



City of Chicopee
City Council
Zoning Committee

APPROVED 8-26-2020

Members

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

**MINUTES
July 29, 2020**

The following are the minutes of a public hearing held Wednesday, July 29, 2020 at 6:30 PM in the Council Chambers, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and on Zoom.

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

Members Absent: Walczak

Also Present: Daniel Garvey (Associated City Solicitor), Nathan Moreau (Associate Planner) Councilor Dobosz (zoom), Councilor Courchesne

The meeting was called to order at 6:30 PM

ITEM #1

Special Permit application under 275-52 for the purpose of buying only two cars, fix them and then resell the cars. Would like to hold the cars in two car garage at the house located at **101 Angela Dr.** Applicant – Velma Johnson & Akeem Pitter, 101 Angela Dr., Chicopee, MA 01020.

Akeem Pitter was present at the meeting. He stated that he would like a license to buy, repair, and sell cars at this location until he gets a shop.

Councilor Balakier asked if he will be working out of the residence. Mr. Pitter stated that he needs to get a license first and then he will look for a shop. It won't be a straight out mechanic shop. Councilor Balakier asked if this proposal is temporary or will Mr. Pitter be continually running this business. Mr. Pitter replied that he is in it for the long run.

Public Input

Norman Girourd, 90 Angela Drive, stated that this is a residential street. There is already traffic for the school, Sunshine Village, and daycare center operated out of this same address. This is not an appropriate business for the location.

Karen and Richard Palmer, 70 Angela Drive stated that this is a residential neighborhood. There has never been a business in this neighborhood. They are concerned about hazardous waste and the lot could be condemned. This is also a bus stop and traffic going in three different directions.

Claire Lebel, 60 Post Road, stated that she built the house in 1989 because the area was residential and didn't want to worry about a business operating in the neighborhood.

Launa and Jay Kazeroid, 105 Post Road, they stated that they are opposed to any type of business opening in this neighborhood. They have children and are concerned about noise and hazardous material. They are also concerned what could come into the area if this is approved.

Tracy Dobosz, 70 Post Road, stated that she has lived at this address for 29 years. It's a quiet neighborhood and this is not the right location for this business.

Nancy Fenton, 81 Angela Drive, stated that she agrees with the neighbors. She is concerned with the increase of traffic, hazardous material, and it is a bus stop location.

David Rossi, 106 Moreau Drive, has been a resident of this area for 55 years. He stated that this business would be a detriment to the neighborhood and it would decrease home values.

Matthew Bator, 135 Post Road, stated that he is concerned about the increase in traffic, no parking lot for the cars and cars will have to park on the street.

Diane and Bruno Bator, 135 Post Road, stated that they are concerned about noise from the business and increase in traffic.

Councilor Dobosz stated that he is opposed to this proposal. He stated that this is a residential neighborhood; one of the wealthiest residential areas in the City. He feels that the applicant should have been told at the beginning of the process that this proposal is in violation of city ordinances. This business would put a strain on the residents.

Councilor Laflamme stated that he is in opposition of this request. He does not want this to become a Pandora's box. This proposal does not meet the City's Home Occupation requirements. It does not belong on residential property.

Susan and Glen Laplante, 71 Angela Drive, stated that she is opposed to this application because it would increase traffic and this is a residential area not a business area. Mr. Laplante is in the automotive field and he knows that there will be hazardous material, car parts, and unregistered cars.

Velma Johnson, 101 Angela Drive, stated that she runs the daycare. She stated that the applicant will not be running a mechanic shop. He just wants to buy cars and fix the cars at the shop in Indian Orchard. She continued that he has already been doing this work out of this property. He works at a shop in Indian Orchard and he needs this license to be able to buy cars at the auction.

Reports read from the following:

Building – 101 Angela Drive is within the Residence A zoning district. Automobile repair and automobile sales are not a permitted use within the district. Automobile repair operations at residential properties are a very significant problem and the Building Department spends a significant amount of time investigating them and closing them down. It is my recommendation that you deny this special permit requests and future similar requests, as I believe the promotion of automobile repair and sales in residential neighborhoods will negatively impact quality of life and aesthetics within our neighborhoods.

Planning and Conservation – Property is zoned Residential A. Applicant is requesting a Home Occupancy Permit for Auto Repair and Class II, Used Auto Sales. In addition to a Special Permit, should it be granted, an Auto Repair and Class II license would also need to be granted. Planning does not believe that the intent of a Home Occupation was to allow for any auto related activities on Residential property. Please review the definition of Home Occupation as follows 275-4 Any use customarily conducted entirely within the dwelling and carried on by the inhabitant thereof, which is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof, and provided that no article is sold or offered for sale except such as may be produced on the premises by members of the immediate family. Home occupations do not include telephone and office use where the principal business is not conducted on the property. At no time shall there be any exterior indication of the home occupation other than an identification sign, and there shall be no outdoor manifestations, such as traffic generation, noise, fumes or noxious odors which are different or greater than those usually experienced in the residential neighborhood. Planning does not believe this request meets the intent of Home Occupation and therefore does not recommend granting of a Special Permit.

