

# Notice of Meeting

To be filed in duplicate

Notice is hereby given in accordance with Chapter 30A, Section 18-25 of the General Laws of a meeting of the:

## City Council Meeting

Meeting will be held **7:15 PM** on **Tuesday, June 20, 2023**

The location of the meeting will be **Auditorium 3rd Fl., City Hall, & via zoom**

Full description of location **274 Front Street., Chicopee, MA 01013 & via zoom**

### Join Zoom Meeting

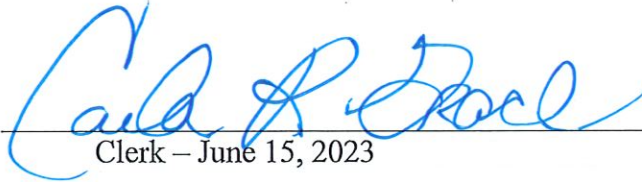
<https://us02web.zoom.us/j/81541880870?pwd=bXNJdWVZNzJ2cnlHWlVlQ2hieStmQT09>

Meeting ID: 815 4188 0870

Passcode: 979105

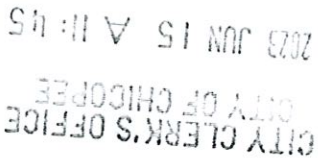
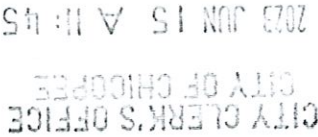
If you have questions call the City Council office (413)594-1435

Purpose of meeting **See Attached Agenda**



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Clerk – June 15, 2023

Date and Time Received by the City Clerk's Office (electronic stamp)	Date and Time Posted by the City Clerk's Office (electronic stamp)
	

The City of Chicopee City Council meeting will be held on June 20, 2023, at the City of Chicopee City Hall Auditorium located at 274 Front Street, 3<sup>rd</sup> Floor, Chicopee, Massachusetts at 7:15 p.m. and via Zoom. The items to be discussed include the agenda items listed below.

Public Input

Communications

Minutes

- MO-1 Mayor's appropriation of Ten million nine hundred fifteen thousand one hundred four and 42/100 dollars (\$10,915,104.42) to the following named account: Stabilization Fund for Educational Purposes from available funds in the following named accounts:

School Prior Year Salaries	\$ 3,864,450.38
School Prior Year Expenses	<u>7,050,654.04</u>
Total	\$10,915,104.42

- MO-2 Mayor's appropriation of Nine million and 00/100 dollars (\$9,000,000.00) to the following named account: Stabilization Fund from available funds in the Undesignated Fund Balance "Free Cash" Account.

- MO-3 Mayor's appropriation of Thirty-four thousand and 00/100 dollars (\$34,000.00) to the following named City Hall Maintenance Expense Accounts:

Special Services	\$10,000.00
Light & Power	15,000.00
Gas	6,000.00
Water	<u>3,000.00</u>
Total	\$34,000.00

Said amount is to be taken from funds in the following named City Hall Maintenance Salary Accounts:

Director of Facilities	\$10,000.00
Clerk	<u>24,000.00</u>
Total	\$34,000.00

- MO-4 Mayor's appropriation of Seventeen thousand and 00/100 dollars (\$17,000.00) to the following named account: Golf Expense Account for Water from available funds in the Undesignated Fund Balance "Free Cash" Account.

- MO-5 Mayor's appropriation of Thirteen thousand four hundred seventy-nine and 95/100 dollars (\$13,479.95) to the following named account: D.P.W. Parks Special Account for Purchase of Equipment from available funds in the following named D.P.W. Parks Salary Accounts:

Grounds Maintenance Craftsman	\$10,000.00
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D.P.W. Laborer	<u>3,479.95</u>
Total	\$13,479.95

MO-6 Mayor's appropriation of Eight thousand seven hundred seventy-three and 59/100 dollars (\$8,773.59) to the following named account: D.P.W. Parks Special Account for Purchase of Equipment from available funds in the following named D.P.W. Parks Salary Account:

MEO/Laborer	\$8,773.59
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MO-7 Mayor's appropriation of Twelve thousand and 00/100 dollars (\$12,000.00) to the following named account: Auditing Special Account for Liability Insurance from available funds in the Undesignated Fund Balance "Free Cash" Account.

MO-8 Ordered that the City Council accept the donations in the amount of Five thousand nine hundred sixty-one and 00/100 dollars to the Chicopee Council on Aging for senior meals for the month of May, 2023. Said donations are accepted in accordance with M.G.L. Chapter 44 Section 53A.

