



Members

George Balakier, Chair
William Courchesne, Vice Chair
Mary Beth Pniak-Costello
Joel McAuliffe
Delmarina López
Robert J. Zygarowski
Gary Labrie

MINUTES
February 23, 2022

The following are the minutes of a public hearing held Wednesday, February 23, 2022 at 6:30 PM in the Chambers, 4th floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

Members Present: Balakier, Courchesne (zoom), Pniak-Costello, McAuliffe (zoom), López (zoom), Zygarowski, Labrie

Also Present: Daniel Garvey (Associate City Solicitor), Councilor Laflamme (arrived at 7:15 left at 9:15), Councilor Krampits, Lee Pouliot (Planning Director), Chris Casali (IT)

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

Special Permit application under Chapter 275-53 (C) (6) for the purpose of creating one buildable lot with frontage reduced to 20 ft and 60 ft located at 0 Chicopee St./40 Greenwich St. (Parcel IDs 0443-00099 and 0471-0028B).

Applicant – Andrew J. Crane, 23 Rich St., Chicopee, MA 01020

Andrew Crane was present at the meeting and stated that he owns this property. The property is sits landlocked and by applying for this Special Permit he would like to create a buildable lot with frontage reduced to 20 feet and the existing home at 40 Greenwich Street that he owns will have reduced frontage to 60 feet. The duplex will be built in full view of the street so that it is not tucked in behind any other houses. Driveway will be built to today's standards to handle any weight capacity.

Public Input

Jennifer Picard, 70 Lawndale Street, asked if trees will be removed, access to the construction site, storage of building materials, environmental assessments, fire hydrant location, will screen be left in, construction timeframe, is the applicant doing business with the folks who own the home next door.

Andrew Crane replied that the only access is where the driveway is located. Trash will be hauled out during construction. Regarding environmental assessments, the City GIS does not show any issues. Mr. Crane stated that he does not have any partners.

Mr. Gardin, 15 Nadeau Drive, stated that the container has been removed from the property by the specified date.

Reports read from the following departments:

Planning Department – Property is zoned Residential B. Applicant is looking to obtain a Special Permit to create one (1) buildable lot with frontage reduced to 20 feet (0 Chicopee Street) and the existing home at 40 Greenwich having frontage reduced to 60 feet under 275-53 (C) (6). Applicant needs to also ask for a waiver under 275-36 (A) Mid-block lots: “For new residential structures proposed for mid-block lots, the front wall shall be aligned so it is not located behind the rear wall of any existing abutting residential structure”. Planning requests that the City Council confirms Police and Fire feel that they adequate access to the new proposed building lot and Planning recommends approval of the Special Permit if the City Council is inclined to grant the necessary waiver under 275-36 (A).

Health Department – No concerns at this time

Fire Department – Driveway is very long, Can it be extra reinforced to support the height of a fire truck in case of a fire? Or, can the house be fitted with a residential sprinkler system?

Engineering Department – No Engineering Department comments regarding lot division, however developer should consider challenges associated with connecting utilities to proposed structure as land where building will sit is 3'-4' lower than the road surface at Greenwich Street.

Lee stated that the waiver is required because the front façade of the new proposed structure will be behind the back façade of the existing structure at 40 Greenwich.

Mr. Crane asked if the Council is inclined; is that language going to happen in all one shot. Lee replied that it will be up to Counsel. Attorney Garvey replied that it can all be handled in one.

Motion made by Councilor Zygarowski and second by Councilor Labrie to grant the waiver from 275-36 (A).

Committee vote 7 - 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to grant the Special Permit.

Committee vote 7 – 0 favorable.

ITEM #2

Special Permit application under 275-50 (A) (1) (c) for the purpose of maintaining a pre-existing signage as a pre-existing non-accessory sign (billboard) and the following waiver requests from the following Zoning Ordinances: 275-50 A. (1) (g) [1] [a]; 275-50 A (1) (g) [1] [b]; 275-58 E (1) located at 0 Memorial Drive (Parcel ID 0341-0004B). Applicant – Panini Properties MA, LLC, Attorney John Drost, 1500 Main St., Suite 2312, Springfield, MA 01115.

Attorney John Drost and John Devoie was present via zoom. This application was postponed from the previous month because the legal ad ran incorrectly 1 week the previous month. The application is for the existing sign on the property for Quality Inn that has been on the property since 1974.

Councilor Balakier stated that the outstanding real estate bill has been paid.

Reports read from the following:

Planning – Property is zoned Business A; billboards and non-accessory signs shall be governed by Special Permit. Applicant is looking to obtain a Special Permit for the purpose of maintaining a pre-existing off-premise non-accessory sign. Erected in 1974, before the enactment of the City of Chicopee Zoning Ordinance and respective sign regulations, the pre-existing sign is legally non-conforming until the parcel is developed with its new use (i.e. Hot Table) with its own signage. With the installation of Hot Table’s signage the pre-existing signage would lost its status, which triggers the special permit requirement. Planning sees no issue with the current sign and Planning recommends approval of the Special Permit.

