

**Zoning Board of Appeals**  
**Voting Record and Minutes**

The Zoning Board of Appeals of the City of Chicopee public hearing for **Wednesday April 12, 2023, 6:30 PM** in City Hall Annex, Fourth Floor, Chambers Conference Room, 274 Front Street, Chicopee, MA 01013.

**Meeting was brought to order by Anthony Gallant at 6:30 PM.**

Board of Appeals attendance:

<b>Member</b>	<b>Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Regular	Anthony Gallant, Chair	<b>X</b>		
Regular	Carissa Lisee, Vice Chair	<b>X*</b>		
Regular	Katherine Baldiga, Clerk	<b>X</b>		
Regular	Gary Stamborski	<b>X</b>		
Regular	Julia Sudol	<b>X</b>		
Assoc.	Carlos Felix	<b>X**</b>		
Assoc.	Thomas Tetreault			<b>X</b>
Assoc.	Theresa Devlin	<b>X</b>		

\*Carissa Lisee was present via Zoom to hear and vote on Item #2 on the agenda and then had to excuse herself for a work-related issue. Carissa also voted in favor of moving Item 1a through 1c after Item 4 on the agenda.

\*\*Carlos Felix voted in place of Carissa Lisee for Items 1a-1c, and 3-7. Theresa Devlin was not required to vote as all other Regular Members were present.

Planning Department Staff Attendance

<b>Title</b>	<b>Name</b>	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
Director	Lee Pouliot			<b>X</b>
Development Manager	James Dawson	<b>X</b>		
Associate Planner	Nick Kiser			<b>X</b>
Assistant Planner	Patrick Collins	<b>X</b>		

**Note: The Board voted to take Items 1a thru 1c out of order and place them after Item 4**

Motion to move Items 1a through 1c after Item 4 was made by Anthony Gallant and seconded by Gary Stamborski. Vote was 5-0 to move Items 1a through 1c after Item 4.

<b>Member</b>	<b>Voting members</b>	<b>Approve</b>	<b>Deny</b>	<b>Table</b>	<b>Abstain</b>
Regular	Anthony Gallant, Chair	<b>X</b>			
Regular	Carissa Lisee, Vice Chair	<b>X</b>			
Regular	Katherine Baldiga, Clerk	<b>X</b>			
Regular	Gary Stamborski	<b>X</b>			
Regular	Julia Sudol	<b>X</b>			
Assoc.	Carlos Felix				
Assoc.	Theresa Devlin				

**Item 2: Appeal of Building Commissioner’s Decision** to deny Appellant’s Building Permit Application for an oversized garage that is larger than the principal structure on the property. Location: 501 East Main St. Chicopee, MA 01020 Appellant: Joseph Rozanski, 497 East Main St. Chicopee, MA 01020

**Notes:** The Appellant and his Attorney presented the Appeal to the Board. Building Commissioner Frank Boron was in attendance. The Appellant’s argument was that the oversized garage with a lift is planned for personal use to work on collected vehicles and it was his opinion that the garage would not be detrimental to the neighborhood. The Appellant’s Attorney noted several structures in the neighborhood that were larger than the proposed garage on the Appellant’s property. He did concede that the definition of Accessory Structures in the Zoning Ordinances clearly states that Accessory Structures cannot be larger than the principal structure on a property. The Board was very concerned about setting a precedent if the oversized garage was allowed. Staff noted that the garage would be considered an accessory structure whether or not it was attached to the principal structure. Staff also noted that if any site work occurred within the wetland buffer zone a filing with the Conservation commission would be required. Staff reminded the Board of setback requirements for accessory structures and noted if the proposed garage could be constructed with a footprint smaller than the house and meet setbacks, no Variance would be required. Board members suggested the Appellant reconsider the size of the proposed garage and work with an engineer to try to resolve the size issue. The Appellant and his Attorney decided to request a withdrawal of the appeal to try to resolve the issue and develop a plan that would not require a Variance. The Board voted to accept the Appellant’s request to withdraw.

