

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT

C.A. No. 2371CV00999

-----X

COMMUNITY DAY CARE CENTER OF  
LAWRENCE, INC. and COMMUNITY DAY  
CHARTER PUBLIC SCHOOL,

Plaintiffs,

v.

ZONING BOARD OF APPEALS OF THE CITY  
OF LAWRENCE, through RICHARD RIVERA,  
FRANK CAMPOS, BEATRICE TAVERAS,  
ANTHONY COCO, and JOSE ROSARIO, in their  
capacity as Members of the Zoning Board of  
Appeals, and

NEW ENGLAND TRAINING CENTER LLC,

Defendants.

-----X

2023 OCT 24 PM 2:26  
ESSEX SUPERIOR COURT  
FILED

**COMPLAINT PURSUANT TO G.L. c. 40A, § 17**

By this action, plaintiffs/abutters Community Day Care Center of Lawrence, Inc. and Community Day Charter Public School (together, “TCG”) appeal the Decision of the City of Lawrence Zoning Board of Appeals (the “Board” or “ZBA”), filed with the City Clerk on October 5, 2023, granting a Special Permit to defendant New England Training Center LLC (“NETC”) to allow for the use of retail sale of firearms and ammunition at 5 Ballard Way, Lawrence, Massachusetts (the “Premises”). (A certified copy of the Decision is attached as Exhibit A). The Premises abuts a charter school/child care center (the “School”) operated by TCG at 7-11 Ballard Way. As set forth more fully below, the Court should annul the Decision for several reasons, including but not limited to:

- (i) The Board failed to consider and make reasoned findings as to whether the retail sale of firearms and ammunition at 5 Ballard Way is detrimental to the Ballard Way area in which it is located -- where nearly 500 children under the age of 8 years old attend school or child care;
- (ii) the Decision, which allows the retail sale of guns and ammunition, is not in harmony with the intent and purpose of the Zoning Ordinance to secure safety from panic and other dangers;
- (iii) the Board failed to make specific findings supporting issuance of the Special Permit in violation of the Zoning Ordinance;
- (iv) publicly available records document allegations of incompetence and conduct unbecoming of an officer asserted against the owner of NETC, Luis Olivo, which were sustained and resulted in Mr. Olivo's temporary suspension, based on conduct including two guns stolen at one of his gun training classes; and,
- (v) there is an appearance of conflict of interest with Chairperson Richard Rivera ("Rivera"), who also works for the Lawrence Police Department and should have recused himself from the vote, which would have resulted in less than four votes required by the Zoning Ordinance to issue the Special Permit.

### Parties

1. Plaintiff Community Day Care Center of Lawrence, Inc. ("CDCCL"), d/b/a The Community Group, is a Massachusetts nonprofit organization with a principal place of business at 190 Hampshire Street, Lawrence, Massachusetts. CDCCL owns the property at 7-11 Ballard Way, Lawrence, Massachusetts, and operates a charter school and a child care center at its property. CDCCL is an abutter to the Premises and otherwise is aggrieved by the Board's Decision.

2. Plaintiff Community Day Charter Public School ("CDCPS") is a Massachusetts Charter School with a principal place of business at 190 Hampshire Street, Lawrence, Massachusetts. CDCPS is the charter school operated by TCG at 7-9 Ballard Way. CDCPS is an abutter to the Premises and otherwise is aggrieved by the Board's Decision.

3. Defendant Zoning Board of Appeals of the City of Lawrence is a duly constituted municipal body with a usual place of business at 12 Methuen Street, Lawrence, Massachusetts 01840. The Defendant Members of the Board are named in their official capacity and not individually, and their names and addresses are:

- a. Richard Rivera, Chair, c/o City of Lawrence Boards and Commissions Office, 12 Methuen Street, Lawrence, MA 01840;
- b. Frank Campos, Member, c/o City of Lawrence Boards and Commissions Office, 12 Methuen Street, Lawrence, MA 01840;
- c. Beatrice Taveras, Member, c/o City of Lawrence Boards and Commissions Office, 12 Methuen Street, Lawrence, MA 01840;
- d. Anthony Coco, Member, c/o City of Lawrence Boards and Commissions Office, 12 Methuen Street, Lawrence, MA 01840;
- e. Jose Rosario, Member, c/o City of Lawrence Boards and Commissions Office, 12 Methuen Street, Lawrence, MA 01840.

