



Members

George Balakier, Chair
William Courchesne, Vice Chair
Mary Beth Pniak-Costello
Joel McAuliffe
Delmarina López
Robert J. Zygarowski
Gary Labrie

MINUTES
January 25, 2023

The following are the minutes of a public hearing held Wednesday, January 25, 2023 at 6:30 PM in the Chambers, 4th floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

Members Present: Balakier, Courchesne (Zoom), Pniak-Costello, López (Zoom), Zygarowski, Labrie

Absent: McAuliffe

Also Present: Daniel Garvey (Associate City Solicitor), Councilor Laflamme, Jerry Rivera (IT), Councilor Krampits (zoom), Lee Pouliot (City Planner), Frank Boron (Building Commissioner), Patrick Collins (Assistant Planner)

The meeting was called to order at 6:30 PM

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

Motion made by Councilor Labrie and second by Councilor Balakier to take Item #4 out of order.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #4

Special Permit under Chapter 275-52 (B) 3 for the purpose of garage as principal structure located at 19 Dale Street.

Applicant Steven Gardner
19 Dale Street
Chicopee, MA 01020

Steven Gardner was present at the meeting. He stated that in December 2020 he tore down the 2-family house at this property with the intent to downsize the house. But then COVID hit. Now the prices of lumber have skyrocketed. He has dealt with a lot of theft on the property. He has installed cameras. He has contacted CEL to install a light. He has no electricity in the garage and he wants to connect electricity. In order to do that he has been told that he needs to apply for the Special Permit. He has been told that he can't have the garage as a primary structure but he can't afford to build a house. He is a veteran of the Iraq war.

Councilor Balakier asked Mr. Gardner what style home he would like to build. Mr. Gardner replied one floor, no basement, no attic.

Reports read from the following departments:

Planning – Property is split-zoned; frontage on Dale Street is zoned Business A with the remainder of the property zoned Residential A; existing garage is located on the Residential A portion of the property. This garage was a legal, accessory structure, prior to the demolition of the residential structure that existed on the property; Since there is no longer a house on the property, the garage is no longer considered an accessory structure, and requires a Special Permit under 275-52 (B) (3); Planning is unaware of the reasons for the demolition of the residential structure, nor the applicant's future plans for the property; Planning generally does not suggest approval of such requests without understanding of when/if a legal, primary use is to be established; Planning is concerned regarding the possibility of the garage being utilized as a residential unit.

Building – I don't recommend a meter be installed on the garage without a principal structure. Ask the owner what his plans are with the property.

Engineering – Application is unclear. Is there a garage to be built? Is the existing garage to remain? Any site work will require further review from this department either through the SPRAC process or Building Department checklist.

Health – Health Department has received complaints regarding the condition of the yard such as mounds of dirt and machinery.

January 24, 2023 the Health Department sent the following letter to Mr. Gardner:

An inspection of your property located at 19 Dale Street, Chicopee, MA on January 10, 2023 disclosed the following:

410.602 Assorted debris in yard which includes but not limited to a cooler, wheelbarrow, machine parts, rusted blue vehicle, other vehicles.

You are hereby ordered to abate the nuisance and violations listed above on or before February 20, 2023. A re-inspection will be made on that date. (Authority for this action under State Sanitary Code 105 (410.602)

Land. The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition free from garbage, rubbish, or other refuse. The owner of such parcel of land shall correct any condition caused by or on such appurtenance which affects the health and safety, and well-being of the occupants of any dwelling or of the general public.

Lisa Sanders, RS
Director, Chicopee Health Department

Fire – A garage is an accessory structure, cannot be a principle structure.

Lee Pouliot stated that the following: I would just expand on what the language says in particular with regard to the structure of the house. So, this property is placed on a small portion of the frontage is within the business district, and then the vast majority of the parking rather than the garage is in the residential portion of the property. Under our zoning regulation for Residential A district, a garage that is not accessory through a primary use, which in this case would be a single-family home requires a Special Permit. In my time here, I have seen the Council offer or grant those Special Permits on a limited basis. An example that I find is on a large piece of property on the corner on Moore Street that was divided and the Council granted a Special Permit with the understanding that the parcel, a newly created parcel that we have, the garage was to be marketed for sale for the construction of a single family home, and that marketing is under way. I spoke to a potential buyer in the last week.

Frank Boron stated that he did not know Mr. Gardner's intent with the property and the garage. He now knows that the intent is to build a single-family home. There just isn't a time frame of when this will occur. There are concerns about the garage and that the property may be used for something else.