Fire – None

Engineering – No Engineering Department comments

Motion made by Councilor Labrie and second by Councilor Zygarowski to approve Waiver #1 275-50 A. (1) (g) [1] [a] – Church located approximately 420 +/- feet from the existing sign location.

Committee vote 7 – 0 favorable.

Motion made by Councilor Labrie and second by Councilor Zygarowski to approve Waiver #2 275-50 A (1) (g) [1] [b] Residentially zoned land located to the south of O Memorial Drive approximately 210+/- feet from existing sign location.

Committee vote 7 - 0 favorable.

Motion made by Councilor Labrie and second by Councilor Zygarowski to approve Waiver #3 275-58 E (1) setback waivers – 7.5 feet from the center of the existing sign to the side property line; 15.2 feet from the edge of the existing sign to the street line of Memorial Drive; 19.7 feet from the centerline of the pole of the existing sign to the street line of Memorial Drive.

Committee vote 7 – 0 favorable.

Motion made by Councilor Labrie and second by Councilor Zygarowski to approve.

Committee vote 7 – 0 favorable.

ITEM #3

Special Permit application under 275-59 (c) (11) for the purpose of adding 3 new drive up self-storage buildings, (2) 20’x50’ and (2) 10’x100’ to the existing 7 outside storage units located at 499 Montgomery St. Applicant – UH STORAGE (DE) LIMITED, Jeff Nadeau, P O Box 29046, Phoenix, AZ 85038.

Jeff Nadeau was present on zoom. He stated that he is requesting a postponement because he has hired R Levesque Associates to do the drawings and to resolve the concerns of the DPW but unfortunately that is not ready for tonight. Respectfully, requests postponement until March 30th.

Councilor Balakier stated that the applicant needs to submit a letter requesting an extension of the 90 decision. Mr. Nadeau stated that he did that today.

Motion made by Councilor Labrie and second by Councilor Zygarowski to postpone until the March 30th Zoning Committee meeting.

Committee vote 7 - 0 favorable.

ITEM #4

Special Permit application under Chapter 275-67 for the purpose of redevelopment of the Baskin parcel located in the Mill Conversion and Commercial Overlay District. Request the following waivers from Zoning and Parking Ordinances: Chapter 275-52 Section A and Chapter 275-62, Section A; Chapter 275-52 (C) (5); Chapter 275-52 (C) (5); Chapter 275-40, Section C.8; Chapter 275-67, Section K.3.e. located at 75 West Main St. Applicant – Brisa Development, LLC, Hammad Graham, 2009 Flatbrush Ave., Brooklyn, NY 11234.

Present via zoom were Hammad Graham, Andy Vann, Kathy McCabe. Present in the Chambers were Alan Hanscom and David Loring.

Hammad Graham stated that Brisa Development, LLC has entered into an agreement with the City of Chicopee to redevelop the former Baskin property into a work, live, and play development.

Andy Vann gave an overview of the proposed project includes the construction of a new 48,695 SF indoor multi-sport complex, a new 107-unit, 7 story residential structure ranging from 0 bedroom to 3 bedroom units, renovating the Baskin Building into a restaurant, brewery, and constructing a 3,733 SF building adjacent to the Baskin building for commercial/retail use. New and renovated facilities, access roads, parking, and utilities will be added to support the redevelopment project.

Alan Hanscom gave an overview of the waivers requested. The petitioner is also working with the City to arrange for an easement to park on City owned property.

Alan Hanscom stated that the parking designated for the apartments will not be shared among the commercial business or the sports complex.

Councilor Laflamme asked about parking for the residential units. Andy Vann stated that each unit will have one parking space. Lee stated that a traffic study was included with the project proposal and reviewed by the ODRC and everyone was satisfied. Councilor Laflamme asked what the city's liability is if the city allows folks to park on City property. Lee stated that this is a formal easement negotiation for the parcel to the south. The city is waiting for the appraisal to come back to fully negotiate an easement and include liability language. Lee stated that space has been designated as green space. It cannot be developed because of significant sewer infrastructure that the City has underground in that area. The only thing that this section of the Uniroyal property could be used for is green space or surface parking.

Councilor López asked if the Uniroyal property was sold would this easement create a problem. Lee replied that this portion of the Uniroyal property cannot be sold because of the underground infrastructure.

