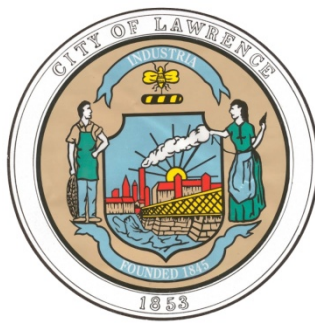


ZONING BOARD OF APPEALS



LAWRENCE MASSACHUSETTS

Vice Chairman

Richard Rivera

Voting Members

Frank Campos

Beatrice Taveras

Will Mazola

Roberto Fernandez

Associate Voting Member

Jose Rosario

Chairman

Richard P. Consoli

Administrative Assistant

Jorge O. Martinez

Land Use Planner

Daniel A. McCarthy

ZONING BOARD OF APPEALS

3/25/2020

Minutes to the Meeting/Hearing

Due to the COVID-19 Outbreak and the policy changes made by Governor Baker and Mayor Rivera, this meeting of the Zoning Board of Appeals was done remotely.

Roll Call:

Richard Rivera, Vice Chair-Present

Beatrice Taveras-Present

Will Mazola-Present

Roberto Fernandez-Present

Absent:

Frank Campos

Also Present:

Daniel McCarthy, Land Use Planner- Present

Michael Armano, Acting Inspectional Services Director-Present

David Palumbo, Acting Building Commissioner-Present

Captain Patrick Delaney, Fire Prevention

Pedro Soto, Planning Director

Absent:

Jorge Martinez- Minute Taker

CONTINUED CASES

452 South Union Street

Merelyn Banegas

Mr. McCarthy indicated that Mr. Martinez has been in regular contact with the applicant and sent numerous letters that their case will be withdrawn if they do not show up. He then stated that he does not know whether or not the letter was sent and as a result he would recommend a continuance.

Upon a motion made by Mr. Fernandez and seconded by Ms. Taveras, the members of the board unanimously decided to continue the matter until the next meeting.

172-174 Everett Street

Angela Lavayen

Present to address the members of the board were Angela Lavayen and Liliana Peralta.

Ms. Peralta stated that she and her aunt were requesting an attic renovation. She stated that the renovation will essentially be an in-law unit because her Ms. Lavayen's son has a newborn. She then stated that she now has new sets of plans that she would like to present to the board members.

Mr. Rivera then asked what the hardship with the proposal is. Ms. Peralta stated that her aunt had lost her sister that had been living with her and brought her to the states. She then stated that as a result of this, she is on her own in the house and she also has a son living with her who just had a newborn and what she wants to do is give them more space in the form of an in-law apartment.

Mr. Rivera then asked if Mr. McCarthy or anyone has seen those plans. Mr. McCarthy indicated that he has not.

Ms. Peralta then stated that Marcos and Lunara Devers just finished the plans. She then asked if they would like to speak on the case.

Mr. Devers then stated that his company has been actively involved in this project in order to help this family. He then stated that he was able to come up with a site plan and he then asked his daughter to present it. Mr. Rivera then stated that the board would need a set of plans in order to proceed. He then requested a continuance. Mr. Devers then stated that he would happily continue and that he will try to better present during the next meeting.

Mr. Rivera then stated that because the board does not have the correct paperwork he recommends that they continue the matter until the next meeting.

Upon a motion made by Mr. Fernandez and seconded by Ms. Taveras, the members of the board unanimously decided to continue the matter until the next meeting.

***1 Market Street
The Lawrence Firefighters Association Inc c/o James Driscol***

Mr. Rivera stated that he would need a motion to withdraw.

Upon a motion made by Mr. Fernandez and seconded by Ms. Taveras, the members of the board unanimously decided to continue the matter until the next meeting.

To be certain, the members decided to do a roll call vote.

With no further discussion,

The board members voted to withdraw without prejudice and the results are as follows:

***Beatrice Taveras- Yes
Roberto Fernandez- Yes
Jose Rosario- Yes
Richard Rivera- Yes***

The matter was unanimously withdrawn with a vote of 4-0.

***540 Essex Street
Prime Real Estate Investments***

Mr. McCarthy reiterated that the applicant will be requesting a continuance.

Upon a motion made by Ms. Taveras and seconded by Mr. Campos, the members of the board voted unanimously to continue the matter until the next meeting.

The board members voted to continue and the results are as follows:

***Beatrice Taveras- Yes
Roberto Fernandez- Yes
Jose Rosario- Yes
Richard Rivera- Yes
Frank Campos- Yes***

The matter was continued with a vote of 5-0.

***32 Alder Street
Luis Javier***

Upon a motion made by Ms. Taveras and seconded by Mr. Campos, the members of the board voted unanimously to continue the matter until the next meeting.

The board members voted to continue and the results are as follows:

***Beatrice Taveras- Yes
Roberto Fernandez- Yes
Jose Rosario- Yes***

Richard Rivera- Yes
Frank Campos- Yes

The matter was continued with a vote of 5-0.