Engineering – No Engineering comments

Fire – If repair to vehicles involve welding a hot works permit will be needed. Is this just for 2 vehicles one time or a request to have two vehicles at a time on an ongoing basis?

Councilor Tillotson stated that this request does not meet the criteria for a Home Occupation. This type of business needs to be located on a lot not in a residential neighborhood.

Motion made by Councilor Tillotson and second by Councilor Laflamme to deny. (Yes vote to deny)

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM#2

Zone Change from Residential A, Residential B, Business A to Industrial for all acres/square feet of property located at **107 N. Chicopee St.** for the purpose of continuity of zoning. Applicant – Chicopee Industrial Realty, LLC, Carol Campbell, 107 N. Chicopee St., Chicopee, MA 01013.

Carol Campbell stated that she has been working with the city to clean up the property and there is a portion that is zoned residential in the middle and she is now applying for this zone change to make it all Industrial.

Planning Board voted favorably to recommend approval.

Councilor Laflamme stated that the applicant could have just left it zoned the way it is to keep the taxes down but she is doing what is best for the area.

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

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #3

Special Permit application under 275-58 C 6 for the purpose of small scale production facility on Business A property located at **365 Chicopee St.** Applicant – Gregory & Tracy Janik, 2 Belmont Ave., South Hadley, MA 01075.

Gregory and Tracy Janik were present at the meeting. The proposal is for a one man wood working shop. The shop will make kitchen cabinets, small furniture. There is minimal noise. Operating M-F 7:30 -4:30, Saturday until Noon and no Sunday.

Councilor Tillotson stated that this is a better location then the previous address.

Councilor Laflamme stated that the other site was smaller in size. This is a better fit.

Reports read from the following:

Building – The property is zoned Business A. Small scale production facilities are permitted under 275-58 C (6) of the Chicopee Code. The operation does abut residential property to the rear. The operation will be operated primarily during daylight hours and should have minimal impacts on the residential neighbors. Greg and Tracy have an understanding of the need to be good neighbors and their responsibility to preserve the peaceful environment of their residential neighbors. I recommend approval of the small scale production facility.

Planning and Conservation – Property is zoned Business A. Applicant is looking to run a small-scale production facility which is a permitted with a Special Permit in a Business A District. Applicant previously applied for was approved a Special Permit for 386 Chicopee Street but an opportunity arose to purchase the former Perry’s Auto Parts store located at 3675 Chicopee Street, therefore they must apply for this new site and Planning recommends approval of the Special Permit.

Engineering – Handicap parking spaces are to be 8’ wide with a 5’ striped access isle. If the parking lot is to be redone it must go to SPRAC because it is over 4000 SF. All parking spaces should be striped.

Fire – None at this time but we will expect to see plans for fire protection and dust collection and ventilation at some point in the future.

Special Permit to run with the applicant.

Motion made by Councilor Tillotson and second by Councilor Laflamme to approve.

On the motion

Balakier	Yes
Tillotson	Yes

Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #4

Special Permit application under 275-53 C 6 for the purpose of waiving lot dimensional requirements for duplex construction as follows: frontage from 100 feet to 58 feet, lot area from 10,000 square feet to 8,700 square feet located at **652 Chicopee St.** Applicant – Andre Marcoux, 67 Catherine St., Chicopee, MA 01013.

Andre Marcoux was present at the meeting. He stated that the plan is to build a two family duplex with off street parking. This site previously had a 6 family house.

Councilor Laflamme stated that this proposal is the best fit for this area (2 family instead of 6).

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 (275-53 (A) (2)). 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.

Building – Recommend approval. 275-53C(6) allows for the City Council to waive dimensional requirements for Residence B lots. The original proposal was for a three family dwelling to replace the 3 family on the site prior to the demolition, but the timeline in 275-23, Restoration of Damaged Buildings section of the Code has since expired. The use and proposed lot size are appropriate for the area.

Engineering – No engineering comments

Fire – None, as long as access to the rear for firefighters remains clear.

Motion made by Councilor Tillotson and second by Councilor Laflamme to approve.