Motion to accept request to withdraw was made by Anthony Gallant and seconded by Gary Stamborski. Vote was 5-0 to accept the Appellant’s request to withdraw.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix				
Assoc.	Theresa Devlin				

**Item 3: Variance** from Chapter 275-40 C (7) and 275-40 C (8) Pavement setback for land zoned for residential uses from 10’ to 3.4’, and two-way parking lot drive aisles from 24’ to 20’ for the purpose of constructing a parking lot. Location 147 Grape St. Chicopee, MA. Applicant: Katie Longley, 291 Springfield St. Chicopee, MA 01013.

**Notes:** The Applicant and their Project Engineer’s from The Berkshire Design Group were in attendance to present the petition. They explained the project involved reconstruction of the existing parking area. The new parking area will reduce impervious surface area by approximately 875 SF, incorporate new landscaping and provide a more pedestrian friendly access to the main Elms College campus. Staff noted that since the existing parking lot was being reconstructed, the legally non-conforming setbacks and drive aisle width of the existing parking lot would be nullified. The project engineer discussed that the new parking lot would be farther from the abutting properties than the existing lot but not far enough to meet current regulations. He also noted required screening would be installed where necessary. No Abutters were present. The Board discussed the proposal and agreed that the reduction of impervious surfaces was a benefit and since the new pavement was proposed to be farther away from abutting properties voted to approve the requested Variance.

Motion to approve was made by Anthony Gallant and seconded by Carlos Felix. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix	X			
Assoc.	Theresa Devlin				

**Item 4: Variance** from Chapter 275-53 frontage from 75’ to 50’ and 55’ and area from 7,500 SF to 5,486 SF and 5,014 SF to create two new single-family building lots fronting Harding St. Assessor Map 302, Parcels 23A and 23B. Applicant: DCL Construction, 187 Nelson St. Chicopee, MA 01013

**Notes:** The Applicant presented his petition to the Board. He noted this was the third time this Variance was requested; the previous two applications were approved but expired after one year. The previous two applications were with a different property owner. The Applicant explained the most recent expiration was attributed to the economic slowdown and supply issues due to the COVID-19 Pandemic. It was his intention to move forward on removing the existing garage and constructing single-family houses as soon as possible pending approval of Variance. The Board discussed the petition and since it had been approved twice in the past, voted again to approve the request.

Motion to approve was made by Anthony Gallant and seconded by Julia Sudol. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix	X			
Assoc.	Theresa Devlin				

**Item 1a: Board Elections (Chair)** - All Regular Board Members are eligible for all Board positions.

**Notes:** The Board had a brief discussion and voted to keep all the elected positions status quo for another year.

Motion to approve and keep current elected positions was made by Gary Stamborski and seconded by Julia Sudol. Vote was 5-0 to keep all current elected positions.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix	X			
Assoc.	Theresa Devlin				

**Item 1b: Board Elections (Vice Chair)** - All Regular Board Members are eligible for all Board positions.

**Notes:** See vote for Item 1a.

**Item 1c: Board Elections (Clerk)** - All Regular Board Members are eligible for all Board positions.

**Notes:** See vote for Item 1a.

**Item 5:** Minutes from March 8, 2023

Motion to approve was made by Anthony Gallant and seconded by Katherine Baldiga. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix	X			
Assoc.	Theresa Devlin				

**Item 6: Discussion** - Old/New Business

**Notes:** The Board inquired if current fees were adequate to cover the cost of postage and legal ad fees. Staff noted they were. Staff also noted there was one Variance submitted for the May 10, 2023 agenda.

**Item 7: Adjournment**

Motion to adjourn was made by Anthony Gallant and seconded by Katherine Baldiga. Vote was 5-0 to adjourn.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Julia Sudol	X			
Assoc.	Carlos Felix	X			
Assoc.	Theresa Devlin				

**Meeting adjourned at 7:29 PM.**