



Chicopee

City of
City Council
Zoning Committee

Members

Shane Brooks, Chair
James Tillotson, Vice Chair
Fred Krampits
Frank Laflamme
Jerry Roy
Stan Walczak
George Balakier

DRAFT

MINUTES
July 30, 2019

The following are the minutes of a public hearing held Tuesday, July 30, 2019 at 6:30 PM at the RiverMills Senior Center, 5 West Main Street, Lower Level, Small Garden Room #14 A, and Chicopee, MA 01013.

Members Present:

Brooks, Tillotson, Krampits, Laflamme, Roy, Walczak, Balakier

Also Present :

Daniel Garvey (Associated City Solicitor), Councilor Vieau, Lee Pouliot (Planning Director), Robert Patton (CEO Green Meadows Farm LLC), Chris Zawacki (CEO Green Meadows Farm), Tom Zawacki (Green Meadows Farm), Phil Silverman (Attorney for Green Meadows Farm), John Allard (Fuss & O'Neill Landscape Architect)

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 Res A to Res C for 15,309 square feet of property located at 281 Sheridan St. and 0 Sheridan St. for the purpose of creating 2 lots; 75x100. Renovating the existing house and building a new single family house. Applicant - Robert J. King, 77 Putting Lane, Chicopee, MA 01020.

Applicant was present he stated that his wife's uncle passed away last November so we decided to renovate the existing house instead of tearing it down. He stated the property looked large enough to build another house. He stated we went through the process and Zone C was an option and that's why we're applying for it. He stated that he has no future plans for it he just wants to get it approved so they can use it.

Councilor Roy stated what is the standard law to build.

Councilor Brooks stated one hundred by one hundred. They can ask for variances.

Planning Department

The Chicopee Planning Board held a public hearing on Thursday, July 11, 2019 at the RiverMills Senior Center, Classroom 30, 5 West Main Street, Chicopee, Massachusetts. The purpose of the hearing was to consider a Zone Change from Residential A to Residential C for 15,309 square feet off property located at 281 Sheridan St. for the purpose of creating two 75' frontage single-family lots. (one to contain the existing house and one new lot)

Recommend approval

Councilor Roy motion to approve - Councilor Laflamme 2nd the motion - motion passed

Committee vote 7 - 0 favorable

ITEM #2

Special Permit application under Chapter 275-72 for the purpose of siting an adult use marijuana retail establishment and the following waiver requests (1) 60 foot setback waiver from 1,000 foot buffer of a lodging house (2) 284 foot setback waiver of the 500 feet buffer of a church. Location - Lot 2 of recently subdivided property located at 919 Meadow Street. Applicant - Green Meadows Farm, LLC, Robert Patton, CEO, P O Box 2249, Hamilton, MA 01982,

Robert Patton stated he has a family farm up in Essex County. We've been an organic farm for over thirty years with traditional produce and we decided to add medical marijuana to what we were trying to cultivate. He stated under the laws of Massachusetts I was looking for a vertically intergraded place to have a dispensary. He stated he went to the Planning Department and met with Lee Pouliot. He stated since then Chicopee has now allowed adult use establishments as well and when that happened we then converted our medical only prospects to adult use as well. He stated that we would like to open a co-located facility to treat the patients particularly Veterans and PTSD and the adult use market. He stated that the security issues which are mandated by the state, we have presented this and our entire security infrastructures and procedures to the Police Department. He stated that Chief Jebb, Officer Holly Davis and others went through it and provided us a letter in which they approved of the infrastructure and the procedures that we have in place for security and safety. He stated that a security person will be checking licenses to determine whether they're a medical patient or an adult use customer. He stated that they have to check in yet again to show their ID and credentials then they will be invited into the retail room and if they are a medical patient they are put in a medical consult room. He stated that we've all heard the stories of the early retail dispensaries that they've been swamped with traffic, that's mitigating every day now as more facilities come along. He stated traffic is always on people's minds. We have twenty two parking spaces dedicated to our building and as

part of our outreach to the community we've communicated business owners up and down Meadow and Chicopee Streets. We've obtained letters of intent of Pride Stores, and Frontline Motors that they are going to make available to us off side parking. He stated that we will have traffic control officers from the very first day. He stated that we hope we will be a positive for the City of Chicopee.

John Allard stated that it's zoned industrial it's a semi vacant lot with a small paved lot. The building is about a thirty five square foot building. He stated the only regulated yard setback on the site is a twenty five foot front yard setback. He stated that we are actually utilizing the curb cut along Meadow Street. We have eight parking spaces fronting on the building, handicap parking closest to the entry and another fourteen spaces. He stated that a small box truck or a van would load in the back and we have some storage areas as well. He stated that we have an agreement that a fire truck will go through this site. There's a curb with stabilizing material there and they can make it through the site not onto Meadow Street.

