

## Zoning Board of Appeals Voting Record and Minutes

The Zoning Board of Appeals of the City of Chicopee public hearing for **Wednesday May 8, 2019, 6:30 PM** in RiverMills Senior Center, Classroom 30, 5 West Main St. Chicopee, MA 01020.

**Meeting was brought to order by Anthony Gallant at 6:30 PM.**

Board of Appeals attendance:

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

Planning Staff attendance:

Title	Name	Present	Excused
Planning Director	Lee Pouliot		X
Assistant Planner	Patrick McKenna		X
Development Manager	Jim Dawson	X	
Associate Planner	Nate Moreau	X	

**Note – Associate Member Matthew Bieda voted although his vote was not required as 5 regular members were present.**

### Item 1: Board Elections

**Notes:** The Board voted to take Items 1a, 1b and 1c at the end of the meeting.

Motion to move agenda Items 1a, 1b and 1c to the end of the meeting was made by Anthony Gallant and seconded by Christina Loy. Vote was 6-0 to approve.

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

### Item 1a – Chairperson

Motion to nominate Anthony Gallant as Chairperson was made by Carissa Lisee and seconded by Gary Stamborski. Vote was 5 in favor, 0 opposed and 1 abstention.

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

**Item 1b: Vice Chairperson**

Motion to nominate Carissa Lisee as Vice Chairperson was made by Gary Stamborski and seconded Anthony Gallant. Vote was 5 in favor, 0 opposed and 1 abstention.

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

**Item 1c: Clerk**

Motion to nominate Katherine Baldiga as Clerk was made by Christina Loy and seconded Gary Stamborski. Vote was 5 in favor, 0 opposed and 1 abstention.

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

**Item 2: Variance** from Chapter 275-52 to establish a new lot line between two existing residential lots and leave two accessory buildings each with a .5’ setback from the rear lot line of each lot. Location: 190 Newbury St. Applicant: William M. & Joanne B. Zaskey, 11 Leeds St. Chicopee, MA 01013

**Notes:** The Applicant explained the history of his property and that he owned both properties. The accessory structures were placed as desired since there was no rear lot line between separately owned properties. The Applicant’s desire is to separate the two properties for potential future sale. The historic lot line (that would be the rear lot line for the two properties if they were individually owned) bisects an accessory shed. The shed is located only 1’ from an accessory garage. The Applicant has no intention of moving either accessory structure and is requesting a setback of .5’ for each of the accessory structures. The Board discussed the possibility of moving the shed that is bisected by the historic lot line however, the Applicant does not desire moving it due to other landscape amenities surrounding the shed. The Board also discussed maintenance issues with a .5’ space to do required maintenance. The Board voted to approve the requested Variance with a condition that an easement be included in the deeds of the two lots that allows property owners of each lot to access the rear side of their respective structures for routine maintenance.

Motion to approve the Variance as requested with a condition that an easement be included in the deeds of the two lots that allows property owners of each lot to access the rear side of their respective structures for routine maintenance was made by Anthony Gallant and seconded by Katherine Baldiga. Vote was 6-0

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

**Item 3: Variance** from Chapter 275-52 (c) to convert an existing structure to a single-family house on a lot with frontage from 100' to 50.62', area from 10,000 SF to 5,400 SF and side setback from 6' to 2.9' +/- . Location: Ashgrove St. Assessor Map 337, Parcel 74. Applicant: Cody Hammon & Thomas Malek, 2 Archie St. Chicopee, MA 01020

**Notes:** Attorney Brian Shay represented the Applicant. Attorney Shay explained that his opinion was the requested lot size and reduced setbacks were represented at other properties in the neighborhood and the Applicant's request was not out of character with the neighborhood.

Planning Staff cannot support the Variance request as the hardship since the hardship was self-created by the Applicant when he subdivided the property. The Board's opinion was the property would become a greater eyesore for the neighborhood if nothing was allowed on it. The majority of the Board voted to approve the lot size request with the condition that the existing structure is completely removed from the property and a new structure be constructed that complies with all setback requirements.

Motion to approve with the condition that the existing structure is completely removed from the property and a new structure be constructed that complies with all setback requirements was made by Anthony Gallant and seconded by Christina Loy. Vote was 4 in favor, 1 opposed and 1 abstention.

**Note:** Matthew Bieda voted in place of Regular Member Katherine Baldiga as she abstained.

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

**Item 4: Variance** from Chapter 275-52 (c) (2) to construct a carport with front setback from 25' to 0'. Location: 15 Whittier Place, Chicopee, MA 01013 Applicant: Grace M. Bryda, same address.

**Notes:** The Applicant explained her petition and her reason for her request. She noted that her house was set closer to the edge of the ROW than is required and that the only practical location on her property for the carport was over the existing driveway. Staff noted that Whittier Place is a dead end street and is an extremely narrowly paved road with a standard 50' ROW. The Board's opinion is that the road is a dead end and only one other residence is located beyond the Applicant's and the Applicant's property line is approximately 20' from the pavement therefore the placement of the carport would not negatively impact the roadway or abutters. Staff suggested placing the posts for the carport far enough away from the lot line as possible to avoid potential future issues if the roadway was ever reconstructed. The Board voted to approve the Variance with a condition that the carport posts be set away from the property line and that the carport never be enclosed. One Abutter was present only to inquire about the details of the project.

Motion to approve with conditions was made by Anthony Gallant and seconded by Gary Stamborski. Vote was 6-0 to approve with the conditions that the carport posts be set away from the property line and that the carport never be enclosed.

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

**Item 5: Minutes** from April 10, 2019

Motion to approve was made by Christina Loy and seconded by Anthony Gallant. Vote was 6-0 to approve.

<b>Member</b>	<b>Voting members</b>	<b>Approve</b>	<b>Deny</b>	<b>Table</b>	<b>Abstain</b>
Regular	Anthony Gallant, Vice Chair	X			
Regular	Carissa Lisee, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			
Assoc.	Katherine Baldiga	X			
Assoc.	Matthew Bieda	X			

**Item 6: Discussion Old/New Business**

**Notes:** No Discussion

**Item 7: Adjournment** – Next Meeting June 12, 2019

Motion to adjourn was made and seconded. Vote was 6-0 to adjourn.

<b>Member</b>	<b>Voting members</b>	<b>Approve</b>	<b>Deny</b>	<b>Table</b>	<b>Abstain</b>
Regular	Anthony Gallant, Vice Chair	X			
Regular	Carissa Lisee, Clerk	X			
Regular	Gary Stamborski	X			
Regular	Christina Loy	X			
Regular	Katherine Baldiga	X			
Assoc.	Matthew Bieda	X			

**Meeting adjourned at 8:01 PM.**