



Members

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

MINUTES
March 22, 2023

The following are the minutes of a public hearing held Wednesday, March 22, 2023 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, Pniak-Costello, López (Zoom), Zygarowski, Labrie

Absent: McAuliffe

Also Present: Daniel Garvey (Associate City Solicitor), Councilor Laflamme, Chris Casali (IT), Councilor Krampits (zoom), Councilor Dobosz

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. The City is recording the meeting.

ITEM #1

Home Occupation License at 82 9th Avenue for the purpose of baking business. Applicant-Susan Gendron, 82 9th Ave., Chicopee, MA 01020.

Susan Gendron was present at the meeting. She stated that she would like to start a home baking business. The customers will place orders either online or by phone. Customers will pick up during the week at a time that is convenient for her. She anticipates about 4-5 orders per week.

Reports read from the following departments:

Planning – Applicant is requesting a home occupation license. Property is zoned Residential A; Home Occupation use in this District may be granted through a special permit by the City Council under 275-52(B)(11). Planning recommends that the special permit and home occupation license be approved on the condition that Building Department, Fire Department, and Health Departments inspect the premises and approve.

Fire – Will schedule inspection

Councilor Labrie asked if delivery trucks will be coming to pick up goods? Ms. Gendron replied that no she is not allowed to sell to outside sources.

Councilor Pniak-Costello asked if the applicant anticipates heavy traffic from the proposal. Ms. Gendron stated that she anticipates 4-6 sales per week.

Councilor Laflamme asked about restricting the hours that the baked goods can be picked up. He has received some calls from residents in this neighborhood who have concerns about the hours that customers will be picking up. He suggested a restriction of 8 AM to 5 PM.

Councilor López stated that this seems too restrictive. What if a customer works 8-5 and cannot pick up during that time.

After discussion the committee came to a consensus of the business hours for pick up 8 AM to 7 PM, 7 days per week.

Motion made by Councilor Zygarowski and second by Councilor Balakier to approve subject to the conditions of the Building, Fire, and Health Departments being met. Hours of business 8 AM – 7 PM, 7 days per week.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #2

Zone Change application to apply the Mill Conversion and Commercial Center Overlay District for 33,130 SF of property located at 105 East Street (Parcel ID 0149-00007) for the purpose of allowing for future construction of a residential development to be located at the above referenced property. Applicant – PREM, LLC c/o Mr. Dennis Patel, 36 Yarmouth Dr., Agawam, MA 01001.

Councilor Balakier stated that the applicant will not be present at the meeting tonight.

A letter requesting a continuance was submitted. Councilor Balakier read the letter into the record.

March 17, 2023

Dear President Laflamme and City Council Members:

On behalf of the applicant and property owner, PREM, LLC c/o Mr. Dennis Patel, our office is herein requesting that the City of Chicopee Zoning Committee continue the public hearing scheduled for Wednesday evening, March 22, 2023, for the above referenced property.

We are hereby requesting to be placed on the next available City of Chicopee Zoning Committee meeting agenda.

Should you have any questions or comments regarding this request, please do not hesitate to contact our office at your earliest convenience. Thank you for your time.

Sincerely,
R Levesque Associates, Inc.
Alexandra Cichetti
Permitting Project Manager

Councilor Balakier also stated that the Planning Board held a hearing on February 2, 2023 and sent their recommendation to the committee. The Planning Board voted 3 favorable and 1 unfavorable.

Public Input

Louis Suzor, 55 Fuller Street, stated that he is concerned about parking in this area with the new residential units. There is very limited parking as is. He suggested that the entrance and exit for the new residential building be on East Street. He would also like to see a fence along Fuller Street.

Donald Giguere, 87 East Street, stated that he is concerned about off-street parking and drainage. He stated that there is lot of traffic in this area.

Gordan Bessette, 26 East Street Avenue, stated that during the winter months when snow is plowed the street becomes very narrow especially at the curve and it's difficult for emergency vehicles to pass.

Eleanore Boule, 18 Hamilton Street, stated that Hamilton Street is narrow and it's one lane of travel. She has concerns about safety and traffic.

Councilor Krampits stated that he has received calls and emails from residents concerned about the number of apartments that are going to be on that property and about access in and out of the property. In the conceptual design, it looked like there was going to be no entrance off of Fuller. But I know we need to wait until we actually get some more developed plans, as I mentioned, about drainage and then how to get in and out of the property. The property is currently zoned Commercial A which does allow a business component, and this part of the process is to allow a residential component to go onto that property. But I'm hoping that I will be able to make some modifications to the concept plan that they presented, because I think that caught a lot of people off-guard with a proposal of up to 24 units.

