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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**  
**August 30, 2023**

The following are the minutes of a public hearing held Wednesday, August 30, 2023 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, López, Zygarowski, Labrie

**Absent:** McAuliffe

**Also Present:** Timothy Reilly (Associate City Solicitor), Councilor Laflamme, Councilor Krampits (zoom), Lee Pouliot (Planning Director), Chris Casali (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.

Kristen Rivers via Zoom identified that she is recording the meeting. She is with the Chicopee Register.

**ITEM #1**

Special Permit application under Chapter 275-58 (c)(5) & 40 (G) (4) for the purpose of creating a mixed-use property – Business A/Residential with two one-bedroom units and a business building. Waiver requested – reduce parking requirement from 6 spaces to 3 spaces located at 520 Chicopee Street.

Applicant – Campagnari Construction, Matt Campagnari, 128 Federal Street, Springfield MA 01105

Matt Campagnari was present at the meeting. He stated that he is a receiver for Western Division Housing Court. He has been a receiver for ten or fifteen years. He was asked by the City to take this property as a receiver. He did research before he accepted, and he was informed by the Building Department and the Law Department that this building could be renovated and stored. At that time it was a vacant building but it was a

first floor business and the second floor had some residential units. He was informed that with a Special Permit he could have up to 4 units on the second floor as a mixed-use building. He then agreed to take the property on as a receiver. In July 2016, he was appointed receiver of the property. He toured the property with the Building Commissioner at the time, Carl Dietz, and a member of the Board of Health. At that time the Commissioner deemed the property condemned because it was not structurally sound. It was not feasible to repair the building and he ordered the building to be demolished. In November 2016 the property was demolished. Then an auction was held. No one attended the auction, so he obtained the property. He has been maintaining the property since 2016. This is a small 3,350 SF lot. A variance was requested and granted and now a Special Permit is requested. The proposal is for a small business on the first floor and two one-bedroom units on the second floor.

Reports read from the following departments:

Engineering – Curb cut opening for driveway cannot be more than 24' wide, existing driveway would need to be moved to accommodate the curb opening for the garage.

Fire – Ensure building meets all applicable fire code requirements

Planning – Property is zoned Business A; Applicant is seeking Special Permit to allow for up to two (2) residential dwelling units within a business building; current conditions consist of a vacant lot; the proposed uses are permitted in Business A by Special Permit: 275-58(C)(5): Up to four (4) dwellings in a business building; the proposed mixed use is consistent with the property's previous land use; Parking requirements are regulated under 275-40 (N) (1) (a): One, two and three family dwellings and mobile homes: two spaces per unit; Planning assumes two (2) parking spaces for the business use as the business tenant is not confirmed; the applicant is looking to reduce the required amount of parking spaces from six (6) to three (3); this property satisfies the following criteria for flexible parking standards: 275-40 (G) (2): There are one or more bus routes in the immediate vicinity of the building or buildings. 275-(G)(4) Where the size of the lot is so small that meeting the parking requirement would prevent redevelopment; Planning recommends approval of the Special Permit for a mixed-use development and parking reduction; Note, this property has been in Receivership with the City and Court System.

Collectors – Water bill is outstanding

Councilor Balakier asked Attorney Reilly to shed some light on this matter. Attorney Reilly stated that the applicant is correct. The City did ask him to become a receiver for this property. The receivership was filed in 2015. The applicant was appointed on July 8, 2016. Since no one came to the auction he became the owner. It was all court approved. He also stated that he contacted the Building Commissioner and was told that he is support of this project.

Lee Pouliot stated that the intent of the receivership here for the original building was to see it re-habed. What the applicant is proposing is pretty much identical to what was there before.

Public Input

Susan Nimchik, 362 James Street, asked who from the City told him and is there a paper trail that's presented to the committee or is it just from recollection.

Lee Pouliot stated that his comments are based on his direct involvement with this project going back to 2015. He anticipates that there is a paper record trail of the receivership process in the law department files.

