered the following facts for consideration by the Board:

1. The business was being moved from a congested area into an area that would provide more than ample parking.
2. There are no abutters in the immediate area.
3. The Board of Selectmen have granted a license to Mr. Gifford in connection with his business and there have been no complaints raised.
4. Conditions have cropped up suddenly that are not of Mr. Gifford's making, and consideration should be given to not where he is going, but what he is leaving.
5. Mr. Gifford has contracted some \$40,000 of his money in connection with the proposed relocation; he has conducted himself properly as a licensee; asks only to remain in business in Framingham; and would be agreeable to any restrictions the Board wished to impose.

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SHAMROCK, INC. (CONT'D.):

Selectman Ablondi, who had voted in favor of granting the transfer at the first hearing because of the traffic problems at the present location, said he was still in favor of granting the transfer - for the same reasons. Selectman DelPrete said he would be opposed to the transfer because the business would be located adjacent to a residential area (a number of duplexes already exist at the new location). He also indicated that if the transfer were allowed, the problems would only be transferred from one area to another. Mr. DelPrete also discussed briefly the Operation 275 Program and its possible effect on the Shamrock Building. Mr. Leary pointed out that it could be some time before Operation 275 was implemented and that could be dealt with at that time. Responding further, Mr. Leary pointed out that he had not heard one person come forth at the hearing to object in any way to the new location and he questioned the validity of the reasoning, especially in the absence of any objections from any person - all of whom had been notified of the hearing. In light of the existing conditions, Mr. Gifford's willingness to invest and his past conduct, Mr. Leary felt strongly that Mr. Gifford should be given the opportunity and suggested the Board review all the facts and reconsider the matter; placing such restrictions on the license that might be offensive to them. He reiterated there has been enough notice on the hearing and no one had come forward in opposition.

John King explained to Mr. Leary that the reason no one had come forward to register opposition was because they were confident the Board of Selectmen could represent them. He advised that many people in the area had called him to note their objection and he told them it was not necessary for them to appear because he would speak for them. Responding to other remarks made by Attorney Leary, John King told Mr. Leary that he had not heard any facts to substantiate that the transfer would be in the best public interest other than the fact that the existing location had deteriorated. He said he would not argue that the present location was poor, however, he explained that the Board had to make a determination as to what was in the best interest of the citizens of the Town - and in his opinion, the new location was not because of its proximity to a residential zone. Mr. Leary pointed out the question of public interest is the motivating factor that prompts a man to come before the Board. He said he would expect the Board to weigh all the factors and evidence presented by him in making their determination - and by the same token, he felt they should be given the same consideration and were entitled to have evidence that they could confront. He felt strongly they were entitled to hear anyone that was opposed to the transfer. He reiterated that Mr. Gifford was not responsible for the conditions that exist in the present area and urged the Board to take the matter under consideration until they could weigh both sides.

Mr. Ablondi said he was not aware of anybody complaining about the transfer of the license either verbally or written. He reiterated where the man has complied with all requirements, and where it is possible to correct a bad traffic situation, Mr. Gifford's request should be encouraged. Chairman King repeated that he had heard from a great many people who were in opposition to the transfer and because of his concern for the people living on Snow Street, and some reservations as to the conduct of the business, he had serious doubts that the public interest would be served. After further discussion Mr. Leary said he did not feel the Board was complying with the evidence requirement of the law and asked the Board to defer voting on the matter that evening so that all facts could be considered carefully. The matter was taken under advisement.

ARCH STREET - RESTRICTED PARKING:

Mr. John Cavanaugh and other residents of Arch Street appeared before the Board to request enforcement of parking regulations which restrict cars from parking on corners of intersecting streets (within 20'). Specifically, Mr. Cavanaugh noted the hazards resulting from cars being parked on corners of intersecting streets, and detailed the many problems the residents of Arch Street were faced with. The problem was compounded, several residents noted, because of the patients who visited the doctors' offices in their area. Sergeant Foley confirmed there was a section in the traffic rules and orders which prohibits parking within 20' of an intersection. A number of corrective measures were suggested, however, after further discussion, it was unanimously voted to approve the installation of signs on all streets intersecting with Franklin St. and Union Avenue indicating "No Parking Here To Corner".

TRAFFIC REGULATIONS:

Receipt was noted of a request from Mrs. Nancy Spiliotis for warning signs on Prospect Street between Route 9 and Lillian Road. Mrs. Spiliotis will be advised that the necessary steps have been taken to obtain authorization from the State Department of Public Works for the establishment of Speed Zones.

GO SLOW CHILDREN signs were authorized for Belknap Road at Elsmillar Terrace and Belknap Road 100 feet west of Millwood Street in accordance with recommendations of the Safety Officer.

COORDINATOR OF FLEET SAFETY:

In accordance with a request from the Purchasing Agent, Sergeant Robert Foley was designated Coordinator of Fleet Safety.

STATE SPENDING:

Receipt was noted of a letter from Representative Barbara Gray with regard to state spending.

REAPPORTIONMENT OF TAXES:

Receipt was noted of a letter from Senator Burke with regard to the State's reapportionment of taxes. Town Counsel was directed to report at the next meeting on the status of the Joint Action suit.

FENCING - TEMPLE STREET BRIDGE:

Responding to the Board's request for fencing on the Temple Street Bridge over the Turnpike, the Mass. Turnpike Authority advised there were no funds available this year, however, consideration will be given in their budget program for 1975.