Councilor Pniak-Costello asked if there are 107 apartments will there be 107 parking spaces. Alan Hanscom replied that 101 parking spaces will be provided. Councilor Pniak-Costello asked how many 2 bedroom apartments will there be. Andy Vann replied 57. There will be ten 3 bedroom apartments, the remaining is split between 1 bedroom and studios. Councilor Pniak-Costello asked if children are anticipated to come into the school district. Kathy McCabe stated that a study was done and a low estimate of 17 to a high estimate of 33 school age children. The estimates were based on the comparable approach as well as using Rutgers multipliers. The real estate taxes will cover the cost to educate the children residing in the proposed apartments. Councilor Pniak-Costello asked how many floors will be on the apartment building. Andy Vann replied that the apartment building is 8 stories.

Councilor Zygarowski if there will be outdoor space for children to play. Alan Hanscom stated that there is green space to the right of the athletic building and also there will be a bike path running behind the building.

Councilor Krampits asked about traffic studies for this project. He received an email from someone concerned about the traffic at East Main, Main, and Broadway.

Lee stated he has been involved with the cleanup of this property since 2010. The City to date has invested about \$15 million in local, state and federal funds to address environmental contamination and brownfield conditions on the overall Facemate property. That investment has resulted in the Senior Center and the RiverMills Assisted Living facility that was constructed by a private entity. The City released a request for proposals for development for this property back in 2020. Two proposals were received. After scrutiny, it was decided to enter into an agreement with the petitioner. Since that time the Planning Department has been working with the petitioner to refine the plans. This is exactly the type of development the City wanted developed on this site. Regarding traffic Lee stated that there will be an increase in traffic. Anything that is done with this site will generate traffic. The Overlay District Review Committee met and provided the comments in the file regarding this project. Lee stated that there is nothing unusual in the comments for a project of this scale.

Councilor Laflamme asked where the folks utilizing the pocket park on the plan will park. Lee replied that the pocket park is not a traditional park it's a passive park which will connect to the bike path. Lee continued that the senior center parking area and West Main Street could be utilized by folks for parking. Councilor Laflamme asked about the stormwater drainage system for this proposal. Lee replied that the engineers have created a comprehensive drainage system for this property. The storage chambers are outside the areas of concern with consolidated soils. This has all been reviewed by the City Engineer. The City Engineer did have some comments on the system but the plans just need to be tweaked not redesigned in their entirety.

Councilor López asked when the assessment is expected. Lee stated that the appraisal was requested a couple of weeks ago and anticipates a report in mid-March. He continued that a project of this size has a budget and most likely there will be some state investment in this project and the state will want to see that the City is onboard and is moving efficiently before the state lays its investments on it. Lee continued that whether the City grants the easement for the parking he hopes that the City can figure out a way to move this project forward. The developer is applying for grants through the state for this project.

Councilor Krampits asked Lee about the traffic impact at East Main/Broadway/West Main Street area. Lee stated that according to the trip generation and distribution report that is included in the application during the morning peak hour the total project is anticipated to see 47 vehicles entering the property and 58 exiting the property for a total of 105 trips and the afternoon peak hours it is projected at 176 entrances, 138 exits for a total of 314 movements.

Councilor Zygarowski asked for a start and end date of the project. Hammad Graham stated that the first building will be the Baskin building late summer early fall from there the next phase will be the sports facility and those structures could be dual tracked as it relates to construction second quarter of next year. It's anticipated that the residential component would not begin until early fall of 2023.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve Waiver #1 use of multifamily residential in a Residential A (Chapter 275-52 Section A) and Industrial Zone (Chapter 275-62, Section A)

Committee vote 7 – 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve Waiver #2 rear setback of residential building is 1 ft. Requesting waiver from Res-A zoning rear setback requirement of 25 ft (Chapter 275-52 (C) (5))

Committee vote 7 – 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve Waiver #3 residential building height is 85 ft. which is greater than 40 ft. max. building height requirement allowed in Residential A zone (Chapter 275-52 (C) (5))

Committee vote 7 – 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve Waiver #4 pavement setback from street lot line is less than 8 ft and crosses over land zoned for residential. Requesting waiver from parking and loading requirement (Chapter 275-40, Section C.8)

Committee vote 7 – 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve Waiver #5 parking lots are located in front setbacks and buffer areas. Requesting relief from parking lot placement requirement for Mill Conversion and Commercial Overlay District (Chapter 275-67, Section K.3.e.)

Committee vote 7 – 0 favorable.

Motion made by Councilor Zygarowski and second by Councilor Labrie to approve with the ODRC conditions:

- Permit runs with the land
- All departmental requirements (as referenced in the attached ODRC Review Departmental Comments dated February 1, 2022) 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 have been met to the satisfaction of our Planning Director. (See below)

Baskin Redevelopment Project

ODRC Review

Departmental Comments – February 1, 2022

Planning Department:

1. Please show the extent of the AUL areas on the Existing Conditions plan.
2. Parking reduction will require a waiver from the City Council.
3. Proposed residential building height of 85’ will require a waiver from the City Council.
4. Please add the “Mean Annual High Water Line” and the 100’ Riverfront line on the plans.
5. Execute easement for parking area at the southern end of the property with the City of Chicopee.
6. Pavement setbacks along West Main Street as shown will require waivers. Requirement is minimum of 8’.

