



Chicopee

City of
City Council
Zoning Committee
Approved 7-1-2019

Members

Shane Brooks, Chair
James Tillotson, Vice Chair
Fred Krampits
Frank Laflamme
Jerry Roy
Stan Walczak
George Balakier

MINUTES
May 23, 2019

The following are the minutes of a public hearing held Thursday, May 23, 2019 at 6:30 PM at the RiverMills Senior Center, 5 West Main Street, Lower Level, Small Garden Room #14 A, Chicopee, MA 01013.

Members Present: Tillotson, Laflamme, Krampits, Walczak, Balakier

Members Absent: Brooks, Roy

Also Present : Daniel Garvey (Associated City Solicitor), Lee Pouliot (Planning Director) Councilor Courchesne

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 8,700 SF of property located at 652 Chicopee St. for the purpose of building a two family (duplex) and to connect the property to a larger, existing Residential B zone located to the northeast of the property. Applicants - Andre Marcoux & Deborah Missildine, 67 Catherine St., Chicopee, MA 01013.

Applicant was not present. Motion made by Councilor Laflamme and second by Councilor Tillotson to postpone to the end of the meeting. Motion passed.

Motion made by Councilor Laflamme to place back on the table.

Applicants were present at the meeting. They are requesting a zone change from Business A to Residential B to build a duplex on the property. Originally there was a 6 family dwelling on this property and they would like to construct a 2 family home on the property with off street parking.

The Planning Board recommended favorably for the Zone Change.

Lee Pouliot stated that this is the first step in making this a buildable lot. If the Zone Change is granted the applicant will need to apply for a waiver of frontage for setback requirements.

Motion made by Councilor Laflamme and second by Councilor Walczak to approve.

Committee vote 5 - 0 favorable.

ITEM #2

Special Permit application under Chapter 275-52 (B) (13) for the purpose of an animal kennel license located at 31 Donlyn Dr. Applicant - Theresa Chagnon, 31 Donlyn Dr., Chicopee, MA 01013.

Theresa Chagnon was present at the meeting. She stated that she had a Special Permit for a kennel license in the past but it lapsed because she went down to three dogs and she would like to obtain another for the 4 pet dogs that she currently has. The dogs are sport dogs that compete. The oldest dog that she has is 14 years old and she will not be around much longer. But she would like to get a puppy now because it takes time to train. The dogs are two Miniature Austrian Shepherds and a Border collie. She stated that she not looking to build a kennel.

Councilor Balakier where the dogs are housed. Mrs. Chagnon stated that they are primarily in the house.

Councilor Walczak asked what happens to the dogs when they go on vacation. Applicant replied that their vacations are with the dogs at competitions.

Councilor Krampits asked if the applicant will be building a structure outside for the dogs. Applicant replied that they are not building a structure.

PUBLIC INPUT

Robert Love, 45 Saratoga Avenue, asked how many dogs will be allowed? Can she have a shelter? How long have the 3 dogs lived at this location?

Connie Fernandes, 46 Saratoga Avenue, stated that the barking dog in the neighbor is not the applicants' dog. She is ok with what the applicant is proposing.

Darlene Baptiste, 58 Donlyn Drive, stated that this is a quiet street and she would like the quietness of the street to remain.

Councilor Laflamme stated that a Special Permit can be called in at any time.

Councilor Balakier stated that he now has a better understanding of what the applicant is proposing. The applicant's dogs are quiet and if there is any issue in the future the special permit can be called in for review.

Reports read from the following departments:

Engineering Department - No Engineering comments

Fire Department - No concerns

Planning Department - Property is zoned Residential A; kennel license required for 4 or more pet dogs. Special permit required in Residential A zones for a kennel license 275-52 (B) (13) If Building and Health Departments deem the property to be property maintained - Planning recommends approval.

CONDITIONS

Permit to run with the applicant
No outside structure
Limit 4 dogs

Motion made by Councilor Laflamme and second by Councilor Walczak to approve with conditions.

Committee vote 5 - 0 favorable .

ITEM #3

Special Permit application under Chapter 275-50 (C) (2) (b) for the purpose of erecting a digital sign mounted to pylon sign located at 658 Fuller Rd. Applicant - Carlos Martins, 658 Fuller Rd., Chicopee, MA 01020.

