



City of Chicopee
City Council
Zoning Committee

Approved 7-29-2020

Members

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

MINUTES
February 27, 2020

The following are the minutes of a public hearing held Thursday, February 27, 2020 at 6:30 PM in the Council Chambers, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

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

Also Present: Daniel Garvey (Associated City Solicitor), Lee Pouliot (Planning Director), Carl Dietz (Building Commissioner), Captain Benjamin Turnberg, Doug Ellis (City Engineer), Councilor Dobosz, Councilor Courchesne, Councilor Galecki, Councilor Zygarowski

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 275-52 (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 Krampits and second by Councilor Balakier to postpone to the end of the meeting. Motion passed.

ITEM #2

Special Permit application under 275-62 (B) for the purpose of warehousing and storage not to exceed 200,000 square feet and 6,500 storage units located at 165 Front St.

Applicant – 4 Perkins, LLC, Aaron Papowitz, 307 W 38th St., Suite 1414, New York, NY 10038.

Aaron Papowitz was present at the meeting. He stated that the original Special Permit granted was for up to 600 residential units and for up to 400,000 square feet of commercial space. This application is requesting 200,000 of that 400,000 square feet to be approved for self-storage. The self-storage would be specifically limited to the basements and the 1st floor of Buildings 1 – 3. Specially, in the basements of 4 – 7. As the project has gone on market conditions have changed in terms of cost to build and this proposal is the solution to allow the project to be viable.

Councilor Laflamme asked if the project will still have 600 units. Mr. Papowitz stated that the goal is to build as many residential units as possible. 4 Perkins is attempting to build 280 units in Phase 1 and up to 320 in Phase 2. He continued that the vast majority are studio and 1 bedroom units. (over 90% of studio and 1 bedrooms).

Councilor Tillotson stated that the proposal is to cut the number of residential units by roughly 20%. The TIE that 4 Perkins has on this project is based on the original proposal. If the numbers change than the applicant will need to reapply for the TIE. Mr. Papowitz stated that his understanding is that if the number of units is reduced in Phase 1 below 280 units then a new TIE will need to be negotiated. He continued that 4 Perkins is still attempting to do 280 units but they are not certain if it's feasible or not. Mr. Papowitz stated that approving the storage units does not mean that the number of units will be reduced. Again, 4 Perkins is still attempting to construct 280 units. Councilor Tillotson continued that the Special Permit that was approved via the Mill Conversion and Commercial Center Overlay District called for the development of up to 600 luxury residential units with high end finishes and world-class amenities such as a fitness center, business center, resident lounge, and ballet studio, and up to 400,000 square feet of commercial space. Councilor Tillotson asked if this is still the plan. Mr. Papowitz stated that the number of units could be adjusted but in terms of the amenities and fitness center and ballet studio is still in the plan. He continued that the amenities will be located in the boiler house and that space will not have any self-storage units.

Councilor Tillotson stated that he would like to see the following happen with the storage units:

1. All building codes (state and local) must be followed before a Certificate of Occupancy is granted.
2. The Building Department and Fire Department must make periodic unannounced inspections of all storage facilities.
3. No flammable substances (gasoline, chemicals) or generation of toxic fumes in storage units.
4. Fire alarm systems shall be in every storage unit
5. Fire regulations on what can and cannot be stored shall be clearly posted in the storage area (each floor)
6. Ceilings shall be constructed with fire retardant material that is approved in the MA Fire Code.
7. All requirements of the Planning Department must be followed before a Certificate of Occupancy is issued. (Perkins, LLC c/o Silverbrick will need to request negotiations for a new TIE as the current TIE is predicated on the development of 280 residential units not 224 residential units.

Councilor Tillotson asked if Mr. Papowitz is in agreement to the list that he read off. Mr. Papowitz stated that he is in agreement. The only question is the TIE because if the unit total remains at 280 then a new TIE will not need to be negotiated.

Mr. Papowitz stated that significant security measures are being taken in terms of security cameras, key fobs. There is a hazmat clause in the lease so someone cannot actually rent a unit without signing that clause so the items mentioned by Councilor Tillotson make sense.

Lee Pouliot stated that what's being applied for here is a new Special Permit because the City does not allow warehousing and storage as a use through Mill Conversion and Commercial Overlay District. The existing Special Permit that permitted the large project of the residential and commercial development in the mill complex cannot be amended to now include this use. Silverbrick has to come through the base zoning which is Industrial which allows by Special Permit anything that's allowed in Business A & B. The only place that warehousing and storage is allowed is Business B with a Special Permit. This is the second Special Permit in addition to the existing Special Permit that was granted for the large project. If this Special Permit is granted and Silverbrick acts upon it, it would reduce the total unit count.

Considerations:

1. If approved for warehousing and storage as part of Phase I; the unit count approved in the original Special Permit and in the TIE will be reduced.
2. 4 Perkins, LLC c/o Silverbrick will need to request negotiations for a new TIE as the current TIE is predicated on the development of 280 residential units not 224 residential units. The TIE is predicated on 100% buildout of units with the Agreement which is 280 units. Essentially the existing TIE will be void with a change in unit count below 280 units.
3. City Council will need to determine if this is an acceptable use in the overall project proposed for Cabotville.
4. For the purpose of Historic Tax Credits the Chicopee Historical Commission has provided conditional support with the following stipulations:
 - The Commission prefers the original program of 280 residential units, but voted to support the program change if the warehousing and storage use is limited to the basement and 1st floor and that Silverbrick does everything possible to maintain the original program.
 - City Council should ensure this Special Permit be revised adequately by the Building, Fire, and Police Departments to ensure the building build-out of warehousing and storage below residential units can address all building code and public safety concerns.
 - City Council should consider only addressing the warehousing and storage request for Phase I. (90,000 square feet – 3,000 units) The Applicant could apply to amend the Special Permit (if granted for Phase I) to add the Phase II portion.

Captain Turnberg stated he consulted with the Fire Prevention Agency from the State Fire Marshalls office about other projects in the state of Massachusetts that have storage on lower floors and residential above and what their recommendations were in terms of fire protection measures. The agency was unaware of any similar projects in similar type of buildings that have storage. Some concerns what may be stored in the units, security. The additional layer of fire rated protection for the residential units has to be addressed.

Councilor Roy asked if this will have a sprinkler system. Captain Turnberg replied that the building has a sprinkler system. Mr. Papowitz stated that there will be a sprinkler that runs over the entire area. There will also be in some areas stacked units and then there will be an additional sprinkler where there's stacks. So, there will be a sprinkler above that covers the first area and then there's another run of sprinkler if they are stacked.

Mr. Papowitz stated that storage tenants will have to buy a lock from Silverbrick. Every tenant will have a key fob. The key fob will be specific to that user. Silverbrick will track the access point (time, location, and the person). There will also be security cameras, security guards for the minimum of off hours. The leasing office will be first point of contact before someone signs their lease. Silverbrick is also doing

curb side move in. Staff will actually be present when materials are moved from the car into the actual units.

