

Zoning Board of Appeals
Voting Record and Minutes

The Zoning Board of Appeals of the City of Chicopee public hearing for **Wednesday September 8, 2021, 6:30 PM** in City Hall Annex, Fourth Floor, City Council Chambers, 274 Front Street, Chicopee, MA 01013.

Meeting was brought to order at 6:30 PM.

Board of Appeals attendance:

Member	Name	Present	Absent	Excused
Regular	Anthony Gallant, Chair	X		
Regular	Carissa Lisee, Vice Chair	X		
Regular	Katherine Baldiga, Clerk	X		
Regular	Gary Stamborski	X		
Regular	Christina Loy	X		

Planning Department Staff Attendance

Title	Name	Present	Absent	Excused
Director	Lee Pouliot			X
Assistant Planner	Patrick McKenna			X
Development Manager	James Dawson	X		
Associate Planner	Nathan Moreau	X		

Item 1: (Cont. from August 11, 2021) Appeal of Building Commissioner’s Decision to deny Appellant’s request to construct an apartment above a detached garage. Location: 38 Parker St. Chicopee, MA 01013 Appellant: Jan Kujawa, same address.

Notes: The Appellant was present to explain his appeal of the Building Commissioner’s denial of a building permit. Building Commissioner Carl Dietz was also in attendance. The Appellant explained that he wanted to construct a studio apartment for his son above a detached garage on the property. Based on zoning ordinances and definitions, Mr. Dietz denied the building permit. The property is zoned Residential B which allows single and two-family residences dependent on lot size. The Zoning Ordinance definition for Dwellings – Two-family dwelling is “a building containing two dwelling units”. Therefore, Mr. Dietz’ argument is that constructing a living unit above a detached garage would essentially create two single-family dwelling units on one lot, this is not allowed in a Residential B zone. The existing house and detached garage would have to be attached per building code requirements in order for the requested apartment to be considered legal. The Board was concerned that allowing the apartment above the detached garage would set a precedent for others to request the same thus creating the potential for increasing density in the neighborhood that exceeds the intent of the Zoning Ordinance.

Motion to approve for the sake of discussion was made by Carissa Lisee and seconded by Christina Loy. Vote was 5-0 to deny the appeal.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair		X		
Regular	Carissa Lisee, Vice Chair		X		
Regular	Katherine Baldiga, Clerk		X		
Regular	Gary Stamborski		X		
Regular	Christina Loy		X		

Item 2: (Cont. from August 11, 2021) Variance from Chapter 275-40 C (6); 275-40 C (8) (b) and 275-67 K (9) (b) to allow for the following: Parking stall dimension of 9’ x 18’ to 9’ x 16’ for five (5) compact car parking spaces. Pavement setback from a street lot line from 8’ to 3’ and three-bedroom dwelling units in a multi-family development from “not more than 10% of the units” to “24% of the dwelling units.” Location: 10 Southwick St. Chicopee, MA. Applicant: Valley Opportunity Council, Inc. 35 Mount Carmel Ave. Chicopee, MA 01013

Notes: The Petitioner (VOC) was present and reviewed their petition with the Board. They explained that they were requesting the Variances to reuse the historic building and property to the most efficient way possible and allow for added green space. The property is within the Mill Conversion and Commercial Center Overlay District and the Petitioner has obtained the required Special Permit from the City Council. The Petitioner noted the City is in need of additional three-bedroom rental units and believes that the additional requested three-bedroom units would serve a need in the community. VOC has been very successful in obtaining historic tax credits and is projecting to start the project in 2023. Staff noted there had been no objections called into the Department with regard to the project.

Motion to approve was made by Carissa Lisee and seconded by Anthony Gallant. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			

Item 3: (New) Variance from Chapter 275-52 and 275-42 corner lot side yard setback for a detached garage from 15’ to 1’ to construct a new garage. Location: 24 Milton St., Chicopee, MA 01013 Applicant: Maxine D. Meckling, same address.

Notes: The Petitioner was in attendance to explain her proposal to construct a new garage in the same footprint as an existing garage that she is planning to demolish as it is very old and in disrepair. Staff noted if the new garage was able to be constructed on the existing slab a Variance would not be required as the location of the old garage would be considered legally non-conforming or “grandfathered”. However, the Petitioner did not know if the slab was in suitable condition to construct the new garage upon it and therefore applied for the Variance in the case the old slab was not usable. Staff noted once the old slab is removed the Variance requirement would be triggered. The Petitioner explained that there were several obstacles on the property that would be very costly to work around to accommodate a garage elsewhere on the property. Staff noted that there was one inquiry on the petition but no opposition. The Board discussed the petition and voted to approve the Variance request with the conditions that the new garage has to be the same size as the old garage and in the exact location.

Motion to approve with conditions was made by Carissa Lisee and seconded by Anthony Gallant. Vote was 5-0 to approve with conditions.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			

Item 4: Minutes from July 14 and August 11, 2021.

July 14, 2021

Motion to approve was made by Carissa Lisee and seconded by Christina Loy. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			

August 11, 2021

Motion to approve was made by Carissa Lisee and seconded by Christina Loy. Vote was 5-0 to approve.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			

Item 5: Discussion - Old/New Business

Notes: Staff noted that there were no new petitions to date but the deadline to file for the October hearing was still two weeks away.

The Board inquired about other projects in the City. Staff noted the Food Bank was going through the Planning Board and also reported on the progress of the Uniroyal and Baskin properties.

Item 6: Adjournment - next meeting October 13, 2021

Motion to adjourn was made by Anthony Gallant and seconded by Carissa Lisee. Vote was 5-0 to adjourn.

Member	Voting members	Approve	Deny	Table	Abstain
Regular	Anthony Gallant, Chair	X			
Regular	Carissa Lisee, Vice Chair	X			
Regular	Katherine Baldiga, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			

Meeting adjourned at 7:16 PM.