

Notice of Meeting

To be filed in duplicate

Notice is hereby given in accordance with Chapter 30A, Section 18-25 of the General Laws of a meeting of the:

Zoning Committee

Meeting will be held **6:30 PM** on **Wednesday, June 7, 2023**

The location of the meeting will be **Council Chambers, 4th floor, City Hall Annex & via Zoom**

Full description of location **274 Front Street, Chicopee, MA 01013 & via Zoom**

Join Zoom Meeting

<https://us02web.zoom.us/j/88444865403?pwd=cnlETlp4cU9QOEN1YWtYS2czUUUvQT09>

Meeting ID: 884 4486 5403 Passcode: 330555

If you have questions call the City Council Office at (413) 594-1435

The purpose of the meeting **See attached agenda**



May 24, 2023 - Administrative Assistant

Date and Time Received by
the City Clerk's Office
(electronic stamp)

2023 MAY 24 A 11:53
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Date and Time Posted by
the City Clerk's Office
(electronic stamp)

2023 MAY 24 A 11:53
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CITY OF CHICOPEE

Zoning Committee Meeting
Wednesday, June 7, 2023 @ 6:30 PM
Chambers/ Zoom
4th floor, City Hall Annex, 274 Front Street

Item #1

Home Occupation application at 45 Marion Street for the purpose of doing business in the capacity of growing microgreens in the vicinity to sell at farmer's market. Applicant – Jerrico Rosa, 45 Marion Street, Chicopee, MA 01013.

Item #2

Home Occupation application at 413 East Main Street for the purpose of doing dog grooming. Applicant – Marissa Lachandani, 413 East Main Street, Chicopee, MA 01020.

Item #3

Home Occupation application at 13 Mary Street, Apt. 2 for the purpose of doing a home based bakery. Applicant – Morgan Gillan, 13 Mary St., Apt. 2, Chicopee, MA 01020.

Item #4

Ordinance Amendment to delete Sections 275-41 Home Occupation, 275-52(B)(11), 275-53(B)(12) and 275-54 (B)(1)(i) and insert section 188-22 Home Occupation License.

DELETE: § 275-41 Home occupation.
 § 275-52(B)(11)
 § 275-53 (B)(12)
 § 275-54 (B)(1)(i)

INSERT: § 188-22 HOME OCCUPATION LICENSE.

- (1) A special license from the City Council is required for a home occupation. Special license requests require immediate abutter notification, legal advertisement, a public hearing, a fee as set by the City Council and yearly renewal. Applications may be obtained and filed in the City Clerk's office.
- (2) The procedure for obtaining a home occupation special license is as follows:
 - (a) Obtain an application from the City Clerk's office.
 - (b) Submit the completed application together with the required fee and a copy of the Assessor's Map to the City Clerk's office.
 - (c) A hearing will be held by the License Committee of the City Council on the application for the special license in accordance with this chapter.

- (d) The City Council will thereafter upon approval of the License Committee's action vote to issue the special license.
 - (e) Once this special license is granted, a certificate of occupancy must be obtained from the Building Inspection Department and a copy forwarded to the Board of Assessors.
 - (f) All home occupation special licenses shall expire on April 30th of each year, unless revoked. Any applications for renewal of the home occupation special license may be made in the month of April and shall take effect on May 1 next ensuing.
 - (g) If a nonowner of the property is the applicant, permission must be obtained, in writing, and submitted with the application.
 - (h) The City Council may in its discretion grant a waiver to allow one employee who is not a member of the family if there is a specific finding by the City Council that the waiver will not cause any undue hardship to the neighborhood nor disrupt the residential nature of the residence.
- (3) Records. The Building Commissioner shall be responsible for maintaining records of home occupations. If a special license for a home occupation has expired and the holder of such license has not received a renewal of the license from the City Council, the Building Commissioner shall forthwith notify the license holder that the license has expired, and the operation of the home occupation must cease within five days, and the holder must renew his license through the License Committee of the City Council.
- (4) Performance Standards. A special license for home occupation may be granted only if all of the following performance standards are met:
- (a) No alteration of the principal building shall be made which changes the character as a dwelling. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character, either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
 - (b) No use shall create noise, dust, vibration, odor, smoke, glare, electrical interference, health hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential dwelling.
 - (c) Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation. It shall not exceed two square feet in area, shall be nonilluminated and attached flat to the main structure, visible

through a window or posted in front of the building with a maximum height of four feet. The limitation to one nameplate is intended to apply to all lots, including corner lots.

(d) No traffic shall be generated in greater volume than would normally be expected in a residential neighborhood. The activity involved shall not assume a commercial or public character or constitute a health or safety hazard to the neighborhood.

(e) The use shall be clearly incidental and secondary to the dwelling and dwelling purposes and shall not change the character of use as a dwelling.

(f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.

(g) The total area used for the home occupation shall not exceed 1/2 the floor area of the user's living unit.

(h) A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation.

(i) Any other conditions which the Council shall impose relating to the health, safety and welfare of abutting property owners.

(5) Special Conditions. The City Council may impose special conditions upon a home occupation to ensure that the business is conducted in a manner which is compatible with the surrounding neighborhood. Such conditions may include but shall not be limited to the following:

(a) A requirement for fencing and/or screening of the subject property from neighboring residences.

(b) A limitation on the number of vehicles related to the occupation which may be stored on the premises or parked on an adjacent right-of-way.

(c) A restriction on the hours of operation for the home occupation.

(d) A requirement that the permit be renewed after a designated period of time.

(e) Any other conditions which the City Council shall impose relating to the health, safety and welfare of abutting property owners.

(6) Grounds for Revocation. Failure to meet the definition in this Section and/or any of the performance standards outlined in this Section or any condition imposed by the City Council in accordance with the Section shall be grounds for denial of a special license for home occupation or for revoking such a special license if one has already been granted.

(7) Enforcement The City Building Inspector shall have the authority and responsibility to investigate and enforce issues of unlicensed home occupations. The Building Inspector, given a question as to whether a hobby or a home occupation is involved, will make the initial determination and will notify the parties. If a home occupation is determined, the party involved will be given 60 days to obtain a license or to cease and desist. The determination by the Building Inspector may be appealed as provided for herein. A "hobby" is normally a pastime that is engaged in for pleasure as opposed to profit. Any individual found to be in violation of the Home Occupation Ordinance will be subject to fines up to \$25 per day for each violation after a determination has been made.

Item #5

Ordinance Amendment to Chapter 275-9 to add new language to Chapter 275-9 end of section 275-9(F)

Chapter 275-9

Add to the end of § 275-9 (F)

Notwithstanding anything to the contrary, a special permit granted under Chapter 275 Section 67 (Mill Conversion and Commercial Center Overlay District) shall lapse in a period of three years, including such time required to pursue or wait termination of any appeal from the grant, if a substantial use has not sooner commenced, except for good cause or, in the case of a permit for construction, if construction has not begun by such date, except for good cause. Following such lapse, the rights for the special permit may be reestablished only after a notice and a new hearing, as specified in § 275-10, have been undertaken.

Item #6

Ordinance Amendment to Chapter 275-66A Burnett Road.

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, 2023, and terminating on April 1, 2024, except by special permit.

Item #7

Adjournment