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**Members**

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

**MINUTES  
May 25, 2022**

The following are the minutes of a public hearing held Wednesday, May 25, 2022 at 6:30 PM in the Chambers, 4<sup>th</sup> floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

**Members Present:** Balakier, Courchesne, Pniak-Costello, McAuliffe (zoom, arrived 6:31), López, (zoom, arrived 6:31), Zygarowski, Labrie

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

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 275-9L3 for the purpose of renewal of expired Special Permit for dimensional relief for building lot located at 652 Chicopee Street.

Applicant – Andre Marcoux, 67 Catherine Street, Chicopee, MA 01013

Andre Marcoux, was present at the meeting. He stated that he is asking to renew his expired Special Permit. He would like to build a duplex on property that once had a six family house on the property.

Reports read from the following departments:

Planning – Property is zoned Residential B, applicant is looking to construct a duplex on a currently vacant property which is a permitted use in a Residential B District. City Council may waive dimensional requirements upon request of the applicant for a development which, in the opinion of the City Council, serves to preserve a unique natural area, historical building, or is determined to be compatible with the neighborhood in which it is proposed with a Special Permit in Residential B zones and while the project does not preserve a unique

natural area or a historic building – City Council can consider whether or not the proposed development is compatible with the neighborhood.

Engineering – No engineering comments

Fire – No issues

Motion made by Councilor Pniak-Costello and second by Councilor Balakier to waive frontage requirement from 100 feet to 58 feet.

**Committee vote 7 – 0 favorable.**

Motion made by Councilor Zygarowski and second by Councilor Balakier to waive lot area requirement from 10,000 SF to 8,700 SF.

**Committee vote 7 – 0 favorable.**

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

**Committee vote 7 – 0 favorable.**

## **ITEM #2**

Special permit application under 275-50 (C) (1) & (C) (2) (A) for the purpose of re-facing the existing pole sign with an EMC- Electric Message Center and relief of 25' setback located at 1599 Memorial Drive.

Applicant – Sign Techniques, Inc., Tracy Janik, P.O. Box 237, Chicopee, MA 01021

Tracy Janik was present and stated that the proposal is to replace the existing sign with an electric message center sign on the same pole.

Eric Oulette, from Castle of Knights, and Matthew Cook, President Association of Castle of Knights were also present.

Reports read from the following departments:

Planning – Property is zoned Business A; relief of setback requirements for new sign placement from 25 feet to +/- 0 feet from the property line requires a Special Permit. Digital accessory signs in Business A Districts require a Special Permit. Applicant is looking to obtain a Special Permit for the addition of a digital sign; signs with visible moving, revolving or rotating parts or visible mechanical movement or any description or other apparent visible movement achieved by electrical, electronic or mechanical means, and all animated and electronically activated changeable signs except for time, temperature and date signs require a Special Permit. Planning sees no issue with the proposed digital sign as well as the relief of setback requirements – Council should consider limitations on how often (timing) screens are allowed to change; and Planning recommends approval of the Special Permit with confirmation that Engineering confirms no impacts to traffic controls along Memorial Drive.

Engineering – Sign may not obstruct sight distance.

Fire – No issues

The following was read into the record:

Hello,

I am against the electronic sign. We have had to deal with the lights from the parking lot. Over time, they have increased the brightness. The lights are on the parking lot side by Memorial Drive. Our street, Keddy Blvd, is lit by their lights as well as our street lights.

What is the city ordinance for signage? K of C has 6 signs on the property. There are 2 on the building, 2 on poles and 2 make shift signs on utility trailers. Driving around the city, no other organization or business would be allowed so many signs or makeshift ones.

Conflict of Interest

Are you taking input from abutters that are members of the K of C Council 4044? There are at least 2 homeowners that are and possibly more.

I am 100 percent against this special permit.

Thank you,  
Donna Archambault  
39 Keddy Blvd  
Homeowner

Lee Pouliot stated that the Council has been consistent in considering these requests for digital signs. Obviously with technology improving there has been a lot of interest in moving to this type of messaging. The City can ask the Knights of Columbus if having this digital message sign will reduce the number of ad hoc signs that they use to advertise their programs. In the past the committee has looked at the timing the messages change and to make sure that the sign doesn't impact traffic signals.