USE OF VILLAGE GREEN:

A request from the Lake Cochituate Section of the National Council of Jewish Women for permission to use the Village Green for rummage and bake sale was referred to the Executive Secretary who will work in conjunction with the new Superintendent of Buildings to coordinate plans.

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PEOPLE IN ACTION FAIR:

Receipt was noted of a report from Helen Rountree, Chairperson of the Social Concerns Council regarding arrangements made in connection with "People In Action" Fair - September 21, 1974.

FRAMINGHAM CHORAL SOCIETY, INC. - FLEA MARKET:

A request from the Framingham Choral Society, Inc. for permission to hold a Flea Market Craft Fair on the Center Common in May, 1975 was granted providing there is no conflict with Framingham State College activities

FRAMINGHAM DOWNTOWN PROMOTION COUNCIL:

In accordance with a request from Mike Finn, Chairman of the Framingham Downtown Promotion Council, it was unanimously voted to close Concord Street on September 7th from 8:00 A.M. to 9:00 P.M. in connection with the Council's plans to promote and coordinate an outdoor fun festival for the residents. In coordinating their plans, the Council will be directed to work out details with the Police Chief, Fire Chief and Superintendent of Buildings.

UNITED FUND CAMPAIGN:

It was unanimously voted to grant permission to the United Fund of Framingham, Inc. to fly one United Fund Flag for the coming campaign this Fall upon the existing flagpole in front of the Town Hall.

EXTENSION OF LIQUOR HOURS - MONTICELLO:

In accordance with a request from Caesar Tamagno, Inc. d/b/a Monticello Restaurant to remain open until 2:00 A.M., seven days a week - it was unanimously voted to grant permission to remain open until 2:00 A.M. on Fridays only, on a trial basis. The Police Chief's recommendations will be obtained.

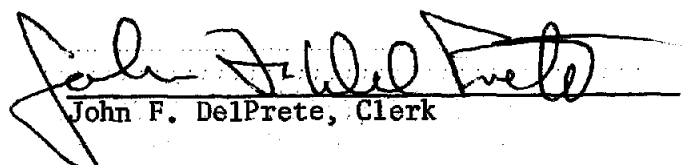
POLICY TOWN-OWNED BUILDINGS - NOBSCOT HALL:

A proposed policy prepared by the Executive Secretary for the use of town-owned buildings was reviewed by Mr. Noonan, together with recommendations placing the buildings under the care and control of the newly appointed Superintendent of Buildings. The Executive Secretary had been directed to prepare the policy as a result of numerous problems with rental and maintenance of the buildings. In connection with same, a number of interested persons were present, including Attorney Robert Belmonte and his client, Ms. Shapiro. Attorney Belmonte, acting for Ms. Shapiro who had requested an arrangement with the Town for the use of Nobscot Hall for the purpose of giving yoga lessons, reviewed in detail her past and present contacts and association with regard to The Grange (Nobscot Hall). He noted that after operating from the stand point that what she was doing was correct, proper and legally sanctioned, Ms. Shapiro finds it was not legal and there might be some tenuous legal right for the use of the building. The major concern at the present time, Attorney Belmonte explained, was to try to recover some of the investment made by Ms. Shapiro in improvements for the building, and they were hopeful that the Board could help them out of their dilemma. A letter received from Mrs. Atwell, a representative of the Grange Hall, in which she clarified what had transpired between Ms. Shapiro and members of The Grange was read into the records by Mr. Noonan. Mr. King pointed out, after additional discussion regarding the status of the Grange Lease with the Town, that the question before the Board at the present time was the proposed policy and he initiated discussion on same. A number of questions were raised in connection with the policy and the status of current leases. Town Counsel clarified that if the proposed policy is adopted all outstanding leases will be honored. Stephen Pratt, President of the Framingham Improvement Association, expressed concern that they had not enough time to review the policy and he felt additional discussion was necessary before it is adopted. Discussion continued on the allowable uses of town owned buildings and those situations which are unique for certain buildings. Town Counsel explained that there was a question with regard to the rental of Nobscot Hall by Ms. Shapiro and, therefore, the Town would have to seek a variance from the Town (Zoning Board of Appeals) as to whether it could be used for the purpose intended by Ms. Shapiro. Attorney Belmonte said if the Town does lease to Ms. Shapiro she would appear before the Board of Appeals in the Town's name. He pointed out also that Ms. Shapiro recognized that the building was there for the use of the public and she had no intention of being the exclusive user of this particular building.

Several people were present who were opposed to any arrangement between the Town and Ms. Shapiro. Elaine Farrington said she did not feel the Town had the right to rent the building for business purposes in a residential area. With regard to the renovations made to the Grange Hall, Mrs. Farrington pointed out that she proceeded with the renovations without obtaining the necessary permits; i.e., plumbing, wiring, painting. She emphasized that the building has been there for committee uses and she could not see how it could be rented for a business. Attorney Belmonte explained that Ms. Shapiro did not intend to violate any laws, and in fact, did not. She assumed she had permission from her lessees and there was no indication that she was not supposed to do what she was doing because there was no objection presented. He stressed it was not their intention to irritate anyone insofar as the use of The Grange Hall and they would like only to be able to proceed in the best way possible in order for her to recoup what she has invested.

After additional discussion it was voted to schedule a meeting with all outstanding organizations who have leases in order to review the proposed policy with them. In the meantime, the Executive Secretary, Town Counsel and Attorney Belmonte will meet in an attempt to resolve the Nobscot Hall matter.

MEETING ADJOURNED AT 11:45 P.M.


John F. DelPrete, Clerk