



Chicopee

City of
City Council
Zoning Committee

Members

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

APPROVED 7-30-19

MINUTES
July 1, 2019

The following are the minutes of a public hearing held Monday, July 1, 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: Brooks, Tillotson, Krampits, Laflamme, Roy, Walczak, Balakier

Also Present : Daniel Garvey (Associated City Solicitor), Councilor Zygarowski, Councilor Courchesne, 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.

Motion made by Councilor Tillotson and second by Councilor Brooks to take Item 2 and Item 3 out of order. Motion passed.

ITEM #3

Special Permit application under Chapter 275-58 C (4) for the purpose of generating a bar and lounge with live and prerecorded entertainment . Reopening premises known as "Rivolis" located at 43 Springfield Street.

Applicant - 43 Springfield Street, Inc., Neysha Matos, 8 Mereline Avenue, East Longmeadow, MA 01028.

Neysha Matos and her attorney, Kristi Bodin, were present at the meeting.

The applicant is seeking to open a bar/lounge.

Attorney Garvey stated that the Zoning Committee's purpose is to determine if the property is zoned adequately for this use. The License Commission sets all restrictions on the liquor licenses.

The following department review report was read:

Fire Department - Recommend requesting a more detailed description of purpose from applicant to determine if the planned business will meet the definition of a nightclub. Floor plan submitted and stamped 4/29/19 is inaccurate. It shows 3 doors on Springfield Street side. There is only one door. Recommend requesting updated floor plan with recalculated occupant load.

Committee recommended to the applicant that she meet with the Fire Department.

Conditions

Permit to run with the applicant

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

Committee vote 7 - 0 favorable

ITEM #4

Special Permit application under Chapter 275-58 C (4) for the purpose of a new drinking place with consumption of alcohol located at 27 Grove Street.

Applicant - Junior S. Williams, 335 Newbury Street, Springfield, MA 01104.

Junior Williams was present at the meeting.

He would like to open a lounge keeping the name Courtyard Cafe. He will not be serving food only ordering food in.

Reports read from the following departments:

Building Department - The property is 27 Grove Street is zoned Business A, which requires a special permit for eating and drinking establishments with the consumption of alcohol under 277-58C of the Chicopee City code. This appears to be a continuation of the prior use. There is off street parking associated with this establishment. The Special Permit application does not indicate that there will be live music and dancing as a focus of the establishment. If the establishment will be a continuation of the prior use as a bar, then the Building Department has no concerns at this time.

Engineering - No engineering comments

Fire - There is not enough information listed here. Changes such as adding a DJ, live music, dancing, etc. may require compliance with additional fire and building code requirements. This space has an occupancy load of 97. Changes may trigger compliance with greater than 50.

Planning - Property is zoned Business A , use is permitted. Proposal to open a new **bar/café** in a currently vacant storefront within the existing building. Parking seems adequate to support the additional business. Recommend approval.

Councilor Roy asked if Mr. Williams will be taking over the auditorium. Mr. Williams will not be operating the hall upstairs.

Conditions

Permit to run with the applicant

Committee vote 7 - 0 favorable.

Motion made by Councilor Tillotson and second by Councilor Brooks to return to the regular order of business. Motion passed.

ITEM #1

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.

Brandon Pollock and Scott Lee were present at the meeting.

Brandon Pollock stated that they were before the Zoning Committee last month. They have gone through the RFP process, the Mayor's Office. Since the last meeting Mr. Pollock has met with the Engineering Department to discuss traffic concerns. Engineering has no traffic concerns.

Scott Lee stated that he works closely with Police Departments in the communities that they operate. He works closely with Lt. Davis from the Police Department.

The traffic study was conducted August 1 and August 2.

Councilor Laflamme stated that his concern is that this is a heavily travelled and congested area.

Some committee members were concerned that the study was conducted when schools were not in session and buses were not coming in and out of their facility.

Lee Pouliot stated that the traffic study was conducted in August because the RFPs went out from June to August. That's why the data was collected in August. He further stated that the Police Department received the traffic study during RFP and SPRAC review process. Traffic was not an issue during any review.

Councilor Tillotson stated that maybe Police officers could be stationed in the morning and afternoon during peak time.

Mr. Pollack stated that Theory Wellness would be agreeable to this request.

Councilor Roy asked how many customers Theory anticipates.

Brandon Pollock stated that the highest volume is expected from 10-noon and 7-9. Saturday is most busy.

Councilor Tillotson stated that he would like the hours to remain consistent with what is allowed under ordinance. 8 -8

Conditions

- Police on site daily from 8 AM to 8 PM for a period of 60 days and then it will be evaluated by the Police Chief and his recommendation will be implemented.
- Permit to run with the applicant

Motion made by Councilor Krampits and second by Councilor Brooks to approve the first waiver request - 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

Committee vote 7 - 0 unfavorable.

Motion made by Councilor Tillotson and second by Councilor Brooks to approve the second waiver request - seeking a waiver under section 275-62 (D) for setback requirements for ground sign from 25 ft. to 1.8 ft

Committee vote 7 - 0 favorable.

Motion made by Councilor Tillotson and second by Councilor Brooks to approve the Special Permit.

Committee vote 6 favorable 1 unfavorable Voting in favor - Brooks, Roy, Krampits, Balakier, Walczak, and Tillotson. Voting unfavorable - Laflamme.

ITEM #2

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.

Brandon Pollock and Scott Lee were present at the meeting.

Councilor Tillotson stated that he would like the hours to remain consistent with the ordinance. (9-9 Monday through Saturday and 10 -9 on Sunday)

Councilor Laflamme asked how Theory knows which customers are coming in for medical and which are recreational.

Brandon Pollock stated that they have a software program that runs the ID of customers.

Conditions

- Permit to run with the applicant
- Implement SPRAC review recommendations
- Police on the site daily from 8 AM to 8 PM for a period of 60 days and then be evaluated to address peak operational hours by Chief and implement his recommendation and they shall be implemented

Motion made by Councilor Krampits and second by Councilor Brooks to approve 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.

Committee vote 7 - 0 unfavorable .

Motion made by Councilor Krampits and second by Councilor Brooks to approve a waiver under section 275-62 (D) for setback requirements for ground sign from 25 ft. to 1.8 ft.

Committee vote 7 - 0 favorable.

Motion made by Councilor Krampits and second by Councilor Brooks to approve the Special Permit

Committee vote 6 favorable 1 unfavorable. Voting in favor - Brooks, Roy, Krampits, Balakier, Walczak, and Tillotson. Voting unfavorable - Laflamme.

ITEM #5

Minutes - May 23, 2019 Motion made by Councilor Krampits and second by Councilor Brooks to approve. Motion passed.

Meeting adjourned at 7:23 PM.