



City of Chicopee  
City Council  
Zoning Committee

Approved 3-9-2017

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**Members**

Shane Brooks, Chair  
Timothy McLellan, Vice Chair  
Fred Krampits  
Frank Laflamme  
Jerry Roy  
James Tillotson  
William Zaskey

**MINUTES**  
**January 12, 2017**

The following are the minutes of a public hearing held Thursday, January 12, 2017 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

**Members Present** Brooks, Krampits, Laflamme, Tillotson, Zaskey

**Absent** McLellan, Roy

**Also Present** Dan Garvey (City Solicitor), Lee Pouliot (Planning Director)

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 Business A to Residential B for 7286 +/- SF of property for the purpose of constructing a two-family house. Location: Nonotuck Ave (corner of Captain Mac St.) Assessor Map 48, Parcel 19.

Applicant: Anthony Wheeler  
95 Mulcahy Dr.  
West Springfield, MA 01089

Anthony Wheeler was present at the meeting. He stated that he is requesting this zone change to build a two family dwelling. The front door of the house will face Nonotuck Avenue.

Chairman Brooks stated that the Planning Board postponed this application because the applicant was not present at the meeting.

**Public Input**

Joan Cierpial, 115 Chapin Street, stated the Nonotuck Avenue is a very narrow street. She has concerns regarding parking for this proposed house because the neighborhood will be affected by this new home

being constructed. She further stated that the residents of the 6 unit block park all along Nonotuck Avenue. Also the lot is being used for dumping.

Anthony Wheeler stated that the proposed house will have two driveways on the property and the cars will park on those driveways. He will have professional landscapers mowing the lawn and doing the snow plowing for this property.

Lee Pouliot stated that this zone change would clean up a spot zone in the area. The Planning Board voted to postpone this matter at its January meeting because the applicant was not present at the hearing. He further stated that the Planning Board has this matter scheduled for its February 2<sup>nd</sup> meeting. The Board would like an opportunity to present the Zoning committee with its recommendation.

Motion made by Councilor Laflamme and second by Councilor Krampits to postpone until its February 9, 2017 meeting. Motion passed.

**ITEM #2**

Special Permit application under 275-52 (B) (2) for renovating existing structure single family into a 3 bedroom home for the terminally ill. All renovations will take place within the existing structure. No expansion is required. Located at 663 Pendleton Ave.

Applicant        Harmony House of Western MA  
                      David Tetreault  
                      16 Keith Ave.  
                      Belchertown, MA 01007

David Tetreault was present at the meeting. He stated that the house will be for the terminally ill who have three or less months to live. They will be provided with 24 hour care 7 days per week. Volunteers and nurses will be on site to care of them. There will be 2-3 people at the house at all times to care for the patients.

**Public Input**

Carla Rovelli-Grace, 19 Oakwood Street, asked whether this property is only temporary until View Street becomes available. She also stated that many of her questions have already been answered by the applicant.

Steve Lang, 32 Oakwood Street, stated that he is concerned about traffic and parking.

David Tetreault stated that the staff will utilize the driveway and garage to park their vehicles. He does not expect the patients to have many visitors.

Pam Quirk, Director, of Harmony House of Western MA, stated that they receive referrals from Hospice. There program also helps the homeless, and veterans and those with no support system.

Councilor Brooks stated that the Dover Amendment allows for group homes in residential neighborhoods with no say from the abutters. Because Harmony House is a 501 c (3) organization they are required to obtain a Special Permit. Should they leave and the house gets rented to another 501 c (3) organization another Special Permit will have to be obtained.

Conditions  
Permit to run with the applicant.

Motion made by Councilor Laflamme and second by Councilor Krampits to approve with condition.

**Committee vote**                      **5 – 0 favorable.**

**ITEM #3**

Special Permit application under 275-53 for construction of 2 24x62 garages for tenant/owner use-structures larger than accessory use for non-accessory garages located at 290-292 Granby Rd.

Applicant        James Kumiega  
                      55 Van Horn St.  
                      Chicopee, MA 01013

Councilor Laflamme abstained from this portion of the meeting. He is a direct abutter.

James Kumiega was present at the meeting. He stated that he would like to build 2; 24x62 garages. Some of the bays will be rented out to his tenants and the remaining will be utilized by him for support equipment for his rental properties and his own personal vehicles.

**Public Input**

Mike Sweeney, owner of Aqua-Matics, stated that his business is next door and he has no issues with this proposal.