Councilor Laflamme stated that he is a member of the Knights of Columbus 4044. He is not part of the Association that is here today. He does not have a financial bearing with the Knights of Columbus. He stated that after speaking with the Association regarding this proposal, he understands that they are trying to bring in business. Public thinks that the Castle is for members only which is not true. They are also struggling and he doesn't want to see this business close down. He does not have an issue with the proposed sign. Knights of Columbus has always been a good neighbor. Councilor Laflamme stated that maybe Knights of Columbus could turn the lights in the parking lot to help out the neighborhood.

Councilor Labrie stated that he is also a member of the Knights of Columbus and has filed the required paperwork with the City Clerk's Office. He stated that this electronic sign could remove the trailer signs from the property.

Mr. Cook stated that the electronic sign will replace the other tent signs on the property.

Councilor Zygarowski asked if the message on the sign will move. Tracy Janik replied that the sign will be stationary as required by ordinance. Councilor Zygarowski stated that he is also a member of the Knights of Columbus and has submitted the required paperwork.

Tracy Janik stated that the sign can be dimmed, if that's something that the Council requires.

Councilor Pniak-Costello asked if Lee has any new recommendations. Lee replied that he doesn't and he suggested that the committee look at timing sequences. He continued that this is the first he heard of these signs being able to dim at a certain time.

Councilor Pniak-Costello stated that there was an issue raised regarding conflict of interest of Councilors who are members of the Knights of Columbus. She continued that Councilor Laflamme immediately took action so that there was no issue with conflict of interest. She also stated that this proposal is an improvement.

Councilor López stated that she received one call and one email regarding this proposal. She stated that she would like to see language added to the conditions that the sign be dimmed after 8 PM.

Councilor McAuliffe stated that he is not interested in micromanaging the level of dimness for the sign. He asked Attorney Garvey to clarify who the applicant is. Attorney Garvey stated that the applicant is Sign Techniques, Inc. but the special permit will be issued to Fairview Knights of Columbus #4044 and will run with the land.

Councilor Zygarowski stated that the sign is located along the highway and does not affect any residential homes.

Councilor Courchesne stated that he is looking at Google maps and there are no homes in line of sight of that sign because the building is in between it and at that point it's 100s of feet away. The lights on the sign are not the same as the parking lot lights. The only one affected by the proposed sign is Dairy Queen.

Councilor Laflamme stated that if there are any complaints in future of this sign, the Special Permit could be called in at any time.

Councilor Pniak-Costello stated that she is taking the issue raised by the one constituent seriously. She continued that the City Planner is recommending approval of the sign with stipulations.

Tracy Janik stated that the sign will not be flashing and will not be moving.

Lee stated that he could gather information about dimming because he had not heard of it before today. He also suggested that the committee stick with the traditional conditions.

Councilor Courchesne stated that he is not in favor of a restriction based on an assumption of a neighbor with no factual data.

Councilor Pniak-Costello stated that she would like to see the constituent concerns be addressed.

Councilor Courchesne stated that the constituent letter does not mention that the lit sign is an issue only the parking lot lights are an issue. So, the committee is addressing an issue that has not even been raised.

Motion made by Councilor Zygarowski and second by Councilor Balakier to approve waiver of setback relief from 25 feet to +/- 0 feet.

**Committee vote 5 in favor 2 opposed. Voting in favor: Balakier, Zygarowski, Labrie, McAuliffe, Courchesne. Voting against: López, Pniak Costello.**

Motion made by Councilor Pniak-Costello and second by Councilor Balakier to add dimming as a restriction. Motion failed. Voting in favor: López, Pniak-Costello. Voting against: Balakier, Zygarowski, Courchesne, McAuliffe, Labrie.

Motion made by Councilor Labrie and second by Councilor Balakier to approve the Special Permit to be in compliance with City regulations regarding electronic digital/signage and with an 8 second timing screen delay regarding the Special Permit.

