



Members

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

MINUTES
February 22, 2023

The following are the minutes of a public hearing held Wednesday, February 22, 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, Chris Casali (IT), Sean Lynch (IT), Councilor Krampits (zoom), Lee Pouliot (City 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.

ITEM #1

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 not present. He sent an email to the office at around 3:50 PM today stating, “Have to postpone attending tonight’s meeting.”

Public Input

Paul Phaneuf, 95 Atwater Road in Springfield, Massachusetts. I own the property next door, Phaneuf funeral chapels at 13 Dale Street. He stated that the property next door looks like the town dump and unfortunately, it has looked like that for a long time. There’s junk cars, trash, wrecked car, tops of campers. He continued that the applicant uses machinery late at night. He feels that it’s an eyesore and devalues his property.

Matthew Sabot, 13 Dale Street. He stated that he is concerned about noise. Has lived at this address for 17 years. He has confronted Mr. Gardener in the past about the noise late at night, engine raving, repair and it did not go well. The front of the property has a truck that used to be seen at Pride Gas Stations.

Councilor Balakier stated that the Zoning Committee met last month for 1.5 hours on this application trying to get an understanding. He continued that he has spoken with Department Heads. At the last Zoning Committee meeting Mr. Gardner was asked to provide certain documentation and to work with the City. Unfortunately, he has not. To begin, the applicant did not allow a proper inspection of his property. The Health Department was denied access. This was one of the conditions that was required the last time. Additionally, the applicant did not provide the Building Department with some of the following materials building plans, site plans.

Lee Pouliot stated that the applicant has not reached out to the Planning Department.

Councilor Labrie reemphasized that he is the Ward Councilor and he receives complaints and comments from people who drive by the front of the house. From what Councilor Labrie sees Mr. Gardner moves objects around but he is not cleaning the property. The truck parked out front does not belong there.

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

Roll Call

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

Motion failed.

Reasons for Denial:

1. Failure to allow City Officials to inspect the subject property
2. Applicant's failure to provide proposed site plans
3. Applicant's failure to provide proposed building plans
4. Applicant's failure to provide a timeline on building the primary structure
5. Department heads comments including Building, Fire and Health Department

The applicant **does not** meet the following standards as detailed in the Code of the City of Chicopee Chapter 275-9 (M)

(1) Conformance of the plan/proposal to zoning ordinances, other applicable requirements of the Chicopee City Code and all other applicable regulations.

- (2) Compatibility with existing uses and other uses permitted by right in the same zoning district.
- (3) Potential for creating a nuisance due to air and water pollution, flood, noise, dust, vibration, lights or visually offensive structures and accessories.
- (4) Potential for creating a substantial inconvenience or hazard to abutters, vehicles or pedestrians.
- (5) Adequacy of protection offered adjoining premises against any possible detrimental or offensive uses on the site.
- (11) Appearance of building, accessory uses and grounds and compatibility with the appearance of the neighborhood. This includes scale, building materials, architectural style, and landscaping.
- (12) The proposal is in general harmony with the purpose and intent of the Zoning Ordinance.

ITEM #2

Special Permit under Chapter 275-58 (C) (5) for the purpose of converting a single-family home into multifamily home, each unit will become a 3 bedroom, 1 bath apartment; 2 units total. The commercial space on the property will remain office space for a business located at 368 Britton Street.

Applicant – Zachary Jacobson, 200 Maple Rd., Longmeadow, MA 01106.

Zachary Jacobson was present at the meeting. He stated that his father purchased this property and he as the general contractor will rehab the building and turn it into a multi-family home and use the previous business on the property as office space for his business.

Public Input

Patricia Cook, 55 Beaudry Avenue, happy that someone will do something with this property. There’s a lot of traffic on Britton Street and is concerned about the cars parking on Britton Street for this property.

Lee stated that 4 additional parking spaces will be on the property and is adequate for the proposal.

Janet & Kevin Hughs, 358 Britton Street, concerned about snow clearing on sidewalk, upkeep of grass and landscaping. They feel that this is a positive thing for the neighborhood.

Councilor Laflamme stated that the eyesore will be improved.

Councilor Pniak-Costello stated that she is glad the property will be improved.

Reports read from the following:

Collectors – 2023 Real Estate \$1,884.53 due 12-9-2022

Planning – Property is zoned Business A and Residential A; applicant is seeking Special Permit to convert existing single-family home to multifamily home; current conditions consist of a single-family home with a detached, 3-bay garage and a separate commercial building; garage is located on split zoned parcel. Proposed multifamily property will consist of two (2) units in total, with three (3) bedrooms and one (1) bathroom, per

unit; four (4) additional parking spaces will be provided as required; garage and commercial buildings to remain as-is. The proposed uses are permitted in Business A; Multifamily conversion is permitted under 275-58(C)(5); Up to four (4) dwellings in a business building. Parking requirements are regulated under 275-40(N)(1)(a); one, two-three-family dwellings and mobile homes; two spaces per unit. Planning recommends approval as all requirements are met.

