



City of Chicopee
City Council
Zoning Committee

APPROVED 2-27-2020

Members

George Balakier, Chair
James Tillotson, Vice Chair
Fred Krampits
Frank Laflamme
Jerry Roy
Stan Walczak
Gary Labrie

MINUTES
January 30, 2020

The following are the minutes of a public hearing held Thursday, January 30, 2020 at 6:30 PM at the RiverMills Senior Center, 5 West Main Street, Lower Level, Small Garden Room #14 A, and Chicopee, MA 01013.

Members Present: Balakier, Tillotson, Krampits, Laflamme, Roy, Walczak, Labrie

Also Present: Daniel Garvey (Associated City Solicitor), Lee Pouliot (Planning Director), Councilor Dobosz

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.

ITEM #1

Special Permit application under section 275-58 E 1 - purpose relief from 25 foot setback for ground sign to +/- 4 feet located at 481-483 Grattan St.

Applicant – Kiyomi, LLC, Kenneth Tan, 481-483 Grattan St., Chicopee, MA 01020.

Kenneth Tan was present at the meeting. He stated that he would like to keep the sign at the same location as the previous business.

Councilor Labrie stated that the sign will be located in the same location.

Reports read from the following departments:

Building

There is little information on the proposed sign. If the sign proposal is just to replace the existing sign faces, then I recommend approval. If the sign is going to change by location or sign type, I recommend requesting additional information prior to rendering a decision.

Engineering
Sign cannot obstruct sidewalk

Planning & Conservation
Under Business B, ground sign require a 25 foot setback 275-58 (E) (1) The special permit is for an existing ground sign. The applicant is requesting relief from the min 25 ft setback to +/- 4.5 foot. The Planning Department recommends approval for the existing sign.

Fire
No concern

Condition
Permit to run with the applicant

Motion made by Councilor Laflamme and second Balakier to approve.

Committee vote 7 – 0 favorable.

ITEM #2

Special Permit application under section 275-9 (L) (i) / 53 (B) (11) for the purpose of transferring existing special permit for use of Residential B zoned property as a parking lot located at 456-458 Front Street.

Applicant – Camer, LLC, Charlene Coelho, 456 Front St., Chicopee, MA 01013.

Charlene Coelho was present at the meeting. She stated that they would like to transfer the existing special permit into her company. She would like to continue to utilize the parking lot in a Residential zoned property.

Reports read from the following departments:

Building
The parking regulations require a solid 6 foot fence or 6 feet evergreen screening between the parking lot and the residentially zoned or occupied abutting properties. Recommend approval with screening and business hours as conditions of approval.

Fire
No concerns

Engineering
No engineering comments

Planning & Conservation
Property is zoned Residential B, parking facilities allowed via Special Permit (275-53 B (11)). Special Permit for parking on this property was previously approved. Planning understands the property is transferring to new owners. Planning recommends approval.

Conditions
Permit to run with the applicant
Parking lot be kept clean

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

Committee vote 7 – 0 favorable.

ITEM #3

Special Permit application under section 275-52 (B) (11) for the purpose of a home occupation license to operate a home office located at 374 Springfield St.

Applicant – Ivelesse C. Bell, 374 Springfield St., Chicopee, MA 01013.

Applicant was not present at the meeting. Motion made by Councilor Laflamme and second by Councilor Balakier to postpone to the end of the meeting. Motion passed.

ITEM #4

Special Permit application under section 275-58 (C) (6) & 275-52 (B) (10) for the purpose of (1) small scale production facility on Bus A property (2) parking facilities on Res A property located at 386 Chicopee St.

Applicant – Gregory & Tracy Janik, 2 Belmont Ave., South Hadley, MA 01075.

Gregory & Tracy Janik were present at the meeting.

Tracy Janik stated that the intent is to run a small scale production cabinet shop business. It's a one man shop operating Monday through Saturday between 7:30 AM and 4 PM.

Councilor Laflamme asked if the house next door is owned by the applicant. Gregory Janik replied that they do not own the property next door. There is a 20 foot easement from Linda Avenue to get to 386 Chicopee Street. Councilor Laflamme asked about the noise from the machines in the building. Gregory Janik replied that the only thing that will have noise would be the small spray booth and he metered it today and without the diffuser that he will buy it's about 60 decibels which is comparable to a lawnmower. With the diffuser it brings it down to about half. Gregory continued that the spray booth directs out and he will direct it up so the noise diffuses up. Councilor Laflamme stated that it will be good for this area. Councilor Laflamme stated that it will be good to see the area improving.

