

ZONING BOARD OF APPEALS

Vice Chairman

Richard Rivera

Voting Members

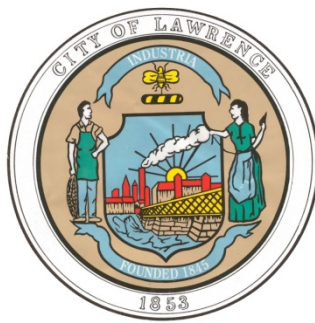
Frank Campos

Beatrice Taveras

Will Mazola

Associate Voting Member

Roberto Fernandez



Chairman

Richard P. Consoli

LAWRENCE MASSACHUSETTS

Administrative Assistant

Jorge O. Martinez

Land Use Planner

Daniel A. McCarthy

ZONING BOARD OF APPEALS

Minutes to the Meeting/Hearing

Monday, 10-12-2020

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

Frank Campos-Present

Roberto Fernandez-Present

Also Present:

Jorge Martinez, Minute Taker-Present

Daniel McCarthy, Land Use Planner- Present

Upon a motion made by Mr. Campos and seconded by Mr. Mazola, the board unanimously decided to open the public meeting.

372-386 Essex Street

Greater Lawrence Community Action Council (GLCAC)

Present to address the members of the board were John Smolak, Evelyn Friedman, Laiza St. Onge and Dan Viola.

Mr. Smolak stated that he wanted to thank everyone for participating in the meeting on such short notice. She then stated that back in 2018 the Zoning Board of Appeals (ZBA) granted a decision on this project which includes a total of 39 residential units with ground floor commercial space. He then stated that the city had issued a Request for Proposal (RFP) before the GLCAC had gotten involved. He then stated that the GLCAC was the successful bidder and has brought the lot into the development process.

He then stated that he and the rest of the group is before the ZBA in order to request a parking variance. He then stated that he had gone before the board several years back and were anticipating falling under a parking exemption.

He then stated that the GLCAC would have to enter into a lease with the city for residential off-site parking. He then stated that he understood that a parking lease would be issued and that the Planning Department had indicated that spots were available via a lease. He then stated that the project had went through the permanent process back in 2018 and that the city had changed its policies and only allows for the issuance of a parking license rather than a lease. He surmised that this may have been done to give the city a little more flexibility in terms of parking.

He added that as a result of this change, the group cannot use the parking exemption. He again stated that the group is before the board in order to secure a parking variance. He then added that three parking spaces will be on site and another 41 spots via a license agreement with the city for the remainder, which will total 44 spots.

He then stated that based on his experience with other developments, he believes that one parking space per unit for the one and two bedroom units and two spots for the three bedroom units would be more than sufficient. He then stated that the 44 total spots that were requested would total 244 spots for the development. He then added that he believes that the 44 spots are more than adequate due to the fact that the development is in a downtown area where there is less of a need for parking that is required by the ordinance. He stated that public transportation is also readily available and that there is also parking on the street and other parking facilities near the site.

Mr. McCarthy then stated that a license had been drafted and approved for 41 spaces at the Buckley Garage. He then stated that based on the city's perspective, the request may be a bit technical. He stated that the board will have to discern from a license and a lease. He then stated that the ordinance talks about parking agreements, but in this case it does state explicitly "parking lease". He then stated that there are legal consequences and that the city does not want to lease parking spaces, but rather they want it to be licensed.

He then stated that the people reserving the parking will have parking for themselves. He stated that there are 44 spots, one for every one and two bedroom unit and two for every three bedroom unit.

Mr. McCarthy then stated that based on his experience, this amount of spaces are adequate for a program like this. He added that many tenants may not have cars; he then stated that they the 44 spots that are called for may even be a bit excessive in this regard. He then stated that the city approves of the number. He added that the number is similar to the last several large developments. He added that the proposal should be approved with the condition that the group must maintain the three parking spaces on site and that the applicant must enter into a license agreement with the city.

Mr. Rivera then asked who these apartments would be catered to. Ms. St. Onge answered that the units will be affordable housing units. She stated that there will be 12 units for 30% median income families and the remaining 27 will be for 60% median income families. She then stated that four units will be dedicated for homeless families. She stated that a lot of these families might not have vehicles.

Mr. Violi then stated that the tenant selection plan has a provision for a 70% preference for Lawrence residents. He then stated that if a number of residents apply, they will have a preference for the units.

Mr. Rivera then asked how the city could hold the applicant responsible if the board were to issue a license as opposed to if they were going to issue a lease. Mr. McCarthy stated that the license gives the city more authority than it would if they gave a lease. He stated that the city can cancel the license at any point. He stated that a license is to the benefit of the city as opposed to a lease. He then stated that the license gives the other party less authority. He added that the lease is a two way agreement and that the applicant would have more rights from a lease than a license.

Mr. McCarthy then added that the leases ultimately need to be accepted by the city council. He then stated that this would be too much work. He then stated that the ordinance will be amended to fix the issue with leases. He stated that contracts will become commonplace.

Mr. Rivera then asked if this would be something that would be amended by the city council. Mr. McCarthy stated that it will be amended under the city ordinance. He then stated that the city does not want every development to need to go before the city council for requests of this nature. He stated that the amendment would allow the board to take care of these types of matters. He added that this would eliminate parking proposals becoming political issues.

There was no one present to speak against the petition.

The following conditions were presented to the applicant:

1. Applicant must maintain the three parking spaces that are on-site.
2. Applicant must enter into a license agreement with the city for 41 parking spots.

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

Richard Rivera, Vice Chair- Yes with the two conditions.
Beatrice Taveras- Yes with the two conditions.
Frank Campos- Yes with the two conditions.
Will Mazola- Yes with the two conditions.
Roberto Fernandez- Yes with the conditions.

The applicants petition was unanimously accepted.

Upon a motion made by Mr. Campos and seconded by Mr. Fernandez, the members of the board unanimously decided to adjourn the public meeting.