6-12 Hampshire Street
MVCC Social Club

Present to address the members of the board was Robert Minasian. He stated that he is the attorney that representing his client in the matter and that his client has applied for a variances as well as a Special Permit.

He then stated that his client was before the board is late December 2017 or early 2018 and at that time they were granted a Special Permit as well as a variance to run and operate a function hall. He then stated that the corporate board there was a social club involved in civic duties and civic involvement. He then stated that at that time they were under the mistaken impression that the function hall was for members only. He then stated that when he got involved in the project he made an application to modify the special permit so the establishment can be open to the public.

He then stated that he spoke to Mr. McCarthy and he informed him that because they were granted a function hall special permit at the time it is meant for the public as well as private members. He then stated that essentially what the applicants are asking for is for the board to confirm is that they can use the premises at 6-8 for a function hall and 10-12 as member space. He added that there will be approximately 275 members. He then stated that the members do have to pay annual fees and that anyone who wants to have a party would be able to have a space available to them that will hold several hundred people. He added that interior renovations will be done as shown on the plans.

Attorney Minasian then stated that they currently do not have a liquor license which is what they are asking for at tonight's meeting. He then stated that because this area is an industrial zone there was a restaurant at the location in the fifties and sixties therefore there was an establishment there in the past that sold alcohol. He then stated that essentially, what he and his client want to do is continue the social club in numbers 10-12 and establish function halls in 6-8. He then stated that the sale of alcohol will not be to individuals who come in off of the street, but rather only when functions are taking place. He then stated that it will be a place where someone can come and eat, dance and drink when an event is taking place. He added that it will only be rented out in specific purposes.

He then added that there is a parking lot across the street that is owned by the city and there is parking to the rear that was addressed previously in an application. He then stated that what he and his client are requesting is to modify what the board previously provided. He then stated that if the board gives them permission, they will later apply for a liquor license. He then stated that they are going to change the interior configuration of the building according to the plan on file. He then stated that the appropriate permits will be filed with the building department as well. He added that the entrances and exits will also be shown on the plan. He added that there is also cellar storage for the alcohol as well as access to the basement from the interior and exterior of the building. He added that there will also be sprinklers.

Mr. McCarthy then stated that the applicant requires a special permit for liquor use. He then stated that based upon the location of the building, one of the requirements of the special permit is that it cannot be located within a thousand feet of another liquor use. He then stated that the board regularly issues variances for different types of establishments that sell alcohol such as restaurants, night clubs, social clubs, liquor stores and convenience stores. He added that they all fall under the same rubric.

He then showed a map to everyone depicting the 1000 foot radius and how many liquor selling establishments were in the radius. He then stated that there are three restaurants in the area that serve alcohol to the public. He stated that they are different than this proposal which is something that needs to be considered. He then stated that he does have a letter from the police department. Mr. McCarthy then read the letter which is now on record at the Lawrence Planning Department. Essentially, the letter listed many of the police departments concerns and stated that they would be against the proposal. He then stated that the planning department does not take a position on the proposal. He then stated that the board members should be looking at the use more than the alcohol and how it affects the neighborhood.

Mr. McCarthy then stated that the licensing commission reviews these factors. He then stated that the board looked at the amount of congestion. He then stated that the planning department neither supports nor opposes liquor license proposals.

Mr. Rivera then asked if the absence of the pharmacy has anything to do with the liquor license proposal. Mr. McCarthy then stated that he believes that this proposal has nothing to do with the pharmacy.

Pedro Tejada of 21 Westchester Drive then spoke. He then stated that he had the opportunity of presenting the petition three years ago. He then spoke in regards to the pharmacy and it's going out of

business. He then stated that the point of the hall is to create an environment with a social footprint which could fill some of the city's needs. He then stated that one idea would be creating scholarship opportunities for some of the baseball playing youth that he mentors. He then stated that he was touched by the death of two family members in less than three months, so the surge of addiction and the opioid crisis attributes to a lot of the concerns within the city as well. He then stated that he feels as if the organization can provide many services that currently are not offered. He stated that it can bring many people together and move forward ideas that will help the city and be completely different than what is going on right now. He stated that it will not be a club, but rather a place where people can go and exchange ideas.

Attorney Minasian then stated that the profits from the proposal will help fund these social endeavors. He then stated that the applicants have the right to make a function hall and they were under the impression that a function hall was a member's only establishment. He then reiterated that the special permit that was given originally was for the general public, but in order for the proposal to go further the project would need a variance from the ZBA. He then stated that the licensing board will look into the matter further. He added that the area is very close to the central business district and added that this type of use would be desirable within the business district. He then stated that it will not affect too many of the residences in the area.

Mr. Rivera then stated that he is a bit confused because he believes that the board members were very clear when the pharmaceutical business was going on there. He then stated that he believes that the matter was supposed to be tied to the pharmacy.