4. Defendant New England Training Center LLC is a Massachusetts limited liability company with a principal place of business at 1110 Essex Street, Lawrence, Massachusetts. NETC is the applicant for the Special Permit and, upon information and belief, currently operates a firearms training center at the Premises.

#### **Jurisdiction**

5. This Court has jurisdiction over this appeal pursuant to G.L. c. 40A, § 17.

#### **Facts**

##### **The Plaintiffs – TCG’s Charter School and Child Care Center**

6. TCG is a private, nonprofit organization creating opportunities through education since 1970. TCG manages a range of programs across multiple locations in the City of Lawrence, including a network of early childhood and out-of-school time programs, a K1-8 charter school, consulting and training programs, and a child care resource and referral program.

7. CDCPS is the charter school operated by TCG. Its mission is to provide Kindergarten through Grade 8 education that draws upon the school's experience in working together as a community to develop and implement a curriculum that discovers and supports the special characteristics and unique learning styles of each student.

8. CDCPS has a location at 7-9 Ballard Way for PreKindergarten through Grade 2 serving approximately 200 students.

9. In the same building, at 11 Ballard Way, CDCCL operates a child care center serving approximately 70 children ages four and five years old.

10. Across the street from the School at 20 Ballard Way, TCG operates a day care center for children ages 15-months through four years old; another separate day care center (Little Sprouts) is also located in the same building.

11. In all, TCG serves over 445 children on Ballard Way and employs 84 staff members who work on Ballard Way.

12. Plaintiffs are aggrieved by the Board's Decision to grant a Special Permit, to allow for the retail sale of guns and ammunition from a building that immediately abuts TCG's property and in close proximity to another property (20 Ballard Way) operated by TCG as a day care facility. The use as permitted by the Board's Decision is wholly inconsistent with these immediate and established uses along Ballard Way, i.e., providing day-care, preK and early educational learning.

13. Instead, the Board's Decision, which allows for the sale of guns and ammunition, as well as maintaining an inventory of guns and ammunition onsite and immediately adjacent to Plaintiffs' schools and associated young school-age population, creates a safety concern as well as apprehension, concern and panic for TCG, its teachers, administrative staff, students and the parents of its students attending one or more of TCG's educational facilities on Ballard Way.

14. True and accurate photographs of the School at 7-11 Ballard Way in relation to the Premises at 5 Ballard Way are attached as Exhibit B.

The Special Permit Applicant – NETC/Mr. Luis Olivo

15. Upon information and belief, NETC is owned and operated by Luis Olivo, who has been a Lawrence Police Officer since 2014.

16. According to the Decision, Olivo has offered “fire-arms safety courses for years, but had wanted to **add fire arm retail sales** as part of his business model.” (Ex. A, Decision at 2) (emphasis added).

17. The Massachusetts Peace Officer Standards and Training (POST) Commission was established as part of the criminal justice reform enacted in Chapter 253 of the Acts of 2020. As part of its mission, the POST Commission publishes police officer disciplinary records at <https://www.mass.gov/info-details/officer-disciplinary-records-database>.

18. According to the POST Commission report, the Lawrence Police Department suspended Officer Olivo for an incident on or about November 30, 2021 as a result of the following sustained allegations: “Teaching Gun Safety class off duty & 2 guns were stolen,” “Incompetence,” and “Outside Employment.” (See Exhibit C, p. 456 excerpt from POST Commission report updated as of 9/19/23).

The Public Hearing

19. On or about July 17, 2023, the ZBA filed with the City Clerk its agenda for the cases to be heard at its public hearing to be held on Thursday, July 27, 2023, which included “the petition of Luis Olivo/New England Training Center LLC of 1110 Essex St, Lawrence, MA for a Special Permit pursuant to Section(s) 29-9 to operate retail sales of fire arms and ammunition.” (Exhibit D, Agenda).

20. As of the date of the filing of this Complaint, the minutes from the public hearing were not posted on the ZBA’s website.

21. Although TCG is an abutter to the subject property located at 5 Ballard Way, TCG did not learn of the public hearing until the day before the hearing.