7. Please clarify the location of the silt fencing/straw bales along western project limits. Symbol does not appear to line up with notation on plan C6.1 and C6.2. Final locations to be determined with the Conservation Commission.
8. Please confirm construction fencing will be installed around the entire project site.
9. Confirm the proposed bus stop location is coordinated or will be coordinated with PVTA.
10. Site Plans must include a technical planting plan showing specific species and cultivars, as well as quantity and size of proposed plantings. Planting plan to be reviewed with Planning Staff for necessary adjustments.
11. Please include access points/connections to future bikepath.
12. Please consider a pedestrian connection to the Senior Center property.
13. Proposed plantings along northern property line out of scale with proposed building size. Please utilize larger species of shade trees.
14. Work with the Planning Department Staff to arrive at a final planting plan. Several proposed species illustrated will not be suitable for this site.
15. Must do soil amendments when planting.
16. All site lighting to be dark sky type LED. All site lighting shall be shielded to prevent residential abutters from light "hotspots".
17. Please provide dimensions of the indents of building walls sheet RES-001.
18. Please provide a breakdown of the living units by bedroom count.
19. Please provide a design of the rooftop recreational area.
20. Applicant to work on the exterior architecture of the residential building. Planning recommends exterior cladding that "lightens" the structure and speaks to the site's long industrial heritage. Please review with Planning Staff.
21. Confirm dimensions of the passageway under the residential building.
22. Please include on page C1.1 in the Grading & Utility Notes: All materials are subject to our approval and should meet Water Department Specifications as outlined in our "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. This can be found on The City of Chicopee web site under Water Dept. along with Water Department Fee Schedule and Permit Documents.

23. Please include on page C1.1 in the Grading & Utility Notes: Chicopee Water Department is a non-member utility of DIGSAFE and you MUST contact us directly 72 hours prior to excavation at 413-594-3420 for water mark outs.
24. Please include on page C1.1 in the Grading & Utility Notes: All water gate and service valves are only to be operated by Chicopee Water Department Personnel.
25. Please include on page C1.1 in the Grading & Utility Notes: Water Main Shutdown Requests must be submitted in writing to Superintendent James M Deni Jr, (jdeni@chicopeema.gov) at a minimum of 5 business days. The contractor is responsible for notifying affected residences/businesses at a minimum of 2 business days ahead of time.
26. Please include on page C1.1 in the Grading & Utility Notes: Any service boxes or gate valves must not be paved over. Any concerns please call Water Department.
27. The water main that is intended to feed the athletic complex and the front restaurant is 6" and not 8" cast iron. (Page C4.1)
28. Currently there is only one meter per parcel and if subdivided we require the waterlines to stay in their own parcel of land. The domestic and fire lines to the athletic complex will need to stay in its own parcel (Tax Lot B). The apartment buildings are on the same parcel (Tax Lot A), they will need to have a master meter pit at the property line or the domestic water can enter the front apartment building and be fed building to building after the water meter.
29. The proposed fire lines to buildings are to be sized by licensed fire engineer. Chicopee Water Department requires written, stamped letter from Fire Engineer depicting the size of fire lines & that the size(s) will be sufficient for fire suppression.
30. The proposed Domestic lines to buildings are to be sized by licensed professional engineer with the Chicopee Water Department's approval.
31. No structures may be installed over or within 6 feet of water mains. (e.g.: Page C4.2: The electric manhole at the northeast corner of the property).
32. Domestic and Fire Services must maintain a minimum of 4 feet distance from each other at all times.
33. It is recommended to install gate valves at the tee for the fire and domestic lines for the apartment buildings.
34. Water lines must be kept 10 feet distance from sewer and 5 feet distance from all other utilities. There is a conflict with gas service being too close to the water feeding the apartment buildings. Utility crossings are to give a minimum of an 18" clearance on all sides of the water utility.
35. Water Service Application Form must be submitted at a minimum of 10 business days prior to starting water work.
36. The Water Department recommends a hydrant be installed in the back of the building for increased fire protection.

37. Any and all changes to the water utility will have to be submitted via updated plans and submitted to the Water Department for approval.

Fire Department:

38. Will need to identify best possible locations for Fire Department Connections for each building.

39. Need clearly identified Fire Department access lanes with detailed turning radius identified (computer analysis).

40. Will need to ensure that bi-directional amplification for emergency responder radio systems is included in planning process.

41. What is the exterior cladding for the residential building composed of?

42. Has there been an impact study for emergency response/Is there one available for a project this large?

43. Will need a code review for existing structure that will be converted to a brewery.

44. Will need clearly marked fire hydrant locations.

45. The Fire Department would like a standpipe system installed in the soccer facility due to the possibility of a long hose lay.