Mr. Tejada then stated that he recalls and does apologize, but as a business person he had a great idea to educate many people within the city that have chronic conditions, but could not afford the services. He then stated that the insurance companies did not want to support this idea either. He then stated that due to this the organization needed to move cities and this movement was not because they did not want to help people, but because they could not pay for the service. He stated that it was a business decision to move the pharmacy and he understands that the businesses were supposed to run together. He then stated that the building across the street is also being renovated.

Mr. Rivera then stated that there are many people moving into that area and the city has to do everything that they can to ensure that they stay. He stated that he does not want the residents to be driven out by parties and such.

Mr. Fernandez then asked if the social club has parking spaces and if so then how many. Attorney Minasian then stated that the social club has a large parking lot across the street. He then stated that it is a municipal parking lot and there is a lot to the rear of the premises as well. He stated that these are all public parking lots which are not owned by his client. He stated that the guests would have access to these parking spots.

Attorney Minasian then stated that he would like to put it on the record that this will not be a place where hundreds of people are going to congregate, but rather a place where someone can celebrate a sweet 15 or 16 or a baby shower instead of doing it at a home. He then stated that there is an empty spot in the city which this service can fill.

Mr. Tejada then stated that he would like to offer the opportunities to not just the members, but to everyone. He then stated that with consideration in the area, he wants to run the business the right way. He added that it will not be a club and that this is not something that they want to do.

Captain Delaney then stated that the fire department remains neutral in the case. Mr. Armano then stated that he also has no input.

Mr. Fernandez then asked how many people will be allowed in the social club at any given time. Attorney Minasian then stated that the decision on the occupancy is up to the fire and building departments. Mr. Tejada then stated that the occupancy permit for the old building is 325.

Mr. Rivera then asked who drew the original plans. Mr. Tejada stated that they were drawn by Marcos Devers. Mr. Rivera then stated that he would like to put it on record that these plans are not stamped or dated.

Mr. McCarthy then read off the conditions that the city imposes on liquor use special permits.

The conditions are as follows:

1. Variance and Special Permit run with the applicant and not the property.
2. Liquor and alcohol should only be served in function halls that are approved and during regular events.
3. Service of alcohol is to end at 11:00pm.

Mr. McCarthy then asked if the applicant would be amendable to these conditions. Attorney Minasian stated that they are.

Ms. Taveras then asked if the applicant plans on providing security. Mr. Tejada stated that they do.

Mr. Rivera then stated that this should be made into a condition as well.

Mr. Soto then asked what type of event and how many people would trigger a police detail. Mr. Tejada then stated that there is no set trigger for a police detail. He then stated that it is a decision that rests on the shoulders of the owner or event planner. He then stated that the total number of people at any given event is going to be under 300 which will not trigger a fire watch. He then stated that the limit for a fire watch would be 425 people, which can never be met because the venue would be immediately over capacity at that point. He then stated that it will be the responsibility for a renter to provide a police detail.

Mr. Armano then stated that the licensing board does have a limit of 200 for events that would need a fire watch or police detail.

Mr. Rivera then stated that the state does training called Crowd Control Manager and that the applicant should look into this. Mr. Tejada then stated that members of his staff are certified and he would be willing to get certified as well.

Ms. Taveras then asked if the whole building has occupancy of 325. Mr. Tejada stated that it does. Ms. Taveras then asked how the owner planned on keeping track of the function hall. Mr. Tejada stated that this will be the responsibility of the staff and personnel at the front desk and door. He then stated that the responsibility of the workers will be to ensure that the building as a whole is under the 325 person limit.

Attorney Minasian then stated that there is a wall that separates halls 10-12 completely. Mr. Tejada then stated that there is only a path that will allow the caterers to bring the food and kitchen into the function hall. He then referenced the ways that someone would enter the halls.

Mr. Rosario then asked what connection the organization has with any of the institutions scattered throughout the city. Mr. Tejada stated that the organization has not opened due to COVID-19. He stated that if things go right, the next step will be to connect with the Boys and Girls Club of Lawrence and set up scholarship funds with Central Catholic. He then added that he has not spoken to any of the charitable organizations that are in the city because he does not have the ability to do so.

Mr. Rosario then asked what improvements were going to be made to the façade of the building. Mr. Tejada stated that one idea he was thinking about was commissioning a mural on the back of the building that will be done by children. He then stated that he would be willing to use the city's Facade Improvement Program.

With no further discussion,

The members of the board voted and the results are as follows:

Richard Rivera, Chair- No
Roberto Fernandez- Yes with the conditions
Beatrice Taveras- No
Jose Rosario- Yes with the conditions
Frank Campos-No

The applicant's variance was denied with a vote of 2-3.

BOARD BUSINESS

Mr. McCarthy then stated that the request for reconsideration that was received will be put on the next agenda.

Upon a motion made by Mr. Campos and seconded by Ms. Taveras, the board members voted unanimously to adjourn the public meeting.