Councilor Laflamme stated that other businesses can't give up their parking spaces if it's utilized as part of their agreement with the city.

Lee Pouliot stated you would have to review where they have a parking agreement to see how much capacity those sites have. Some sites may have extra customer parking.

Councilor Balakier stated it looks like there's a proposed change of ownership with Raya Ventures.

Robert Patton stated that Raya Ventures is a management company and I was its manager and owner. He stated that the family company for accounting reasons said you need to have a management company. He stated that it's still the family company. He stated it's simply the management entity.

Councilor Tillotson asked if they addressed the issue with the Fire Department.

Robert Patton stated that we were asked to run a turning radius.

Councilor Tillotson stated that you have to go through some other property with the fire truck and you have a written agreement from the other property owners.

Robert Patton stated yes. We purchased the property from Jim Carry who owns the car wash and part of the sale included a permanent easement through that exit from his property.

Councilor Tillotson asked about snow removal.

Robert Patton stated they will have snow taken off site in larger snow storms.

Councilor Tillotson stated that you are talking about a tight parking situation already. He stated that Frontier Motors is going to have to amend their license with us.

Phil Silverman stated that we have a lot of experience with the cannabis and we've worked with a lot of these companies in Massachusetts. He stated that the traffic is not as bad as you think. He stated that the volume is just not going to be there, the average visit is ten to fifteen minutes.

Councilor Tillotson stated that he thinks you should have a written agreement with the City that the parking spaces will be used by you and your employees. He stated that he believes that this is a variety store; people go in and come out quick. He stated that they come out on both Meadow and Chicopee Streets and it will be a lot of traffic.

Councilor Walczak asked how many employees will be working here.

Robert Patton stated it's very difficult to predict but he would say between ten to twelve employees.

Councilor Walczak asked what training do these employees require.

Phil Silverman stated that they get a great deal of training; all the different products and how to administer them. He stated that they are all background checked.

Chris Zawacki stated that the hiring and firing we are required to report back to the state **Councilor Brooks** stated that we've seen highly trafficked areas safely being able to mitigate traffic concern by placing a Police Officer on site for a period of time. He stated if we were to place a restriction on your application of sixty days and a reevaluation with the Police Department having someone on site.

Phil Silverman stated that one of the things that we proposed on the package is an opening day plan; we propose it for thirty but I don't think sixty is a problem.

Phil Silverman stated that we would have Police Detail as long as the Police Chief says. He stated that we also have a parking attendant out there to make sure people know where to go. He stated that for the first thirty days we do appointment only so we can control the number of people. Medical customers get preference.

Lee Pouliot stated this is a pretty well developed site plan. He would recommend making these conditions of approval and then we would work with the applicant to fulfill those and get updated plans for the departments for final approval before building permits would be released. He stated that you have to consider some dimensional waivers for this project. The first one is being located closer than we allow to a church but I believe there was a support letter saying that the church felt that there was no issue. He stated that it's also closer to a lodging house which we also buffered sixty feet from one thousand. He stated that the setbacks for a licensed daycare apply to the adult use license and it's a two hundred foot request.

Public Input

Karen & Gil Bolduc 63 Shaw Park Ave stated that they have lived here for thirty six years. She agrees with medical marijuana. She stated that they are not in favor of special permits and waivers to be issued to Green Mountain Farms for recreational marijuana facility coming into our neighborhood. She stated our present zoning laws were created to insure for both the area residents and the businesses to co-exist without encroaching on each other's rights. She stated that we already have many businesses on one side of Meadow Street. She stated on the left side you have residential streets, Sarah Jane Park, a Grammar School and a Boy's and Girl's club. She stated one of the businesses in site of the children getting out of that school is a vape and tobacco shop with too much outside advertising of their products which are proven to be detrimental to us and our children's health. This shop is only four streets away from the proposed marijuana facility. She stated that even though the marijuana facility will not have outside advertising the children will know what this business promotes. She stated that traffic exiting the ramps from 391 to access Meadow Street would be problematic. She stated there are backups on the ramps at various times per day trying to exit onto Chicopee Street. She stated there is also the issue with the new track pattern off the ramps which has gone from two lanes to one lane which could increase backups of more cars coming to the marijuana facility. She stated that the Pride Gas Station at the intersection of Meadow and Chicopee Street is a full service station; gas station, convenience store, deli service, Subway, beer and wine, drop off for recyclables. She stated that already with a steady traffic into their business, backups to the marijuana facility could negatively impact the flow of traffic. She stated even with an officer assigned to direct traffic into the marijuana facility it would not prevent the backups from the dry bridge onto Meadow Street. She stated that the marijuana customers could use

Chicopee Street and then use Shaw Park Ave as a thorough field and or for parking for the facility since it is the first street after the shop. She does not think the marijuana facility should be placed near a church or lodging house. She stated that it does not look like there could be enough parking spaces without spilling into other businesses, lots and neighborhood streets. We urge the city to work with the applicant to find a more suitable site which would minimize the impact on our neighborhood and the traffic issues.