9 A favorable Zoning Committee report: Application for a Home Occupation License at 45 Marion Street for the purpose of doing business in the capacity of growing microgreens in the vicinity to sell at farmer's market. Applicant: Jerrico Rosa, 45 Marion Street, Chicopee, MA 01013.

10 A favorable Zoning Committee report: Application for a Home Occupation License at 413 East Main Street for the purpose of doing dog grooming. Applicant – Marissa Lalchandani, 413 East Main Street, Chicopee, MA 01020.

11 A favorable Zoning Committee report: Application for a Home Occupation License at 13 Mary Street, Apt. 2 for the purpose of doing a home based bakery. Applicant: Morgan Gillan, 13 Mary Street, Apt. 2, Chicopee, MA 01020.

12 A favorable Zoning Committee report: Be it Ordained by the City Council that the Code of the City of Chicopee for the year 1991, as amended by and is hereby further amended as follows:

Delete Chapter 275-66 A in its entirety

And insert in place thereof

275-66 A Burnett Road

A. No further business, commercial or industrial development shall occur on Burnett Road from the Ludlow/Chicopee line to the intersection of New Lombard Road and Burnett Road and any appurtenant street for a period of one year commencing on April 1, 2023, and terminating on April 1, 2024, except by special permit.

13 A favorable Zoning Committee report:

Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Delete: §275-41 Home Occupation.  
§275-52 (B) (11)  
§275-53 (B) (12)  
§275-54 (B) (1) (i)

Insert: §188-22 Home Occupation License

- (1) A special license from the City Council is required for a home occupation. Special license requests require immediate abutter notification, legal advertisement, a public hearing, a fee as set by the City Council and yearly renewal. Applications may be obtained and filed in the City Clerk's office.
- (2) The procedure for obtaining a home occupation special license is as follows:
  - (a) Obtain an application from the City Clerk's office.
  - (b) Submit the completed application together with the required fee and a copy of the Assessor's Map to the City Clerk's office.
  - (c) A hearing will be held by the License Committee of the City Council on the application for the special license in accordance with this chapter.
  - (d) The City Council will thereafter upon approval of the License Committee's action vote to issue the special license.
  - (e) Once this special license is granted, a certificate of occupancy must be obtained from the Building Inspection Department and a copy forwarded to the Board of Assessors.
  - (f) All home occupation special licenses shall expire on April 30th of each year, unless revoked. Any applications for renewal of the home occupation special license may be made in the month of April and shall take effect on May 1 next ensuing.
  - (g) If a nonowner of the property is the applicant, permission must be obtained, in writing, and submitted with the application.
  - (h) The City Council may in its discretion grant a waiver to allow one employee who is not a member of the family if there is a specific finding by the City Council that the waiver will not cause any undue hardship to the neighborhood nor disrupt the residential nature of the residence.
- (3) Records. The Building Commissioner shall be responsible for maintaining records of home occupations. If a special license for a home occupation has expired and the holder of such license has not received a renewal of the license from the City Council, the Building Commissioner shall forthwith notify the license holder that the license has expired, and the operation of the home occupation must cease within five days, and the holder must renew his license through the License Committee of the City Council.

- (4) Performance Standards. A special license for home occupation may be granted only if all of the following performance standards are met:
- (a) No alteration of the principal building shall be made which changes the character as a dwelling. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
  - (b) No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, health hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential dwelling.
  - (c) Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two square feet in area, shall be nonilluminated and attached flat to the main structure, visible through a window or posted in front of the building with a maximum height of four feet. The limitation to one nameplate is intended to apply to all lots, including corner lots.
  - (d) No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood. The activity involved shall not assume a commercial or public character or constitute a health or safety hazard to the neighborhood.
  - (e) The use shall be clearly incidental and secondary to the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
  - (f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
  - (g) The total area used for the home occupation shall not exceed 1/2 the floor area of the user's living unit.
  - (h) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.
  - (i) Any other conditions which the Council shall impose relating to the health, safety and welfare of abutting property owners.
- (5) Special Conditions. The City Council may impose special conditions upon a home occupation to ensure that the business is conducted in a manner which is compatible with the surrounding neighborhood. Such conditions may include but shall not be limited to the following:
- (a) A requirement for fencing and/or screening of the subject property from neighboring residences.
  - (b) A limitation on the number of vehicles related to the occupation which may be stored on the premises or parked on an adjacent right-of-way.
  - (c) A restriction on the hours of operation for the home occupation.

(d) A requirement that the permit be renewed after a designated period of time.

(e) Any other conditions which the City Council shall impose relating to the health, safety and welfare of abutting property owners.

(6) Grounds for Revocation. Failure to meet the definition in this Section and/or any of the performance standards outlined in in this Section or any condition imposed by the City Council in accordance with the Section shall be grounds for denial of a special license for home occupation or for revoking such a special license if one has already been granted.