Public Input

My name is Paul Phaneuf. My principal residence, 95 Atwater Road in Springfield, Massachusetts. I am own the property next door. Phaneuf funeral chapels. I thank Mr. Gardner for his military service to our country. I think it's very admirable that he did that. However, the property looks like the city dump and is adjacent to my property. It's a mess. It's an absolute mess. I actually have a family that I knew, they went up to Lucky Strike to eat and the lady called me up and she said to me, is that your property next to the funeral home . And I said, No, it's not. She says, It looks horrible. And there's all kinds of trash out there. There's all kinds of junk out there. Mr. Gardner, I mean, this is the first time I've had any interaction with you, and this is horrible. I pay a lot of money in property taxes. And I talked to a couple of the City Councilors about this, and I'm ready to take the City to court if you don't do something with this.

My name is Matthew Sabot. I reside above the funeral home for 17 years. And I too have to thank Mr. Gardner for his service to the country. I have many family members that serve this country. I really appreciate what he's done for our country. My concern is with this garage, been there for 17 years and the noise in the evening when he repairs and works on things. I'm not going to speak on the character of him. However, I have approached him in the past and had to step away. Because of the noise, and it sometimes hasn't been for a little while since he doesn't live in that house. But I'm worried about what he does with that garage. If he goes

back to working on motorcycles and he does this stuff after sunset. This is not just so you're aware this is not during the day. It is starting in the evening into the nighttime. That side of the property where you put up the light, shines into my children's bedroom, which is a streetlight. So, the light post does shine upstairs in the residence. The noise goes on. That's what I'm worried about with this garage.

Councilor Labrie stated that this is in his ward and in the past he has received numerous complaints from residents that he has been working on with the Board of Health. He has never been to the property but seeing the pictures today, it looks worse than he thought. He stated that this may not be the right place for an army vehicle. Councilor Labrie continued that all the calls and emails that he has received are against this proposal. He does not think it's a good idea to provide electricity if there is no plan in place. This property can be seen from other neighbor's windows and it's not a pretty sight. He stated that he can't support this proposal.

Councilor Zygarowski asked how long the property has been vacant. Mr. Gardner replied 2020. Councilor Zygarowski asked how long before the applicant intends to build. Mr. Gardner explained that everything has increased in price and he lives month to month.

Councilor Labrie stated that Mr. Gardner filed the Special Permit application. The City is not going after Mr. Gardner. The Council represents the people and Mr. Gardner.

Councilor Balakier stated that it's difficult to determine anything without something more definitive. Councilor Balakier suggested that the applicant submit to the City Council office his proposal and building plan and reach out to the Health Department to address the issues on the property brought forth by the Health Department.

Motion made by Councilor Zygarowski and second by Councilor Balakier to postpone until the February 22, 2023 Zoning Committee meeting at 6:30 PM in the Council Chambers. In addition, applicant submits building plans to the Council office with stated property. Input from the Health Department, Building Department, and Planning Department conditions to be met.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #1

Special Permit under Chapter 275-50 C 1 + 2 for the purpose of new digital sign with dimensional relief. Waiver requested – front setback from 25' to +/- 1' located at 603 New Ludlow Road.

Applicant Jim Carrier

c/o LifePoint Church
603 New Ludlow Road
Chicopee, MA 01020

Jim Carrier was present at the meeting. He stated that the church has been renovating and the proposal is to update the 30 year old sign. They are proposing a digital sign and they do not want it to interfere with the parking lot and would like to keep it on the line.

Reports read from the following departments:

Planning – Property is zoned Residential A; relief and waiver setback requirements for a new sign placement from 25 feet to +/- 1 feet from the property line requires a Special Permit under 275-50(C)(1); Digital accessory signs in Residential A Districts require a Special Permit under 275-50(C)(2)(a). Applicant is looking to obtain a Special Permit for a new digital sign with dimensional relief; signs with visible moving, revolving or rotating parts or visible mechanical movement or any description of other apparent visible movement achieved by electrical, electronic or mechanical means, and all animated and electronically activated changeable signs except for time, temperature and date signs require a Special Permit. Planning sees no issue with the proposed digital sign as well as the relief of setback requirements. Planning recommends approval of the Special Permit with confirmation that Engineering sees no impact to traffic controls along New Ludlow Road and approval of Building Department.

Engineering – Existing sign is within the City R.O.W. Proposed sign location is within the paved parking lot area. No site plan is provided to show site changes to accommodate new sign location. More information needed.