Eric Martins was present at the meeting. He stated that he is requesting a digital sign be added. He further stated that he has spoken with the Engineering Department and was informed that the reconstruction of Fuller Road will not impact this proposal.

Reports read from the following departments:

Planning & Conservation - Property zoned Industrial; freestanding signs required to be setback from the front property line by 25'. Confirm relief has been granted. Digital signs require a Special Permit - Planning sees no issue with the addition of a digital sign on the existing pylon.

Building Department - 658 Fuller Road is within the Industrial zoning district. Within the Industrial district, one freestanding sign may be allowed for each building, set back at least 25 feet, not exceeding 60 square feet per side, unless sign is over a sidewalk. The proposed location of the sign requires a special permit as the proposed location appears to be less than 25 feet from the street line. It appears that the special permit applied for is limited to an electronic sign only and does not include a request for relief of the sign location per 275-50(C) (1). A surveyed site plan would be helpful to ensure the sign does not encroach on the City ROW.

Engineering Department - No Engineering comments

Fire Department - No concerns

CONDITIONS

Permit to run with the applicant
Message every 8 seconds delay

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

Committee vote 5 - 0 favorable.

ITEM #4

Special Permit application under Chapter 275-72 for the purpose of a Marijuana Establishment categorized under License Group A located at 77 Champion Dr. and used for Marijuana Cultivation and Marijuana Product **Manufacturing**. Furthermore, apical is seeking the following waivers: (1) a partial waiver of the requirement for a 100 ft. vegetative screen along with southern parcel boundary (2) a partial waiver of the requirement for a 100 ft. vegetative screen along the western parcel **boundary**. Applicant - Apical, Inc., Kot Kasom, 19 Wemelco Way, **Southampton, MA 01073**.

Present at the meeting were - Kot Kasom (CEO of Apical, Inc.), Joy Piper (Attorney), Rebecca Adams (Compliance Consultant).

Rebecca Adams stated that the request is for a Special Permit and waivers. The waivers are pre-existing.

Councilor Tillotson stated that the location is the former Menck Windows property.

PUBLIC INPUT

Robert Desrosiers, owner of the property across the street from Sheridan Street to the Frito Lay property. He wanted to be assured that the business will not be selling over the counter at this facility.

Lee Pouliot stated that the SPRAC committee held a meeting to review the proposal. The proposal is for Apical to occupy space within an existing building. There are minimal to no site changes proposed. The SPRAC comments are listed below.

Departmental (SPRAC) Comments Submitted to the Planning Department for Site Plan associated with Special Permit

File # 19-6604

“Apical , Inc.”

April 23, 2019

Planning Department:

1. Planning Department’s comments are to assure that the City Engineer, Water Department, and Electric are satisfied that adequate services for the proposed use can be met on the site.
2. Waivers for the vegetative buffer setbacks on site need to be granted by the City Council. Planning Staff supports these requests as they are minimal in nature.

Engineering Department:

3. Due to no proposed changes to the site of the subject property, the Engineering Department does not have any comments on the project.

Fire Department:

4. No Comments.

Water Department:

5. All materials are subject to Chicopee Water Department approval and should meet Chicopee Water Department Specifications as outlined in the “Construction Standards and Materials Specifications.” i.e. Water Mains shall be class 52 ductile iron. All materials shall be new and of the type currently being used by the Chicopee Water Department. All specifications can be found on the City of Chicopee’s web site on the Water Department webpage.
6. The Chicopee Water Department is not a member of DIGSAFE and must be notified separately at 413-594-3420.
7. The building only has a 3” domestic line for water. Currently there are no plans to update water service to the building. Any upgrades to external water entering the building will require a new set of plans and submittal to the Site Plan Review Advisory Committee.
8. All water service valves are to be operated by Water Department Personnel only.
9. Chicopee Water Department requires a set of plumbing plans prior to groundbreaking.
10. All backflow devices must be inspected upon installation.
11. The service box must not be paved over. Any concerns please contact the Water Department.

Water Pollution Control:

12. The facility must file an Application A for sewer discharge. This can be obtained on the City Website. <http://www.chicopeema.gov/DocumentCenter/View/8170/Wastewater-Discharge-Permit-Application-A>
13. Since no changes to site, a stormwater discharge permit application is not necessary.

