



City of Chicopee
City Council
Zoning Committee

Approved 9-30-2020

Members

George Balakier, Chair
James Tillotson, Vice Chair
Fred Krampits
Frank Laflamme
Jerry Roy
Stan Walczak
Gary Labrie

MINUTES
August 26, 2020

The following are the minutes of a public hearing held Wednesday, August 26, 2020 at 6:30 PM in the Council Chambers, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and on Zoom.

Members Present: Balakier, Tillotson, Krampits, Laflamme, Roy (zoom), Walczak, Labrie

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

The meeting was called to order at 6:30 PM

ITEM #1

Special Permit application under 275-67 & 275-67 (K)(3)(b) for the purpose of the construction of a proposed multi-family development and waiver of parking requirement from 88 to 75 spaces located at 0 Oak St. (Parcel ID 147-5H).

Applicant – Craig Authier, 1421 Granby Rd., Chicopee, MA 01020

Craig Authier, Rob Levesque (R Levesque Associates) and Erik Kaiser (property owner) were present via zoom.

Rob Levesque stated that he is representing Mr. Authier. The proposal is for a multi-family project on vacant property at the corner of Oak Street and West Main Street. The proposal is two buildings; a 42 unit building and a 9 unit building. The proposal also includes parking area that allows for 2 way traffic as well as an outdoor recreation area that's within the parking. He continued that this project has been reviewed by SPRAC and he believes that the department comments have been addressed. Mr. Levesque stated that there was a request that along Oak

Street some of the property be provided to the city and there was discussion of how that would happen. There is a portion of Oak Street that is over the property line sidewalk and the city would like that to be part of the city right of way. The applicant does not have an issue with that. Mr. Levesque stated that they feel that they are in general compliance. He feels that the last items to resolve are the landscaping issues with the Planning Department and the applicant is very flexible with that. Architectural issues will also be worked on.

Councilor Tillotson asked for a breakdown of 1 bedroom, 2 bedroom and 3 bedroom units.

Lee Pouliot stated that according to the application – it's 42 units in Building #1, 12 – 2 Bedrooms, 21 – 1 Bedroom, 6 studios, Building #2, 3 - Bedrooms, 6 studios.

Lee also stated that the Council has an updated ODRC report dated August 20, 2020. The initial review from February was addressed by the applicant's design team and the new report dated August 20, 2020 contains the latest comments from departments. About 90% of reviewing departments significant comments have been addressed. The majority of the remainder of these comments that are new deal with landscaping. Lee continued that with the Overlay District the city has more control of the architectural aspect of the project. Lee stated that he is comfortable with the updated plans.

Councilor Roy asked if the issue with CEL mentioned in the report has been resolved. #28 In order to provide service to the manhole, and duct-bank located along Oak Street, there will have to be an easement, or land taking in place as the manhole, and duct-bank is on the Applicant's property.

Mr. Levesque stated that this issue has not been resolved but an easement will be granted to CEL. Lee Pouliot stated that this comment is correct and the applicant will have to grant a land easement.

Councilor Tillotson stated that it is very interesting that the School Department has not submitted comments for either set of plans for this project. Lee Pouliot stated that all reviewing departments are provided with plans and application for comment and also are invited to attend the Review meeting but he cannot force departments to show up or submit comments. Lee continued that there is a difference between a department listed in the review comments as "not providing comments" and "no comments". As far as the School Department for this project they submitted no comments for either round.

Councilor Laflamme questioned the green space proposed for this project. Lee Pouliot replied that the green space is within the parking area.

Councilor Walczak asked about proposed drainage on the property. Mr. Levesque replied under this City's regulations a drainage system has to be created that matches predevelopment runoff conditions. A drainage system has been created onsite for this project. Councilor Walczak asked about snow removal. Mr. Levesque replied that during major snow events the management company would be required to remove snow off site.

Councilor Tillotson recommended that the ODRC Review Departmental Comments – August 20, 2020 become part of the Special Permit.

Motion made to approve by Councilor Tillotson and second by Councilor Balakier to approve the waiver of parking requirement from 88 to 75 spaces.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion made by Councilor Tillotson and second by Councilor Balakier to approve the Special Permit with conditions.