Engineering – The proposed parking spaces are to remain gravel. Any plans in the future to pave an impervious area requires an additional plan submission. The gravel parking shall not consist of asphalt millings.

Health – The attached notice was sent to the owner on record who has since called and said he will make the corrections. Would be nice to see the home rehabilitated.

January 3, 2023
Glenn Jacobson
368 Britton Street
Chicopee, MA 01020

On January 3, 2023, an inspection of the dwelling owned, occupied, or controlled by you at 368 Britton Street, Chicopee, MA has revealed violations of the Minimum Standards of Fitness for Human Habitation (105 CMR 410.000 State Sanitary Code, Department of Public Health, Commonwealth of Massachusetts).

- 410.500 Shingles are lifting in some areas of the roof
- 410.501 Dwelling is not weather tight due to missing glass panes
- 410.602 Property is overgrown (neighbors have stated they have seen mice in the yard)

By the authority granted to me by the General Laws of the Commonwealth of Massachusetts, you are hereby ordered to correct these violations. If the conditions which constitute these violations are not corrected by: January 30, 2023, I shall be obligated to take further action to bring about compliance. You have the right to petition the Board of Health for a hearing to show cause why this order should be modified or withdrawn. You have the right to be present and/or be represented by an Attorney, request must be in writing and brought to our office, in person, or by postal return service within seven days after the date of this order. You also have the right to all relevant documentary information in our possession. Those violations noted with an asterisk constitute a condition which may endanger or materially impair the health or well-being of the occupant(s) of the general public. This inspection report is signed and certified under the pains and penalty of perjury.

Lisa Sanders, RS
Director
Chicopee Health Department

Fire – Please submit plans for smoke and CO detection for both residential and commercial spaces.

Conditions

- Permit to run with the land
- All City Department requirements to be met
- Outstanding RE taxes of \$1,884.53 to be paid on or before March 7, 2023 City Council meeting

Submit to the Fire Department plans for smoke and CO detection for both residential and commercial spaces

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

Roll Call

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

Motion passed.

ITEM #3

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.

Tracy Janik was present at the meeting. The request is for the installation of a new pole sign for 21st Century Pools & Spas.

Councilor Balakier asked what type of sign this will be. Ms. Janik replied regular pole sign internally illuminated with LED.

Reports read from the following departments:

Planning – Property is zoned Business A; waiver of setback requirements for new pole sign placement from 25 feet to +/- .5 feet from the property line and dimensional relief from 80 square feet to 98 square feet both require a Special Permit under (275-50 (C)(1)). Applicant is looking to obtain a Special Permit for a new pole sign with dimensional relief; signs with a total surface area greater than 80 square feet are not permitted without special consideration under (275-58 (E)(1)). Sign is considered an “Accessory sign”, therefore, relief of regulations may be granted for the following conditions:

275-50 (C)(1) (a) – Owing to unusual and distinctive physical conditions of a site or structures thereon or due to other encumbrances or restrictions, enforcement of the sign regulations will impose a substantial hardship on the petitioner; and 275-50 (C) (1) (b) the size of the sign, location, design, color, texture, lighting, and materials will complement the architectural and natural setting.

Planning sees no issue with the proposed sign as well as the relief of setback requirements. Planning recommends approval of the Special Permit.

Engineering – A City R.O.W. is not impacted by this application as Memorial Drive is a state highway. The proposed sign cannot overhang the sidewalk.

Fire – No issues

Motion made by Councilor Balakier and second by Councilor Labrie to approve Waiver #1 setback from 25' to +/- 0.5'

Roll Call

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

Motion passed.

Motion made by Councilor Balakier and second by Councilor Zygarowski to approve Waiver #2 total sign surface from 80 SF to 98 SF

Roll Call

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

Motion passed.

Conditions

To be in compliance with sign regulations in the City of Chicopee
 Permit to run with the applicant

Motion made by Councilor Balakier and second by Councilor Pniak-Costello to approve with restrictions.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne (zoom)	X				
Pniak-Costello	X				

McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #4

Minutes – January 25, 2023

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

Roll Call

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

Motion passed.

Motion made by Councilor Zygarowski and second by Councilor Balakier to adjourn at 7:43 PM.

Roll Call

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

Motion passed.