



**BOARD OF APPEALS
TOWN OF WINTHROP
MINUTES OF MEETING**

Held on Thursday, September 22, 2011
Town Hall – Joseph Harvey Hearing Room
WINTHROP, MA 02152

Acting Chairman Irene Dwyer called the public meeting of the Board of Appeals to order at approximately 7:07 p.m. In attendance at the hearing were the following Board Members John Rich, and Fred Gutierrez. Also in attendance were Joanne M. DeMato, Board Secretary/Clerk, and Chief Paul Flanagan.

The following matters were heard:

AGENDA: Hearing of the following application(s) for variance and/or special permit and deliberation of pending matters and discussion of new and old business.

1.	#016-2011	82 Faun Bar Ave.	Clearwireless, LLC	
2.	#013-2011	41 Argyle St	Anthony Martucci Tr./M & M Realty Tr.	
3.	#018-2011	516-522 Shirley St.	Kai Huang	
4.		Approval of meeting minutes		

#018-2011 – 516-522 Shirley St. - Kai Huang

In Attendance: Kai Huang, Attorney Sean Donahue

ID: Good evening.

SD: Good evening members and Madame Chairperson. My name is Sean Donahue, representing Kai Huang who is proposing an expansion of an existing

restaurant down at 520-522 Shirley St. This is a nonconforming structure its been there for years, I don't know how old it is, and part of a chain of store fronts on Shirley St. The proposal is to expand and to make the restaurant from 520-522 into 516-518 for the purposes of creating a sit down restaurant with 26 seats. You have a floor plan in the application I also have to assist you some photographs and I also have a photocopy here for the submission of an exhibit and black and white copies. I think the restaurant has been in existence for the past ten years. Primarily it's a take out business right now and there are two tables. What we are looking to do is make it a full service restaurant so people can sit down and enjoy their evening. Right now there is a question as to whether to pursue a liquor license at this point in time or not. A proposal with just the facts seeking the license for BYOB so people can come in and bring some beer or wine and enjoy there evening for some fine cuisine and all that Lucky Gardens has to offer. What we are seeking here is two fold, a special permit for a restaurant use into 516-518 Shirley St. right now it's presently used for retail services. There are two store fronts the store on the right is the Lucky Garden which is the existing establishment and we are looking to expand the establishment with the brick frontage to expand in there to allow for patrons to utilize the adjacent storefront. The retail services are an underwater retail establishment and there's also a hair salon and a taxicab office. We are looking to change the use from a retail service currently designated as to a restaurant use. It's in a Business "A" district-zoning district according to zoning regulations. A restaurant use is a permissible use within the zoning code with a special permit. We are also seeking a variance, if your familiar with the area, there is very little off street parking on site. If you look at page 2 of the photographs that I submitted you'd see an open space with the car parked in it? That's the space behind the building and that open space is available to all the storefronts on that block. There's a liquor store at the corner of Perkins and Shirley St and next to that if you're looking at the block of stores to the left of that there's an accountant's office. I guess what I am trying to say that this is a common use area for all of those stores. There's maybe 3 spaces for the purposes of employee parking so the employees can park there so we don't have the right to utilize the entire lot at the exclusion of the other tenants or occupants in that block of stores. Right now the BI calculations where there is retails services presently in existence that would account for a certain number of off street parking spaces so essentially what we would need is a variances of 5 off street parking spaces. Parking is tight in that area as we all know and I hope we get the patrons to utilize the municipal lot across the street right next to the corner of Washington and Shirley Sts. There's an open lot back there that's 100 yards out of Lucky Garden and its that long of a walk an hope is to encourage the use of that lot. Parking in front of the store right now is 15 minutes so if people do park there they run the risk of being ticketed by police. So its something that the Lucky Garden will point put to people that the run the risk of being ticketed and that there's available off street parking down the street in that

municipal lot. For one reason that it didn't work out the parking in the municipal lot they would maybe giving some thought to implementing valet service to encourage the use of that lot.

The hours of operation that we are seeking are the same hours of operation that Lucky Garden presently maintain which is we open Monday thru Thursday.

KH: It's 11:00 am to 10:30 pm and Friday to Sunday 11:00 am to 11:30 pm.

SD: We invited some of the abutters in that area and some of the abutters showed up as well as the owner of the property came and gave his support. He also has a structure in the back. We were hoping that they showed up tonight but the fact that they are not here at least they are not objecting or opposing us speaks volumes. Its' been vacant for quite some time now and it doesn't do the neighborhood any service. The concern was asking for the off street parking and what we represented here before this Board is what we represent is to those individuals who may have concerns to keep the cars out of the front of the store unless they are there to pick up a take out order. In Picture #3 in the packet I provided shows the street in a northerly direction the store is on your right the parking lot is just on your right, to the back of the structure on the immediate right the two units is a picture looking up Perkins St from Shirley St the store is located at that corner. Kai has architectural background and he drew up these plans and then submitted to an architect to review them.

