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CITY OF SALEM, MASSACHUSETTS BOARD OF APPEALS

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December 20, 2021

Decision

City of Salem Board of Appeals

A petition of JAHOO INDUSTRIES, LLC to amend an existing decision for an addition of a liquor license at 57 LORING AVENUE. (Map 32, Lot 146) (R1 Zoning District).

A public hearing on the above Petition was opened on December 15, 2021 pursuant to M.G.L Ch. 40A, § 11 and closed on that date with the following Zoning Board of Appeals members present: Mike Duffy (Chair), Rosa Ordaz, Steven Smalley, and Peter A. Copelas

The petitioner seeks to amend an existing decision to add a liquor license at 57 Loring Avenue.

Statements of Fact:

1. In the petition date-stamped October 27, 2022, the petitioner requested to amend a decision at 57 LORING AVENUE to add a liquor license.
2. 57 Loring Avenue is owned by Loring Avenue Realty Trust. The petitioner, Jaho Industries, LLC submitted a written statement seeking to amend the existing 57 Loring Avenue decision to reflect the addition of a liquor license.
3. 57 Loring Avenue is a single-story commercial structure in the Residential One-Family (R1) zoning district.
4. The proposal is to add a liquor license through a Home Rule Petition Liquor License.
5. In the decision date stamped December 28, 2020, Jaho Industries, LLC received a special permit allowing its nonconforming use of a coffee shop, café and bakery for the property at 57 Loring Avenue.
6. The requested amendment, if granted, would allow the petitioner to operate at the existing structure, 57 Loring Avenue to operate its coffee shop with a liquor license.
7. At the December 15, 2021 public hearing, Attorney Joesph Correnti, addressed that at the time of the petition for the special permit in December 28, 2020 there were no liquor licenses available in the City of Salem. The petitioner, founder and owner of Jaho Industries, LLC, Anil Mezini, will be going to the City Council to petition for a Home Rule Liquor License.
8. At the December 15, 2021, Attorney Correnti referenced the December 28, 2020, decision's statement of facts, that Jaho Industries would not be seeking a liquor license for this location at 57 Loring Avenue. However, now that Jaho Industries, LLC has acquired a third location in Salem, that he would be petitioning the City Council for a Home Rule Liquor License.

9. Due to the pursuance of the Home Rule Liquor License, the petitioner is seeking to amend the December 28, 2020, decision that there would not be a liquor license.
10. Anil Mezini spoke to the board about the success of the Derby Street location which does possess a liquor license. Mr. Mezini uses the full liquor license to recreate the European café feel with coffee centric cocktails. Mr. Mezini reiterated that there were no liquor licenses available at the time of the petition for the special permit, which is why they did not seek one at the time. Now that there are licenses available, he wishes to pursue them.
11. Mr. Mezini stated that having a liquor license will help their consistency of the company across their multiple locations in the City of Salem. The liquor license would allow Jaho Industries to offer the same experience to their customers across all their locations.
12. At the December 15, 2021 public hearing, Chair Duffy discussed how the proposal still meets the criteria for special permit with the amendment of the decision.
13. The special permit is granted with or without a liquor license.
14. Due to the ongoing COVID-19 pandemic and related precautions and Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the December 16, 2020 meeting of the Board of Appeals was held remotely, via the online platform Zoom.

The Salem Board of Appeals, after careful consideration of the evidence presented at the public hearings, and after thorough review of the petition, including the application narrative and plans, makes the following **findings** that the proposed project meets the provisions of the City of Salem Zoning Ordinance:

Special Permit Findings:

The Board finds that the proposed addition of a liquor license will not be detrimental to the existing to the neighborhood:

1. Social, economic, or community needs are served by this proposal.
2. Traffic flow and safety, including parking and loading: It seems that there is a fair amount of parking available for this use.
3. Adequate utilities and other public services already service the structure.
4. Impacts on the natural environment, including drainage: No negative impact is expected.
5. Neighborhood character: Even though this is a residential zone, there have been commercial uses at this location, and the coffee shop will fit the college neighborhood's character.
6. Potential fiscal impact, including impact on City tax base and employment: Positive fiscal impact from taxes and employment.

On the basis of the above statements of fact and findings, the Salem Board of Appeals voted five (4) in favor (Mike Duffy (Chair), Rosa Ordaz, Steven Smalley, and Peter Copelas, and none (0) opposed to amend the December 28, 2020 decision to JAH O INDUSTRIES, LLC for a liquor license.

Standard Conditions:

1. Petitioner shall comply with all city and state statutes, ordinances, codes and regulations.
2. All construction shall be done as per the plans and dimensions submitted to and approved by the building commissioner.
3. All requirements of the Salem Fire Department relative to smoke and fire safety shall be strictly adhered to.
4. Petitioner shall obtain a building permit prior to beginning any construction.

5. A Certificate of Occupancy is to be obtained.
6. A Certificate of Inspection is to be obtained.
7. Petitioner is to obtain approval from any City Board or Commission having jurisdiction including, but not limited to, the Planning Board.
8. All construction shall be done per the plans and dimensions, submitted to and approved by this Board, as amended. No change, extension, material corrections, additions, substitutions, alterations, and/or modification to an approval by this Board shall be permitted without the approval of this Board, unless such change has been deemed a minor field change by the Building Commissioner in consultation with the Chair of the Board of Appeals.


Mike Duffy, Chair
Board of Appeals

A COPY OF THIS DECISION HAS BEEN FILED WITH THE PLANNING BOARD AND THE CITY CLERK.

Appeal from this decision, if any, shall be made pursuant to Section 17 of the Massachusetts General Laws Chapter 40A, and shall be filed within 20 days of filing of this decision in the office of the City Clerk. Pursuant to the Massachusetts General Laws Chapter 40A, Section 11, the Variance or Special Permit granted herein shall not take effect until a copy of the decision bearing the certificate of the City Clerk has been filed with the Essex South Registry of Deeds.