22. Despite inadequate notice, TCG's Chief Executive Officer, Maria Gonzalez Moeller ("Moeller"), who has dedicated her career to TCG for almost 30 years, appeared at the Board hearing in opposition to the Special Permit petition.

23. Moeller read the following testimony into the record:

My name is Maria Gonzalez Moeller and I am the CEO of Community Day Care Center of Lawrence, otherwise known as The Community Group, a Lawrence nonprofit focused on child care, education, and related services. I am here regarding the petition of Luis Olivo/New England Training Center LLC to receive a Special Permit to operate retail sales of firearms and ammunition at 5 Ballard Way.

The Community Group owns multiple properties on Ballard Way, including the building with the address 7, 9, and 11 Ballard Way, which is right next door to the property in question, as well as 20 Ballard Way, which is a separate building across the street. 7 and 9 Ballard house the early learning center of Community Day Charter Public School, a public school that serves children from PreK through 2nd grade. 11 Ballard Way, located in the same building, hosts a child care center serving PreK and Kindergarten children. Across the street at 20 Ballard Way, we operate a child care center serving children from 15 months through 4 years old. Little Sprouts operates a child care center on the 2nd floor of the same building. In total, The Community Group alone serves 445 children next to 5 Ballard Way, not including the children served in the Little Sprouts child care center. We have 84 staff members who work on Ballard Way.

As CEO of The Community Group, the mental, physical, and emotional well being of our children and staff while they are at our schools and child care centers is of the utmost importance to me. Having a retailer that sells firearms and ammunition right next to our youngest learners will undoubtedly have an impact on their sense of safety when they come to school each day. I know that I speak on behalf of our hundreds of families when I say that it would be devastating to find that their babies are now attending school next door to a firearm and ammunition dealer. I also know that many of our staff members will feel unsafe coming to work in these circumstances.

In addition to my concerns for the health of these individuals, I have grave concern for the health of our child care business, which could be negatively impacted by the location of a firearms dealer on the same cul de sac as our centers, with gun owners freely going in and out of this business right next to our children playing on the playground.

Because Community Day Charter Public School is a public school, and is located right next to the building, I also question how the retailer and the individual customers could comply with the federal Gun Free School Zone Act, which prohibits any unauthorized individual from knowingly possessing a firearm within 1000 feet of the a public, private,

or parochial school or its grounds. Undoubtedly, individuals would be spending time on the street within the school zone while in possession of firearms.

I respectfully but strongly request that the Zoning Board of Appeals not grant a Special Permit to allow for the sale of firearms and ammunition on the same street where more than 500 children under the age of 8 years old receive their care and education every day. Thank you for your consideration.

24. Despite the plain testimony submitted by TCG concerning the incompatibility of a firearm and ammunition retailer within the immediate vicinity of four (4) childcare/early education centers, and despite the stated concerns of TCG on behalf of itself, its staff, and its served population of toddlers, young children and their parents, the ZBA spent about ten minutes of consideration on this agenda item at the public hearing before voting unanimously (4-0) to grant the Special Permit.

25. ZBA Chairperson Richard Rivera works in the Traffic Control Unit for the Lawrence Police Department in the same building as Olivo. That presents an appearance of a conflict of interest and Rivera should have recused himself from participation in the hearing and voting on the Special Permit petition. Upon information and belief, Chairman Rivera made neither a written disclosure to the appointing authority nor a verbal disclosure within the sole public hearing during which the Board considered NETC's petition.

#### The Board's Findings

26. The Board's Findings state, in their entirety, as follows:

Section 29-21(A) of the Ordinance authorizes the Board to issue a special permit upon the following findings:

1. The traffic generated by the use will not be detrimental to the neighborhood.
2. The use will not be detrimental to the area in which it is located.
3. The use will not result in any objectionable fumes, noise, chemical spills or hazardous wastes.
4. The hours of operation are compatible with the uses in the neighborhood.

The Board finds that the proposed use is of a nature that would be consistent with the I-1 industrial district. The hours of operation are for the most part consistent with the normal hours of business. The use is very low impact and would not result in anything objectionable, including noise or odor, **nor would the use be detrimental to the neighborhood.**

(Ex. A, Decision at 3)(emphasis added).