Councilor Walczak asked the size of the units. Mr. Papowitz replied that the majority of the units will be 5x5. As far as what will be stored there; there is a specific list of Hazmats that cannot be stored there.

Councilor Krampits wanted to clarify that these storage units are for the outside public to rent. They are not exclusive to the tenants renting apartments above. Mr. Papowitz replied that is correct. Silverbrick will not prohibit apartment tenants to rent storage units but the units will be open to the public.

Councilor Roy asked if this will be a wet or dry sprinkler system. Mr. Papowitz stated that he will get the answer for the Council.

Carl Dietz stated that his concern is the fact these storage units will be located below residential units.

There was no public input for this application.

Councilor Laflamme asked how the materials will be entered into the storage units. Is this going to take up any parking spaces. Mr. Papowitz stated that specific parking spots have been designated just for self-storage.

Councilor Labrie asked if the storage units will be accessible 24/7. Mr. Papowitz replied that the hours will be limited (7 AM – 8 PM).

Councilor Walczak asked if it's possible for someone else to use the storage units by giving the key fob to a friend. Mr. Papowitz said that he's not sure. Chairman Balakier stated that perhaps the lease agreement could have language added that references this issue. Mr. Papowitz stated that if the lease agreement does not already have that language it can certainly be added.

Councilor Laflamme asked for the construction timing. Mr. Papowitz stated that an agreement has been reached with the General Contractor who is currently working on scoping for bids. Preliminary bids are expected this week. The negotiations will take place which will take approximately a few weeks. He continued that April would be the best case but it will depend on how the negotiations will go. Then a contract will need to be drawn.

Councilor Laflamme asked what would happen to the residential units project if this Special Permit was not approved. Mr. Papowitz stated that it would be a major problem because they have income proforma that they have to abide by and if they don't have the income coming in from the residential then it has to be replaced with something else. He continued that Silverbrick thought about how to make this work. The build out for self-storage is a fraction of the residential units. This is Silverbrick's best solution. The project would begin with the leasing office, then storage, then residential by floor, the last part would be the boiler house where the amenities are located.

Councilor Dobosz asked if the Fire Department would be able to access the storage units for inspection. Mr. Papowitz replied that he does not see why this would be a problem. Councilor Dobosz stated that the company had many problems with a project in Springfield can it be guaranteed that the same problems will not take place in Chicopee. Mr. Papowitz stated that the issue in Springfield was with the General Contractor and who he hired and Silverbrick stepped in to fix the problem.

Councilor Laflamme stated the he will vote favorably on this application. The building has been sitting unused for many years. He understands that the applicant wants to level off his investments.

Councilor Tillotson stated that he was disappointed with the written review of the Fire Department.

Councilor Laflamme wanted to clarify that all the Committee is approving tonight is Phase 1 which is up to 90,000 square feet of storage space and residential units hoping to be at 280 but may be less. He also wanted to make sure that phase one is monitored by Planning, Building and Fire.

Captain Turnberg asked if a Fire Protection Engineer has been hired.

Motion made by Councilor Krampits and second by Councilor Labrie to approve the construction of up to 90,000 SF of self-storage space in the basement and 1st floor of Building #1 with conditions.

Conditions

1. Phase One to be monitored by Planning, Building, Fire with restrictions and additional comments submitted by Councilor Tillotson.
2. All State and local Fire/Safety codes shall be honored.
3. All building codes (state and local) must be followed before a Certificate of Occupancy is granted.
4. The Building Department and Fire Department must make periodic unannounced inspections of all storage facilities.
5. No flammable substances (gasoline, chemicals...) or generation of toxic fumes in storage units.
6. Fire regulations on what can and cannot be stored shall be clearly posted in the storage area (each floor).
7. Ceilings shall be constructed with fire retardant material that is approved in the MA Fire Code.
8. All requirements of the Planning Department must be followed before a Certificate of Occupancy is issued.
9. Perkins, LLC c/o Silverbrick will need to request negotiations for a new TIE as the current TIE is predicated on the development of 280 residential units not 224 residential units. TIE can be renegotiated if 280 residential units are not constructed.
10. Fire Protection Engineer must give approval of the material between the ceilings of the storage unit and the residential areas.
11. Permit to run with the land.

Committee vote **7 – 0 favorable.**

ITEM #3

Special Permit application under 275-52 for the purpose of gentle non-force chiropractic care holistic counsel – yoga, nutrition, activity, rehab, relaxation approximately 3-5 days per month located at 70 Waite Ave.

Applicant – Ruth Ziembra, 12304 Santa Monica Blvd, Suite 216, Los Angeles, CA 90025.

Ruth Ziembra was present at the meeting. She stated that she visits her mother at 70 Waite Avenue and she would like to do some of the chiropractic work while she is here for a few days. She needs an address to be able to file insurance claims for her services. She is licensed in Massachusetts. She makes many trips to visit her home.

There was no public input.

Councilor Krampits asked how many clients the applicant sees per day. Ms. Ziembra replied a handful. She stated that she goes to people's homes as well. Ms. Ziembra stated that there is extra parking space in the driveway for clients.

Councilor Walczak asked where the applicant received her degree. Ms. Ziembra replied Los Angeles Chiropractic. She is a registered nurse and then wanted to be on the side of prevention and then went back to school. She has been in practice for 25 years.

Reports read from the following departments:

Building Department – 70 Waite Avenue is zoned Residential A. Home Occupation Licenses are regulated through 275-41 of the Chicopee City Code. 275-41B(8) states that a home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation. 275-41C provides the City Council the ability to impose special conditions upon a home occupation to ensure that the business is conducted in a manner which is compatible with the surrounding neighborhood. Such conditions may include but shall not be limited to:

- The number of vehicles related to the occupation.
- The hours of operation for the occupation.

Planning Department – 70 Waite Avenue is zoned Residential A; Home Occupation Licenses Permitted with a Special Permit 275-52 (B) (11); proposed business activity of chiropractic services 3-5 days per month is extremely minimal in nature. Planning does not anticipate any negative impacts on the surrounding neighborhood. Planning Department recommends approval of the Special Permit.

Engineering Department – No Engineering comments

Fire Department – Applicant to call fire prevention office at 413-594-1636 and schedule a walk-through inspection to ensure compliance with Fire Safety laws and regulations.

Captain Turnberg asked if the applicant will be teaching yoga class at this location. Ms. Ziembra stated that the room is so small she couldn't fit many people in it.

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

Conditions

Hours 9-5 weekdays/weekends
Permit to run with the applicant

Committee vote **7 – 0 favorable.**

ITEM #4

Special Permit application under 275-50 C (1) & C (2) for the purpose of an accessory sign for proposed automobile service station and a waiver of the setback requirements from 25 feet to 5 feet located at a portion of 0 Memorial Drive (Parcel ID 425-38).

Applicant – Robert Ladas, Metrolube Enterprises, Inc., 929 Boston Post Rd East, Marlborough, MA 01752.

Rob Levesque of R. Levesque Associates was present at the meeting representing the applicant.