Rose Defrain 881 Meadow Street stated that there is a moral component here, there are children that walk that street. She stated in the summer they bus them in from all over to the state pool. She stated that the children are running around and she's worried they will get hit. She stated that this is a bad place to put a marijuana facility. She stated that there are too many children running around between the school, boy's and girl's club.

Benjamin Ivanchenko 933 Meadow Street business owner. His English is not good so his son Ben Invanchenko spoke for him. Ben Invanchenko stated they own the two properties adjacent to 933 and 945 Meadow Street. He stated he is concerned about the traffic.

Someone from Green Meadow farm stated that they provided a traffic summary in our special permit. We haven't taken any traffic counts on the street but we have done a general comparison of what we expect and above for traffic.

Robert Patton stated that we try to look at the number of patients and potential customers are available in the regions verses how many facilities are open and it seemed a reasonable number given the average number of customers. He stated you will probably see about four or five people at a time.

Phil Silverman stated that at peak hours we are seeing about sixteen customers in an hour. He stated if the Police Chief had a problem we could flip right over to our appointment only system.

Robert Patton stated they will work hand in hand with Chief Jebb to make sure we are not a nuisance in any way.

Ben Invanchenko stated he is afraid for his future business because we are trying to lease the building adjacent. He stated we don't know how our business will be impacted by Green Meadows. He stated that they are against it.

Phil Silverman stated in terms of the impact on businesses the crime actually goes down around dispensaries because of the degree of security. He stated that it may attract people and it may benefit your business, it has happened in numerous cities and towns.

Lee Pouliot stated that Mass Alternative Care has been open for about a month dispensing medical and adult product and he's sure we could request some reports from the Police Department.

Christine? stated how you will deter customers from smoking the pot in the parking lot. She was concerned about smoking near the school. She stated that it does not belong in our neighborhood.

Phil Silverman stated we do a good job about educating people who come to the facility. We make it very clear that they are not supposed to use these products outside in the neighborhood or driving their vehicle. He stated that there have not been any incidents in the state.

Chris Zawacki stated that if we get feedback from the Police we will invest in whatever security measures are appropriate for the neighbors and for us to try to deter that.

Walter Dudek 881 Meadow Street wanted to know the buffer zone between the facility and his property.

Lee Pouliot stated for medical there is a five hundred foot buffer for residential property.

Walter Dudek stated that he sees people making drug deals and cutting through his property. He stated cars park across the street and then go into the carwash and then go back into their cars. He stated that his neighbor who is not alive anymore used to see it all the time and called the police all the time. He stated whatever deals they're working out at the carwash they then cut through his property and it's never been corrected. People park on our lawn and they make U-turns on our lawns and they think it's perfectly alright because they are getting kielbasa at Bernat's. He stated that everybody thinks it's going to improve and it's not. He stated around two or three o'clock the traffic will be backed up to Shaw Park Ave.

Lee Pouliot stated that the required buffer for medical marijuana zoning for residential uses or zoning districts is three hundred feet so for the medical marijuana there's a waiver request that setback one hundred and twenty five feet. He stated that there's no residential buffer under adult use because the way we structured that in the zoning is the one hundred vegetated buffers moving off-site to any adjacent residential properties.

Walter Dudek 881 Meadow Street was concerned that people will be out there trying to sell the marijuana cheaper.

Richard Veale 94 Clark Street stated are you going to have security twenty four hours per day so there will be no illegal marijuana sale on this man's property.

Phil Silverman stated we will have someone there but after business hours we monitor with a camera.

Chris Zawacki stated that no one is more motivated to correct the problems than a business such as ours. All our motivation to do the things that you're hoping to get done in terms of safety, security, discretion and responsibility we are as motivated as anyone to do. He stated if there are problems that need to be addressed we will address them.

Richard Veale stated he thinks this area is too small.

1. All of the SPRAC concerns must be satisfied prior to building certificate being issued
2. Hours of operation established in the ordinance
3. Police presence for a period of 60 days
- 4.