The Decision Is Inconsistent with and Violates the Zoning Ordinance, Which Requires the Board to Consider the Area where the Use is Proposed and Whether the Use Would Be Detrimental to the Area

27. Section 29-2 of the Zoning Ordinance states its purpose and provides, in part: “This ordinance is created to regulate the location, size and **use of buildings . . . [and] secure safety** from fire, flood, **panic and other dangers . . .**” (emphasis added).

28. Section 29-24(e) of the Zoning Ordinance requires: “The special permit granting authority shall consider, before authorizing the issuance of a special permit . . . **the effect of the proposed use on adjacent land and buildings and shall find that the proposed use is in harmony with the intent and purpose of this ordinance and shall provide reasons therefor.**” (emphasis added).

29. The Board’s Decision makes no specific findings supporting issuance of the Special Permit, but instead merely mirrors the wording of a special permit finding under § 29-21(A) of the Zoning Ordinance. The Decision is devoid of any specific findings required by § 29-24(e) and defective on its face.

30. The Board Decision erroneously granted the Special Permit to NETC despite the detailed account provided to the Board for its consideration within the public hearing of the existing uses of the adjacent land and buildings, i.e., that of providing early education to young school-aged children and day care to children not of school age, and the obvious safety concerns raised by TCG with selling guns and ammunition next door to the School.

31. Decades ago, Congress recognized serious problems arising from guns near schools and made the following specific findings, among others, in the Gun-Free School Zones Act of 1990:



- “crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem”;
- “firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools . . .”;
- “. . . ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason”;
- “the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country”; and,
- “States, localities, and school systems find it almost impossible to handle gun-related crime by themselves—even States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures.”

18 U.S.C. § 922(q) (emphasis added).

32. Gun violence has been referenced as an epidemic in the United States. It has been reported that more than 357,000 students have experienced gun violence at school since the Columbine shooting in 1999,<sup>1</sup> and in 2023 alone, there have been an alarming 470 mass shootings<sup>2</sup> and 25,000 gun related deaths.<sup>3</sup>

33. Olivo’s suspension by the Lawrence Police Department for having two guns stolen at a training class further supports that the sale of guns and ammunition next door to the School should not be allowed for safety reasons.

34. The retail sale of firearms at 5 Ballard Way is detrimental to the area in which it located and is not in harmony with the intent and purpose of the Zoning Ordinance to secure safety from panic and other dangers.

35. Moreover, the Decision is defective because (a) it fails to make specific findings in violation of § 29-24(e) and (b) Chairperson Rivera should have recused himself from the vote

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<sup>1</sup> <https://www.washingtonpost.com/education/interactive/school-shootings-database/>

<sup>2</sup> <https://www.cnn.com/interactive/2023/08/us/americans-living-near-mass-shootings-statistics-dg/>

<sup>3</sup> <https://abcnews.go.com/amp/US/116-people-died-gun-violence-day-us-year/story?id=97382759>

as he works for the Lawrence Police Department like Olivo, creating an appearance of a conflict of interest in violation of G.L. c. 268A, § 23(b)(3), the Conflict of Interest Law for Municipal Employees.

36. Without Rivera's vote, the Decision violates § 29-30(e) of the Zoning Ordinance that requires four members to approve a Special Permit.

37. Parents, staff and neighbors are anxious about the sale of firearms at the Premises next to the School and more than 500 people have signed a petition to support TCG's appeal of the Decision.

**COUNT I**  
**(Appeal pursuant to G.L. c. 40A, § 17)**

38. Plaintiffs repeat, reallege, and incorporate by reference herein the allegations contained in the preceding paragraphs.

39. Plaintiffs are persons aggrieved by the Board's Decision to allow the Special Permit within the meaning of G.L. c. 40A, § 17.

40. The Board exceeded its authority when it granted the Special Permit and the Decision violates the language, purpose, and intent of the Zoning Ordinance and G.L. c. 40A, § 9.

41. The Board's Decision is procedurally defective, defective on its face and/or unreasonable, whimsical, capricious, or arbitrary, and should be annulled.

**PRAYERS FOR RELIEF**

WHEREFORE, Plaintiffs respectfully requests that this Court, after de novo review:

- A. Find that the Decision exceeds the Board's authority, is procedurally defective, defective on its face and/or unreasonable, whimsical, capricious, or arbitrary;
- B. Annul the Decision; and,
- C. Award Plaintiffs such other and further relief to which they may be entitled and deemed just and proper by the Court.