Gregory stated that it takes about 5 weeks to complete the cabinets for a kitchen. He utilizes a trailer to move the cabinets. Deliveries will be made on Chicopee Street and will take about 10-15 minutes.

Councilor Tillotson asked if there will be fumes from this work. Gregory replied that all his paints are water born so there are no fumes.

Reports read from the following departments:

Planning & Conservation

Property is split zoned Residential A and Business A. Small scale production use is permitted within Business A zoning. Parking facilities allowed on Residential A zoned property via special permit 275-52 B (10). Based upon review of provided information the Planning Department would classify the proposed Business as a small production facility. This particular property has been vacant for a significant time. Historically the Res A portion of the property has been used as parking. Planning recommends approval with the following conditions:

1. Proper screening from residential abutters is installed;
2. Proper ventilation is addressed with the building department
3. All delivery happen from Linda Ave and not Chicopee Street

Health Department

Concerns that I had regarding (dumpster – pickup schedule & hours) noise, exterior upkeep. Have all been addressed in the letter submitted by the applicants. Therefore, I have no concerns at this time.

Building Department

The property is zoned Business A. Small scale production facilities are permitted with a special permit under 275-58 (C) (6) of the Chicopee City Code. The operation does abut residentially zoned and residentially used properties to the North and West of the site. The abutter to the south is zoned Business A but includes a residential use. The rear of the subject property is zoned Residence A with an existing and planned use as parking. Parking is permitted within the Residence A district with a special permit as outlined in 275-52(B) (10) of the Chicopee City Code.

The subject property has been vacant for some time, and it would be good to see the property being used again. The mix of uses may not be ideal, but the operation will be run primarily during the day, which is better than some of the uses allowed by right in the Business A district. I have discussed the potential impacts to the residential neighbors with the proponent, who has expressed an understanding of the need to be a good neighbor and to preserve the peaceful enjoyment of their residential neighbors. Many of the concerns that I have, I believe have been addressed in the letter attached to the application. I suggest that the special permit be granted with conditions that limit the activity outside the building.

Engineering

If amount of parking is to increase later on, a new plan must be submitted at that time

Fire

No concerns

Conditions

Permit to run with applicant

Limit work inside the building

Proper screening from residential abutters is installed

Proper ventilation is addressed with the Building Department

Restricting with hours M-F 7 AM – 5 PM, Saturday 8 AM – 3 PM and no Sundays

Motion made by Councilor Laflamme and second by Councilor Balakier to approve with conditions.

Committee vote 7 – 0 favorable.

ITEM #5

Special Permit application under section 275-58 (C) (5) for the purpose of one apartment in a business building located at 104 Lauzier Ter.

Applicant – Rui Mendes, 190 Southwood Dr., Ludlow, MA 01056.

Rui & Fatyma Mendes were present at the meeting. Mr. Mendes stated that they would like to turn the unused space in the house into an apartment without changing any of the footprint of the building.

Reports read from the following departments:

Planning & Conservation

Property is zoned Business A; residential units allowed in a business building via Special Permit 275-58 (C) (5). Property abuts residential uses to the west and business uses to the east. Small business occupies a portion of the building at 104 Lauzier Terrace. Adequate parking area exists on the property to support the business and a residential unit. Recommend approval.

Fire

Need fire alarm/detector plan

Renovations will add one apartment to existing building. Fire protection plan must be in accordance with 527 CMR 1.00 and 780 CMR.

Engineering

No Engineering comments

Public Input

Betty & Ralph Shrewsbury, 72 Lauzier Terrace, stated that they are concerned how this application will affect her residential zoned property.

Councilor Tillotson stated that this Special Permit will not have any effect on their property.

Lee Pouliot stated that in Business A zoning through a Special Permit you can allow up to 4 residential units in a business structure as long as the business is also maintained. In a residential A zone, which is the rest of the neighborhood on the side street, only single family homes are allowed. The owners of the Residential A zoned homes could not come in and apply for a Special Permit for an apartment.

Councilor Walczak asked if there is a separate entrance for this apartment? Ms. Mendes stated that there is a separate entrance for the salon and separate for the apartment. Councilor Walczak asked how many bedrooms the apartment will have. Ms. Mendes stated that it will be a one bedroom apartment with either a single person or a couple residing in the apartment.

