



APPROVED 8-25-2021

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**Members**

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

**MINUTES  
July 28, 2021**

The following are the minutes of a public hearing held Wednesday, July 28, 2021 at 6:30 PM in the Auditorium, City Hall, 17 Springfield Street, Chicopee, MA 01013 and via Zoom.

**Members Present:** Balakier, Tillotson (zoom), Krampits, Laflamme (zoom), Roy, Labrie

**Member Absent:** Walczak

**Also Present:** Jack St. Clair (Associate City Solicitor), Chris Casali (IT), Lee Pouliot (Planning Director), Councilor Dobosz (Ward 6), Nathan Moreau (Associate Planner)

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 B for 6,869 sq. ft. of property located at 287 Chicopee St. for the purpose of uniformity with neighborhood zoning.

Applicant – John Vieau, Sherry Manyak, 287 Chicopee St., Chicopee, MA 01013.

John Vieau was present at the meeting. He stated that at some point a small portion of his property was spot zoned. This zone change will conform with the neighborhood.

The Planning Board voted 4 in favor and 1 abstained for this zone change.

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

**Committee vote 6 – 0 favorable.**

## **ITEM #2**

Special Permit application under section 275-22 C for the purpose of expanding existing residential use to 3 family located at 246-248 Grattan St.

Applicant – Bigos Family Trust, Claire & William Bigos Trustees, 103 Caddyshack Dr., Chicopee, MA 01020.

Claire Bigos was present at the meeting. She stated that ever since she has owned the house it's been a 3 family. She is trying to convert it to a legal 3 family home.

Reports read from the following:

Building Department – I believe this application stems from a request to the Building Department to confirm that the structure at 246-248 Grattan Street is a legal 3 family dwelling unit. Unfortunately, the permit history does not confirm that the structure was originally constructed as or legally altered to be a 3 family dwelling. When the question was then asked, “how do I get to a position where the City can confirm that the subject structure is in fact a 3 family dwelling”, I suggested the following steps:

1. That a Special Permit be secured to allow for the alteration of the existing non-conforming use;
2. Provide a code review, plans and building permit application to change the use and occupancy of the structure to an, R-2 Use Group, 3 family dwelling.
3. Complete the work required by the Building Code and secure a Certificate of Occupancy upon completion of the work.

The parcel has a split zone with Business A zoning in the front portion of the lot to about 105 feet back from Grattan Street with the rear of the lot zoned Residence B. The parcel has 64.7 feet of road frontage and 9992 square feet of area. There is no minimum lot size requirement in the Business A district. If this structure was to be constructed today in a Residence C district, it would require 100 feet of frontage and 10,000 square feet of lot area.

The existing structure looks like a traditional 3 family dwelling and there is no information on file that indicates that it is anything other than a legal 3 family dwelling. It would be my recommendation that you approve the request, as it will clean up any question regarding what exists and not substantially change anything on the parcel or in the neighborhood.

Engineering Department – No Engineering Department comment on 3 family conversion. No proposed site work shown Any future site work including paved area expansion will require a site plan prepared by an engineer for review through the site plan review process.

Fire Department – Egress and alarms shall be maintained according to code.

Planning Department – Property is split zoned Residential B and Business A; expanding existing residential use to 3 family require a Section C finding via Special Permit under Chapter 275-22 C;

Applicant is looking to obtain a special permit to confirm the existing 3 family residential use due to an incomplete building permit history;

Under Chapter 275-22 C the City Council may grant as a Special Permit the right to extend a nonforming use by up to 25% of its fair market value or its area or the right to alter the use for a purpose not otherwise permitted in the district if it is found that the proposed use will be less obnoxious and in greater conformance with the intent of the zoning district within which it lies and will promote the purposes of this chapter.

Planning recommends approval of Special Permit with condition the Building and Fire Departments confirm the structure meets all Building and Fire Code requirements for a 3-family residential structure.

## **Conditions**

Permit to run with the land

The Building and Fire Departments confirm that the structure meets all Building and Fire Code Requirements

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

**Committee vote            6 – 0 favorable.**

**ITEM #3**

Special Permit application under section 275-52 B 13 for the purpose of dog kennel license for 8 pet dogs located at 79 Newell St.

Applicant – Marcolino Belen, Carmen Batista, 79 Newell St., Chicopee, MA 01020.

Carmen Batista was present at the meeting. She stated that she has 8 pet dogs since they were babies. She continued that when she went to renew the dog licenses she was informed that she would need to apply for a kennel license if she wanted to keep the 8 dogs.

Councilor Balakier asked if the applicant intends to run a kennel business or just keep the 8 dogs as pets. Ms. Batista stated that it's only for her pet dogs.

Councilor Roy asked what type of dogs she has. Ms. Batista replied that she has 2 Chihuahuas, 2 Lhasa Aspos, 1 husky, a mixed Lhasa Apso with a Yorkie, and a Yorkie.

**Public Input**

Beverly Como, 19 Tenney Street, stated that she is concerned about the word kennel because it implies boarding and breeding of dogs and they live in a residential neighborhood. She is concerned about the noise and the animal waste.

Karen Cuthbert, 93 Newell Street, via zoom, stated that she is concerned about the noise factor. The dogs are out sometimes 5 at a time. When she comes home or leaves her home to dogs are at the fence barking. She continued that the husky is very quiet. There have been times when the dogs are barking for over 10 minutes to the point where she had to call animal control and when animal control arrived the dogs were still barking.

William ?, 30 Oakland Street, Springfield, stated that he is the brother of the petitioner and he stated that the dogs do not sleep outside. Most of the time they are inside the house.

Councilor Labrie stated that the Board of Health was not able to inspect the property because the petitioner was ill.

Reports read from the following departments:

Fire Department – No issues

Engineering Department – No Engineering Department comments for dog kennel license.

Building Department – 79 Newell Street is zoned Residential A. A kennel operation is not listed as a permitted use within the district unless a special permit is granted under 275-52 (B) (13) of the Chicopee City Code. The 2 sides of the rear yard along Newell and Tenney Streets are fenced, I am not sure if the rest of the rear yard is enclosed. The overall lot size is approximately 12,763 square feet.

Planning Department – Property is zoned Residential A; animal kennel licenses (3 or more dogs) in Residential A Districts require a Special Permit under 275-52 B 13.

Applicant is looking to obtain a Special Permit for an Animal Kennel License for 8 pet dogs.

Planning recommends approval based upon the Building and Health Departments confirming the property is adequate and appropriately maintained.

Councilor Tillotson suggested that the committee postpone until the Board of Health and animal control have an opportunity to inspect the property. He believes there are too many questions to pass it tonight.

Councilor Labrie asked the petitioner if she intends to replace dogs if they die. Ms. Batista replied that she will not replace the dogs.

Motion made by Councilor Krampits and second by Councilor Tillotson to postpone to the August Zoning Committee meeting and the Board of Health and the Animal Control Center inspect the property.

**Committee vote            6 - 0 favorable to postpone to the August meeting.**

**ITEM #4**

Minutes – June 30, 2021

Motion made by Councilor Tillotson and second by Councilor Roy to approve. Motion passed.

Meeting adjourned at 7:22 PM.