- Permit to run with the land
- All departmental requirements (as referenced in the attached ODRC Review – Revised Plan Departmental Comments dated August 20, 2020) and regulations shall be satisfied prior to the issuance of the Special Permit as evidenced by a written communication sent to the City Council by the Director of Planning confirming that the requirements and regulations under the Mill Conversion Overlay District have been met to the satisfaction of our Director of Planning.

Multi-family Housing Development – Oak Street

ODRC Review – Revised Plans

Departmental Comments – August 20, 2020

Planning Department:

1. Recommend condition that future improvements will occur when the City advances streetscape work – owner will participate.
2. Building #2 connections to Oak Street sidewalks to be considered.
3. Based on the language in the Mill Conversion and Commercial Center Overlay District Ordinance, the Applicant was allowed relief of the Open Space requirement. Please show an alternative to increase the green space if the two-way traffic is to remain i.e. possibility of smaller parking spaces. See 275-67 (K)(3)(c)

4. Planning Staff agrees that this space should be used for passive recreation. Please illustrate how to improve the space i.e. screening of cars etc.
5. The Applicant's response states a letter from an LSP is attached. However, it does not state the site is closed with a partial/permanent solution.
6. Recommend condition that the final landscape plan be worked out with the planning Department prior to the issuance of Building Permits. Updated planting schedule to include proper species and cultivar names. Do not use *Pyrus calleryana* or *Acer rubrum*.
7. The slope along West Main Street is shown at 25%. Stabilization acceptable to the Planning Department and Engineering Department will be required. How is stormwater being managed in this area?
8. Please provide updated building elevations and architectural material selections/colors.
9. Consider utilizing textured face on the retaining wall – rough stone surface. See 275-67 (K)(6).
10. Explore ways to incorporate the neighborhood's industrial heritage through design details and materials. Please show updated building elevations, retaining walls fencing, gazebo and lighting.
11. Drive aisles are required to be 24'. One drive aisle is 26' on the plan. Reduction could add more open space.
12. Should the City consider a 10' taking to allow for a 5' sidewalk and a 5' tree lawn adjacent to the curblines along Oak Street.
13. Please integrate pedestrian crossings from Building #1 to the green space and from parking areas to the buildings. 275-67 (K)(3)(h)
14. Please add a note to the plans regarding how snow will be managed.

Engineering Department:

15. The southerly property boundary is located within Oak Street. A sidewalk is proposed to be replaced along this boundary, along the north side of Oak Street. The City must take a portion of the property along the southerly boundary so that the street and sidewalk will be located on a city right-of-way. An easement granted by the Owner to the City will NOT suffice. I understand that doing a taking at this time could prove detrimental to the project, but the City will have to take this land at some point in the future. However, in order for

this taking to be done while keeping the new buildings in conformance with zoning (i.e. front yard requirement of 20' – one front yard may be 20' instead of 25' on a corner lot per Section 275-54.D.3.a.2 of the Zoning Regulations), the buildings need to be shifted to north by at least 2.0 feet (preferably 2.50 feet). (NOTE: The plans currently show a 25' front yard along Oak Street, this could be reduced to 20' per above discussion.)

RLA Response: The plans have been updated to reflect a change to the right-of-way that conveys the land for the sidewalk to the City while still meeting the setback requirements. The form of the taking / conveyance can be coordinated with the City Planning and Legal Departments.

The City had a taking plan prepared by Durkee, White, Towne and Chapdelaine, Civil Engineers and Surveyors. The taking plan shows a 10' required taking. The plan (Sheet #C-4) shows an 8' wide taking. This dimensional discrepancy must be corrected. I have reached out to the Surveyor to determine the reason for a 10' wide taking and if it can be adjusted. The two plans must be coordinated. The setback line (shown as 20' on Sheet #C-4) should be shown as set back from the new property line after the taking. The buildings may have to shift accordingly.

I recommend approval with the above condition(s) from the standpoint of the Engineering Department.

Water Department:

16. The Water Department has reviewed the revised plans and notes that all of its concerns from the original plans have been addressed.

