

TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS

REGULAR MEETING OF THE BOARD OF SELECTMEN FEB. 9, 1976

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

WARRANTS:

#96 - Feb. 9, 1976 - Bill - \$152,531.65
#97 - " " " - Pay Roll - \$1,057,191.05

SUNDAY ENTERTAINMENT LICENSES:

Giovanni's, Inc., juke box, 70 Worcester Rd., Feb. 15, 1976 to Feb. 6, 1977.
Liam's Irish Tavern, 17 Edgell Rd., Irish Folk Singer, Feb. 15, 1976 to Feb. 6, 1977, inc.

COMMON VICTUALER'S LICENSES:

B J'S Diner, 144 Waverly St.
Cavagni's Bakery & Coffee Shop, 586 Waverly St., years 1973-4-5-6.
Edles, Inc. d/b/a Howdy Beefburgers, 264 Waverly St.
Fonda Del Corro Motel (Maridor Motels, Inc.), 659 Worcester Rd.
Foodcrafts Inc. Div. of Interstate United Corp. (GM) at GM Plant, Western Ave.
Santoro's Sub Villa, 193 Concord St.
Cleo's Place, 32 Concord St.

AMUSEMENT LICENSE-Hellenic Restaurants, Inc., d/b/a New Copper Kettle Rest., juke box,
957 Worcester Rd. - week days 1976, 24 hrs.day.

SPECIAL MALT BEVERAGE AND WINE LICENSES:

Tropicana Social Club, at 50 Hollis St., Feb. 14, 7 to 12 p.m.
Larned House Council State Teachers College, Larned Rec. Rm., State College, Feb. 12,
8 p.m. to 12 p.m.
Kappa Delta Phi Sorority-State Teachers College, O'Connor Hall Lounge, Feb. 21, 8 p.m.-11 p.m.

APPOINTMENTS:

The following were appointed special police officers:

Albert Bortolussi, 36 Hayes St., term of one year.

Joy E. Toronto, 16 Hodgport Lane, Dover, term to expire with termination of employment
with Stop & Shop.

The following was appointed a sworn weigher for a term of one year:
Kathleen A. Stevens, 259 Boston Post Rd., Apt. 7, Marlboro.

APPLICATION FOR CERTIFICATE OF INCORPORATION:

The application of Barbara Corwin and Geo. M. Corwin, 56 Rockridge Rd., Framingham, for certificate of incorporation under the name of "Barter Services Exchange, Inc." to be located at 56 Rockridge Rd., Framingham, was approved as far as relates to proposed location only, and the Secretary of State so notified.

CHANGE OF MANAGER-LIQUOR LICENSE:

It was voted to grant, subject to the approval of the Alcoholic Beverages Control Commission change of Manager of the Framingham Foresters Association, Inc. license from Alfred A. Pasqualoni to Wm. Phillips, Jr., for the sale of alcoholic beverages, all, as a Club, at 86 Bridges St. Ext.

HEARING - ALL ALCOHOLIC BEVERAGES (ZALLEN'S):

A public hearing was held in the Selectmen's Office, Room 21, Memorial Building, at 7:30 P.M., under the provisions of Chapter 138 of the General Laws, on the application of Zallen's of Framingham, Inc., for a license to sell All Alcoholic Beverages as a Common Victualer at 101 Concord Street. Attorney Victor H. Galvani appeared for Zallen's. Also present were Daniel and Ruth Rubin, owners of the restaurant. Attorney Galvani, speaking in support of the granting of the license, established the license would serve the public need. He told the Board the Rubins have been at the existing location for over 20 years and since being awarded a Beer and Wine license by the Board several years ago, their business has improved. He noted that many of the customers have requested alcoholic beverage cocktails with their meals; they have treated their license well, and have conducted a good operation. He explained further that the owners of Zallen's, in showing good faith in the downtown area, are presently negotiating a new lease at 101 Concord St. and if they are awarded the license, it is their intention to put some new money into the venture and try to encourage dinners and late evening meals. In summation, he asked the Board to consider favorably the granting of an All Alcoholic Beverage license to Zallen's of Framingham, Inc. Following additional discussion, it was unanimously voted, on the motion of John King, to grant an All Alcoholic Beverage License to Zallen's of Framingham, Inc. at 101 Concord Street, subject to the approval of the Alcoholic Beverages Control Commission.

