

**TOWN OF FRAMINGHAM
SELECTMEN'S RECORDS**

MINUTES OF THE BEER & WINE LICENSE APPLICATION HEARINGS HELD ON OCTOBER 1, 1981

The Board of Selectmen, Chairman John DelPrete, Clerk Claire Lavin and Selectman John King held 13 hearings on applications for Wine & Malt Beverage Licenses. The applications which were heard were:

<u>TIME</u>	<u>NAME OF INDIVIDUAL OR ESTABLISHMENT</u>	<u>LOCATION</u>	<u>TYPE</u>
7:30 P.M.	Tennis International, Inc. d/b/a Racquetime	21 Blandin Avenue	Beer & Wine General On Premises
7:40	William Poulos - G.M.P. Inc.	545 Union Avenue	Beer & Wine Retail
7:50	Wayne E. Burke d/b/a Village Pantry	969 Concord Street	Beer & Wine Retail
8:00	James R. Otteman & William G. Mullaney CFM #942 Inc. (Convenience Food Mart)	908 Edgell Road	Beer & Wine Retail
8:10	Jacob Sugarman, Mgr. for Round-Up Food Stores, Inc.	15 School Street	Beer & Wine Retail
8:20	Gerald Neufell d/b/a White Hen Pantry	113 Beaver Street	Beer & Wine Retail
8:30	Racquetball "5" Inc. d/b/a Racquetball Five-0	50 Speen Street	Beer & Wine General On Premises
8:40	RMK Inc. d/b/a Pewter Pot Family Restaurant	84-86 Worcester Road	Beer & Wine Common Victualer
8:50	VAC Restaurant, Inc. d/b/a Christos Family	16 Irving Street	Beer & Wine Common Victualer
9:00	Louis Panos d/b/a Centre Pizza	961 Worcester Road	Beer & Wine Common Victualer
9:10	Enchanterel, Inc., Lore Gerden, President	188 Oaks Street	Beer & Wine Common Victualer
9:20	Deli-Tizer of Framingham, Inc.	147 Cochituate Road	Beer & Wine Common Victualer
9:30	Daniel E. Rogers d/b/a Dan's Place	42 Grant Street	Beer & Wine Common Victualer

Each of the presentations outlined the details of the application and responded to specific questions concerning hours of operation, evidence of serving the public need, etc.

Atty. John St. Andre appeared on behalf of the Framingham Liquor Dealer's Association and requested that a moritorium be established on the issuance of any alcoholic beverage licenses. This was agreed to be noted in the case of each application. On the motion of Selectman King, seconded by Chairman DelPrete, opposed by Selectman Lavin, the Board took each of the applications under advisement for consideration at a future meeting.

Objections, both oral presentations and written statements were noted in the case of the following applicants:

Wayne E. Burke d/b/a Village Pantry

Objections were registered by neighbors and people who live in the general area that to provide Beer & Wine sales in this particular convenience store would create a problem with the control of sales to minors and difficulty in controlling noise outside the area which could be objectionable to the neighbors.

James R. Otteman and William G. Mullaney - Convenience Food Mart

A written objection from the residents of the nearby Condominium Complex was received and several oral presentations objected to the issuance of Beer & Wine Licenses to convenient stores in general and most specifically to this Convenience Food Mart. It was cited that a complete package store operation is less than a half mile away from this location near a shopping complex on the same road.

Jacob Sugarman, Manager - Round-Up Food Stores

A written objection was received from the Pastor of St. George's Church, Father Lawler, stating that the location in question was less than the legal 500 feet distance from the church. He requested that the license be denied based on its proximity to the church. The Board of Selectmen noted that the question of automatic rejection based on such an objection from a church or school was still undecided in the courts. They were also advised by the Town Counsel that the current law in force, despite the fact that it was under appeal, declared such a regulation to be illegal, and as a result not mandatory in the subject of licensing alcoholic beverage sales. It was noted, however, that the current appeal at the Federal level has yet to be heard and any issuance of a license could result in suspension in the future if the appeal is upheld. Atty. Daniel Leary spoke on behalf of the Village Package Store which is located in the same general vicinity, commenting that their location would indicate that there was no necessity for service to the public shown in this application by Round-Up Food Stores.

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Gerald Neufell, d/b/a White Hen Pantry

Several neighbors stated very strong objections to the issuance of a license at this location because its proximity to a playground area and its fairly close proximity to already existing Beer & Wine package sale licenses.

Enchanterel, Inc.

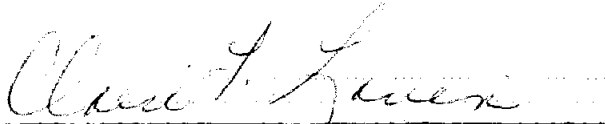
A large number of neighbors presented a very lengthy petition objecting to the proposal for a license at this location in a private club. They further questioned the legality of the application because no Common Victualer's License had been sought or issued. They also questioned the amount of parking required under the local zoning by-law for such an operation.

Daniel E. Rogers, d/b/a Dan's Place

Several neighbors objected to the very congested parking problems and traffic problems in the area of this applicant's place of business. After a lengthy discussion, they all agreed that the current operation of the restaurant was acceptable to them but repeated their concerns about the change in hours and type of operation which could result from the issuance of a license.

All of the other applications listed received no specific objections from either neighbors or representatives of other business establishments except for the blanket objection on the part of Atty. St. Andre.

The meeting was adjourned at approximately 11:00 P.M.



CLAIRE F. LAVIN, CLERK