KH: And certify them.

SD: And certify them by an engineer. He looked at the plans and certified them and its an existing structure the renovations they are planning doing on the inside are somewhat demo, opening up, why don't you explain?

KH: What we are doing is to demolish an existing wall that is separating the existing space. We are proposing 46 seats combining the existing 520-22 joining them together with 516-18. Demolishing the existing partition and the middle separation of 520-522 with 516-518. We are proposing to have a kitchen door from the kitchen to the dining room area. We have 2 sushi bars and the main entrance is going to be on 516-518 and is a halfway partition to cut off the direct view of the kitchen and the cashier is right behind it. We have 2 full handicapped accessible bathrooms in the back and we have provided clean safe aisle for customer's access thru the store. Take outs will be serviced by back door and existing kitchen side. The existing entrance to 520-522 at the present was one entrance.

ID: Anyone in favor of this petition?

Eric Gaynor, Winthrop Chamber of Commerce: We are very supportive of this and feel more restaurants we have it kind of feeds off one another and it a builds success for everyone. We've had businesses open in restaurants and others expanded and we think this fits well in that location. It was never utilized as much as it could and something like this would go very well and is something different. So I think it has a great benefit for the town. Thank you.

ID: Anyone here speaking against this?

Paul Flanagan, Chief of Fire: Just a question, you're closing off the existing entrance right?

KH: Correct.

PF: The entrance to the store you're going in is there a second means of egress ----?

KH: No, I'm looking at the code at the zoning code we wanted to comply with the two means of egress and the seating will have to be less than 50 seats and will have to be at the first door.

PF: You'll have less than 50 seats and never more than 4 staff. Right now our concern is a kitchen fire with no exit thru the kitchen.

KH: If that becomes a concern we can make the back door to the right corner for emergency purpose.

SD: For clarity the awning is over the main door and there is a sign on the awning storefront. There is a common lot for the tenants.

ID: This works in favor for.

SD: This doesn't pose a problem for the other tenants and they hope to utilize the parking in the back to the fullest extent.

ID: A couple of questions, I know we are not technically required but if there was a kitchen fire – is there anyway

KH: We have one egress out the back and we have a second means of egress we propose thru the dining area. According to IBC 2009 the maximum travel distance is 200 ft from the flash point to the door. So at any point taken from the kitchen to the back exit door is less than 200 ft. Even thru the transitional door between the kitchen and the dining area is less than 200 ft. The new exit door we just discuss is less than 200 ft.

ID: I understand and I am impressed with your attention to detail but again what's required and what might be better. Are we not required to have a ___ exit?

KH: It's in the basement.

ID: Oh ok right.

FG: It's not my area of expertise but it seems like an egress thru the basement can be a concern ___ and thru the kitchen. I think the details are in the planning and come under the jurisdiction of the Building Dept but that's just a concern of mine I'd like to voice...

PF: There will be fire alarmed throughout?

KH: Correct.

PF: As far as the second exit in the kitchen once again ___ all this cooking will be on the far right wall so you don't have to pass any of the grease or anything to access the two exits, and people at the cooking stations can walk away from what ever is going on towards exits which they have two? Which is an advantage. Is this a stove?

KH: It's not a stove it's a soup warmer.

ID: I see.

JR: I'd like to make a motion.

MOTION: JOHN RICH- Grant the variance for 5 off street parking spaces and to grant the special permit to take over 516-518 Shirley Street with the conditions that the fire chief concerns has expressed that they do not block the back door for the public seating and make emergency exits.

SECOND: FRED GUTIEREZ

PF: More concern is Mr. Curtain may use the lot for overflow on the other side of the ___ restaurant and to have emergency exits and to have employee parking Mr. Curtain owns the lot and the parcel length of stores (the rest is unintelligible).

VOTED: ALL IN FAVOR

ID: Anything else to review?

JD: You have meeting minutes.

MOTION: FRED GUTIERREZ – To approve the minutes of August 25, 2011

SECOND: IRENE DWYER

VOTED: ALL APPROVED

MOTION: IRENE DWYER – Motion to adjourn at 7:44 pm

SECOND: FRED GUTIERREZ

VOTED: ALL IN FAVOR

Paul W. Marks, Jr., Chairman

Dated