



Members

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

MINUTES
April 19, 2023

The following are the minutes of a public hearing held Wednesday, April 19, 2023 at 6:30 PM in the Chambers, 4th floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

Members Present: Courchesne, Pniak-Costello, López (arrived at 6:35), Zygarowski, Labrie

Absent: Balakier, McAuliffe

Also Present: Daniel Garvey (Associate City Solicitor), Councilor Laflamme, Scott Provost (IT), Councilor Dobosz, Lee Pouliot (Planning Director)

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. Western Mass News and Susan LaPlante, 71 Angela Drive, were recording the meeting.

Councilor Courchesne stated that public input will be limited to 3 minutes. After the 21 questions have been answered, public input will reopen for a second time, as there may be questions based on some of the answers to the questions.

ITEM #1

Special Permit application under Chapter 275-66 A for the purpose of allowance of a business, commercial, or industrial development on Burnett Rd. (Parcel ID Map 294, Lot 6 & Lot 7) Applicant – Scannell Properties #705, LLC, c/o Leo Leighton, 294 Grove Ln, Suite 140, Wayzata, MN 55391.

Attorney Todd Brodeur representing the applicant Scannell Properties was present at the meeting.

Public Input

Susan LaPlante, 71 Angela Drive, stated that she is not against promoting business and bringing revenue into the City. She is all for progress and people improving their land, whether to build a home or a business. Her

only issue is the traffic issue on Burnett Road, especially this area we're talking about today. She feels that the City should be doing more to alleviate the traffic on Burnett Road. She also stated that Johnny Cake Hollow Road should be looked at for an alternative entrance and exit to the property.

Jeannette Jaz, 71 Fairway Drive, stated that she thinks the Tesla business is a good idea but has concerns about the size, particularly 400 spaces. She would like the Zoning Committee and Planning Board to consider including more green space and to ask companies who want to come into the City to build that into their plans.

Glen LaPlante, 71 Angela Drive, stated that the number one problem on Burnett Road is traffic. Public Safety should be number two. He stated that he is not against Tesla. He is against Tesla coming to town. He also wanted to put this board or committee on note that in addition to a special permit submission requirement of the City under Chapter 275-9 a traffic study is required. He stated that Tesla misrepresented themselves that the charging stations will not be 24/7. He feels that's how Tesla makes money. He feels that the proposed 40,000 SF building and 480 parking spaces is crazy. He stated that 48 bays is immense. He is also concerned about the batteries catching fire. He stated that fire departments across the country don't know how to put them out. He also agrees with the other entrance option being Johnny Cake Hollow Road.

David Rossi, 101 Moreau Drive, stated that he has lived here for the past 58 years, and he is very familiar with Burnett Road. He stated that this is not a moratorium because by definition a moratorium is a suspension of activity, and this area has not had a suspension of activity. He stated that this is a special permit process. This special permit process for Burnett Road was established to ensure any development on Burnett Road did not severely impact the ongoing traffic. He stated that he and his wife were involved in a severe accident in front of the State Park while walking their dogs. He stated that the road is dangerous.

Eugene Przybylowicz, 11 Caddyshack Drive, stated that the traffic situation has been going on for years and it's not getting better.

Councilor Courchesne proceed to go over the questions that were submitted to the petitioner.

1. To the Engineer, can the ingress and egress be designed to utilize the traffic signal. If not, what other possibilities can be presented that will not have severe traffic problems on Burnett Road? Attorney Brodeur presented on the overhead a revised site plan. This is a concept plan. Detailed engineering plans get done once we get through this process. Things like utility locations and things like that are not on this particular plan. But this shows where the building would go, where the parking spaces would go, where appropriate landscaping would be, where the entrance drive is. The access drive has been relocated to line up with the traffic light on New Lombard Road. The second highlight on this plan is a shrunken down building. Originally, proposed the building was 50,353 square feet. The petitioner has reduced the building size to 36,750 square feet. The number of parking spaces was never 480 spaces. He stated that he's not sure where that number came from. Originally, proposed were 395 spaces. The revised plan shows 310 parking spaces or a reduction of 85 spaces from what was originally discussed. Originally, proposed were 48 bays. This revised plan shows 20 bays. The chargers are located in the back of the building. The chargers will not be for public use. They are not part of the network. They are meant for use by folks that are on the site for other purposes.

2. Is Tesla purchasing the property. Attorney Brodeur replied that Scannell Properties is the developer and is in arrangements to buy the property from the property owner. Scannell would enter into a long-term lease agreement, and it would be a leased property from Tesla's perspective.