46. The Fire Department access roads will be required to be built to accommodate the weight and dimensions of our aerial apparatus with the outriggers fully extended.

Water Pollution Control:

47. Developer shall coordinate project directly with DPW-WPC staff. Meetings will need to be held as design progresses further.

48. Both stormwater and wastewater discharge permit applications will need to be submitted to WPC. Contact Quinn Lonczak for stormwater and Laurie Goff for wastewater.

49. Army Corps of Engineers approval will be required since site drainage ties into flood control drains.

50. Defer to DPW Superintendent on all other comments

Community Development:

51. Community Development will be providing “soft” debt/financing for this project. Would prefer to see community amenities vs grocery (especially if convenience store type) or urgent care. The uses will be determined by market and public funders.

Assessors:

52. No comments submitted – recommend approval.

Electric Light:

53. CEL needs the anticipated electrical loads for the proposed/existing buildings at Baskin Redevelopment, it's a necessity to determine path and size of the services. CEL emailed Hammad and Andy on 1/26/2022 and is in a holding pattern until it receives the electrical needs.

Conservation Commission:

54. Plans need to show wetland resource areas i.e. bordering vegetated wetland at rivers edge, mean average high water line, and the 100' riverfront area line.

55. Applicant must file an NOI with the Conservation Commission.

Commission of the Disabled:

56. Please consider ease of access as well as "no - touch" amenities when designing building facilities.

Engineering Department:

57. In general, stormwater is intended to sheet flow over new pavement areas and be captured in the (uncurbed) islands within the parking lots. Each island will have two tree filter boxes (all set flush with the surrounding pavement), which will filter surface runoff through approximately 3.0' of sand/compost filter media and be collected by perforated pipes at the bottoms of the filter boxes. A grated standpipe for stormwater overflow is also provided within each filter box. However, not all of the sheet flow will be captured by the tree filter boxes. Some of this sheet flow will flow into the islands outside of the filter boxes. Per discussion at the 1/25/2022 meeting, there will be additional overflow pipes with grates on top within the islands outside of the tree filter boxes. These additional overflow pipes are not indicated on the plans, nor shown on the detail sheets. These extra overflow pipes must be clearly indicated on the plans (Sheets #C4.1 and #C4.2) with tops of frames / rim elevations for these grated overflows at all locations at each island and a typical detail provided. The piping from the filter boxes should also be shown on the plans, to make the plan clearer on the intent and layout of the piping.

58. Outlet control weirs are shown on Sheet #C7.6 for the tree box filter outlets. Per discussion at the 1/25/2022 meeting, the control weirs are provided to maximize the effectiveness of the tree filter boxes. The plans do not currently indicate at which drainage manholes these weirs will be installed. The drainage manholes on the plans (Sheets #C4.1 and #C4.2) must indicate which manholes receive the weirs, with at least the bottom elevation of the weir indicated at each drainage manhole.

59. Outlet control weirs are also shown on Sheet #C7.6 to be installed in Outlet Control Structures (OCS) for the outlets of each Cultec subsurface stormwater storage / infiltration systems. This was clarified in the 1/25/2022 meeting. The plans do not show the locations of these outlet control structures. These structures must be shown on the plans with weir elevations indicated or referenced to the detail on sheet #C7.6. Also, there are two different weir configurations shown on the detail indicating that they are for the Cultec system outlets. Which one is correct, or if both are to be installed, how will they be configured? This must be clearly indicated on the plans and the detail.

60. The Plan View of the detail of the Outlet Control Structures (Sheet #C7.6) currently shows the diversion weir wall outside of the flow path, rendering the weir ineffective. The detail must be corrected to show the inlet and outlet pipes on opposite sides of the diversion weir wall. It is not clear how the outlet control structures will be configured (see Comments #3 and #4) – it is imperative that this be clearly shown on the plans and details.
61. The locations of any proposed facilities must not interfere with existing City Facilities. (There appears to be a conflict with a proposed tree filter box and an existing City drainage structure southwest of Cultec-1, as shown on Sheet #C4.1).
62. The details of the Cultec units are shown on Sheet #7.7. However, it is not indicated on the plans nor the detail what options will be installed on the Cultec units. As a minimum, I suggest that inspection ports be called out for each Cultec unit.
63. Reports for this project indicate that possible reconfiguration of existing sanitary and / or storm drainage piping is being considered. Any such reconfiguration will be subject to review by the Engineering Department and any other pertinent City Departments.
64. The Traffic Impact Study (Section 3.7 of Document #1 noted above) does not present conclusions regarding traffic impacts. Section 3.7.5 of this report notes “... and the final Traffic Impact Analysis Report will be completed. The complete TIS will be available the second week of January 2022.” The complete Report must be submitted for review and any recommendations of the study must be implemented.
65. The Contractor shall obtain a Street Occupancy Permit through the DPW Engineering Department prior to any work within the right-of-way of West Main Street.