PARKING RESTRICTIONS:

A report of the Safety Officer regarding parking restrictions in front of business establishments was received as a result of requests received from certain businesses. Specifically, Sergeant Foley recommended rescinding 15 minute parking on Hollis St., west side from Waverly St. to Masciarelli Jewelers; deny request for 15 minute parking in front of Santoro's Sub Shop on Concord St.; noted opposition from some abutters on Everitt Ave. to granting patient parking in front of Dr. Sabella's residence on that street; and denied the request of Sportswear, Inc. for additional restricted parking for their store. It was unanimously voted, on the motion of John DelPrete, to refer the report to the newly formed Municipal Parking Committee for inclusion in their study. It was further voted that any future requests for parking restrictions and variances and variances would be referred to this committee for their perusal and recommendations. The above noted establishments will be notified of the Board's action.

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EDISON SERVICE - UNDERGROUND STREET LIGHTING:

In response to the Board's request for clarification, Geroge Harrington, Secretary of the Planning Board, in a letter dated February 2, 1976, advised the developer is required to provide underground utility services, including electrical service (preparatory work including trenching, etc.) prior to the installation of the actual lighting fixture. The cost of the fixture and the light are included in the annual cost to the Town from Boston Edison for street lights. In connection with same, a letter prepared by Mr. Clarke, Executive Secretary, to be directed to the Planning Board asking their reconsideration of their rules and regulations regarding same, was discussed. In essence, the Planning Board will be asked to review their Subdivision Rules and Regulations requiring underground electrical service towards changing them in an effort to reduce the annual street lighting bill. An example cited emphasized the additional cost for underground lighting vs. Class I overhead lamps for the Fiddler's Green Subdivision where the cost was noted as being \$4454.40 higher for this one development alone.

Mr. Ablondi asked Town Counsel what effect there would be on those plans that have already been approved, and for those people who have bought homes in these areas. Town Counsel explained there was a procedure under the subdivision bylaw to amend or revoke their previous plan, however, that cannot be used for any lots that have been sold. He noted he did not know what practical effect it would have on those people who have already bought lots. Mr. Ablondi said he felt they were entitled to some consideration. He asked who would pay for putting the poles in for those subdivisions with underground wiring. Town Counsel, referring specifically to the Fiddler's Green Subdivision, said he did not believe any lots have been sold as yet. On other subdivisions, Town Counsel explained the effect on any action by the Planning Board would depend on the legal title. If the plan was approved with underground wiring and all the lots have been sold, it will probably be too late to change it. Mr. Ablondi said he objected strongly that the increased cost for underground wiring had to be borne by the entire town, noting it was unfair to the people on the south side who will never enjoy this luxury. He said he did not appreciate subsidizing the cost for underground wiring and suggested if people want this luxury, they should be made to bear the cost. John King faulted the Planning Board for developing these regulations, rather than the people buying homes in these subdivisions, whom, he said, were innocent victims. Following additional discussion, John King motioned to approve the letter prepared by Mr. Clarke for the Planning Board asking their reconsideration of their rules and regulations regarding underground street lighting. His motion was seconded and unanimously voted.

CONFERENCE - WINCH STREET RESIDENTS (REED ACADEMY):