Plaintiffs

COMMUNITY DAY CARE CENTER OF  
LAWRENCE, INC. and COMMUNITY DAY  
CHARTER PUBLIC SCHOOL,

By their attorneys,

*Colleen Cook*

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Stephanie A. Kiefer BBO#567341  
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[ccook@smolakvaughan.com](mailto:ccook@smolakvaughan.com)  
[skiefer@smolakvaughan.com](mailto:skiefer@smolakvaughan.com)

Dated: October 24, 2023

# **EXHIBIT A**

**ZONING BOARD  
OF APPEALS**



**LAWRENCE  
MASSACHUSETTS**

**Vice Chairman**  
Frank Campos  
**Voting Members**  
Beatrice Taveras  
Anthony Coco  
Jose Rosario

**Administrator to the  
Boards & Commissions**  
Jeannie O'Rand

**Land Use Planner**  
Daniel A. McCarthy

**Chairman**  
Richard Rivera

**NOTICE OF DECISION**

**Case Number:** 4182  
**Applicant:** Luis Olivo for New England Training Center LLC  
1110 Essex Street, Lawrence MA 01841  
**Premises Affected:** 5 Ballard Way  
**Date of Decision:** July 27, 2023  
**Relief Requested:** Special Permit under Article III, §29-9

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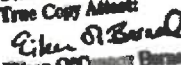
**REFERRING TO:** A petition for a variance from Sections 29-9 from the Revised Zoning Ordinance. The applicant is requesting a Special Permit for the retail sales of firearms.

After a public meeting on the above mentioned date, the Board of Appeals unanimously voted to allow the Special Permit, subject to three conditions, for the use as requested. **Any appeal from this decision shall be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of the notice of decision in the office of the City Clerk.**

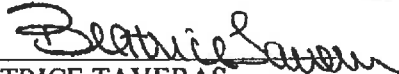
THIS DECISION WAS FILED WITH THE CITY CLERK ON October 5, 2023.  
Signed:

  
RICHARD RIVERA  
ACTING CHAIRMAN

  
FRANK CAMPOS  
VOTING MEMBER

City of Lawrence  
Office of the City Clerk  
True Copy Attached  
  
Eileen O'Rand, City Clerk

  
JOSE ROSARIO  
VOTING MEMBER

  
BEATRICE TAVERAS  
VOTING MEMBER

# ZONING BOARD OF APPEALS

**Vice Chairman**  
Frank Campos  
**Voting Members**  
Beatrice Taveras  
Anthony Coco  
Jose Rosario



**Chairman**  
Richard Rivera

# LAWRENCE MASSACHUSETTS

**Administrator to the  
Boards & Commissions**  
Jeannie O'Rand

**Land Use Planner**  
Daniel A. McCarthy

## STATEMENT OF FACTS

**Case Number:** 4182

**Applicant:** Luis Olivo for New England Training Center LLC  
1110 Essex Street, Lawrence MA 01841

**Premises Affected:** 5 Ballard Way

**Date of Decision:** July 27, 2023

**Relief Requested:** Special Permit under Article III, §29-9

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A public hearing was held on Monday, July 27, 2023 on the application of the New England Training Center LLC ("Applicant") for a special permit under Article III, §29-9 of the Revised Ordinances of the City of Lawrence ("Ordinance") for retail fire-arms sales. Present were: Richard Rivera, Vice Chair, Frank Campos and Beatrice Taveras, Voting Members, and Jose Rosario, Associate Voting Member.

Pursuant to public notice in the Eagle Tribune, a newspaper of general circulation in the City of Lawrence, published on June 16<sup>th</sup> and 23<sup>rd</sup>, 2023, and pursuant to notice sent by mail, postage prepaid, to the applicant and all interested parties pursuant to the provisions of Massachusetts General Laws, a public hearing was held.