Police Department:

66. Police Department submitted no comments and recommend approval.

Building Department:

67. No comments submitted by the Building Department to the Planning Department.

School Department:

68. No comments submitted by the School Department to the Planning Department.

City Council:

69. No comments submitted by the City Council to the Planning Department.

Health Department:

70. The Health Department requires commercial kitchen blueprints and plans before food establishment related construction is started.

Committee vote 7 – 0 favorable.

ITEM #5

Special Permit application under Chapter 275-9 (L) (3) for the purpose of renewal of an existing special permit under the Mill Conversion & Commercial Overlay District located at 165 Front Street. Applicant - 4 Perkins, LLC, c/o SilverBrick, Aaron Papowitz, 1688 Meridian Avenue, Miami Beach, FL 33139.

Aaron Papowitz was present via zoom. He stated that he has been in contact with the various departments and the departments have made a recommendation and SilverBrick supports their recommendation.

Councilor López asked which aspects SilverBrick is in support and how does SilverBrick plan to attack those proposals. Mr. Papowitz stated that the departments sent SilverBrick a letter outlining what they would like to see done and SilverBrick will do everything they can to make sure that those happen. He understands that the tenants of Buildings 1, 2, and 3 need to vacate until life safety systems are updated.

Attorney Garvey stated that when the committee met the last time SilverBrick was presented a letter requesting items that needed to be repaired that addressed health and safety concerns and that revolved around making sure the sprinkler system be wet or dry was in proper working order. The City felt as a whole that without a proper working system that the tenants that were currently there were not being provided proper adequate safe space. Since that time a number of interdepartmental discussions amongst themselves including Building, Fire, Police, Law and a number of conversations with the applicant. After these discussions it was determined that in order for 4 Perkins, LLC to actually carryout the things that the City felt needed to be accomplished in order for it to be made a safe building for its residents that really in order to accomplish that is to vacate the building, that would be Buildings 1, 2, and 3. Earlier this week Building did present and file with 4 Perkins, LLC a letter stating that based upon what the City felt was the wet and dry sprinkler system inability to operate in proper fashion the City felt that the building was not safe. The Building and Fire Department ordered that the building be vacated. The second step that the City is going to take is to identify the tenants that are there and provide tenants with a letter ordering them to vacate the property and that vacate order will be forthwith because the fire alarm systems are not able to support safe habitability. The City Council would like to know when it would be safe to issue a Special Permit. After speaking with Building and Fire three things need to happen in order for them to give a favorable recommendation to the Council to issue the permits: (1) Buildings 1, 2, and 3 vacate, (2) Buildings secured at all times (3) 24/7 fire watch.

Councilor Balakier read the following letter:

February 22, 2022

*4 Perkins, LLC
165 Front Street
Chicopee, MA 01020*

RE: *Unsafe Buildings 1, 2, 3 165 Front Street Chicopee, MA on Parcel Number 0095-MAIN*

TO: *4 Perkins, LLC*

As Acting Building Inspector for the City of Chicopee and in cooperation with the City of Chicopee Fire Chief Daniel P. Stamborski through multiple on site visits as well as recent emergency responses, I have determined that the property located at 165 Front Street, Chicopee, Massachusetts has health and safety concerns and is in violation of the Massachusetts State Building Code 780 CMR Section 116 (see Appendix A) for the following reason:*

- 1. Lack of proper maintenance, reporting and testing of the Fire Sprinkler system as required by NFPA 25*

*We require the tenants of the buildings, listed above to be **vacated forthwith for life safety concerns.***

*It will be the owner's **responsibility to vacate the tenants from the building and to maintain the following services** for the protection of the building:*

- Secure the premises*

- Maintain a 24/7 fire watch
- Maintain water for sprinkler system
- Maintain electricity for the fire alarm system
- Maintain proper heat in the areas of the wet fire sprinkler section and standpipe systems

Failure to comply with this notice shall cause the City of Chicopee to take all appropriate legal action including, but not limited to, the levying of fines and pursuing any and all legal action.

I appreciate your cooperation in advance.

Respectfully,
 Frank Boron
 Acting Building Commissioner

Appendix A

Massachusetts Amendments: 780 CMR § 116

UNSAFE STRUCTURES AND EQUIPMENT

116.1 General. The provisions of this section are established by and work in conjunction with the requirements of M.G.L. c. 143, §§ 6 through 12.