Police Department:

17. No Comments submitted for either set of plans.

Fire Department:

18. Please submit a computer generated turning radius analysis based on the Fire Department's largest apparatus.

Building Department:

19. The parcel is known to contain residual soil contamination, including coal ash, Polynuclear Aromatic Hydrocarbons (PAHs), Heavy Metals and PCBs. Levels of these contaminants may be below action limits established by DEP, but concerns over exposure to workers on site and residents within the proposed development have not been addressed by the March 4, 2020 letter from Environmental Risk Advisors, LLC.

Water Pollution Control:

20. The Water Pollution Control Department has reviewed the revised plans and notes that all of its concerns from the original plans have been addressed.

Community Development:

21. No additional comments.

Assessors:

22. No Comments submitted for either set of plans.

Chicopee Electric Light:

- 23. CEL will need the proposed electric service size, along with a load breakdown for each building.
- 24. The Developer will install 3-4" Conduits Concrete Encased from the CEL Manhole located on the corner of Oak Street, and West Main Street, 2-4" conduits will go to the primary (high voltage) side of the proposed transformer box pad, and 1-4" will go to a "Fiber-Optic" Hand-Hole at a proposed location.
- 25. The Developer will install a 76"x70"x36" transformer box pad, per CEL specs.
- 26. The Developer will install 1-4" conduit from the "Fiber-Optic" Hand-Hole to each building.
- 27. The electrical contractor will install the conduits, and secondary (low voltage cables) from the pad-mounted transformer to each buildings electric service entrance.
- 28. In order to provide service to the housing development from the manhole, and duct-bank located along Oak Street, there will have to be an easement, or land taking in place as the manhole, and duct-bank is on the Applicant's property.
- 29. CEL will install the underground primary (high voltage) cables, and the pad-mounted transformer at a service charge to the developer. Service Charge to be determined.

School Department:

30. No Comments submitted for either set of plans.

Health Department:

31. No additional comments.

Commission for the Disabled:

32. No additional comments.

Conservation Commission:

33. No Conservation issues.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #2

Zone Change application from Residential A to Residential B for .9043 acres of property located at 107 Edward Street for the purpose of building a new single family house.

Applicant – DGL Properties, LLC, Gary Stamborski, 70 N. Chicopee St., Chicopee, MA 01020.

Gary Stamborski was present at the meeting. Mr. Stamborski stated that the parcel that the zone change is requested in primarily Residential B but there is a sliver that is Residential A. He is attempting to build a single family house. The property meets all requirements except that piece that has the Residential A zone.

Councilor Labrie stated that there were a couple of concerns from 3 abutters but as long as they the assured that it will be a single family house they will be OK with the zone change. Councilor Labrie stated that he was assured by one of the partners that it will be single family. The reason for the zone change is for setback requirements.

Councilor Laflamme asked who owns this property. Mr. Stamborski stated that his corporation owns the property. At the time of the application a different buyer slid in and bought the property.

Lee Pouliot stated that back in 2008 an ANR was approved for 107 Edward Street that split this property into two lots. The piece that the zone change request is for is the vacant lot that is now split zone. There is Residential A and Residential B but not enough in either zone for the property to be developed. By moving the portion that is Residential A to Residential B there will be a legal size lot Residential B for the development of a single family home. Just to be clear the Council is not approving a zone change for the entire parcel. The zone change is for a parcel that was created in 2008 by an ANR plan. The plan was approved by the Planning Board, recorded at the Hampden County Registry of Deeds but never incorporated into the Assessor's data which is why it appears in the GIS as if it was part of the 107 Edward Street.

Mr. Stamborski stated that his corporation owns Parcel B on the property.

Chairman Balakier stated that the Planning Board voted unanimously in favor of the Zone Change application.

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

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #3

Special Permit application under 275-58 (C) (4) for the purpose of an eating and drinking place with the consumption of alcohol located at 703 Grattan Street.

Applicant – Ahmet Ibic, 151 Pomeroy St., Southampton, MA 01073.

Ahmet Ibic was present at the meeting.

Motion made by Councilor Laflamme and second by Councilor Walczak to amend applicant's address to read: 151 Pomeroy St., Southampton, MA 01073. Motion passed.

Mr. Ibic would like to serve alcohol at his restaurant.

Councilor Labrie asked when Mr. Ibic purchased Lucky Strike. Mr. Ibic replied February. Councilor Labrie asked if Mr. Ibic has since been serving alcohol at the restaurant. Mr. Ibic replied yes.