**Committee vote: 5 in favor 2 opposed. Voting in favor: Balakier, Zygarowski, Labrie, McAuliffe, Courchesne. Voting against: López, Pniak-Costello.**

### ITEM #3

Special permit application under 275-59 (C) (11) for the purpose of adding 3 new drive up self-storage buildings, (2) 20'x50' and (2) 10'x100' to the existing 7 outside storage units located at 499 Montgomery St.

Applicant – UH STORAGE (DE) LIMITED, Jeff Nadeau, PO Box 29046, Phoenix, AZ 85038

The following letter was read into the record:

May 25, 2022

Mr. George Balakier, Chairman

RE: Request for Continuance – Special Permit Application  
Proposed Self-Storage Buildings  
499 Montgomery Street  
RLA Project No. 220207

Dear Chairman Balakier and Zoning Committee members:

On behalf of the applicant, UH Storage, c/o Mr. Jeffrey Nadeau, our office is herein requesting that the Zoning Committee continue the above-referenced matter scheduled for this evening, Wednesday, May 25, 2022. The applicant wishes to meet with the Planning Department and conduct a Site Plan Review Advisory Committee meeting prior to presenting to your board.

We are hereby requesting to be placed on the next Zoning Committee meeting.

Should you have any questions or comments regarding this request, please do not hesitate to contact our office at your earliest convenience. Thank you for your time.

Sincerely,  
R Levesque Associates, Inc.  
President

Lee stated that following the last Zoning Committee meeting he scheduled a review meeting of the draft plan with R Levesque's Office as requested. That meeting was scheduled for April 28<sup>th</sup> at 1 PM. Because one of his meetings ran over we rescheduled to 3:30 PM. At which point no representative from R. Levesque Associates was present on zoom. After 20 minutes Lee gave up and followed up on May 10<sup>th</sup> to reschedule. He did not hear back and followed up again on May 20<sup>th</sup> knowing that time has run out to hold SPRAC before Zoning. A consultant responded they would follow up with client and reach out again. Have not heard back from anyone since then. Lee stated that we are nowhere further along with this project.

Attorney Garvey stated that it is up to the discretion of the Board to either, grant, deny, or postpone this application. He continued that he is concerned because they have already been granted a 120 extension on March 1<sup>st</sup>. Based on calculations that 120 days will expire on June 28<sup>th</sup>. Some form of action needs to be taken; grant, deny, or if the Council decides to postpone it some type of written communication from the applicant by the next City Council meeting asking for an additional period of time because the time period will expire on June 28<sup>th</sup> which would not give the Council enough time to have a subcommittee meeting and then forward on to the first Tuesday in July Council meeting.

Councilor Labrie stated that he would be willing to give the applicant additional time. They are good neighbors. He asked Lee if he feels that U-Haul will work with him. Lee replied that he is disappointed. He stated that this site plan is not complicated. This could have all been approved well within the extension. He will give them the benefit of the doubt and try again.

Councilor Pniak-Costello stated that she is leery on extensions. Extensions are getting extensive and could get out of hand. Going back to January she voted against the extension requests from SilverBrick.

Councilor López stated that this is disrespectful. The city has been lenient up to this point because the applicant has been a good neighbor but at this point no response she believes is a response.

Councilor Zygarowski stated that the applicant runs a reputable business and should not be compared to SilverBrick.

Councilor Courchesne stated that he agrees with Lee's feeling. The lack of respect to the process and City Council time is beyond him.

Councilor López asked that the applicant explain why they have not been responsive to this process.

Motion made by Councilor López and second by Councilor Balakier to continue until the June 28, 2022 Zoning Committee meeting at 5:30 PM to the Chambers and produce and develop and plan for SPRAC review required by the City and submit letter before June 7, 2022 meeting explaining reasons why this has not been resolved.

**Committee vote 6 favorable 1 unfavorable. Voting in favor: Balakier, Zygarowski, Courchesne, McAuliffe, López, Labrie. Voting unfavorable: Pniak-Costello**

Meeting adjourned at 8:15 PM.

DRAFT