Mr. Levesque stated that this is the former HuKeLau site. The front portion of the property has been divided into 2 pad sites. One will be Florence Bank and the other will be Valvoline site. The Planning Board approved the preliminary review of the project with comments. The Special Permit application is specifically for the sign. The sign exceeds the sign allowed in the district. The location is a little closer to Memorial Drive. There is 20 feet from the edge of the pavement to the property line. The right of way width is pretty wide. In addition to that there is an existing sanitary sewer that runs through the property and if the sign was pushed back it would run into the sewer. The sign will be illuminated. The size of the sign is 15 SF larger than allowed.

Councilor Labrie stated that the Planning Department suggested a 10 foot setback. He asked where that would put the sign.

Councilor Galecki asked if the sign will have any issues with the sign being located on state property. Mr. Levesque stated that the applicant's sign will not be located on state property even with the request before the committee. It will be located 5 feet from the right of way line.

There was no public input regarding this application.

Reports read from the following departments:

Building Department – Parcel 0425-00038 Memorial Drive, proposed Metrolube Enterprises, Inc. The property is zoned Business A. Motor vehicle repair is a permitted use within the district. The sign as proposed does not appear to impact the view from vehicles existing Maui Drive.

Planning Department – Property is zoned Business A; ground signs in Business A District require a 25 foot setback from the property line. Applicant is proposing a new ground sign for a new proposed business at the property. Submitted site plan details open lawn area where the proposed sign is to be located. No hardship seems to exist that impacts placement of the sign at the 25 foot setback. However, Planning recognizes that similar waivers have been granted along Memorial Drive. Planning suggests a 10 foot setback might be considered, as this project is new construction. Planning recommends approval of the additional 15 SF of sign area as detailed in the project narrative.

Engineering Department – No Engineering comments

Fire Department – No issues

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

Conditions

Permit runs with the applicant

Committee vote

7 – 0 favorable.

ITEM #5

Special Permit application under 275-30 for the purpose of keeping a storage POD in driveway for a period of one year (need basement waterproofed after house getting frozen pipes – late oil delivery – storage of books and clothes) located at 104 Ann Street.

Applicant – Halyna & Tom Adamchak, 104 Ann St., Chicopee, MA 01020.

Halyna Adamchak was present at the meeting. Ms. Adamchak stated that she needs her basement needs to be cleaned up and waterproofed so she can store mostly books, clothes, maybe an odd piece of furniture.

Councilor Walczak asked who lives at 104 Ann Street. Mrs. Adamchak replied that it was for her mother who has now passed. She stated that she sleeps up the street. She does some cooking and laundry on Ann Street because it has all new appliances. The other address is 47 Pervier Street.

Councilor Walczak asked when the pipes froze at the house. Mrs. Adamchak stated that it happened quite a while ago. She continued that she has a very sick husband. In 2019 her husband spent a very long time in the hospital. Last year she was able to replace a couple of the basement windows.

Councilor Walczak asked how long the POD has been on the property. Mrs. Adamchak stated that it has been awhile. She continued that she didn't know that she needed a permit to have a POD. When the basement was damaged she put a lot of her things in the second house.

Councilor Walczak asked if a contractor has been hired to fix the basement. Mrs. Adamchak stated that she had a contractor come to the house this past Monday and she is waiting to receive the estimate. Councilor Walczak asked for the name of the contractor. Mrs. Adamchak replied Nick Riley Construction.

Reports read from the following departments:

Health Department – I am not opposed to Mrs. Adamchak keeping a storage POD. However, I've sent notices in the past regarding the condition of her yard. I don't want this property to become an eyesore with a POD and also overgrowth.

Fire Department – No issues – does not impede fire department access to rear of property.

Engineering Department – No Engineering comments

Planning & Conservation – Property is zoned Residential A, on-site storage allowed on a temporary basis via Special Permit. Applicant is requesting a reasonable to address basement construction activities that are required to improve the structure. Planning recommends approval for the requested twelve (12) month period.

Also from the Health Department are copies of letters sent to Mrs. Adamchak regarding debris and brush in the rear yard and a reinspection will take place on December 6, 2019. Mrs. Adamchak stated that she has been trying to handle the overgrowth on her own and it just wasn't working. She hired someone to help her with the overgrowth. Councilor Walczak stated that he represents the neighborhood and the issues have not been addressed since August. He continued that the front yard is Ok but the rear is a mess.

Councilor Walczak stated that he would like to see the approval of the POD for a period of 6 months with the understanding that the property be maintained according to City Ordinances.

Motion made by Councilor Walczak and second by Councilor Balakier to approve for a 6 months of the POD and to clean up the rear yard of overgrowth.

Conditions

Permit to run with the applicant

Committee vote **7 – 0 favorable.**

ITEM #6

Special Permit application under 275-58 for the purpose of ground sign waiver of 25 feet setback to +/- 1.9 feet located at 30 St. James Avenue.

Applicant – Ning Sun, 30 St. James Ave., Chicopee, MA 01020.

Ning Sun was present at the meeting. She stated that she has a dental office and a ground sign but the existing sign is very old and she would like to replace it with a larger and new sign. However, she cannot meet the 25 foot setback requirement.

Reports read from the following departments:

Fire Department – None

Engineering Department – No Engineering comments

Planning & Conservation – Property is zoned Business A; ground signs in Business A District require a 25 foot setback from the front property line. Applicant is replacing an existing grandfathered sign in the same location; replacement of the sign triggers compliance with zoning regulations; Planning sees no issue with the proposed new sign – proposed height should minimize visual impacts that may exist with the current sign; Planning recommends approval of the special permit.

Public Input

Denise Davieau, 25 Beauchamp Terrace, asked if the illuminated signs that are currently located in the windows of the business will still be there once this sign is installed because the signs are shine directly into her mother’s bedroom window. Ms. Sun stated that she will remove the signs from the windows.

Motion made by Councilor Roy and second by Councilor Laflamme to approve.

Conditions

Permit to run with the applicant

Committee vote **7 – 0 favorable.**

ITEM #7

Special Permit application under 275-67 & 275-67 (K)(3)(b) for the purpose of the construction of a proposed multi-family development and waiver of parking requirement from 88 to 75 spaces located at 0 Oak Street (Parcel ID 147-5H).

Applicant – Craig Authier, 1421 Granby Rd., Chicopee, MA 01020.

Craig Authier and Rob Levesque (R Levesque Associates) were present at the meeting.

Rob Levesque stated that the proposal is for a multi-family project within the Mill Overlay District at West Main Street and Oak Street. This is a vacant parcel. The proposal is to develop two apartment buildings to construct approximately 51 residential units. Building 1 will be a three-story building and will contain 42 units. Units will consist of 12 two-bedroom, 21 one-bedroom and 6 studios. Building 2 will be a three-story building and contain 9 units, 3 two-bedroom and 6 studios. The site will provide 75

parking spaces to include 3 handicap accessible parking spaces. The proposal also includes open green space in the middle. The property slopes towards West Main Street and because of this there will be retaining wall.

Councilor Tillotson stated that the comments from the ODRC Review to become part of the Special Permit.

Mr. Levesque stated that he has not seen the formal comments but he does have a pretty good list from the meeting.