(7) Enforcement The City Building Inspector shall have the authority and responsibility to investigate and enforce issues of unlicensed home occupations. The Building Inspector, given a question as to whether a hobby or a home occupation is involved, will make the initial determination and will notify the parties. If a home occupation is determined, the party involved will be given 60 days to obtain a license or to cease and desist. The determination by the Building Inspector may be appealed as provided for herein. A "hobby" is normally a pastime that is engaged in for pleasure as opposed to profit. Any individual found to be in violation of the Home Occupation Ordinance will be subject to fines up to \$25 per day for each violation after a determination has been made.

14 A favorable Zoning Committee report:

Be It Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Chapter 275-9

Add to the end of § 275-9 (F)

Notwithstanding anything to the contrary, a special permit granted under Chapter 275 Section 67 (Mill Conversion and Commercial Center Overlay District) shall lapse in a period of three years, including such time required to pursue or wait termination of any appeal from the grant, if a substantial use has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause. Following such lapse, the rights for the special permit may be reestablished only after a notice and a new hearing, as specified in § 275-10, have been undertaken.

15 A favorable Education Committee report: Be it Ordered that the Education Committee meet to discuss budget and traffic and pedestrian safety.

16 A favorable Rules Committee report: Be it Ordered that the Chicopee City Council accept the final report completed by the Charter Review Committee and forward the same to the Rules Committee for review and formulation of recommendations to the full City Council for discussion and formal adoption.

17 A favorable Rules Committee report: Be it Ordered that the Rules Committee meet to discuss training for new and current Councilors every two years.

18

A favorable Rules Committee report:

Be it Ordered that the Rules and Orders of the City Council Meetings be amended as follows:

Delete Rule 12D

- D The President shall open the meeting to public input. Public input shall be limited to three (3) minutes and shall not include collective bargaining issues, personalities, or any personal attacks. The individual shall give their name and address prior to speaking. At any time a person not present at the close of public input makes a request to address the City Council, he or she will require a two-thirds majority roll call vote of the Council before being allowed to proceed.

And insert in place there of

- D The President shall open the meeting to public input. Public input shall be limited to three (3) minutes. No person(s) shall be allowed to yield time to another during public input. The individual shall give their name and address prior to speaking. At any time a person not present at the close of public input makes a request to address the City Council, he or she will require a two-thirds majority roll call vote of the Council before being allowed to proceed.

19

A favorable Rules Committee report: Be it ordered that the Rules Committee meet to discuss adding a rule to the Rules and Orders of the City Council Meetings regarding appointments to Boards and Commissions. For new appointments the candidate will be referred to the Human Resources Committee and reappointments will be voted upon by the Council without having to appear before the Human Resources Committee.

20

A favorable Rules Committee report:

Be it Ordered that the Rules and Orders of the City Council Meetings shall be amended as follows:

Delete:

Regular meetings of the City Council shall be held on the first and third Tuesday evening of each month, except for the months of July and August, when a single regular meeting shall be held on the first Tuesday of such months. All meetings shall convene at 7:15 P.M., followed by the Pledge of Allegiance. If any such regular meeting shall fall on a legal holiday, or elections such meeting shall be held on the succeeding Thursday evening.

And Insert In Place Thereof:

Regular meetings of the City Council shall be held on the first and third Tuesday evening of each month, except for the months of July and August, when a single regular meeting shall be held on the first Tuesday of such months. All meetings shall convene at 6:30 P.M., followed by the Pledge of Allegiance. If any such regular meeting shall fall on a legal holiday, or elections such meeting shall be held on the succeeding Thursday evening.

- 21 A favorable Rules Committee report: Be it Ordered that Jean Fitzgerald be recognized and given an official citation from the City Council for her work regarding the National Night Out and other community work she has been involved in.
- 22 A favorable Ordinance Committee report: a proposed ordinance adding to Chapter 260, Parking Regulations, Alvord Avenue, South side-from Broadway to a point 85 feet easterly thereof, Parking Prohibited Here to Corner.
- 23 A favorable Ordinance Committee report: a proposed ordinance adding to Chapter 260, Parking Regulations, Meetinghouse Road, Odd side – from the intersection of Chicopee Street & Meetinghouse Road – all the way to the beginning of the driveway of Stefanik School – Directly across from the intersection of Elcon Drive & Meetinghouse Road, Parking Prohibited.
- 24 A favorable Ordinance Committee report: a proposed ordinance adding to Chapter 260, No Stopping or Standing, Meetinghouse Road, Odd side – at the beginning of the intersection of Meadow & Meetinghouse Road – Ending at the driveway of Stefanik School across from the intersection of Elcon Drive & Meetinghouse Road, No Stopping or Standing.
- 25 A favorable Ordinance Committee report: Be it Ordered that the Ordinance Committee review the current tag sale policy.
- 26 A proposed ordinance adding to Chapter 260, Section 30.3 – Municipal Parks Parking Regulation as Follows:
- A. Rules and Regulations. No person may park a motor vehicle in any municipal park when the park is closed except those vehicles specifically authorized to do so by the Superintendent of Parks who shall issue parking permits with the allowed dates and times stated on the parking permits which shall be displayed on the windshield of every vehicle so authorized.
  - B. Posting. The Superintendent shall post this ordinance at the entrance and exit of all municipal parks.
  - C. Violations and penalties. Any vehicle parked in violation of this ordinance, in addition to the monetary fine defined below, shall be towed and any expense incurred by the City shall be paid by the owner of said vehicle. The following fines shall be imposed:
 