The Applicant seeks a special permit pursuant to Sec. 29-9 of the Zoning Ordinance for the purpose of operating a retail fire arms business. Section 29-9 references the "use" table of the ordinance, stating that "any use not listed herein, providing it is of the same general character of the permitted uses contained herein, shall be allowed by special permit as governed by Sec. 29-21(a), Sec. 29-24, Sec. 29-25, Sec. 29-26 and Sec. 29-28 of this ordinance, and the Zoning Board of Appeals shall be the special permit granting authority". Fire-arm retail sales are not listed in the ordinance. The Premises are located in a I-1 Industrial Park Zoning District.

Speaking on behalf of the Applicant was Mr. Luis Olivo, who operates the training center, a company which teaches self-defense and the proper use and handling of fire-arms. He explains that he has offered fire-arms safety course for years, but had wanted to add fire arm retail sales as part of his business model. Mr. Olivo described his background as a former military and current police officer. He had been searching for a location where he could provide classroom teaching as well as sell to students and public. He had conferred several times with the Planning Department and the city, who had concerns about locations on main streets or near residences.

The site selected was in an industrial park, away from residential neighborhoods and off main business districts. He would employ a small professional style wall sign indicating his business. There would be nothing indicating firearms sales, nor would guns with bullets be allowed on the site. All classes employed air-soft training guns and no live ammunition was used on site. All gun sales will be in cased boxes as well as ammunition sold would be kept separate from the gun.

The public meeting opened and a business operator from an abutting building spoke regarding her concern about the gun sales. She indicated that she operated a day care center within 300 feet of the business. She was concerned about appearances and the safety for the children. There were many stories in paper and children get scared.

Mr. Olivo indicated that he had taken steps to maintain a non-descript signage and building design so not to call attention to the business. This was a professional site for people who wanted to learn how to use firearms responsibly. The use was also permitted by the federal government and the ATF Bureau who conducted back ground checks and issued license.

With this exchange several conditions were proposed by the board which the applicant agreed to.

1. While sales could be conducted during business hours, all customer acquisition of firearms would be after the daycare center and school closed.
2. All weapons and ammunition would be secured within the premises by secure strong-box/safe system.
3. Security cameras would be installed on premises and the police department would have access to safety plan identifying security procedures and containment.

The Board closed the public hearing, deliberated and voted unanimously to approve the following findings and decision:



## **FINDINGS AND DECISION OF THE BOARD**

Section 29-21(A) of the Ordinance authorizes the Board to issue a special permit upon the following findings:

1. The traffic generated by the use will not be detrimental to the neighborhood.
2. The use will not be detrimental to the area in which it is located.
3. The use will not result in any objectionable fumes, noise, chemical spills or hazardous wastes.
4. The hours of operation are compatible with the uses in the neighborhood.

The Board finds that the proposed use is of a nature that would be consistent with the I-1 industrial district. The hours of operation are for the most part consistent with the normal hours of business. The use is very low impact and would not result in anything objectionable, including noise or odor, nor would the use be detrimental to the neighborhood.

Members voting FOR the decision: Rivera, Campos, Taveras, and Rosario.  
Members voting AGAINST the decision: None.

### **EFFECTIVE DATE**

In accordance with Section 29-34(f) of the Zoning Ordinance and Section 11 of M.G.L. c. 40A, no variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city clerk that twenty days have elapsed after the decision has been filed in the office of the city clerk and no appeal has been filed, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

### **APPEALS**

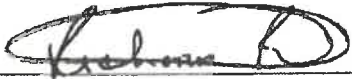
In accordance with Massachusetts General Laws, Chapter 40A, Section 15, copies of the Decision shall be filed in the office of the city clerk and shall be a public record, and notice of the decision shall be mailed forthwith to the petitioner, to the parties in interest designated in section eleven of M.G.L. c. 40A, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Any appeal from this decision shall be



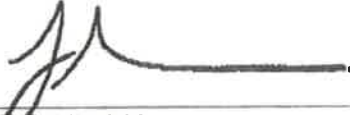
made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing of the notice of decision in the office of the City Clerk.

Proof of such recording shall be submitted to the Building Inspector by the applicant.