Lee stated that the ODRC Review comments are something that is delivered to the City Council first. So, they are not released to the applicant until it's been delivered to the City Council. At the review meeting most of the comments were discussed but the applicant and his team have not seen the complete report. Councilor Tillotson asked if Lee would like the Council to adopt the Departmental Comments as part of the Special Permit. Lee replied yes.

Multi-family Housing Development - Oak Street

ODRC Review

Departmental Comments - February 25, 2020

Planning Department:

1. Consider better connectivity and activation of street frontage. See Mill Conversion and Commercial Center Overlay District regulations Chapter 275-67 K (4): Paths.
2. Consider a one-way loop for internal traffic circulation to increase green space.
3. Recreation Area located in the center of the parking area does not appear to be adequate to allow for comfortable recreational use. (Too close with no buffer to parked cars)
4. Consider upgrading the curbing to granite as granite is being used throughout the RiverMills projects to tie into the historical heritage of the site.
5. Provide a fire truck turning and maneuvering analysis.
6. Provide more bicycle storage than proposed as the project will have a link to the future Chicopee Riverwalk & Bikeway.
7. Provide written confirmation that the site has been closed as a disposal site with the Massachusetts Department of Environmental Protection (DEP).
8. Provide written confirmation that a Licensed Site Professional (LSP) has determined that residential housing and stormwater infiltration is a safe and appropriate for this site.

9. Work with the Planning Department with regard to the Planting Plan. Consider the planting concepts of the Senior Center and Assisted Living Facility with a more naturalistic planting scheme.
10. There is no native soil on the site – all urban fill. Need to specify appropriate plant species and cultivars. Please work with the Planning Department.
11. Indicate cultivars on the planting schedule for all plant species proposed.
12. Do not use *Acer rubrum* or *Pyrus calleryana*. *Acer rubrum* is overused and *Pyrus calleryana* is on the Massachusetts Invasive Plant list.
13. Consider any opportunity to manage stormwater on the surface i.e. rain gardens as a demonstration project.
14. Consider utilizing textured face on the retaining wall – rough stone surface.
15. Explore ways to incorporate the neighborhood’s industrial heritage through design details and materials. See 275-67 (K)(6).

Engineering Department:

16. The southerly property boundary is located within Oak Street. A sidewalk is proposed to be replaced along this boundary, along the north side of Oak Street. The City must take a portion of the property along the southerly boundary so that the street and sidewalk will be located on city right-of-way. An easement granted by the Owner to the City will NOT suffice. I understand that doing a taking at this time could prove detrimental to the project, but the City will have to take this land at some point in the future. However, in order for this taking to be done while keeping the new buildings in conformance with zoning (i.e. front yard requirement of 20’ – one front yard may be 20’ instead of 25’ on a corner lot per Section 275-54.D.3.a.2 of the Zoning Regulations), the buildings need to be shifted to north by at least 2.0 feet (preferably 2.50 feet). (NOTE: The plans currently show a 25’ front yard along Oak Street, this could be reduced to 20’ per above discussion.)
17. Alternatively, comment #1 could be satisfied by the City Council waiving this dimensional requirement. (Allowed per Section 275-54 C)
18. Remove the proposed sidewalk ramp in southwest corner of site at the intersection of West Main and Oak Streets. The sidewalk should end at the curb line without a ramp.
19. Detectable warning strips shall not be used at entrance / exit driveways per Massachusetts Access Board R221 Public Right of Way Accessibility Guidelines (PROWAG).
20. Sidewalks along City streets shall have 8” compacted gravel base.

21. Any granite curbing to be removed is City property and shall be salvaged and stockpiled. Contractor shall coordinate for delivery to City.
22. Suggest adding a catch basin in upper parking lot. Stormwater in the upper (east) parking lot drains to PCB-1. This flow path crosses the northernmost driving aisle and could be subject to freezing in the winter. I suggest adding a basin possibly along the straight curb between proposed 109 and 110 contours. This is a suggestion and does not affect City drainage whether or not it is added.

Water Department:

23. All materials are subject to our approval and should meet Water Department Specifications as outlined in our "Construction Standards and Materials Specifications." i.e. Water Mains shall be class 52 ductile iron. All materials shall be new and of the type currently being used by the Chicopee Water Department. This can be found on The City of Chicopee web site under Water Dept. along with Water Department Fee Schedule and Permit Documents.
24. The proposed fire lines to buildings are to be sized by licensed fire engineer. Chicopee Water Department requires a written, stamped letter from a Fire Engineer depicting the size of fire lines & that the size(s) will be sufficient for fire suppression.
25. A preconstruction meeting is required with the General Contractor and Site Work Contractor with any utilities involved and the City of Chicopee Engineering Department; provide most up to date plans.
26. Water Construction Permit to be submitted ten (10) business days prior to commencement of any water work.
27. All connection fees to be paid prior to commencement of any water work.
28. Test pits are required to verify the location, depth and outside diameter of the water mains.
29. All water main shut down requests are to be submitted in writing to the Chicopee Water Superintendent a minimum of five (5) business days prior to requested date.
30. Chicopee Water Department suggests that domestic water meter to be installed inside the building and split off to the second building after the meter.
31. Chicopee Water Department requires plumbing plans for review prior to Cross Connection Survey & Backflow Testing.

32. All water gate and service valves are to be operated only by Chicopee Water Department personnel.
33. Any service boxes or gate valves not be paved over. Any concerns please call Water Department.
34. Please do not plant trees/shrubs on top of water mains.

Police Department:

35. No Comments

Fire Department:

36. Please provide a computer generated turning radius analysis based on the Fire Department's largest apparatus.
37. Mulch is prohibited within 18 inches of the perimeter of both buildings if combustible exterior per 527 CMR 1.00, Chapter 10
38. Fire Department connection (FDC) location cannot be obstructed by fencing or proposed plantings on the Oak Street side which is the ideal location on each building.
39. The Fire department would like to see an annunciator panel located in the front and rear entrances of the 42 unit building.

Building Department:

40. Article 275-67A states in part that: *The purpose of the Mill Conversion and Commercial Center Overlay District is to promote the economic health and vitality of the City by encouraging the preservation, reuse and renovation of underutilized or abandoned industrial properties...* The project as proposed is not preservation, reuse or renovation; it is new construction on vacant property formerly used for housing.
41. Article 275-67C states in part that: *The Mill Conversion and Commercial Center Overlay District may be superimposed over any other district established in this chapter, subject to an approved zone change in accordance with the provisions of Chicopee City Code, § 275-14. Land in the overlay district may be used for any purpose permitted in the underlying district and is subject to the underlying district restrictions...* As outlined above, the open space requirement proposed is significantly deficient. The overlay regulation spells out that development under the special permit should still meet the underlying district restrictions.
42. Article 275-54D(11) states in part that: *Open Space. Multifamily developments (four units or more) shall provide a minimum of 500 square feet of open space per unit. The open space shall be a contiguous area or multiple areas, provided no area is less than 2,000 square feet. Open space areas must contain landscaping and open areas for outdoor recreation. Land between the property line and building setbacks cannot be counted toward the total open space requirement*

for the project. Approximately 2,350 square feet of open space is proposed within the development plan, when 25,500 square feet of open space is required under the Residence C district regulation. The elimination of Building 2 and a reduction in the unit count and footprint of Building 1 to approximately 36 units combined with reduction of parking associated with those units should provide the open space required by 275-54D(11).