Reports read from the following:

**Building Department**

I don't find a definition for a non-accessory garage, so a recommendation is challenging. What will be the real use of the garages? Will they be rented as storage bays? Is the owner using it to store his/her equipment and furnishings, is that any different than the garage being a rental storage facility? I am concerned that over time and through ownership changes, that these structures will have a detrimental impact to the neighborhood.

**Health Department**

No concerns at this time

**Fire Department**

The Chicopee Fire Department has concerns regarding access to the proposed garages for firefighting operations. The Massachusetts Comprehensive Fire Safety Code requires access roads extend to within 50' of a doorway of a building and 150' of any portion of a building or exterior wall.

**Engineering Department**

Submitted plan is deficient in meeting the requirements of Special Permit plan submission...such as details of drainage, grading (existing and proposed), abutting property info missing, etc. Applicant to review site plan submission requirements.

**Planning Department**

Property is zoned Residential B' garages which are not accessory to the principle structure are allowed only via Special Permit. Proposed garages layout does not meet required sideyard setbacks of 10'. Plan needs to be adjusted to meet setback minimums. Planning Staff is concerned about the scale of this request. The garage structures propose 10 bay doors and a total footprint of 2,976 square feet which is more than double the footprint of the existing homes on the property. The property is surrounded by residentially zoned or residentially used property on all but its eastern boundary. Planning Staff is also

concerned about access only being provided by diving “through” the “duplex” to use the garage-which would be a quality of life issue for the tenants in these units as the scale of this proposal goes far beyond what would reasonably be considered needed for tenants of the property. Planning Staff DOES NOT recommend approval; based on concerns that could result in detriments to surrounding residences and the tenants of the property. The scale and size of these garages is not appropriate for residentially zoned property that has existing residential uses.

Lee Pouliot questioned what the primary use of the property. Setback requirements will have to be addressed by the applicant.

Applicant to rework the plan to apply all setback requirements for the structure. Lee Pouliot and Carl Dietz to research a working definition of non-accessory.

Motion made by Councilor Zaskey and second by Councilor Brooks to postpone until the February 9, 2017 Zoning Committee meeting. Motion passed.

**ITEM #4**

Special Permit application under 275-22 to extend non-conforming use, convert a single family residential unit to a multi-family unit. Property currently has 2 privacy structures consisting of a retail store and single family house located at 155 East Street.

Applicant        James Hwang  
                         5 Jonquil Lane  
                         Longmeadow, MA 01106

James Hwang was present at the meeting. He stated that the home has three bedrooms on the first floor and three bedrooms on the second floor. Most of the homes in the neighborhood are two family. He would like to install a second electric meter for the home.

**Public Input**

Linda Jorgensen, 167 East Street, stated that the backyard of this property is a mess and there is a handicap person who lives on the second floor of this home and the home is not handicap accessible.

Robert Jorgensen, 167 East Street, questioned what will happen with Connie’s Ceramics. The driveway is small and he has concerns about parking. The yard is a mess. He also stated that tenants are not known to upkeep the property they rent.

Jean Paul Gauthier, 19 Muzzy Street, stated that he has concerns about parking for this neighborhood.

Reports read from the following:

**Building Department**

If the structures were attached, the Council could provide a special permit for up to 4 units in a business building. The proposed use is consistent with other structures along East Street.

**Health Department**

No concerns at this time.

**Fire Department**

No concerns at this time.

**Engineering Department**

Plan does not show driveway or parking areas (existing?)

Any site work proposed?

**Planning Department**

Property is zoned Business A; existing uses on property are allowed/grandfathered. (Business use and residential use are located in two separate primary structures on the property). Business A zoning allows, via Special Permit, to to four residential units in a business building. Unique context in having the business use in a separate structure.

Planning Staff believes that the request would not be detrimental to the neighborhood as the zoning allows for the above described units. The only difference in this case being that business use is in a separate structure. The property is adequately sized to support two residential units. Planning Staff recommends approval with conditions that adequate parking be confirmed to exist on the property to support two residential units and the applicant meet all Building requirements for the units. This proposal is also consistent with multi-family structures in the immediate neighborhood.

The committee was very concerned that there is a disabled person living on the second floor of the home. The committee requested that the applicant move the disabled person to the first floor while work is being done on the home.

Conditions

Permit to run with the land

Recommendation of Planning Department – 2 units

Submit parking plan prior to permit being issued

Permit applies only to the Residential home on the parcel

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

**Committee vote                      5 – 0 favorable.**

**ITEM #5**

Minutes – December 15, 2016 Motion made to approve. Motion passed.

Meeting adjourned at 7:41 PM.