The Board conferred for the third time with residents of Winch Street regarding their objections to the location of Reed Academy on their street. Letters received from Dr. Biagio A. Conte (February 6, 1976) and Dr. Melvin H. Sher (February 9, 1976), strongly objecting to the location of the Reed Academy, were read into the records. In connection with same, a copy of a letter sent to the Building Official from the Planning Board (February 1, 1976) and Mr. Seeley's response to the Planning Board (February 4, 1976) were also read. The Planning Board had requested the submission of an off-street parking plan for the school as required under S. LV.A.1. and IV.A.3. c.3, and IV.A.3.C.13. Also requested was the status of the school; i.e, whether it was public, non-profit, tax-exempt; and whether the Fire Chief had reviewed the building regarding its use as a school and not a single residence. Mr. Seeley informed the Planning Board that he has, at their request, asked the Director of Reed Academy to submit an off-street parking plan, and he cited the reasons for not having requested the parking plan before. He also provided detailed answers to the other questions raised by the Planning Board. John King asked George Seeley whether Mr. Cohen (Director of Reed Academy) should obtain a lodging house license since it was indicated there would be twelve students. Mr. Seeley explained that Mr. Cohen had initially requested a permit to occupy the building for a school. He also indicated they would sleep there five nights a week and be home for the weekends. He noted that although there was a lodging house similarity; legally, it has not been determined that it is a lodging house operation. He added that certain dormitories do require a review of the Zoning Board of Appeals, however, whether this particular dormitory use falls into an exempt category is not clear. John King indicated the matter should go before the ZBA and suggested the Reed Academy Director should meet with the Town Counsel for a determination on whether he would have to obtain an exception from the ZBA for the purpose of lodging 12 students in a residential area. He pointed out that if the matter is heard before the ZBA and they decide to allow it, at least the necessary restrictions can be imposed. He felt strongly that the answer to this question, as well as other questions raised, should be obtained before any action is taken.

Lengthy discussion followed in an effort to resolve the problem. Martin Scanlon and Mr. & Mrs. Anderson, residents of the area, reiterated the questions raised at the previous meetings, as well as those spelled out in both Drs. Sher and Conte's letters. They also reiterated their previous stand that they were not opposed in any way to the concept of the school, but were very much opposed to the presence of two schools on their street - a very short, small street - stressing the seriousness of the safety factor. Dr. Scanlon urged the Board to vote to request the Building Official to revoke the permit he granted. Betsy Anderson pointed out the area had been designated a scenic and historic route and if trees had to be cut down, etc., it would change the character of the house and grounds. Other concerns were parking facilities - which they claimed were inadequate - and the economic judgement in placing only three children in a \$106,000 house. The neighbors were in agreement that the burden of obtaining answers to these questions should not be borne by them, but rather the owner of the proposed school. Responding to a question as to whether the permit could be revoked, George Seeley explained it could not be revoked because it legally is classified as a public school house. He emphasized that their quarrel was not with him for interpreting the state law properly, but with the state legislature for imposing the law. He said he was empowered only to enforce the law.

Concluding the lengthy discussion, John King commented that because of all the gray areas in connection with the use of this particular property, and because of the number of unanswered questions, he would recommend strongly that the Building Official refer the entire matter to the ZBA on the basis that it is not a proper use in a residential area. George Seeley said he would check into the boarding house concept and if it is determined that it is a boarding house he could refer it to the ZBA. He noted, however, that if it is determined that it is a school he had no grounds for revocation. Responding to a resident's question as to whether the Selectmen had the authority to direct the Building Official to revoke the permit, Town Counsel said they did not. John King explained the only power the Board had was the power of persuasion. He motioned to request the Building Official to revoke those permits allowing the Reed Academy to operate until the lodging house matter is resolved, and until all other questions have been answered. Peter Ablondi seconded the motion and it was unanimously voted.

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SPONSORING GROUPS - TOWN MEETING '76:

Ann Arvedon of the League of Women Voters, and John Baron, representing the Chamber of Commerce, extended an invitation to the Board to be their guests at "Town Meeting 76", a day long community forum, scheduled for April 19th at the Keefe Technical School. A number of local civic and social groups are working on the event which is being sponsored nationally by the Institute for Cultural Affairs.

CARNIVAL - CALDOR'S PARKING LOT:

Arthur Kranseler and several other representatives of the Knights of Pythias met with the Board to discuss further their earlier request for permission to conduct their annual carnival at Caldor's Parking Lot. They had met with the Board earlier and had been advised to look for a new location because of the safety factor, and in light of opposition expressed last year. In connection with same the Board received three letters of opposition to granting the use of the Caldor's Parking lot from abutters Mark Hanna and Living Room Concept, and from the Planning Board. Mr. Kranseler advised the Board they had attempted to locate elsewhere, however, to no avail. (The Park Department had refused their request to use Bowditch Field.) Following additional discussion, the Board was in agreement that because the Caldo location was not safe they would ask the Park Department to allow the use of a town-owned park for the Knights of Pythias Carnival. The matter was tabled.