3. Why does Tesla want to come to this location? Shane Howey with Tesla stated that he is on the real estate team. He stated that there is what Tesla calls a big service desert in western Massachusetts. Tesla has an underserved customer in this market.

4. Other than tax revenue, how does this project benefit the Burnett Road area? Attorney Brodeur stated that this proposed business will create 25 new jobs. He further stated it's a benefit to the city as well as the increased commercial tax revenue, which typically does not come with it, a lot of services, water, sewer and electric, but you know, no schoolchildren. He further stated that Johnny Cake Hollow Road is something that could be looked at. He stated that is something that could be addressed if that was the best design. If the City chooses, the petitioner will do a peer review traffic study, they don't have any problem agreeing to that. He continued that a traffic impact analysis was done, which is a traffic study, and it does show actual counts and it does have to use standard industry information.

5. How many parking spaces? Attorney Brodeur stated that the site plan showing up on the screen has 310 spaces and 20 bays.

6. Do you intend to make this a holding place for new cars to be at other locations? Attorney Brodeur replied no. This will not be a holding location for cars from other locations. It will specifically be for this facility.

7. Why so many charging stations and will they be 24 per day? Shane Howey stated that the charging stations are for customers that are either picking up their car after it's been serviced or prior to picking up their car for delivery. There will be two superchargers and then the remainder of the chargers are level two chargers, similar to what you'd find in a home. They do not show up on the network.

8. Parts department, how many deliveries will they be getting a week from Tesla? Shane Howey stated roughly one delivery a day that comes on a tractor trailer for our parts department and then for deliveries, which is a car hauler that carries all of the Tesla's, it's up to three deliveries a day.

9. Batteries. How many on hand and where will they be stored? Brendan Lafayve, Fire protection Engineer for Tesla stated that batteries will not be stored on hand long term. They'll be ordered on an as needed basis. There will be temporary storage while they're being repaired. They'll be stored inside the facility. These batteries come in a lower state of charge in flame-retardant packaging. The building will be protected by an automatic sprinkler system that's designed to handle this commodity classification.

10. Fire protection, What is in their plan on having something on property in case of fire? Brendan Lafayve stated that couple things are kept on site. Fire blankets that are specifically designed by Bridgehill to snuff out a car fire in the event of any fire that we would have, as well as that overhead sprinkler system. We also have standards in place, such as a 50-foot isolation requirement for any vehicle that comes in with a damaged pack. Statistically speaking, out of every 210 million miles traveled, there is a Tesla fire, whereas in all other vehicles, that average is 19 million miles traveled.

11. Used car for sale. They told us that there would be very few cars on the lot for sale. Shane Howey stated that on occasion there would be used cars and they would only be used Teslas. And so that would be something that you could go and look on the Tesla website and see if there were any used cars available, but they would only be Teslas. If a customer was to trade in a different vehicle that would get delivered off site. No non-Tesla vehicles would be available for sale on the site.

12. Service Department. Will they be servicing other vehicles besides Teslas. This means not just trade in vehicles but will be opening repairs for other car brands. Shane Howey stated only Tesla vehicles will be repaired.

13. Are you looking for a tiff or a tax agreement? Shane Howey stated that they are not.

14. Will there need to be specialized storage facilities for the batteries themselves? Brandon Levyve stated that, no, there's no specific or special facility where battery packs are stored.

15. Then how will the batteries be disposed of and how often batteries are disposed of on an as needed basis? We average less than one battery pack placement per week, per facility. These battery packs are discharged, start outside and then sent out daily to remanufacturing.

16. Will used tires be stored in the exterior of the building and how will they be disposed of? Brandon Levyve stated that used tires will be stored in the exterior of the building with 50-foot clearance to all lot line structures, as is required by fire code. They will be picked up weekly or more frequently if needed, depending on how many waste tires we have stored up and sent out for disposal.

17. Will there be a buffer around the property and the state park and the only vernal pool? Attorney Brodeur stated that the buffer is greater than 100 feet. The petitioner will be working with the Conservation Commission to deal with any impacts.

18. Will vehicles be loaded and unloaded in the front, back or sides of the property? And what is the noise level of these cargo carriers, carriers in the loading and unloading process? Shane Howey stated that the trucks will come to the main entrance, and then swing around in the back and unload in the back and they will be offloaded. Councilor Courchesne asked do you have control over the deliveries as far as peak non-peak times to not impact the traffic? You have the ability to control when those trucks deliver the cars as far as I mean, maybe a third-party carrier but can you have them come at 8:00 at night when it's not busy or 4:00 in the morning when it's not busy? Or is it restricted to the companies themselves? Shane Howey stated no, the delivery vehicles we do have control over, and they cannot show up outside of operational hours.