43. The subject parcel is part of the former Uniroyal property and is a confirmed disposal site under the Massachusetts Contingency Plan (MCP). The parcel is known to contain residual soil contamination, including coal ash, Polynuclear Aromatic Hydrocarbons (PAHs), Heavy Metal and PCBs. Levels of these contaminants may be below the action limits established by MassDEP, but concerns over exposure to workers on site, residents within the proposed development and the impacts to groundwater and the City storm drain system raise concerns that need to be addressed by the project proponent. Article 275-67G(1) provides for the City, at the pre-application stage to determine if the scope of the project will warrant, at the expense of the applicant, a registered professional engineer or other professional consultant(s) to advise the City Council on any aspect of the application. I recommend that the Council secure the services of an environmental consultant to review the site history, MassDEP filings and other available data and provide the City with an opinion as to what if any other precautions need to be taken at the site to provide for the health and welfare of workers, and future residents at the site. In addition, potential impacts to groundwater and the City's storm water system should be reviewed to ensure there will be no impact on the environment. These services can be provided to the City at the expense of the applicant.
44. Article 275-67K(1)(d) states in part that: *Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular traffic.* I believe the intention of this section is to provide shade trees within the islands of parking areas in order to provide shade and reduce the heat from large expanses of pavement. There are no trees proposed in the open space between the parking areas.
45. Article 275-67K(1)(d) states in part that: *The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff.* It does not appear that materials of this type are proposed.
46. Article 275-67K(3)(d) states in part that: *Parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways.* Additional screening is likely required to meet the intent of this section.
47. Article 275-67K(3)(e) states in part that: *Parking lots shall be located to the rear or side of all buildings and shall not be located in front setbacks or in buffer areas.* Building 1 fronts on both the parking lot and West Main Street.

48. Article 275-67K(5) states in part that: *Emergency systems. The project shall have an integrated emergency call and/or telephone and/or other communications system for its residents and/or other tenants.* No emergency call system is shown on the plan.
49. Article 275-67K(9)(a) states in part that: *The City Council shall approve the number of proposed dwelling units upon consideration of impacts to City schools and services, traffic, adequacy of the site, and reports from the engineering or technical consultants employed by the City Council, the Overlay District Review Committee and any other department, board or commission from whom the City Council requests a report.* The City Council has control over unit count.
50. Accessibility: The developer and his design team should review 521 CMR and confirm that the proposed project meets all of the requirements under 521 CMR. If full compliance with 521 CMR is *impracticable*, then please provide a copy of the variance granted by the *Architectural Access Board* in accordance with 521 CMR 4. Questions from the review include the following:
 - a. *An accessible route* shall provide a continuous unobstructed path connecting *accessible spaces* and *elements* inside and outside a *facility*. 521 CMR 20.
 - b. All public *entrance(s)* of a *building* or tenancy in a *building* shall be *accessible*. 521 CMR 25.

Water Pollution Control:

51. Owner/applicant needs to fill out and submit a wastewater discharge permit, which is on our website <http://chicopeema.gov/DocumentCenter/View/8167/Wastewater-Discharge-Permit-Application-B>
52. Owner/applicant needs to also fill out and submit a stormwater discharge permit, which is on our website <http://chicopeema.gov/DocumentCenter/View/8171/Stormwater-Discharge-Permit-Application>
53. Water Pollution Control does recommend the flapper valves that are being installed since the sewer is a large diameter, however, Water Pollution Control will not maintain them. Owner/operator can coordinate with Water Control for opening the MH if they do need to maintain them.
54. Defer all other stormwater issues to DPW/Engineering

Community Development:

55. Concerns with reduction in parking.

56. Applicant is requesting a reduction in green (open) space; would like to see City oversight on landscaping plan.

Assessors:

57. No Comments.

Electric Light:

58. In order to provide underground service to the housing development from the manhole at the lower end of Oak St. there will have to be an easement in place as the manhole is on the Applicant's property. Therefore, obtaining service could prove to be difficult.

School Department:

59. No comments

Health Department:

60. Under Article 275-67G the City Council should consider, at the expense of the Applicant, securing a professional consultant to review data and advise the City with an opinion on any precautionary measures deemed necessary pertaining to onsite workers and potential future residents.

61. There are piles of what appears to be coal ash, cinders, etc. on the site. The City Council should request analytical data and a plan on how this material will be handled moving forward.

Commission of the Disabled:

62. While it is being planned and constructed is the best time to incorporate safety and access features. Are there any plans for accommodations for disabled individuals as in proposed number of apartments specifically designed? Are there amenities such as accessible doors, especially in any common areas, alarm cords or security/emergency help features in each apartment? Are there going to be Fire Department emergency access keys, curbing accessibility in the parking lot as well as handicap spaces and accommodations for special or temporary future needs?

63. Will a model apartment be available for the purpose of marketing units under construction that will show safety, security and accessibility features.

64. If a resident becomes disabled, what features can be universally available to quickly alert and inform first responders.

Conservation Commission:

65. No Conservation Issues.

Mr. Levesque addressed the following comments:

Engineering: Any granite curbing to be removed is City property and shall be salvaged and stockpiled.

Mr. Levesque stated that this is understand.

Engineering: Suggest adding a catch basin.

Mr. Lévesque stated that based on their analysis it's not needed but they are happy to do that if that makes Engineering more comfortable.

Engineering: Remove the proposed sidewalk ramp in southwest corner of site at the intersection of West Main and Oak.

Mr. Levesque replied no problem.

Water: Test pits are required to verify location, depth and outside diameter of the water mains.

Mr. Levesque stated that he doesn't want to speak for the Fire Department as they are present at the meeting but he believes that they had no issues with truck turn around navigation. But if they do they are happy to address them.

Fire: Mulch is prohibited within 18 inches of the perimeter of both buildings.

Mr. Levesque stated that they will do a stone or fabric mulch.

Mr. Levesque stated that there are a few stock piles on site. They understand that this being a Brownsfield site it is all properly handled.

Planning: Provide written Licensed Site Professional has determined that residential housing and stormwater infiltration is a safe and appropriate for this site.

Mr. Levesque stated that they are happy to do this.

Planning: Explore ways to incorporate the neighborhood's industrial heritage through design details and materials.

Mr. Levesque stated that they are happy to look at incorporating that.

Mr. Levesque stated that the buildings are not required to have elevators.

Mr. Levesque stated that the plan shows perpendicular parking with 24 foot wide access drive. 24 foot wide access is standard. There was mention of going one-way which would lessen the pavement requirement but with the perpendicular parking which does yield more than angled parking maybe only a few parking spaces would be accommodated. If acceptable by the City Council and the Planning Department the applicant would like to leave it as proposed. If it was changed it would not drastically increase the open space.