Police Department:

14. No Comments.

Building Department:

15. A detailed site plan review was performed for 77 Champion Drive prior to Menck Windows’ occupancy of the space. There are no exterior modifications proposed at this time. Representatives from Apical, Inc. have confirmed that the existing parking is in excess of what the operation will require. The Building Department does not see any adverse impacts related to the zoning requirements for this use.

Health Department:

16. The Health Department requires a set of plans for the commercial style kitchen for Apical, Inc.

Conservation Commission:

17. No Comments.

Chicopee Electric Light:

18. CEL will need the proposed electric service size along with a load breakdown. This information will allow CEL to set aside a transformer in stock or order an appropriate transformer. Please provide the information as soon as possible.
19. If a second service is required to service the building, the customer will need to provide 2-4” conduits (electric), and 1-2” conduit (CEL Fiber) concrete encased from a pole to the transformer location along with an 84” x 84” x 36” precast transformer box pad for the second service. CEL will install the underground primary cable (high voltage), and the pad-mounted transformer at a service charge to the customer.
20. The existing fire pump service is connected to the existing transformer that services the building. If a separate service is required for the fire pump only, the customer will need to provide 2-4” conduits concrete incased from a pole to the transformer location, along with a 76” x 70” x 36” precast transformer box pad for the new fire pump service. CEL will install the underground primary cable (high voltage), and the pad-mounted transformer at a service charge to the customer.

Lee continued that a full site plan review was done for this property when Menck Windows moved in. The measurements for the two waivers are from the corner of the building to the back end of the property there is only 91.5 feet. This is an existing limitation but it’s not far away from the required 100 feet. The second area for the waiver request is in the western property boundary and that’s because of an existing storm water basin that cannot be planted with dense woody vegetation. The Planning Department recommends that the waiver requests be granted. The proposal is for the cultivation and processing of marijuana; no retail.

Councilor Laflamme asked about parking for the facility. Lee replied that there is ample parking on site for employees. Councilor Laflamme asked about the security for the business. Lee stated that the Police Chief has submitted the required letter approving the security plan. Most applicants do not want the security plan made public for obvious reasons.

Councilor Walczak asked if the Fire Department is part of SPRAC. Lee replied that Fire is part of SPRAC review. Councilor Walczak asked if the new Fire Chief is aware of the situation. Lee replied that he does not know whether the new Chief is aware. Councilor Walczak asked about the hours of operation. The applicant replied that the business will be operating from 7 AM to 11 PM. Employees will work in two eight hour shifts.

Lee stated that the Host Community Agreement has been signed.

CONDITIONS

- Subject to all provisions of Chapter 275-72
- No building permit shall be issued unless and until the applicant has submitted a revised plan to the Planning Department addressing all comments, concerns, requirements contained in the City SPRAC report and the City Council receives a letter from the Planning Director stating that the revised plans have addressed all SPRAC comments to the satisfaction of the Director of Planning
- Subject to City’s Host Agreement

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve the waiver request for a partial waiver of the requirement for a 100 ft. vegetative screen along with southern parcel boundary. Motion passed.

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve the waiver the request for a partial waiver of the requirement for a 100 ft. vegetative screen along the western parcel boundary. Motion passed.

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

Committee vote 5 - 0 favorable.

ITEM #5

Special Permit application under Chapter 275-70 for the purpose of medical marijuana facility (Retail Medical Marijuana Dispensary) and the following waiver requests (1) seeking a waiver from the hours set forth in section E (4) of the Adult Use Marijuana Zoning Ordinance - to operate from 8 AM to 10 PM, seven days a week; (2) seeking a waiver under section 275-62 (D) for setback requirements for ground sign from 25 ft. to 1.8 ft. Location - 672A Fuller Road. Applicant - Theory Wellness, Inc., Brandon Pollock, President & CEO, 38 Montvale Ave. #210, Stoneham, MA 02180.

Present at the meeting were Brandon Pollack (President, CEO) and Scott Lee (Vice President).

Brandon Pollack stated that Theory Wellness has been working with the City since last summer on operating a facility in Chicopee. Theory Wellness has two other locations; one in Great Barrington, MA and one in Bridgewater. Theory Wellness is the oldest and most established marijuana business in the Commonwealth.

Councilor Tillotson asked if a Host Agreement has been signed. Mr. Pollack replied that a Host Agreement has been signed between Theory Wellness and the Mayor.