Attorney Garvey stated that hours of operation restrictions can only be set by the License Commission.

Councilor Labrie asked Mr. Ibic if he plans to stay open past 9 PM during the week. Mr. Ibic replied no.

Chairman Balakier stated that the Planning Department has reported that this site has in the past held a liquor license for the consumption of alcohol in an eating and drinking place.

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

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes

Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #4

Zone Change application from Residence A to Mill Conversion and Commercial Center Overlay District for 1.28 acres of property located at 10 Southwick St. for the purpose of redeveloping a currently vacant former schoolhouse into a multi-family residence.

Applicant – Valley Opportunity Council, Inc., Stephen C. Huntley, Executive Director, 35 Mt. Carmel Ave., Chicopee, MA 01013.

Stephen Huntley was present at the meeting and Attorney Ellen Freyman was present on zoom.

Stephen Huntley stated that the request is for an overlay district to be setup for the former Belcher School so that it can be converted into housing. The City had a RFP process a couple of years ago. Valley Opportunity Council was awarded. The building will have approximately 25 units of housing mix of affordable and market rate.

Lee Pouliot stated that this is a former elementary school that has been vacant. A few years ago through the Planning Department a RFP for development was released to the broader development community looking for redevelopment proposals. Valley Opportunity Council submitted a proposal which was reviewed and recommended by the Select Committee. The RFP was advertised through a number of traditional locations and the New England Real Estate Journal to get broad exposure. To date there is a signed Option to Purchase with Valley Opportunity Council. The land that the building sits on is zoned Residential A. For redevelopment potential the only thing this property could be turned into is a single family home; which is not practical for this size property. In conversation with the Law Department the Mill Conversion and Commercial Center Overlay District could be applied to this property. This would allow the conversion of vacant mill properties into housing or mixed used properties but broadly in the Overlay District language it could be applied to any parcel. This would allow Valley Opportunity Council to move forward with their project. The zoning in this neighborhood is a hodge-podge of Business zoned parcels, Residential parcels with legally non-confirming residential uses. This area was built out before the City adopted zoning regulations. From the Planning Department’s perspective they would like to see this building get a new chance at life. This is just the first step in the process for Valley Opportunity Council. They will have to come in to apply for a Special Permit similar to item #1 from tonight’s agenda for 0 Oak Street.

The Planning Board voted unanimously to approve the zone change request.

Councilor Laflamme asked if the Special Permit will have to go through SPRAC. Lee Pouliot replied it will go through the Overlay District Review Committee. Councilor Laflamme also

asked why VOC is applying when they don't own the property yet. Attorney Garvey replied that VOC does have a right to apply.

Councilor Krampits asked if the abutters will have another opportunity to comment on this project. Lee replied that when the Special Permit application is heard by the Zoning Committee abutters will be notified.

Councilor Walczak stated that VOC has been successful in the past in converting old buildings into housing. Stephen Huntley stated that the Kendall House is an example of a previous project done by the VOC. He continued that once VOC has a sense of how 11 Southwick Street will be converted they will begin discussion with the neighborhood.

Councilor Tillotson asked how many affordable units will be located within this building. Stephen Huntley stated about 22 units. Councilor Tillotson asked how affordable is defined. Stephen Huntley replied that affordable is that the income is a certain level and the rent is a certain level. The rent is not predicated on the individual's income. The rent is predicated on what HUD allows VOC to charge. Currently a 3 bedroom apartment is \$1,300 per month. So, the individuals need to have income to cover the \$1,300 per month. There will be 3 market rate units. VOC has predevelopment funding for this project.

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

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #5

Special Permit under 275-52 (B) (13) for the purpose of an animal kennel for 4 pets, 2 Shih Tzus, 1 Lhasa Apso, 1 Bichon Frise/Shih Tzu mix located at 14 Pajak St. Applicant – Linda Payne, 14 Pajak St., Chicopee, MA 01013.

Linda Payne was present at the meeting. She stated that she is applying for a kennel license. She was not aware that she needed this permit until she went to license the 4th dog.

Councilor Tillotson stated that he drove by the property and the owner has a large property. He also stated that he didn't hear any noise when he was there. He also stated that he has not heard any complaints from the neighbors.