(1) First Offense:	Written Warning
(2) Second Offense:	Fine of \$20.00
(3) Third Offense:	Fine of \$50.00
(4) Fourth or subsequent Offense:	Fine of \$100.00

Each day a vehicle is parked in violation of this ordinance shall be deemed a separate offense.
  - D. Enforcement. The City of Chicopee Police Department or their designee shall enforce this Chapter.

Laflamme

- 27 Be it Ordered that the DPW install a slow children sign at 362 James Street.

Pniak-Costello



28 Be it Ordered that the City Council look into establishing a social media page for posting agendas and meetings.

Pniak-Costello

29 Be it Ordered that the Forestry Dept. evaluate the tree behind 35 Fillmore Street to determine if the tree should be removed. The tree is on a paper street.

Pniak-Costello

30 Be it Ordered that the Ordinance Committee meet to review the duties and responsibilities of Human Resources Dept. including the overseeing health insurance and dental insurance.

Pniak-Costello

31 Be it Ordered that public notification up to 300 feet for one-way streets be referred to the Ordinance subcommittee.

Pniak-Costello

32 Be it Ordered that the following question shall be placed on the November 7, 2023 ballot for the City of Chicopee.

Be it Ordered that the City of Chicopee employ a code enforcement officer to enforce quality of life, public safety and all other ordinances within the City of Chicopee.

Courchesne

33 Be it Ordered that the DPW install additional speed limit signs on Chicopee Street Northbound from the area of Marshall Street to 803 Chicopee Street. 1.8 miles with no signs and Southbound from 780 Chicopee Street to 326 Chicopee Street. 1.6 miles with no signs.

Courchesne/Lopez

34 An application for a NEW Zone Change from split zone Bus B/Res A to Res. A. for 9,000 SF acres/square feet of property located at 580 Meadow Street. Parcel ID# 0360-00014 for the purpose of Boys and Girls Club (Existing) eliminating a small portion of zoning overlapping and causing a split zone on the site. Petitioner Name & Address: Chicopee Boys & Girls Club, 580 Meadow Street, Chicopee, MA.

35 An application for a NEW Zone change from Residential A to Business A for +/- 18,730 sqft-Parcel 0690-00048 +/- 24,237 sqft-Parcel 0690-0044D acres/square feet of property located at 523 James Street & 0 James Street, Chicopee, MA 01020. Parcel ID# 0690-00048 & 0690-0044D for the purpose of creating one contiguous zoning district by extending the existing Business A zoning district to the entirety of both parcels to allow for the future construction of a drive-through coffee shop. Petitioner Name & Address: DDM Property Group, LLC c/o Daniel Hannoush, 166 South Boulevard, West Springfield, MA 01089.

- 36 An application for a NEW Special Permit under Section 275-58 (C4) of the Municipal Zoning Ordinance for the purpose of an eating and drinking place with the consumption of alcohol. Location of Property: 420-424 Front Street, Chicopee, MA. Map & Parcel ID: 0079-00018. Name of applicant: Navjot Singh, 565 Main Street, Indian Orchard, Ma 01151.
- 37 An application for a NEW Special Permit under Section 275-9 (L) (3) of the Municipal Zoning Ordinance for the purpose of: Renewal of an existing Special Permit for a proposed multi family development with waiver of parking requirements from 88 to 75 spaces. Location of Property: 0 Oak Street Map & Parcel ID: 0147/0005H. Applicant: Culper Properties, LLC, 444A N. Main St. #125, E. Longmeadow, MA 01028. Erik Szyluk.
- 38 An application for a NEW Junk Dealers License at: 1410 Memorial Drive. Applied for by: Donna Dwight, Something Old/Something New for the purpose of selling vintage articles, new crafts and a consignment shop.

Adjournment:

ATTEST:



Keith W. Rattell, City Clerk