Councilor Tillotson motion to postpone this meeting to the call of the chair to call the Finance Meeting to order - Councilor Brooks 2nd the motion - motion passed

Councilor Tillotson motion to recall the Zoning meeting of July 30, 2019 - Councilor Brooks 2nd the motion - motion passed

Councilor Vieau stated he is not opposed to medical or recreational marijuana. He stated it's legal in Massachusetts and he understands that but, when it comes to looking at the special permits and hearing the concerns of the neighborhood he has to take a side whether or not he's in favor of special permit and waivers from those. He stated that as a property owner or someone who's developing a piece of property; the City of Chicopee has created an ordinance and it has set certain guidelines and these guidelines need to be waived and that's what the request is in front of us today. He stated that after hearing testimonials from the residents and knowing the impact it may or may not have on the neighborhood he is opposed to this proposal. He stated that this particular neighborhood and the waivers that you are requesting aren't going to protect the residents of Ward 3. He stated that if you had met all of our requirements that are set forth in our ordinance he certainly would be in favor today.

Councilor Laflamme stated he too will vote against this tonight for a couple of reasons; one is not knowing the answers to the parking lots to the other two properties, we are not guaranteed that they are going to be able to use that property. The other is people speeding to get through the light. He stated we need to think of the neighborhood, it is a tight neighborhood and the streets are very close together. He stated that with all the businesses and the school it is an issue.

Councilor Tillotson stated he worked hard on the ordinances for both recreational and medical marijuana and one of our concerns was to protect the integrity of the neighborhood. He stated that's why we put in all these restrictions. He stated in order to uphold the integrity of the ordinances we worked hard on and trying to be fair to the marijuana industry and also fair to the people in the neighborhood, I'm not going to support this tonight. He stated that he welcomes them if they could find another spot in the city. He stated that they have a good plan but he thinks this is the wrong spot; it's very congested with businesses, churches, school, boys and girls club and you have to use other places for parking. He stated it's just not what he envisioned it to be. He stated that this is the first one we received that is looking for so many waivers and that defeats the purpose of having the ordinance that we created.

Councilor Walczak stated that we just gave two new licenses out to 904 Meadow Street for auto repair, auto detailing and class II licenses so that will congest the area even more. He stated he sees it as a hazard.

Councilor Roy agrees it will be too congested.

Councilor Balakier stated that he has concerns. He stated we have ordinances that we have in place and of course he is concerned about the people that live in the neighborhoods. He stated that the other facilities that were granted special permits are in an area where there aren't a lot of people that live there, children, and traffic problems. He stated that he can't give his support at this point.

Setback waiver #1 Councilor Tillotson motion to deny - Councilor Brooks 2nd the motion - motion passed

Committee vote 7 - 0 favorable

Setback waiver #2 Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed

Committee vote 7 - 0 favorable

Setback waiver #3 Child Care facility Councilor Laflamme motion to deny - Councilor Brooks 2nd motion - motion passed

Committee vote 7 - 0 favorable

Special Permit Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed

Committee vote 7 - 0 favorable

ITEM #3

Special Permit application under Chapter 275-70 for the purpose of siting a medical marijuana dispensary and the following waiver requests (1) 25 foot setback waiver and an 125 foot setback waiver from the 300 feet buffer to any residence or residential zoning district (2) 200 foot setback waiver of the 1,000 foot buffer to a licensed childcare facility (3) 60 foot setback waiver of the 1,000 foot buffer of any halfway house or similar facility (4) 284 foot setback waiver of the 500 feet buffer of a church. Location - Lot 2 of recently subdivided property located at 919 Meadow Street. Applicant - Green Meadows Farm, LLC, Robert Patton, CEO, P O Box 2249, Hamilton, MA 01982.

Public Input

Gil Bolduc 63 Shaw Park Ave stated that he doesn't think it's fair to compare this facility with the one on East Main Street because they don't have the highway access. He stated West Springfield, Holyoke and North Springfield do not have marijuana shops. He stated that it will be a big increase in traffic.

Planning Department

Property is zoned industrial. Per Chapter 275-70(D) the use may be allowed with a special permit. (Also see 275-62(B)(26))

See attached for breakdown of recommendations on requested waivers

Building Department

Proposed location is zoned Industrial. Retail operation are permitted within the Industrial District. Other uses including the sale of beer and wine at Pride and BG Hunters Pub are in the vicinity of the proposed marijuana retail and medical facility.

Engineering Department

No Concerns

Permit to run with the applicant

Setback waiver #1 Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed

Committee vote 7 - 0 favorable

Setback waiver #2 Councilor Tillotson motion to deny - Councilor Brooks 2nd the motion - motion passed
Committee vote 7 - 0 favorable

Setback waiver #3 Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed
Committee vote 7 - 0 favorable

Setback waiver #4 Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed

Special Permit Councilor Laflamme motion to deny - Councilor Brooks 2nd the motion - motion passed
Committee vote 7 - 0 favorable

Robert Patton stated he thought the waivers were something he could risk. He stated he would like to have another opportunity for another spot to present ourselves again

ITEM #4

Councilor Tillotson motion to approve minutes of June 27, 2019 & July 1, 2019 - Councilor Brooks 2nd the motion - motion passed

Meeting adjourned at 8:00 PM