Lee stated that a SPRAC review is not required for a medical marijuana facility. He further stated that on this site a medical marijuana facility can operate under the City's Ordinance and that it's not impacted by any protected use that's called out by the Zoning Ordinance. That means that there are no setback issues and no buffer issues. This site completely meets the requirements of the City's medical marijuana ordinance.

Councilor Laflamme asked where on Fuller Road this building is located. Mr. Pollack stated that it's the building that once housed the Solar Energy Company. Councilor Laflamme stated that he is concerned about heavy traffic that this road faces. He continued that with the buses and businesses in the area there have been issues. He asked how many people will utilize this facility. Mr. Pollack stated that a traffic study was done as part of the RFP. The study found minimal impact; approximately 100 more cars per day. Councilor Laflamme asked for a copy of the traffic study that was conducted. Lee Pouliot stated that the Selection Committee, appointed by the Mayor, reviewed all the RFPs and the traffic study is part of the review. Councilor Laflamme stated that he travels this street many times during the day and it is heavily congested especially in this area.

Councilor Balakier asked the hours of operation proposed. Mr. Pollack stated that part of the waiver request is a waiver of hours. They are proposing 8 AM to 10 PM 7 days per week.

Councilor Laflamme would like to postpone. He would like to see the traffic report.

Attorney Garvey stated that if the application is postponed the applicant will need to submit a letter requesting additional time for the Council to make a decision. He continued that if the letter is not received for the June 4th meeting the Council will be obligated to vote the application up or down at that meeting.

Lee Pouliot stated that SPRAC did a review of the adult use portion of the business and the Police Department returned a review that they have no traffic concerns for this location.

Councilor Tillotson stated that he is not in favor of the proposed hours. He also stated that he agrees with Councilor Laflamme that at certain times of the day this area is heavily congested but other times it's fine.

Scott Lee stated that the other 2 locations that they operate work closely with the Police Department and they have been incident free.

Mr. Pollack stated that he will submit a letter requesting additional time to make a decision.

Reports read from the following departments:

Engineering Department - License surveyor to make property line before sign is installed. Fuller Road is slated for reconstruction in 2020.

Fire Department - No concerns

Planning Department - Property is zoned Industrial; medical marijuana facilities are permitted in this zone 275-70 (D) (1). Site meets all required setbacks and conditions as dictated by the zoning ordinance. Waiver requests (1) Hours of operation 8 AM to 10 PM - Planning sees no issue with this request (2) Ground sign setback to 1.8' from 25' - Planning recommends approval; the site is already developed with minimal site changes proposed.

Motion made by Councilor Laflamme and second by Councilor Tillotson to postpone to the June 27, 2019 Zoning Committee meeting held at 6:30 PM at the Senior Center, Lower Level, 5 West Main Street in the Small Garden Room #14A. Motion passed.

ITEM #6

Special Permit application under Chapter 275-72 for the purpose of adult use marijuana establishment - marijuana retailer (license group B) and the following waiver requests (1) seeking a waiver from the hours set forth in section E (4) of the Adult Use Marijuana Zoning Ordinance - to operate from 8 AM to 10 PM, seven days a week; (2) seeking a waiver under section 275-62 (D) for setback requirements for ground sign from 25 ft. to 1.8 ft. Location - 672A Fuller Road. Applicant - Theory Wellness, Inc., Brandon Pollock, President & CEO, 38 Montvale Ave. #210, Stoneham, MA 02180.

Present at the meeting were Brandon Pollack (President, CEO) and Scott Lee (Vice President).

Lee Pouliot stated that SPRAC met yesterday on this application. He continued that the applicant is proposing to rehabilitate an existing building. The majority of the work is being done on the inside of the building. This site meets all buffers that were established with the Zoning Ordinance.

Motion made by Councilor Laflamme and second by Councilor Tillotson to postpone to the June 27, 2019 Zoning Committee meeting held at 6:30 PM at the Senior Center, Lower Level, 5 West Main Street in the Small Garden Room #14A. Motion passed.

ITEM #7

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 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 Burnet 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, 2019, and terminating on April 1, 2020, except by special permit.

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve.

Committee vote 5 - 0 favorable.

ITEM #8

Minutes - April 11, 2019 Motion made by Councilor Laflamme and second by Councilor Tillotson to approve. Motion passed.

Meeting adjourned at 7:57 PM.