The bike rack was discussed and the applicant is happy to increase the size.

The LSP contamination and making sure that the LSP is signed off on it.

Councilor Laflamme asked if the buildings will have a sprinkler system. Mr. Levesque stated that they are. Councilor Laflamme asked where the dumpsters will be located on the property. Mr. Levesque replied that managing refuse is easier. Dumpster will be located in the rear. Councilor Laflamme how snow removal will be managed. Mr. Levesque stated that a site such as this will major snow storms will require a loader and trucked off site. Most storm events could be handled on site.

Mr. Levesque stated that the property that exists goes out over the street. To remedy that the applicant has agreed to grant an easement to the City that would allow that to be resolved. From the project proposed sidewalk towards the street. That would provide a 10 foot easement to accommodate that area.

Councilor Walczak asked about the recreational opportunities that will be available to tenants. Mr. Levesque stated that in discussion with the Planning Department there are a lot plans for this area and they will try to connect to those. Some discussion was made about a gym in the facility. Handicap parking spaces are planned for the parking lot.

No public input.

Captain Turnberg asked about the waiver request for parking. Mr. Levesque stated that the buildings have been tailored to the bed count in the project. Captain Turnberg asked if in the worst case scenario and the lot is full of cars will the aerial truck be able to get in and out of the area. Mr. Levesque stated that there is two way access. There is a 26 foot drive aisle and 24 foot drive aisle. Captain Turnberg asked where the fire connection will be in the buildings. Mr. Levesque stated that the short answer is wherever the Fire Department instructs him to put it. Captain Turnberg stated on the front of the building closer to the street side.

Carl Dietz asked if the Council feels that 2300 SF of open space is adequate when 2505 is what the district requires. Carl clarified the Residence C district. Mr. Levesque stated that he did have a discussion with the Planning Department related to open space that they understand the requirement for open space and the underlying zoning district. He continued that it was worked out in detail. From the discussion it was his understanding that open space is not required in an overlay district. He understands that that may an internal discussion. Carl stated that this is the former Uniroyal site which is a former disposal site and under the regulation 275-66 G 1 the Council can ask the developer to pay for consulting services for the City to make sure that the property is safe for the end user. Mr. Levesque stated that there is a level of understanding from the buyers to the current owner that this site will be confirmed to be closed out and cleaned properly before they take ownership. But as part of the request Mr. Levesque stated that they are currently working with a LSP to get some answers and make sure that they decipher what's provided to the applicant and that it's properly taken care of. Carl continued that additional screening may be needed by the residential site behind to the north of the site. Carl also said that an emergency call system is also spelled out in the regulation. If it's not provided than a waiver should be requested. Appropriate unit count is up to the Council to decide.

Doug Ellis stated that regarding the sidewalk the City cannot take an easement. We will have to do a land taking at some point. The building dimensions will have to see where they land so that the City doesn't end up with nonconformance. The setback is 25 feet and the project is 26 feet. If the property boundaries are changed 2 – 2.5 feet is all that's needed to make it conforming.

Lee Pouliot stated that one of the challenges with a project doing a Special Permit is that there is only one plan review as part of the process. He continued that there are three critical components that need to be addressed as the plan evolve.

- (1) Environmental issues that Carl referenced
- (2) Land taking for the roadway and sidewalk
- (3) Parking waiver that the Council needs to consider
- (4) Internally the open space requirement needs to be worked out
- (5) The Mill Conversion district allows the Council to determine the final unit count for the project

Lee stated that all the other comments in the review are standard.

Motion made by Councilor Tillotson and second by Councilor Balakier that all departmental requirements and regulations shall be satisfied prior to the issuance of the Special Permit as evidenced by a written communication sent to the City Council by our Planning Director confirming that the regulations under the Mill Conversion Overlay District have been met to the satisfaction of our Director of Planning to include all comments of the ODRC review.

Councilor Laflamme stated what happens with Mr. Authier doesn't agree with the comments from the ODRC. Mr. Authier has not seen the comments yet. Mr. Levesque stated that all the comments are logical and straight forward. The only issue that he sees is open space.

Councilor Laflamme was in favor of postponing the application until the issues have been worked out. There was discussion from the committee meeting about the 90 day decision requirement.

Attorney Garvey stated that you could vote on the Special Permit but not issue the permit until the Council receives written communication from the Planning Director that all Departmental comments have been satisfied. Chairman Balakier stated that in essence that's what Councilor Tillotson's motion is.

Councilor Walczak stated that if he understands correctly the only two big issues are those of the Building Department regarding open space and unit count.

Mr. Levesque stated that if it is determined that more open space is required then completely changes the project. It blows the Special Permit out of the water.

Councilor Laflamme stated that there are other concerns from departments including the Engineering comments. Mr. Levesque stated that he is aware of the Engineering comments and they will adjust accordingly.

Motion made by Councilor Tillotson and second by Councilor Balakier that all departmental requirements and regulations shall be satisfied prior to the issuance of the Special Permit as evidenced by a written communication sent to the City Council by our Planning Director confirming that the regulations under the Mill Conversion Overlay District have been met to the satisfaction of our Director of Planning to include all comments of the ODRC review.

Departmental Comments – February 25, 2020

Planning Department:

66. Consider better connectivity and activation of street frontage. See Mill Conversion and Commercial Center Overlay District regulations Chapter 275-67 K (4): Paths.
67. Consider a one-way loop for internal traffic circulation to increase green space.
68. Recreation Area located in the center of the parking area does not appear to be adequate to allow for comfortable recreational use. (Too close with no buffer to parked cars)
69. Consider upgrading the curbing to granite as granite is being used throughout the RiverMills projects to tie into the historical heritage of the site.
70. Provide a fire truck turning and maneuvering analysis.
71. Provide more bicycle storage than proposed as the project will have a link to the future Chicopee Riverwalk & Bikeway.
72. Provide written confirmation that the site has been closed as a disposal site with the Massachusetts Department of Environmental Protection (DEP).
73. Provide written confirmation that a Licensed Site Professional (LSP) has determined that residential housing and stormwater infiltration is a safe and appropriate for this site.

74. Work with the Planning Department with regard to the Planting Plan. Consider the planting concepts of the Senior Center and Assisted Living Facility with a more naturalistic planting scheme.
75. There is no native soil on the site – all urban fill. Need to specify appropriate plant species and cultivars. Please work with the Planning Department.
76. Indicate cultivars on the planting schedule for all plant species proposed.
77. Do not use *Acer rubrum* or *Pyrus calleryana*. *Acer rubrum* is overused and *Pyrus calleryana* is on the Massachusetts Invasive Plant list.
78. Consider any opportunity to manage stormwater on the surface i.e. rain gardens as a demonstration project.
79. Consider utilizing textured face on the retaining wall – rough stone surface.
80. Explore ways to incorporate the neighborhood’s industrial heritage through design details and materials. See 275-67 (K)(6).