19. Burnett Road and Johnny Cake Hollow Road intersection extending to the road just past Westfield Bank and Dunkin Donates is very tight and congested. What traffic remediation and safety precautions have been made for the arrival and departure of the large car carrier vehicles? Attorney Brodeur stated that the truck turning radius shows that movements at the intersection can be made without a problem.

20. Are the car carriers Tesla owned or third party? Attorney Brodeur replied that they are a third party.

Councilor López thanked Tesla representatives for answering the questions. She continued that she likes to hear that the superchargers are going to be off the network. That means unless you live on Burnett Road and

know those superchargers are there, you wouldn't even know that they are available for use. The chargers not being on the network, it's not going to be used in the way that was concerning to her before.

Attorney Brodeur stated that Tesla does not want local customers to use the chargers. They will actively prevent this happening.

Councilor Dobosz thanked Tesla for answering the questions. He also thanked the petitioner and Mr. Bolduc for reducing the size of the development, bays, and size of the building. He stated to his constituents that hours of operation and outside storage will be discussed when the matter is heard before the License Committee. He asked the committee members to place restrictions on the special permit that include parking spaces, the size of the building, the number of bays, and six charging stations.

Councilor Labrie asked Attorney Garvey if the city didn't have to have a special permit for the moratorium, would the committee be here discussing it or would it just go through the SPRAC review process. Attorney Garvey replied that it is his understanding that it is a by right use so it would go directly to SPRAC.

Lee Pouliot stated that "Attorney Garvey is correct. These are the two zoning districts that exist on the property. A car dealership, car sales and repairs are by right uses in both of those districts. But for the Burnett Road chapter, had this project come in without that existing, this would have gone straight to first the Conservation Commission for review for protection of the Vernal pool that their jurisdiction and then it would go to the Planning Board for both preliminary and definitive site plan review. As I mentioned at your previous hearing, you're reviewing an illustration tonight. It has not been reviewed by police, fire, engineering, DPW, water, sewer. So, I would caution the board to be very careful with the conditions that you place on the project, because the boards with jurisdiction over the specifics of the layout and design are going to have their say. And I can guarantee you that the illustration you saw tonight will change once we get the professional opinion of our police department, our fire department, and our other departments that are part of the committee. What you see tonight is not necessarily what is going to be approved when it gets through the site plan review process. I can't tell you right now how the Conservation Commission is going to respond to the NOI. If there are any specific requirements, they're going to be looking for protecting that particular vernal pool. And I don't know yet what the planning board is going to be looking for. They have not seen this either. So just know that that is not a final design. It's a graphic tonight. And then the boards that have review process will get through their process once the council is done with the special permit."

Councilor López questioned whether the committee needs to place specific restrictions on size for example because size of the building and number of parking spaces they do not want to change.

Lee Pouliot stated "Well, that is my professional struggle with the Burnett Road chapter. When you have a by right use, applicants are asked to comply with the zoning code and with the adopted site plan regulations for the city. You are looking through this process to put conditions on that by right use without me being able to tell you if that complies with our site plan regulations and our zoning code because it hasn't been reviewed yet and we can't expect an applicant to come in with a significant project like this. Fully engineer plan to go through site plan review only to be denied the special permit under the moratorium chapter and then be out that significant investment. So that has been one of the pain points with this. Not following our traditional process, which has often been referred to as quite efficient through very large number of projects. Even with my predecessor, Kate Brown, when she was here. So that's why I cautioned the board to be very careful with what you're conditioning, because I don't know what the police and fire chiefs are going to say when they see

this plan. They're going to probably want to review with their counterparts in other communities that might have a Tesla dealership or another EV dealership to see what they asked for in a site plan so that they can better respond. We just haven't gotten there yet because this is the first roadblock in that process.”

Councilor López stated that part of the reason why there is a moratorium in this area is because the traffic is so bad. She understands that the committee has to be careful with restrictions. However, there do need to be some restrictions.

Lee Pouliot stated that the zoning code right now, the ordinance as written, establishes parking minimums. Even the Planning Board does not have the authority to set a parking maximum because the City ordinances don't read that way and there is not a single precedent for another project where the Council has said that there is a parking maximum. Lee continued that it's legally questionable for the board to set a maximum building size when it's based on the dimensional requirements of the ordinance that you passed through a public process. Councilor López stated that this may be true in other areas of the city but because there is a moratorium for this particular area she believes that there is valid reason to set precedent in an area where there's an existing moratorium.

Attorney Brodeur stated that the applicant intends to use the traffic light for the entrance/exit with the discussion about the other road. He also stated that they are willing to agree to the certain maximum building size.