Fire – No issues

Councilor Labrie stated that the applicant will need to adhere to all rules and regulations regarding the sign including that the sign will need to be static for 8 seconds.

Permit to run with the applicant.

Motion made by Councilor Labrie and second by Councilor Balakier to approve Waiver #1 front setback from 25' to +/- 1'.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Labrie and second by Councilor Balakier to approve the Special Permit.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #2

Special Permit under Chapter 275-58 (E) (1) for the purpose of installation of a new pole sign. Waivers requested – (1) Setback from 25’ to +/- 0.5’ (2) total sign surface area from 80 SF to 98 SF located at 1801 Memorial Drive.

Applicant Sign Techniques, Inc.
Tracy Janik
P O Box 237
Chicopee, MA 01021

Applicant was not present at the meeting.

Motion made by Councilor Labrie and second by Councilor Balakier to postpone to the call of the chair until the February 22, 2023 Zoning Committee meeting held at 6:30 PM in the Council Chambers.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #3

Special Permit under Chapter 275-63 for the purpose of increasing outside storage in an IPUD Type 1 District from 2% of the building footprint to 5% as set forth in Section 275-63 F (5). Waiver requested increase amount of outside storage from 3,021 SF (2%) to 7,531 SF (5%) located at 301 Griffith Road.

Applicant Griffith Road Property Owner, LLC
Attorney Peter W. Shrair
133 Pearl Street
Boston, MA 02110

Attorney Peter Shrair was present at the meeting representing the property owner. He stated that GFI is actively permitting over 10 million square feet of industrial real estate across New England. Of the 10 million SF, approximately 5 million SF is located in the Central Mass region. They have 25 years of experience. They run high class buildings. They purchased this building at 301 Griffith Road last year. The proposal is for a UFP Industries out of Belchertown that makes trusses to occupy the space at 301 Griffith Road. The plan is to construct the trusses in the building and then the completed trusses will come outside on rollers. Then they get stacked for a truck to come pick them up. The City has an outdoor regulation that states that increasing outside storage square footage from 2% of the principal building footprint to 5% requires a Special Permit. The trusses will not be stockpiled on the property. The company does not get paid until the trusses are picked up. This is not going to be an intrusive use for the site. The site will not be blacktopped but rather there will be crushed stone so trucks can pick the material up. There may be a forklift in the yard which is propane operated. There is no construction work performed in the yard. Any noise that would be generated would be drawn out by Westover. This property is Industrially zoned and there could be much more intrusive industrial uses than what is being proposed. The owner wants to keep the neighborhood looking well. 100 employees will be added to this operation. This proposal will be an enhancement to the neighborhood. There isn't going to be sound or smell. Not a lot of truck traffic. A complete site review will have to occur for this project with the Planning Board. Truck will be entering the property via Better Way not via Griffith Road.

Public Input

Ken Vincunas, 200 Silver Street, Agawam, stated that he owns several parcels. He is the abutter directly across the street. He continued that they like Westover. He presented the committee with the restrictions that were in place when the industrial park began. He backs the original restrictions of the park. The park was intended to be a high-quality park with no outside storage. Unfortunately, the restrictions have now expired in August 2020. He is not opposed to this business but feels that outside storage must be done right. He wanted to know who establishes the restrictions for this business.

Lee stated that all the zoning regulations that dictate development within this zoning district as well as Planning Board site plan regulations will apply to this site.

Attorney Shrair stated that there is no question it's going to be larger than what we got now, but there's no restriction on doing what we want to do. There's no restriction that says you can't have a hammer on site. That's not my understanding what they want to do. He's certain that the Planning Board will set parameters in the as to what needs to be done. We want to operate a high-class operation just like Ken has across the street. It's a perfect location for it, and it's frankly a much less intrusive operation than we'd be allowed to do it without coming in for a special permit or without the Zoning Board of Appeals. But they don't want to do that. It would be much worse, we think, for the neighborhood as to what we thought we were going to do. It's really a giant warehouse.

Councilor Pniak-Costello stated that she has received some opposition regarding this special permit. She stated that there are many streets with homes that abut this parcel. She is concerned about the hours of operation of this proposed business and the noise that this business will generate.

Henry Gjestebj, VP Asset Management, stated that there will be two shifts for this business. The second shift will end at midnight. There will be no loading/unloading trucks or truck traffic after 5 PM.

