



APPROVED 5-27-2021

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**Members**

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

**MINUTES**  
**April 28, 2021**

The following are the minutes of a public hearing held Wednesday, April 28, 2021 at 6:30 PM in the Council Chambers, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

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

**Also Present:** Daniel Garvey (Associate City Solicitor), Councilor Courchesne, Chris Casali (IT), Lee Pouliot via zoom (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. Hearing none the meeting continued.

**ITEM #1**

Zone Change application from Business A to Residential A for 5227 SF for the purpose of converting existing business into a single-family residence located at 3 Hartford St.

Applicant – Jose Rosa, 181 Elm St., Holyoke, MA 01040.

Attorney David Sanborn was present via zoom.

Attorney Sanborn stated that 3 Hartford Street used to be a beauty parlor. It was refurbished as a single family residence and that's the way his client, Mr. Rosa, bought it. It is surrounded by residential properties and one church across the street. He continued that it is not appropriate to have a business in a residential neighborhood. Two immediate neighbors signed a letter of support for this zone change. To his knowledge there are no other businesses in this area. If this property remains Business A some other business could come in. It's not really an appropriate for this residential neighborhood.

Lee Pouliot stated that in October 2020 this property was before the City Council when the previous owner was granted a Special Permit to allow a studio apartment in a business building with a condition that a business use be maintained on the property. The previous owner was working to make the property more marketable. One of the reasons why the Planning Board voted unanimously against the Zone Change request is because the parcel is too small to be a residential parcel. If the zone change was granted the parcel would immediately become non-conforming for a single family home which would require the current owner to secure a waiver of frontage from the Planning Board and variances for frontage of area from the Board of Appeals and unfortunately he does not feel that a hardship could be proven for this lot to be Residential A considering it's currently zoned Business A. Lee continued that the other challenge in approving this Zone Change request is that there is a very tiny Business A district that is comprised of 4 parcels before crossing the border into South Hadley. In granting this zone change you would break up that district and you would have essential 3 Business A spot zones in the neighborhood. This is a very complicated situation. He continued that he doesn't know what happened during the sale of this property. Under Business A zoning there is no lot size requirement.

Councilor Tillotson asked Lee what happens if the zone change is denied and the applicant continues to live there. Lee stated that the current owner could apply for the same special permit that the previous owner secured. Essentially a studio apartment but it would also need some sort of small professional office. If this option is not desired or not granted than this parcel used only for residential would be a zoning violation on which the Building Commissioner could act to enforce the zoning code.

Councilor Walczak asked the minimum lot size required for Residential A. Lee replied in Residential A the minimum lot size requirement is 100 feet by 100 feet and 10,000 square feet of area. This lot is 5,227 square feet of area and it has just over 55 feet of frontage.

Councilor Walczak stated that in his ward there are homes on smaller size lots on them than this one at 3 Hartford Street. Lee stated that there are legally non-conforming lots in the city which were established prior to the City's adoption of zoning. He continued that the abutting properties here that are Business A have two family homes on them and there is no business established on them. The problem is when you try to take something that was clearly zone changed in its history to Business A and then established a business use on it that legal non-conforming status for residential use goes away. It can't be brought back because the goal of the zoning code is to bring properties into compliance with the districts as they are established. Decisions were made in the past for the use of this property and now there's a desire to change the use of the property again.

Councilor Krampits asked if there is a certain percentage of the structure that has to hold a business function that would comply with the zoning. Lee replied that there is no percentage requirement in the zoning. Lee and the Building Commissioner have established that at least one business use is required.

Councilor Walczak asked if the Planning Board members visited the site. Lee replied that he does not require site visits and he doesn't know if they have. Lee cannot confirm that they have or have not visited the site.

Councilor Tillotson stated that he suggests that this application be postponed until the applicant works something out.

Councilor Balakier read the Planning Board's recommendation of denial for this zone change request.

Councilor Balakier read the following letters:

*April 21, 2021*

*Dear Committee members:*

*I represent Jose Rosa, who has applied for a Zone Change for 3 Hartford Street from Business A to Residential A. This letter is to request your support for this change.*

*In another time, the classification of this lot as Business A would have been called "spot zoning." The property is surrounded by residential properties.*

*Two of the neighbors, Michael A. Gallant (Who is right next door) and Danuta Glaszcz, support this zone change application.*

*Across the street at 12 Britton Street there is a church. Asamblea de Iglesias Cristianas. There are no businesses in this area, so changing the zone for 3 Hartford Street to Residential A would be a net benefit to the neighborhood and the City of Chicopee.*

*Please recommend this change to the full Council. Thank you.*

*Yours truly,  
David W. Sanborn*

*92 Hampshire Street  
Chicopee, MA 01020*

*April 13, 2021*

*Honorable City Council Members:*

*I live at 92 Hampshire Street, Chicopee, a residential property which abuts 3 Hartford Street in Chicopee.*

*I support the application for a zone change because this is a residential neighborhood. All of the properties around 3 Hartford Street are residential properties.*

*Thanks for your consideration.*

*Yours truly,  
Michael A. Gallant*

*80 Hampshire Street  
Chicopee, MA 01020*

*April 13, 2021*

*Honorable City Council Members:*

*I live at 80 Hampshire Street, Chicopee, a residential property which abuts 3 Hartford Street in Chicopee.*

*I support the application for a zone change because this is a residential neighborhood. All of the properties around 3 Hartford Street are residential properties.*

*Thanks for your consideration.*

*Yours truly,  
Danuta Glaszcz*

Attorney Sanborn stated that it appears that the zoning ordinance is out of step of what's actually on the ground. Changing the zone is correct to get what's actually on the ground.

Motion made by Councilor Tillotson and second by Councilor Roy to postpone to the call of the chair so that the Building and Planning Departments can work this out.

Committee vote      7 – 0 favorable.

**ITEM #2**

Minutes – March 31, 2021      Motion made by Councilor Laflamme and second by Councilor Balakier to approve. Motion passed.