Engineering Department:

81. The southerly property boundary is located within Oak Street. A sidewalk is proposed to be replaced along this boundary, along the north side of Oak Street. The City must take a portion of the property along the southerly boundary so that the street and sidewalk will be located on city right-of-way. An easement granted by the Owner to the City will NOT suffice. I understand that doing a taking at this time could prove detrimental to the project, but the City will have to take this land at some point in the future. However, in order for this taking to be done while keeping the new buildings in conformance with zoning (i.e. front yard requirement of 20’ – one front yard may be 20’ instead of 25’ on a corner lot per Section 275-54.D.3.a.2 of the Zoning Regulations), the buildings need to be shifted to north by at least 2.0 feet (preferably 2.50 feet). (NOTE: The plans currently show a 25’ front yard along Oak Street, this could be reduced to 20’ per above discussion.)
82. Alternatively, comment #1 could be satisfied by the City Council waiving this dimensional requirement. (Allowed per Section 275-54 C)
83. Remove the proposed sidewalk ramp in southwest corner of site at the intersection of West Main and Oak Streets. The sidewalk should end at the curb line without a ramp.
84. Detectable warning strips shall not be used at entrance / exit driveways per Massachusetts Access Board R221 Public Right of Way Accessibility Guidelines (PROWAG).
85. Sidewalks along City streets shall have 8” compacted gravel base.

86. Any granite curbing to be removed is City property and shall be salvaged and stockpiled. Contractor shall coordinate for delivery to City.
87. Suggest adding a catch basin in upper parking lot. Stormwater in the upper (east) parking lot drains to PCB-1. This flow path crosses the northernmost driving aisle and could be subject to freezing in the winter. I suggest adding a basin possibly along the straight curb between proposed 109 and 110 contours. This is a suggestion and does not affect City drainage whether or not it is added.

Water Department:

88. All materials are subject to our approval and should meet Water Department Specifications as outlined in our "Construction Standards and Materials Specifications." i.e. Water Mains shall be class 52 ductile iron. All materials shall be new and of the type currently being used by the Chicopee Water Department. This can be found on The City of Chicopee web site under Water Dept. along with Water Department Fee Schedule and Permit Documents.
89. The proposed fire lines to buildings are to be sized by licensed fire engineer. Chicopee Water Department requires a written, stamped letter from a Fire Engineer depicting the size of fire lines & that the size(s) will be sufficient for fire suppression.
90. A preconstruction meeting is required with the General Contractor and Site Work Contractor with any utilities involved and the City of Chicopee Engineering Department; provide most up to date plans.
91. Water Construction Permit to be submitted ten (10) business days prior to commencement of any water work.
92. All connection fees to be paid prior to commencement of any water work.
93. Test pits are required to verify the location, depth and outside diameter of the water mains.
94. All water main shut down requests are to be submitted in writing to the Chicopee Water Superintendent a minimum of five (5) business days prior to requested date.
95. Chicopee Water Department suggests that domestic water meter to be installed inside the building and split off to the second building after the meter.
96. Chicopee Water Department requires plumbing plans for review prior to Cross Connection Survey & Backflow Testing.

97. All water gate and service valves are to be operated only by Chicopee Water Department personnel.

98. Any service boxes or gate valves not be paved over. Any concerns please call Water Department.

99. Please do not plant trees/shrubs on top of water mains.

Police Department:

100. No Comments

Fire Department:

101. Please provide a computer generated turning radius analysis based on the Fire Department's largest apparatus.

102. Mulch is prohibited within 18 inches of the perimeter of both buildings if combustible exterior per 527 CMR 1.00, Chapter 10

103. Fire Department connection (FDC) location cannot be obstructed by fencing or proposed plantings on the Oak Street side which is the ideal location on each building.

104. The Fire department would like to see an annunciator panel located in the front and rear entrances of the 42 unit building.

Building Department:

105. Article 275-67A states in part that: *The purpose of the Mill Conversion and Commercial Center Overlay District is to promote the economic health and vitality of the City by encouraging the preservation, reuse and renovation of underutilized or abandoned industrial properties...*
The project as proposed is not preservation, reuse or renovation; it is new construction on vacant property formerly used for housing.

106. Article 275-67C states in part that: *The Mill Conversion and Commercial Center Overlay District may be superimposed over any other district established in this chapter, subject to an approved zone change in accordance with the provisions of Chicopee City Code, § 275-14. Land in the overlay district may be used for any purpose permitted in the underlying district and is subject to the underlying district restrictions...* As outlined above, the open space requirement proposed is significantly deficient. The overlay regulation spells out that development under the special permit should still meet the underlying district restrictions.

107. Article 275-54D(11) states in part that: *Open Space. Multifamily developments (four units or more) shall provide a minimum of 500 square feet of open space per unit. The open space shall be a contiguous area or multiple areas, provided no area is less than 2,000 square feet. Open space areas must contain landscaping and open areas for outdoor recreation. Land between the property line and building setbacks cannot be counted toward the total open space*

requirement for the project. Approximately 2,350 square feet of open space is proposed within the development plan, when 25,500 square feet of open space is required under the Residence C district regulation. The elimination of Building 2 and a reduction in the unit count and footprint of Building 1 to approximately 36 units combined with reduction of parking associated with those units should provide the open space required by 275-54D(11).

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112. Article 275-67K(3)(e) states in part that: *Parking lots shall be located to the rear or side of all buildings and shall not be located in front setbacks or in buffer areas.* Building 1 fronts on both the parking lot and West Main Street.

113. Article 275-67K(5) states in part that: *Emergency systems. The project shall have an integrated emergency call and/or telephone and/or other communications system for its residents and/or other tenants.* No emergency call system is shown on the plan.
114. Article 275-67K(9)(a) states in part that: *The City Council shall approve the number of proposed dwelling units upon consideration of impacts to City schools and services, traffic, adequacy of the site, and reports from the engineering or technical consultants employed by the City Council, the Overlay District Review Committee and any other department, board or commission from whom the City Council requests a report.* The City Council has control over unit count.
115. Accessibility: The developer and his design team should review 521 CMR and confirm that the proposed project meets all of the requirements under 521 CMR. If full compliance with 521 CMR is *impracticable*, then please provide a copy of the variance granted by the *Architectural Access Board* in accordance with 521 CMR 4. Questions from the review include the following:
- a. An *accessible route* shall provide a continuous unobstructed path connecting *accessible spaces* and *elements* inside and outside a *facility*. 521 CMR 20.
 - b. All public *entrance(s)* of a *building* or tenancy in a *building* shall be *accessible*. 521 CMR 25.

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116. Owner/applicant needs to fill out and submit a wastewater discharge permit, which is on our website <http://chicopeema.gov/DocumentCenter/View/8167/Wastewater-Discharge-Permit-Application-B>
117. Owner/applicant needs to also fill out and submit a stormwater discharge permit, which is on our website <http://chicopeema.gov/DocumentCenter/View/8171/Stormwater-Discharge-Permit-Application>
118. Water Pollution Control does recommend the flapper valves that are being installed since the sewer is a large diameter, however, Water Pollution Control will not maintain them. Owner/operator can coordinate with Water Control for opening the MH if they do need to maintain them.
119. Defer all other stormwater issues to DPW/Engineering

Community Development:

120. Concerns with reduction in parking.

121. Applicant is requesting a reduction in green (open) space; would like to see City oversight on landscaping plan.

Assessors:

122. No Comments.

Electric Light:

123. In order to provide underground service to the housing development from the manhole at the lower end of Oak St. there will have to be an easement in place as the manhole is on the Applicant's property. Therefore, obtaining service could prove to be difficult.