Councilor Pniak-Costello stated that this is concerning because of the residential proximity concerns about noise and hours of operation. She asked the petitioner to clarify the statement that Westover generates more noise than this proposed operation. Mr. Shair stated the C-130s make noise. Councilor Pniak-Costello asked about the trees on the property. She stated that Westover doesn't generate that much noise.

Reports read from the following:

Engineering – The addition of the proposed 31,198 SF concrete pad as shown on the included plans must go through full site plan review. Engineering Department comments reserved for site plan review process.

Fire – This property is currently vacant. What is the reason for increasing outside storage and what items will be stored there?

Planning – Property is zoned Garden Industrial Planned Unit Development (IPUD) Type 1, increasing outside storage footage from 2% of the principal building footprint to 5% requires a special permit under 275-63(F)(5), which may be issued on a parcel by parcel basis. Zoning Board of Appeals has received a request for additional request for additional relief to facilitate reuse of this vacant industrial property. Zoning Board of Appeals will be unable to act until City Council has made decision regarding Special Permit. Planning recommends approval of Special Permit.

Lee Pouliot stated that everyone knows how he feels about vacant buildings in the City. Overtime they become a problem and headache. So quite honestly, the fact that we have a potential tenant that is looking to expand their business and bring new jobs to the city, revitalizing existing building and an expansion to support their operations made complete sense to me for what the zoning is in this area. He is very confident that we have stringent enough zoning regulations in place and regulations that we can come up with a plan that is most appropriate and acceptable for this area. There are other realities that we have to accept with this being an industrial park. Any project that's over here is going to generate some traffic. Any project is going to generate some level of employment. It just is an industrial park. We have reviewed the zoning code, the allowable uses are there and I can guarantee you there are much more intensive, detrimental uses that could go here without a problem. The applicant is correct, they could do an expansion but based on his understanding and the presentation that the Board of Appeals received seems like a less intensive, more appropriate way to allow this business to function here. The building has been vacant for a year. There is a viable tenant that is looking to grow and bring new jobs. There is no hiding that the city can benefit from increased tax revenue. The Zoning Board of Appeals did hold a meeting on a variance for this parcel and it was granted contingent upon the Council granting the increase from 2 to 5%. The variance only applies to storage above 5% the first remedy as spelled out in the zoning code is to ask for a special permit for the increase from 5%. So effectively without the special permit, their variance doesn't apply.

Councilor López stated that the residents that abut this area have valid concerns. However, she is very happy to see a tenant, a viable tenant come in. It brings great business to the city and she appreciates that. She appreciates the tax revenue being brought into the city. She also knows that there is an ability for us to recall the permit. And so because of the ability to recall the permit if necessary, she in favor of this, will take any complaints brought forth very seriously.

Motion made by Councilor Labrie and second by Councilor Balakier to approve Waiver #1 increase amount of outside storage from 3,021 SF (2%) to 7,531 SF (5%)

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	Abstained	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed. Councilor Pniak-Costello abstained because she would like to visit the Belchertown facility.

Motion made by Councilor Labrie and second by Councilor Balakier to approve the Special Permit.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #5

Special Permit under Chapter 275-9 for the purpose of installing small wireless facility on existing utility pole under Chapter 277. Location 56 Foss Avenue.

Applicant Cellco Partnership d/b/a Verizon Wireless
 1441 Main Street, Suite 1100
 Springfield, MA 01103

Councilor Balakier read the following letter:

January 18, 2023

RE: Verizon Wireless' Proposed Small Cell Installation at 56 Foss Avenue

Dear Chairman Balakier:

After further review by Verizon Wireless of its submission of its Special Permit application for the installation of wireless communications equipment at the above location, the company has decided to withdraw its application. We request that the City Council allow this withdrawal without prejudice. Verizon Wireless has concluded that this project can no longer be funded in 2023.

We thank you for your consideration of our application and hope to find an alternative location for such installation sometime in the future.

Sincerely,
Michael A. Fentin
(Authorized Agent for Verizon Wireless)

Motion made by Councilor Labrie and second by Councilor Balakier to accept the withdrawal request.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

ITEM #6

Minutes – November 30, 2022

Motion made by Councilor Labrie and second by Councilor Balakier to approve.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Labrie and second by Councilor Balakier to adjourn at 9:01 PM.

Roll Call Vote:

	Yes	No
Balakier	X	
Courchesne	X (zoom)	
Pniak-Costello	X	
McAuliffe	Absent	
López	X (zoom)	
Zygarowski	X	
Labrie	X	

Motion passed.