



**MEMORANDUM**

**Diane N. Tradd**  
*Assistant City Manager/DPD Director*

**R. Eric Slagle**  
*Director of Development Services*

**Shaun Shanahan**  
*Building Commissioner*

TO: Kevin Murphy, City Manager  
Diane Tradd, DPD Director  
Christine P. O'Connor, City Solicitor

FROM: R. Eric Slagle, Director of Development Services

**RE: MOTION BY COUNCILOR MERCIER - REQ. CITY MGR. PROVIDE A TIME LINE AS TO STEPS INVOLVED IN THE RESOLUTION PROCESS TO REMOVE BUSES AND OUT-HOUSE FROM CRAWFORD, AVON AND FOURTH AVENUE AREA.**

This memorandum addresses the request from Councilor Mercier regarding the ongoing storage of buses at the parking lot located at 63 Avon St. The property is owned by the Jesus' Way aka Fusion Theater, the church located adjacent to the parking lot at 125 Mt. Hope St.

The problems on the property first came to the attention of Development Services for potential zoning violations in early September after schools were in session. An inspection revealed the parking lot being used for bus storage, including a porta-potty, and refueling of buses as well. An initial warning was issued by Development Services staff on September 5, 2017. After the initial warning, the operations did not stop, and so staff began issuing fines for non-compliance.

Despite the citations, the property was not brought into compliance. As the citations failed to produce compliance on the part of the property owner, the City began the process of taking legal action. Development Services staff worked closely with Assistant City Solicitor James Wellock, who drafted and filed a complaint for declaratory judgment granting injunctive relief in Lowell Superior Court. As a result of this filing, the property owner and the bus company discontinued the actions on the property. The City and the other parties are in the process of drafting a settlement agreement resolving the issue.

Development Services will monitor the situation to ensure the bus storage use does not reoccur on the property.

ES

10/05/2017