Councilor Laflamme asked about the batteries stored outside. Brandon Lafayve stated that batteries stored outside are completely discharged. Councilor Laflamme asked about the outside storage of the batteries and where they will be stored. Brandon Lafayve stated that a three-sided noncombustible metal shed shielded from view will be used to store the batteries.

Councilor Zygarowski asked Lee if this is a concept plan and subject to change in the future. Lee Pouliot replied that it is a concept plan and it will change in the future. Once the Council grants a special permit then this project will follow the normal process with the Conservation Commission and the Planning Board.

Councilor Pniak-Costello asked that because of the moratorium this is the reason for this meeting? Lee Pouliot replied yes. He continued that the only reason the council is seeing this project is because it falls within the boundaries of the moratorium area of Burnett Road. Otherwise, this would have been exclusively a conservation commission and planning board review process. Lee Pouliot also stated that there will be a minimum of three public hearings between the Conservation and the Planning Board for this to receive final approval to go to construction. The caveat here being is how many additional steps does the council place on by right development of property per the zoning code, which has been his major concern. Councilor Pniak-Costello applauded Councilor Dobosz for the moratorium because without it this hearing when never have taken place.

Councilor Labrie stated that he is happy to see that the applicant heard the abutters and is making concessions.

Councilor Courchesne stated that he is pleased that the applicant is working with the City and the residents.

Councilor Dobosz thanked the applicant for working with the residents. He did not expect tonight to be a debate about the moratorium. He feels that it's the Council's legislative right to have the moratorium. He feels that the committee should place restrictions on the special permit. That they are reasonable and the Planning Board should be able to work with the restrictions.

Public Input

David Amo, 72 Fairway Drive, stated that he is deeply opposed to this application and everyone in ward 6 is opposed. They are not opposed to the dealership just the size proposed. He continued that Tesla has been refused in over eight communities.

Glen LaPlante, 71 Angela Drive, stated that he has it recorded from the previous meeting that the proposed number of spaces was 480 spaces. He has a trust issue. He continued that the closest Tesla is 105 miles away. He and his wife visited the Tesla in Watertown. After viewing the property in Watertown he has concerns about outside storage. There are crates at the facility to store the batteries. He stated that the applicant has failed to provide the required traffic study. The applicant provided a traffic assessment based on some formula they use.

Attorney Brodeur stated that a significant traffic impact report was submitted along with the application. The Traffic Engineer, at the last meeting explained to the committee at the last meeting what was contained in that report.

Scott Thornton, Vanasse & Associates, stated that what was prepared is a traffic study. There are traffic counts in the report. There is an assessment of the impact of the project. The Massachusetts Department of Transportation guidelines don't reference traffic studies. They reference transportation impact assessments, which is what has been presented. It's a traffic study.

Councilor Pniak-Costello asked Attorney Garvey if what was submitted by the applicant satisfies the ordinance. Attorney Garvey replied yes.

Councilor López stated that for transparency purposes she did not realize that she actually needed to fully review the traffic assessment. She feels it would be negligent to approve something that has not been fully reviewed.

Attorney Brodeur stated that this information was submitted in January with the application and the applicant briefed the concept at the last meeting. He continued that they didn't go through each page, of course, but they did the summary. He also stated that four or five slides that evening showed the relevant information. He stated that they are comfortable with what the analysis says as it is.

Scott Thornton stated that they used the building area as a generator of the vehicle trips. Since the size is coming down so much, the trips would also come down. The operations would be better than what's shown in that study, which were already pretty good. The level of service C or better at all the area intersections. He stated that it was already a worst-case scenario.

Attorney Brodeur asked if everything will be discussed at another meeting just so he knows who needs to attend the next meeting. Councilor Courchesne stated that everything will not be rehashed at the next meeting.

David Rossi, 106 Moreau Drive, thanked Councilors and Tesla representatives. He stated that they are not against businesses just to make it right for our neighborhood.

Motion made by Councilor López and seconded by Councilor Courchesne to close public input.

Roll Call

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

Motion passed.

Motion made by Councilor López and seconded by Councilor Courchesne to postpone this item to the April 26, 2023 Zoning Committee meeting at 6:30 PM in the Council Chambers, 4th floor, City Hall.

Roll Call

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

Motion passed.

ITEM #2

Minutes – March 22, 2023

Motion made by Councilor López and seconded by Councilor Courchesne to approve.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier			X		

Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Motion made by Councilor López and seconded by Councilor Courchesne to adjourn at 7:55 PM.

Roll Call

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

Motion passed.