Councilor Labrie asked if something were to happen to one of the dogs would the applicant get another dog or go back to three dogs. Ms. Payne replied that she would go back to three dogs.

Councilor Walczak asked if the applicant plans to breed or sell dogs. Ms. Payne replied no.

Public Input

Laure Cole, 42 Chester Street, present on zoom. She stated that she has concerns about 4 dogs. She continued that she hears the dogs on occasion but not enough to report a nuisance. She also stated that she would like to applicant to do something about the fence line to 15 Harwich Street because that's where the dogs like to meet. 15 Harwich Street has a problem dog along with 61 Chester Street. If the applicant limits the dog number to 4...it's not fair to remove the dogs now.

Ms. Payne stated that 15 Harwich Street is behind her property. And that property owner has 2 big dogs and they sometimes bark along with her dogs.

Reports were read from the following departments:

Planning Department

Property is zoned Residential A; Animal Kennel licenses (3 or more dogs) in Residential A Districts require a Special Permit. Applicant is looking to obtain a Special Permit for an Animal Kennel for 4 pet dogs. Kennels require a Special Permit. Planning sees no issue with the proposed Kennel license and Planning recommends approval.

Engineering – no comments

Fire – none

Building – The property is zoned Residence A. The entire property held in common is over 20,000 SF in area which should provide the dogs plenty of area for the dogs to roam. If the neighbors have no objection to the barking, I see no reason not to grant the relief.

Conditions

Permit runs with the applicant

Limit 4 dogs.

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

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #6
275-40

Replacing §275-40 (D) "Residential Use Parking Restrictions"

Mobile Dwelling Unit Parking Restrictions

Mobile Dwelling Units, as defined in the City's Zoning Ordinance, may be used in Residential Districts for up to fourteen (14) consecutive days. Should a Mobile Dwelling Unit, as defined in the City's Zoning Ordinance, be used in Residential Districts for more than fourteen (14) consecutive days, such use must be authorized in writing pursuant to the Massachusetts Building Code, for a specified amount of time, by the City of Chicopee Building Commissioner. Mobile Dwelling Units are restricted for use in all public rights-of-way (ROW) and all other Zoning Districts as defined in this Chapter. Exceptions to the above as provided in §275-35L and §275.55.

New Definitions to be added to §275-4

Mobile Dwelling Unit: a vehicle designed for recreational use or intermittent / temporary human occupancy, with or without motive power. These include motor homes, campers, RV's, fifth-wheel trailers, tiny houses on wheels, pop-up trailers, and boats. Vans converted for the purpose of human occupancy are also considered Mobile Dwelling Units. For the purposes of defining Mobile Dwelling Units, any such dwelling unit on wheels is considered a vehicle, not a building.

Camper: any structure designed to be transported on the back of a truck or pickup for the purpose of intermittent / temporary human occupancy.

Trailer: a vehicle designed for intermittent / temporary human occupancy, without motive power and must be pulled by a motor vehicle. This includes fifth-wheel trailers, pop-up trailers, regardless if they are attached to vehicles or standing alone. This definition excludes mobile homes. See the City's mobile home definition.

Motor home: any motorized recreational vehicle designed for intermittent / temporary human occupancy whose dwelling area is inseparable from the chassis. These include campervans, RV's and vans converted for such purposes.

Tiny House: principal residential dwelling unit that has square footage less than 600 square feet

Councilor Courchesne stated a year ago he filed a proposed ordinance and this was not it. The Planning Board recommended this version. However, the changes made to the parking restrictions are not what was intended. It conflicts with what was discussed 2 or 3 years ago. Councilor Courchesne would like this proposed ordinance postponed for now. Councilor Courchesne will notify the committee when to place it on the Zoning agenda.

Motion made by Councilor Labrie and second by Councilor Laflamme to postpone.

On the motion

Balakier	Yes
Tillotson	Yes
Krampits	Yes
Laflamme	Yes
Roy	Yes
Walczak	Yes
Labrie	Yes

Motion passed.

ITEM #7

Minutes – August 26, 2020

Motion made by Councilor Labrie and seconded by Councilor Tillotson to approve. Motion passed.

Meeting adjourned at 7:54 PM.