116.2 Standards for Making Buildings Safe or Secure. Any owner of a building who has been notified that said building shall be made safe or secure under section 116, shall:

1. Remove all materials determined by the head of the fire department or building official to be dangerous in case of fire.
2. **Secure all floors accessible from grade** utilizing one of the following methods so long as such method is approved by the head of the fire department and building official in writing:
 - a. Secure all window and door openings in accordance with the U.S. Fire Administration, National Arson Prevention Initiative Board Up Procedures found here: www.usfa.dhs.gov/downloads/pdf/publications/napi4.pdf continuously until such time as the building is reoccupied;
 - OR-**
 - b. **Provide 24 hour watchman services**, continuously until such time as the building is reoccupied; or 4/11/14 780 CMR - 26.2
 - c. Provide a monitored intruder alarm system at the perimeter of all floors accessible from grade, continuously until such time as the building is reoccupied. Said owner, as the case may be, shall notify the building official that the approved method chosen to secure the building has been incorporated. Said owner shall allow the building official to enter the building for an inspection to ascertain that the building is secured and made safe. Said owner shall allow the head of the fire department to enter the building. The building official shall be supplied with records of maintenance and operation if the provisions of section 116.2 items 2b. or 2c. are used.
3. **Maintain any existing fire alarms or sprinkler systems** unless written permission is obtained from the head of the fire department in accordance with M.G.L. c. 148, § 27A to shut off or disconnect said alarms or systems.
4. **Maintain utilities** unless written permission is obtained from the building official to disconnect said utilities. Permission to disconnect utilities shall not be granted if it will result in inadequate heat **to prevent freezing** of an automatic sprinkler system or inadequate utilities to maintain any other protection systems.
5. The requirements of section 116.2 items 1. through 4. do not prevent a building official from ordering or taking expeditious, temporary security measures in emergency situations pending the completion of the requirements of section 116.2 items 1. through 4. For the purposes of section 116, an "emergency situation" shall be defined as: an

unexpected incident, which by its very nature may present a threat to public safety personnel who may be required to affect a rescue effort or conduct fire extinguishment operations.

Upon refusal or neglect of said owner to comply with such notice, any building official acting under the authority of M.G.L. c. 143, §§ 6 through 12, shall enforce section 116.2 item 2a. or other equivalent procedure approved by the head of the fire department, continuously until such time as the building is reoccupied. Any building which has been made to conform to the provisions of section 116.2 during vacancy may be reoccupied under its last permitted use and occupancy classification, provided that any systems which were disconnected or shut down during the period of vacancy are restored to fully functional condition and subject to section 105 and M.G.L. c. 40A. The local building official shall be notified in writing prior to re-occupancy. If said building is changed in use or occupancy or otherwise renovated or altered it shall be subject to the applicable provisions of Chapter 34: Existing Structures.

Frank Boron stated that the letter has been sent to 4 Perkins, LLC. The Building Department is in the process of doing cease and desist letters to all tenants and the building will need to be evacuated forthwith.

Councilor López asked if it's customary for the City to give a week's notice to vacate a building and what does immediately mean. Frank Boron stated many of the tenants in the building do not receive mail to the business address therefore, the letters will be posted at the site. Attorney Garvey stated that the letter to SilverBrick was sent Tuesday and today the Law Department approved the letter that will be sent to the tenants. He continued that the Planning and Community Development Departments are trying to find alternative sites for the businesses and after speaking with SilverBrick's attorney they are also working on alternative sites. Councilor López stated that she feels it's unfair for the businesses to be told to vacate immediately. She understands there are safety concerns but maybe a fire truck could be placed on the property while the tenants have time to move out. Attorney Garvey stated that it's not the City of Chicopee who put these tenants in this position but the City is trying to rectify to the best of our ability.

Councilor Priak-Costello stated that she is pleased that the City has taken action in regards to the health and safety of the people that are occupying this space. She questioned what is immediate and how many businesses are located in these buildings. Frank Boron stated that some businesses have been in these buildings for a long time and it will take them longer to move out. There are over 55 businesses in the building that the Building Department knows of.

Councilor McAuliffe stated that once the structure is deemed unsafe it's unfortunately the City's responsibility to jump in and make sure that a disaster doesn't happen. SilverBrick is the one that allowed the tenants to be somewhere that they shouldn't have been. He encouraged the tenants to look at the lease agreement and to take a look and potential legal action if they deem that they incurred losses as a result of this. It's certainly not the City that put them in this predicament.

Public Input

Leeann Vera, 118 Frontenac Street, stated that she reached out to Councilor López with her concerns. SilverBrick knew the issues and still allowed tenants to move in. Will the fee for the Certificate of Occupancy be refunded? SilverBrick uses a text blast for tenants. Will SilverBrick resolve all the safety issues so the tenants can move back in or not? Attorney Garvey stated that that's the hope of the City. Ms. Vera continued, will SilverBrick be responsible to relocate the tenants? SilverBrick has been very difficult to reach and is not clear on anything. Attorney Garvey stated that the City did not make this decision lightly.

