

Zoning Board of Appeals
Voting Record and Minutes

The Zoning Board of Appeals of the City of Chicopee public hearing for **Wednesday March 8, 2023, 6:30 PM** in City Hall Annex, Fourth Floor, Chambers Conference Room, 274 Front Street, Chicopee, MA 01013.

Meeting was brought to order by Anthony Gallant 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	Julia Sudol	X		
Assoc.	Carlos Felix			X
Assoc.	Thomas Tetreault	X		
Assoc.	Theresa Devlin			X

Planning Department Staff Attendance

Title	Name	Present	Absent	Excused
Director	Lee Pouliot			X
Development Manager	James Dawson	X		
Assistant Planner	Patrick Collins	X		
Associate Planner	Nick Kiser			X

***NOTE: The Board voted to take Items 2 and 3 out of order and place them before Item 1 on the agenda.**

Motion to take Items 2 and 3 out of order and place them before Item 1 on the agenda was made by Anthony Gallant and seconded by Carissa Lisee. Vote was 6-0 to take Items 2 and 3 out of order and place them before Item 1 on the agenda.

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	Julia Sudol	X			
Assoc.	Thomas Tetreault	X			

Item 2: Variance from Chapter 275-52 area from 10,000 SF to 8,964 +/- SF and average depth from 100' to 89.64' to create a new single-family building lot from property at 25-27 State St. Location: Empire St. (Assessor Map 443, Parcels 2 and 3) Applicant: Miroslav Nesterchuk, 73 Chestnut St. Chicopee, MA 01013

Notes: Staff presented the Board with a letter from the Applicant's Attorney requesting to withdraw without prejudice both the applications for both the 25-27 State Street and Empire Street Variances.

Motion to accept the request to withdraw by the Applicant’s Attorney was made by Anthony Gallant and seconded by Carissa Lisee. Vote was 6-0 to accept the request to withdraw.

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	Julia Sudol	X			
Assoc.	Thomas Tetreault	X			

Item 3: Variance from Chapter 275-53 frontage from 100’ to 50’, area from 10,000 SF to 4,470 +/- SF and, average depth from 100’ to 89.39’ +/- to allow an existing two-family dwelling to remain on an undersized lot upon the subdivision from associated property fronting Empire St. Location: 25-27 State St. Chicopee, MA 01013 Applicant: Miroslav Nesterchuk, 73 Chestnut St. Chicopee, MA 01013

Notes: Staff presented the Board with a letter from the Applicant’s Attorney requesting to withdraw without prejudice the applications for both the 25-27 State Street and Empire Street Variances. (See vote above)

Item 1: (Tabled from February 8, 2023) Appeal of Building Commissioner’s Decision to deny Appellant’s request to retain property at 11-13 Hastings St. as a four-family dwelling. The Building Department has no building permit records allowing the conversion of the property from a two-family to a four-family. Conversions made do not meet Building Code requirements. Location: 11-13 Hastings St. Chicopee, MA 01020 Appellant: Philip Alarie, same address.

Notes: The Applicant/Appellant along with his Attorney Gary Liquori presented the appeal to the Board. The Board tabled its decision at the February 8, 2023, hearing in order to obtain additional information prior to rendering a decision. The applicant noted he had no further interaction with the Building Commissioner since the hearing on February 8, 2023. The Building Commissioner was not in attendance on March 8, 2023. The Board Members reviewed the additional information provided by the Planning Staff and the Applicant/Appellant. Base on the information provided at both hearings, it was the Board’s opinion that the building in question was constructed as a four-family dwelling and voted to allow the Applicant/Appellant to keep it as a legally non-conforming four-family. The Board did condition that the building be brought up to current Building Code to the best of the Applicant/Appellant’s ability and to the satisfaction of the Building Commissioner.

Motion to allow the dwelling to remain a legally nonconforming four-family with the condition that the building be brought up to current Building Code to the best of the Applicant/Appellant’s ability and to the satisfaction of the Building Commissioner was made by Anthony Gallant and seconded by Carissa Lisee. Vote was 6-0 to allow the dwelling to remain a legally nonconforming four-family with the condition that the building be brought up to current Building Code to the best of the Applicant/Appellant’s ability and to the satisfaction of the Building Commissioner.

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	Julia Sudol	X			
Assoc.	Thomas Tetreault	X			

Item 4: Minutes from February 8, 2023

Motion to approve was made by Anthony Gallant and seconded by Thomas Tetreault. Vote was 6-0 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	Julia Sudol	X			
Assoc.	Thomas Tetreault	X			

Item 5: Discussion - Old/New Business

- Anthony Gallant inquired if the fees being collected for applications was adequate to cover legal ad and postage bills. Staff noted that the fees being collected was adequate to cover the bills.
- Staff noted there would be at least one Variance on the April 12, 2023 agenda.

Item 6: Adjournment - next scheduled meeting is April 12, 2023

Motion to adjourn was made by Anthony Gallant and seconded by Gary Stamborski. Vote was 6-0 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	Julia Sudol	X			
Assoc.	Thomas Tetreault	X			

Meeting adjourned at 6:55 PM.