NELSON STREET RESIDENTS:

A report was received from the Department of Public Works concerning a petition received from Nelson Street residents regarding parking and snow removal on their street. The matter was tabled until next week when Mr. Clarke, Executive Secretary, can report on his investigation of the problem. (Mr. Clarke was absent due to illness).

CONSERVATION COMMISSION - OPINION OF VALUE REQUEST:

It was unanimously voted to authorize Town Counsel to obtain an opinion of value on the various parcels of property requested by the Conservation Commission in their letter of January 26, 1976.

FEDERAL AID HIGHWAY SYSTEM:

The Board reviewed with the Town Engineer plans indicating designated roads to be included in the Federal Aid System. Following said review, it was unanimously voted to accept the list of streets for inclusion in the Federal Aid System, with the concurrence of the Board of Public Works.

LOCAL GROWTH POLICY COMMITTEE:

It was unanimously voted to appoint Mrs. Frank Dewar as the Framingham Housing Authority's representative to the Local Growth Policy Committee, replacing Patrick A. O'Grady.

SUDBURY RIVER DIVERSION PROJECT:

On the recommendation of the Chairman of the Wayland Sudbury River Diversion Committee, it was unanimously voted, on the motion of John DelPrete, to appoint Robert Zimmerman of Old Connecticut Path as Framingham's alternate member to the Sudbury River Diversion Project. He will be directed to report to, and coordinate his efforts with, Planning Director Christy Maltas.

LEGAL FEE - AMERICAN CIVIL LIBERTIES UNION VS. SCHOOL COMMITTEE:

On the request of Winston D. Anderson, Chairman of the Framingham School Committee, it was unanimously voted to pay Atty. Alfred J. Mainini's legal fees out of the Law & Damages Account. It was further voted, on the motion of Mr. DelPrete, that any future bills in connection with the suit brought against the School Committee by the American Civil Liberties Union would be reviewed jointly with the School Committee and the Board of Selectmen before any future action is taken. John DelPrete commented that the matter should actually be represented by the Attorney General's Office because the School Committee was complying with a state imposed law.

BUDGET - FARLEY BUILDING COMPLEX:

Executive Secretary, M. P. Clarke, advised the Board that over \$190,000 will be required in the FY'77 Town Owned Buildings budget if the Board assumes the responsibility for the maintenance and operation of the Farley Building Complex. He suggested, since the majority of the space is occupied by the School Department, that it would be more practical to return the responsibility for the entire building to the School Department. Peter Ablondi asked Town Counsel what effect there would be if the operation is turned back to the School. Town Counsel commented that there may be some distinction between some control and whose budget it goes into in the vote of town meeting and, therefore, he would have to research it further. John King commented that he would be unwilling to relinquish the operation of the Farley Bldg. to the School Dept. He motioned to table the matter pending Town Counsel's clarification of the town meeting vote, and it was unanimously voted.

PERSONNEL BY-LAW - FILLING OF POSITIONS:

John King directed the Executive Secretary to caution all department heads that they must follow the applicable section of the Personnel By-Law in filling positions in their departments.

SELECTMEN' MEETING - DATE CHANGE:

Voted to reschedule the Board's regular meeting (February 16, 1976) to February 17th because of the holiday.


STATE STREET PARKING:

On the request of Chief Gerald Kearney, Framingham State College, and on the recommendation of Sgt. Foley, it was unanimously voted to approve the installation of the following sign: 2 HOUR PARKING 9:00 A.M. to 11:00 P.M. NO OVERNIGHT PARKING - On State Street east side from South driveway to the North driveway (Street area in front of the campus.)

COMMENDATION - POLICE DEPARTMENT:

At the request of John King, the Police Chief and those members of his department who assisted in the quick apprehension of the suspects in the Sandra Shaw murder, will be commended by the Board of Selectm. Chief Martins will be requested to include the letters of commendation in the permanent records of those involved.

MEETING ADJOURNED AT 10:15 P.M.


Peter W. Ablondi, Clerk