This Decision was filed with the City Clerk on October 5, 2023.  
Signed:



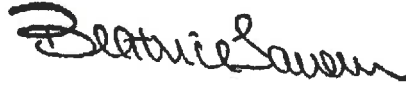
RICHARD RIVERA  
CHAIRMAN



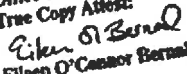
JOSE ROSARIO  
VOTING MEMBER



FRANK CAMPOS  
VOTING MEMBER



BEATRICE TAVERAS  
VOTING MEMBER

City of Lawrence  
Office of the City Clerk  
True Copy Attest:  
  
Eileen O'Connell Bernal, City Clerk

# **EXHIBIT B**











# EXHIBIT C







### Disciplinary Record – Notice and Disclaimer

These documents provide disciplinary record information for all law enforcement officers. Instructions that the POST Commission provided to law enforcement agencies for submitting this information can be found here: <https://www.mass.gov/info-details/disciplinary-record-resubmission>. Please note that certain data may not be included because of a pending or active investigation, or because it needs to be further validated. Furthermore, in publishing officer disciplinary information, the POST Commission redacted information that may be confidential by law.

The POST Commission strives to report complete and accurate information to the public. However, the POST Commission generally relied on information submitted by law enforcement agencies for purposes of publication. There may be some remaining errors, including typographical errors, inconsistencies, omissions, or other defects, that may be attributable to such agencies. Therefore, the Commission cannot guarantee the complete accuracy of the data contained in these disciplinary records. Nor can the Commission guarantee that the status of a particular officer or investigation has not changed since the data was submitted.

The POST Commission may update these records without notice to the public.

Nothing contained herein or in these records should be construed as a waiver of any rights, privileges, protections, immunities, claims, or defenses that may be available to the Commission, all of which are expressly preserved.



# **EXHIBIT D**

# ZONING BOARD OF APPEALS

## Chairman

Richard Rivera

## Vice Chairman

Frank Campos

## Voting Members

Beatrice Taveras

Anthony Coco

## Associate Voting Member

Jose Rosario



# LAWRENCE MASSACHUSETTS

## Administrator of Boards and Commissions

Jeannie O'Rand

## Land Use Planner

Daniel A. McCarthy

## Public Hearing On

**Thursday, July 27, 2023 at 6:00 P.M.**

Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor

Lawrence, MA

RECEIVED CITY CLERK  
JUL 17 '23 PM 1:32

### CONTINUED ITEMS

*24 Bennett Street  
Hildo Compres*

*314-316 High Street  
Joseph Cianciolo*

*700 Essex Street  
Michael Borellis*

### NEW CASES

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor, Lawrence, MA on Thursday, **July 27, 2023 at 6:00 PM** to all parties interested in the petition of Gerardo Maldonado of 439 Hampshire St, Lawrence, MA for a Variance pursuant to Section(s) 29-15 for purposes of a substantial addition. The property known as **439 Hampshire Street** is located in an R-3 residential zoning district.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor, Lawrence, MA on Thursday, **July 27, 2023 at 6:00 PM** to all parties interested in the petition of Luis Olivo/ New England Training Center LLC of 1110 Essex St, Lawrence, MA for a Special Permit pursuant to Section(s) 29-9 to operate retail sales of fire arms and ammunition. The property known as **5 Ballard Way** is located in a I-1 industrial zoning district.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor, Lawrence, MA on Thursday, **July 27, 2023 at 6:00 PM** to all parties interested in the petition of Maximo Guerrero on behalf of Yatin Patel of 10 Bramble Hill Rd, Methuen, MA for a parking Variance pursuant to Section(s) 29-18 for purposes of constructing six residential units atop a commercial space. The property known as **90-94 Essex Street** is located in an B-3 local business zoning district.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor, Lawrence, MA on Thursday, **July 27, 2023 at 6:00 PM** to all parties interested in the petition of Carlos Morel of 5 Woodland Ct, Lawrence, MA for a Special Permit pursuant to Section(s) 29-24 to convert and existing single family into a two family. The property known as **5 Woodland Court** is located in a R-2 local residential zoning district.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office of Planning and Development, 12 Methuen Street, 1<sup>st</sup> floor, Lawrence, MA on Thursday, **July 27, 2023 at 6:00 PM** to all parties interested in the petition of Ricky Gonzalez of 23 Foster St, Lawrence, MA for a Special Permit pursuant to Section(s) 29-24 to convert and existing single family into a two family. The property known as **23 Foster Street** is located in a R-3 local residential zoning district.

Notice is hereby given that the Zoning Board of Appeals will hold a public hearing in the Office