School Department:

124. No comments

Health Department:

125. Under Article 275-67G the City Council should consider, at the expense of the Applicant, securing a professional consultant to review data and advise the City with an opinion on any precautionary measures deemed necessary pertaining to onsite workers and potential future residents.

126. There are piles of what appears to be coal ash, cinders, etc. on the site. The City Council should request analytical data and a plan on how this material will be handled moving forward.

Commission of the Disabled:

127. While it is being planned and constructed is the best time to incorporate safety and access features. Are there any plans for accommodations for disabled individuals as in proposed number of apartments specifically designed? Are there amenities such as accessible doors, especially in any common areas, alarm cords or security/emergency help features in each apartment? Are there going to be Fire Department emergency access keys, curbing accessibility in the parking lot as well as handicap spaces and accommodations for special or temporary future needs?

128. Will a model apartment be available for the purpose of marketing units under construction that will show safety, security and accessibility features.

129. If a resident becomes disabled, what features can be universally available to quickly alert and inform first responders.

Conservation Commission:

130. No Conservation Issues.

Committee vote

7 -0 favorable

ITEM #8

Add to 275-40 E (5)

Commercial use parking restrictions. No camper, trailer or recreational vehicle of any kind may be used for dwelling purposes or accessory to any commercial building unless authorized in writing by the City of Chicopee Building Commissioner pursuant to the Massachusetts Building Code.

Councilor Courchesne stated that Lee has everything worked out.

Lee stated that as he understood from the proposed language that was submitted for the Planning Board's review there was an effort made to deal with mobile dwelling units on nonresidential property particularly parking lots. In his review of the ordinance he made the determination that as a residential use the zoning code already prohibits residential uses on business, commercial, and industrial properties. So, the proposed language was going to be redundant within the zoning code. The Planning Board recommends the following changes:

275-40 -

Replacing §275-40 (D) "Residential Use Parking Restrictions"

Mobile Dwelling Unit Parking Restrictions

Mobile Dwelling Units, as defined in the City's Zoning Ordinance, may be used in Residential Districts for up to fourteen (14) consecutive days. Should a Mobile Dwelling Unit, as defined in the City's Zoning Ordinance, be used in Residential Districts for more than fourteen (14) consecutive days, such use must be authorized in writing pursuant to the Massachusetts Building Code, for a specified amount of time, by the City of Chicopee Building Commissioner. Mobile Dwelling Units are restricted for use in all public rights-of-way (ROW) and all other Zoning Districts as defined in this Chapter. Exceptions to the above as provided in §275-35L and §275.55.

New Definitions to be added to §275-4

Mobile Dwelling Unit: a vehicle designed for recreational use or intermittent / temporary human occupancy, with or without motive power. These include motor homes, campers, RV's, fifth-wheel trailers, tiny houses on wheels, pop-up trailers, and boats. Vans converted for the purpose of human occupancy are also considered Mobile Dwelling Units. For the purposes of defining Mobile Dwelling Units, any such dwelling unit on wheels is considered a vehicle, not a building.

Camper: any structure designed to be transported on the back of a truck or pickup for the purpose of intermittent / temporary human occupancy.

Trailer: a vehicle designed for intermittent / temporary human occupancy, without motive power and must be pulled by a motor vehicle. This includes fifth-wheel trailers, pop-up trailers, regardless if they are attached to vehicles or standing alone. This definition excludes mobile homes. See the City's mobile home definition.

Motor home: any motorized recreational vehicle designed for intermittent / temporary human occupancy whose dwelling area is inseparable from the chassis. These include campervans, RV's and vans converted for such purposes.

Tiny House: principal residential dwelling unit that has square footage less than 600 square feet

Lee continued that instead of creating a new section about commercial parking restrictions they want to replace 275-40 D which is currently termed residential use parking restrictions. The proposed language

would allow mobile dwelling on residential property for up to 14 days. If it's more than that it would need a review by the Building Commissioner. And prohibiting mobile dwelling units on public rights of way and all zoning districts. Definitions that were recommended to be added include "mobile dwelling unit", "camper", "trailer", "motor home", and "tiny house".

Lee stated that he understands that there is an issue with enforcement. He continued that he does not believe that the zoning ordinance is the appropriate way to deal with enforcement. He does not believe that you can give the Police Department power through the zoning ordinance.

Councilor Courchesne stated that even though this does not address his issue it is still good because it addresses other issues.

Motion made by Councilor Walczak and second by Councilor Balakier to adopt the Planning Board's recommended language to 275-40 D.

Committee vote **7 – 0 favorable.**

ITEM #9

Delete Chapter 275-66 A in its entirety

And insert in place thereof

275-66 A Burnett Road

A. No further business, commercial or industrial development shall occur on Burnet Road from the Ludlow/Chicopee line to the intersection of New Lombard Road and Burnett Road and any appurtenant street for a period of one year commencing on April 1, 2020, and terminating on April 1, 2021, except by special permit.

Councilor Dobosz stated that this proposed ordinance protects the Burnett Road neighborhood.

No public input.

Lee Pouliot stated that the Planning Board is not in favor of this proposed ordinance as it prohibits property owners to use their property as allowed by right. Lee continued that there are 42 parcels impacted by this ordinance which is 9% of the neighborhood.

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

Committee vote **7 – 0 favorable.**

Motion made by Councilor Krampits and second by Councilor Balakier to place Item #1 back on the table. Motion passed.

ITEM #1

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.

Ivellesse Bell was present. She stated that she would like to have an office for a towing business to do paperwork, and billing for the business out of the home.

Councilor Tillotson asked if tow trucks will be at this location. Ms. Bell replied no. The trucks are stored at Life Storage at 340 Taylor Street, Springfield.

Councilor Krampits stated that at the last meeting some of the neighbors were present and at the time there was a tow truck parking at the residence. Ms. Bell stated that her husband drives the tow truck and it wasn't for more than an hour or 2. The truck is never there overnight.

Councilor Labrie stated that if an issue should arise the Special Permit can be revoked.

Councilor Laflamme stated that it sounds as if the truck is there maybe for lunch.

Councilor Tillotson stated that if the truck is home for lunch it cannot be towing a vehicle.

Public Input

Carol Kurdziel, 22 Lemuel Concerned about trucks being parked there and noise.

Reports read from the following departments:

Building Department – 374 Springfield Street is located within a 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 onsite 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 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.

Conditions

No tow vehicles or other vehicles be stored at the property

To be used as an office only

Permit to run with the applicant

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

Committee vote 7 – 0 favorable.

ITEM #10

Minutes – January 30, 2020 – Motion made by Councilor Laflamme and second by Councilor Walczak to approve. Motion passed.

Meeting adjourned at 9:56 PM.