Aaron Papowitz stated that the plan will be to reach out to every tenant to provide the contact information for the site that SilverBrick spoke with in Holyoke. He continued that the security deposits will be refunded.

Jenna Medina, 6 Kenway Drive, Springfield, MA stated that she has been a tenant for over 11 years. SilverBrick is not communicating with the tenants. Tenants are now in a panic to move. Freight elevator is not working.

Kevin Bacon and Ellen, 196 County Road, Southampton, stated that they have been in this building for 13 years. City should had notified tenants and should be looking out for the tenants. SilverBrick is a horrible landlord. City failed the tenants.

Councilor López stated that the City should hold SilverBrick accountable to some extent for what they did wrong by its tenants. She is appalled at SilverBrick for what they have done.

Tara Hoffman Westgate, 153 East Street, Williamsburg, stated that the City should had notified tenants. She is relieved on some level that the City is finally taking an interest and action. SilverBrick is a horrible landlord.

Lorraine Murphy, 931 Carew Street, Springfield, stated that she has been a tenant for 12 years. She has heavy equipment and furniture and is 65 years old. She will not be able to move in 2 days.

Garnell, 12 Green Way, Springfield, frustrated with the whole situation and there is no accountability from anyone. City is letting the tenants down. He as hoping the City would provide more assistance to the tenants.

Lee Pouliot stated that he has been working with Community Development Office. He further stated that he could be the direct contact for the tenants.

Attorney Garvey stated that the committee has three options (1) approve the Special Permit request to renew (2) deny the Special Permit request to renew (3) postpone the application.

Councilor McAuliffe stated that SilverBrick meet with tenants via Zoom on Friday. The Zoom link to be provided to the City Councilors. Councilor McAuliffe asked Mr. Papowitz if SilverBrick is ready to cover moving expenses for the tenants. Mr. Papowitz stated that they could assist with some expenses but not willing to write a blank check. Mr. Papowitz is willing to help find space in the area for the same per square foot charge. Councilor McAuliffe stated that if the Special Permit is denied the property looks very unattractive to develop.

Councilor Labrie stated that he would be in favor of postponing this application so that the City Departments and SilverBrick could work with the tenants.

Councilor Zygarowski asked Mr. Papowitz what his intent is to do in the next 30 days. Mr. Papowitz stated he is trying to work with departments. He understands that people are in very difficult situations. He will research out to places and give tenants options.

Councilor Pniak-Costello stated that the Council last month postponed the application for 30 days for SilverBrick to address concerns. Here we are a month later and things have gone from bad to worse. Now the building is unsafe.

Motion made by Councilor López and second by Councilor Pniak-Costello to deny.

Committee vote	2 favorable to deny	(Pniak-Costello, López)
	3 unfavorable	(Balakier, Zygarowski, Labrie)
	1 out of chair	(Courchesne)
	1 abstained	(McAuliffe)

Motion made by Councilor McAuliffe and second by Councilor Labrie to postpone until the March 30th Zoning Committee meeting.

Committee vote **4 favorable** **(Balakier, Zygarowski, Labrie, McAuliffe)**
 2 unfavorable **(Pniak-Costello, López)**
 1 out of chair **(Courchesne)**

ITEM #6

Special Permit application under Chapter 275-9 (L) (3) for the purpose of renewal of an existing Storage special permit under the Mill Conversion & Commercial Overlay District located at 165 Front Street. Applicant - 4 Perkins, LLC, c/o SilverBrick, Aaron Papowitz, 1688 Meridian Avenue, Miami Beach, FL 33139.

Aaron Papowitz was present via zoom. The 90,000 square feet of storage was proposed in the basement of the building which is vacant. The current tenants would not be impacted by this storage proposal in any way.

Councilor McAuliffe asked if the tenants could leave their equipment in the building. Attorney Garvey stated after speaking with the Fire Chief and Acting Building Commissioner their concern is that folks will then want to come into the building to access their equipment. They feel that it is not safe for folks to be in the buildings.

Motion made by Councilor López and second by Councilor McAuliffe to deny.

Committee vote **3 favorable** **(Pniak-Costello, López, McAuliffe)**
 3 unfavorable **(Balakier, Zygarowski, Labrie)**
 1 out of chair **(Courchesne)**

Motion made by Councilor McAuliffe and second by Councilor Labrie to postpone until the March 30th Zoning Committee meeting.

Committee vote **4 favorable** **(Balakier, Zygarowski, Labrie, McAuliffe)**
 2 unfavorable **(Pniak-Costello, López)**
 1 out of chair **(Courchesne)**

ITEM #7

Minutes – January 26, 2022 Motion made by Councilor McAuliffe and second by Councilor López to approve.
Motion passed.

Meeting adjourned at 11:18 PM.