Attorney Reilly stated that through the courts website he was able to look at the docket. All the information presented by the applicant is accurate. The process for receivership is that the City asks the receiver, the receiver does not come to the city. The city asks the receiver to take on the property and the receiver decides whether to take it.

Motion made by Councilor Zygarowski and seconded by Councilor Balakier to close public input.

Roll Call

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

Motion passed.

Councilor Courchesne stated kudos to the contractor for maintaining the property.

Councilor Laflamme stated that it's a good plan and it solves some problems in the area.

Conditions

Permit to run with the land

Must meet all applicable Building and Fire requirements in the construction of building

Motion made by Councilor López and seconded by Councilor Balakier to approve with conditions.

Roll Call

<b>Councilor</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Abstained</b>	<b>Out of Chair</b>
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 Balakier to approve the waiver request.

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**

Zone Change application from Business A to IPUD II for 2.0621 acres of property located at 41 Robbins Road for the purpose of constructing a commercial building with associated site improvements for use by a commercial electrical contractor.

Applicant – KOI2KOI Associates, LLC c/o Christopher P. Lapinski, 9 Wellesley Circle, South Hadley, MA 01075

Attorney Paul Beaudreau was present at the meeting representing the applicant. He stated that the property was purchased by the applicant in 2023. The proposed business is not a permitted use under the current zoning. The proposal is a metal building and accessory building.

Councilor Balakier stated that the Planning Board recommended approval.

Lee Pouliot stated that the property is zoned business. The proposed use by the applicant would be classified as a contract construction service, which is not allowed in business zones. The only way for this project to move forward would be to change the zoning to a different zone that allows for contract construction services which in this case would be IPUD II.

Seeing no public input

Motion made by Councilor Costello and seconded by Councilor Balakier 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.

Councilor Krampits stated that he is in favor of this zone change request.

Motion made by Councilor López and seconded by Councilor Balakier 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.

**Item #3**

Special Permit application under Chapter 275-58(c)(5) for the purpose of two apartments on the second floor of a business building located at 873 Grattan Street.

Applicant – DCL Property Mgmt., David Labrie, 187 Nelson Street, Chicopee, MA 01013

Councilor Labrie stated that he is not related to the applicant.

Applicant was present at the meeting. He stated that he has moved his business from this property to Chicopee Street and he has been attempting to lease the business property to no avail.

Reports read from the following:

Fire – Extremely limited access to three sides of this building for firefighting purposes. No access on left side, right side has an approximately 6’ wide path of travel to rear, rear has no yard and is just trees and brush, only the front side is free and clear. Needs to submit a fire detection/alarm plan. May need code review.

Engineering – no comments

Planning & Development – Property is zoned Business A; up to four (4) residential units in a Business building require a Special Permit under 275-58 (C)(5). Applicant is looking to obtain a Special Permit for two (2) residential units on the second floor of a commercial building. Planning sees no issue with the proposed Special Permit outside of confirming with Building and Fire that all Building Code and Life Safety requirements are met with the property’s current layout and unit count. Planning recommends approval of the Special Permit.

Seeing no public input

Motion made by Councilor Costello and seconded by Councilor Balakier to close public input.

Roll Call

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

Motion passed.

Councilor Labrie stated that this request is in his ward. He only received one call about the proposal from the property owner next door. He is not opposed. He just wanted to put on record that he didn't want any spillover parking going to his lot.

Conditions

Permit to run with the land

Must comply with all City Fire/Building codes

Must submit fire detection/alarm system as a code review regarding the subject property

Motion made by Councilor López and seconded by Councilor Balakier to approve with conditions.

Roll Call

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

Motion passed.

#### **Item #4**

Minutes – July 26, 2023

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

Roll Call

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

Motion passed.

**Item #5**

Adjournment

Motion made by Councilor Pniak-Costello and seconded by Councilor Balakier to adjourn at 7:30 PM.

Roll Call

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

Motion passed.