Chairman Balakier stated that he is familiar with this business. He is concerned about the ventilation at the salon. Ms. Mendes stated that she will do what needs to be done to keep the tenant happy.

Councilor Tillotson stated that he is concerned about fire safety for the apartment when the salon is located in the same building.

Conditions

Permit to run with the applicant

Regulations of Building and Fire Departments

Motion made by Councilor Roy and second by Councilor Balakier to approve with conditions.

Committee vote

6 favorable; 1 unfavorable

Voting in favor: Laflamme, Roy, Balakier, Krampits, Walczak Labrie

Voting unfavorable: Tillotson

ITEM #6

Special Permit application under section 275-50 for the purpose of amending existing special permit, issued for a 2 product LED gas price sign. Same size and placement as existing pylon sign cabinet, to change the applicant located at 2012 Memorial Dr.

Applicant – Western MA EEN, LLC, Tony El-Nemr, Manager, 326 Clark St., Worcester, MA 01606.

Ross Galloway, Nouria Energy, 326 Clark Street, Worcester, MA was present at the meeting. He stated that he is looking to amend the Special Permit because the Special Permit ran with the applicant not the property and they have a pending transfer for this property. He stated that his company has acquired all the FL Roberts properties.

Reports read from the following departments:

Planning & Conservation

Business A – Use and sign are allowable uses in the Business A zone. Sign size and location will not change from existing (Site plan accepted by Planning October 11, 2016). Application is to amend Special Permit to new applicant. Planning Department recommends approval.

Engineering Department

No Engineering comments

Building Department

Based on the narrative, the Special Permit application is to transfer the special permit for the existing digital gas price sign to the acquiring entity. Recommend approval.

Fire Department

None

Councilor Walczak stated that the previous owner has placed cones in front of the building and he would like this practice to continue for safety of drivers and pedestrians. Mr. Galloway stated that he will speak with the operations people at the site.

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

Conditions

Permit to run with the applicant

Committee vote 7 – 0 favorable.

Motion made by Councilor Laflamme and second by Councilor Balakier to place Item #3 back on the floor. Motion passed.

Special Permit application under section 275-52 (B) (11) for the purpose of a home occupation license to operate a home office located at 374 Springfield St.

Applicant – Ivelesse C. Bell, 374 Springfield St., Chicopee, MA 01013.

Applicant was still not present at the meeting.

Public Input

Carol Kurdziel, 22 Lemuel Avenue, she doesn't want to deny people making money. She showed pictures of tow trucks at the property. There was a tow truck idling for 2.5 hours at this property one day. She continued that she looked up the business and it's been operating since October as a tow truck business.

Ray Hoess-Brooks, 384 Springfield Street, asked how this tow truck dispatch service will be enforced. He's not concerned about the office operation from the home. He is concerned about the tow trucks, random cars, how long will cars be there. This property has no driveway. Until recently, something has been cut.

Chairman Balakier asked if the tow trucks and other vehicles is an everyday occurrence? Ms. Kurdziel stated that it is not.

Reports read from the following departments:

Building Department

374 Springfield Street is located within the Residence A zoning district. If the proposed use is as represented, with no staff, no customers, no tow truck and no tow vehicle being brought to the house, then I recommend approval with the condition that no employees, tow trucks, towed vehicles or customers come to the house.

Fire Department

No concerns, as long as no business vehicles or towed vehicles will be stored on premises.

Engineering Department

Observed that there is no on-site parking only on street parking. No other comments.

Planning Department

Property is zoned Residential A; home occupation licenses require a Special Permit. Property is currently utilized as a single family home. Planning recommends approval of the home office at the property with the restriction that no tow vehicles or other vehicles be stored at the property.

Councilor Tillotson explained that if this application is approved the applicant would only be able to answer calls from this property. They could not bring vehicles to the Springfield Street address.

Chairman Balakier stated that he has driven by this property and it looks like a makeshift driveway has been created at this property.

Motion made by Councilor Laflamme and second by Councilor Balakier to postpone to the next Zoning Committee meeting scheduled for Thursday, February 27, 2020 at 6:30 PM in the Council Chambers, 4th floor, City Hall.

ITEM #7

Minutes – December 11, 2019 Motion made by Councilor Roy and second by Councilor Balakier to approve. Motion passed.

Meeting adjourned at 7:38 PM.