Special Permit to run with the land.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #5

Zone Change application from Business A to Residential C for 1,082 square feet of property located at the rear of the **38-52 Front St.** for the purpose of eliminating mixed zoning and bringing all the property into conformity with its use. Applicant – Attorney Ronald R. LaRocque for Angelo Scuderi, Manager, 641 Grattan St., Chicopee, MA 01020.

Attorney Ronald LaRocque stated that he represents the petitioner. They own the multi-family property on Front Street that was damaged heavily by fire. Attorney LaRocque continued that they are seeking a Special Permit to waive dimensional requirements so that they can rebuild. The fire was so devastating that they were not able to rebuild within the timeframe required by the ordinance. The problem was that they had insurance settlements that had to be worked through. When this process was begun with the Planning Department it was suggested that they would like to have the applicant petition to rezone a small section of the parking area for consistency purposes. There was mixed zoning. The petitioner is seeking this zone change at the request of the Planning Board.

The Planning Board voted favorable to approve.

Angelo Scuderi spoke via Zoom and is seeking a Special Permit to rebuild on the property.

Motion made by Councilor Tillotson and second by Councilor Krampits to approve.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #6

Special Permit application under section 275-23 & 275-54 C for the purpose of rehabilitating an existing six (6) family residential building that was damaged by fire; to address non-conformities with zoning and building codes for a building in a historical district; requesting relief from the following ordinances:

From Section 275-23 requiring restoration to be complete within 12 months. The petitioner was delayed by insurance claim issues, legal issues involving tenant possessions and access to the damaged building, and building code enforcements.

From Section 275-D(1) (c) Multi-family dwellings from 30,000 SF to 19,199 SF

From Section 275-D (3) (2) Front yard setback from 20 feet to 7.5 feet (average)

From Section 275-D (3) (c) Rear yard setback from 30 feet to 10 feet (average)

From Section 275-D (3) (5) Depth from 200 feet to 91.6 feet (average)

From Section 275-D (8) Side yard from 20 feet to 6.5 feet (average)

Located at 38-52 Front St.

Applicant Angelo Scuderi, Manager of CDM Properties, LLC, 73 East Street,
Ludlow, MA 01056.

Attorney Ronald LaRocque stated that this project will enhance the area and the City. He continued that part of Front Street is built on the property. There are some porches that putrid out in the front of the

building which do encroach on certain setback requirements. The property is L shaped and that's why the application includes average measurements because it's impossible to give specifics.

Reports read from the following:

Planning Department – Property is zoned Residential C. Applicant is looking to rehabilitate an existing six family building that was damaged by fire; to address non-conformities with zoning and building codes for a building in a historical district; under 275-54(D) (1) Residential C Zoning Districts – The City Council has the authority to waive dimensional requirements. This project preserves historic structure in an existing historic district in the City (see attached map showing this district). Planning recommends approval of the Special Permit.

Engineering – Street occupancy permits must be obtained if the street or sidewalk is to be blocked off due to renovation.

Special Permit to run with the land.

Motion made by Councilor Tillotson and second by Councilor Krampits to approve.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #7

Special Permit application under 275-50 C (2) (b) for the purpose of obtaining a permit for the addition of an electronic message center panel on existing pylon located at **1307 Memorial Dr.** Applicant – James Carlin, Jr., P O Box 3374, Springfield, MA 01101.

James Carlin, Jr. was present at the meeting. He stated that Kentucky Fried Chicken would like to replace the old message board which is not electronic with an electronic board.

Councilor Laflamme would like the 8 second rule added to the conditions of the permit.

Reports read from the following:

Planning – Property is zoned Business A. Digital accessory signs in Business A district require a Special Permit. Applicant is looking to obtain a Special Permit for an addition of an electronic message panel on an existing pylon sign; addition of a sign that are animated with lights of illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in (a) color or use intermittent electronic pulsation require a Special Permit. Planning sees no issue with the proposed digital sign as other exist along the Memorial Drive corridor – Council should consider limitations on how often (timing) screens are allowed to change. Planning recommends approval of the Special Permit.

Engineering – No Engineering comments

Fire – None

Building – 1307 Memorial Drive is located within the Business A district. The electronic message board will replace the existing manual message board on site. Council may consider limiting the number of changes the sign can make in a given period of time to reduce distracted driving in the area.

Conditions

Sign to remain static for at least 8 seconds so as to not impede traffic
Permit runs with the applicant.

Motion made by Councilor Tillotson and second by Councilor Krampits to approve.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Labrie	Yes

Motion passed.

ITEM #8

Minutes – February 27, 2020 Motion made by Councilor Tillotson and second by Councilor Krampits to approve. Motion passed.

Motion made by Councilor Laflamme and second by Councilor Tillotson to adjourn at 8:25 PM. Motion passed.