Councilor Dobosz had questions for Attorney Garvey. How much can the city council restrict this type of zone change?

Attorney Garvey stated that this is actually a two-step process. Step number one is where we are right now. And that's a determination of whether or not you want to actually impose the mill conversion district on this particular piece of property. So that's just the general question. Is it appropriate to place a mill conversion on this piece of property? And really all that means is this is currently a business zoned property. The mill conversion overlay allows residential development on that piece. So that's what we're dealing with tonight. If this mill overlay is approved, there is a second, more substantial process that happens, which is a special permit process. Again, that's a process that's controlled and voted on by the city council at that step. Typically, the developers come in with much more detailed plans. So, what I expect to hear from Levesque at the next meeting is kind of a conceptual plan, which kind of gives you an idea. These are where the houses are going to be, this is where the entrance is going to be, the exit where the snow removal is going to be, the dumpster, those types of things.

The second part, which is more detailed gives plans. So, they give specific plans that we see and look at that particular juncture, which is a special permit process. The council has full discretion to impose whatever conditions it feels are appropriate. For example, if the plans that they've submitted show 24 residences, the council can look at it, consider traffic, consider congestion, density. This particular step, which is the preliminary step, no. Step number two, which is a special permit, which again is controlled by the city council, that's the step at which time they can impose reasonable restrictions and conditions. Now, the overlay allows them to put residential buildings on that property if they choose to go that route. We do have the special permit process which allows us to place restrictions. The overlay district does not forbid them from going back to the original underlying zoning so they could, without approval of the council. They could put a commercial use in there, so long as it complies with our zoning ordinance. So, it's kind of a tricky question. Can they put residential housing out there without getting a special permit? No. Can they go back to the underlying designation and put something in there that's allowed by right. Yes. The council is the one that decides density of the number of units where the trash bins go.

Councilor Dobosz asked if the Council approves a mill conversion right now, they have one year to start construction. The Council is considering expanding that to three years. Attorney Garvey stated that the applicant still has only one year until the Council approves the three-year expansion. There's discussions about that, but we haven't made any changes. Councilor Dobosz asked, "Would they have one year? That's not retroactive?" Attorney Garvey replied that it's only for future projects. So, this applicant should have to re-apply to get the three years.

Councilor Laflamme stated that the way he looks at it, the special permit is the best way to go. The Council has better control. One being is if it's a commercial, they could put anything in there. There's a lot of things that could be worse that the Council cannot even control. The applicant could go and put something and have 25 more cars and have 50 cars. With this application it not only goes through this SRAC review, but the Council has full control.

Councilor Krampits stated that he would like the abutters to receive a meeting notice for the next Zoning Committee meeting.

Public Input

Donald Giguere, 87 East Street, asked why isn't the applicant just requesting a zone change to residential.

Councilor Courchesne stated that if a zone change was requested it would create a spot zone.

Motion made by Councilor Zygarowski and second by Councilor Balakier to accept the request of the applicant to continue until April 26, 2023, Zoning Committee meeting at City Hall, Council Chambers at 6:30 PM. Notification of meeting to be sent to all previous abutters.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #3

Zone Change application to apply the Mill Conversion and Commercial Center Overlay District for 118,613 +/- SF of property located at 480 Burnett Road and 510 Burnett Road (Parcel ID 0294-00005 and 0294-00004) for the purpose of constructing a residential development with associated site improvements to be located at the above-referenced properties. Applicant – Salmar Realty, Inc. c/o Peter Martins, 350 Cottage St., Springfield, MA 01104.

Councilor Balakier stated that the applicant will not be present at the meeting tonight.

A letter requesting a continuance was submitted. Councilor Balakier read the letter into the record.

March 17, 2023

Dear President Laflamme and City Council Members:

On behalf of the applicant and property owner, Salmar Realty, Inc., c/o Peter Martins, our office is herein requesting that the City of Chicopee Zoning Committee continue the public hearing scheduled for Wednesday evening, March 22, 2023, for the above referenced property.

We are hereby requesting to be placed on the next available City of Chicopee Zoning Committee meeting agenda.

Should you have any questions or comments regarding this request, please do not hesitate to contact our office at your earliest convenience. Thank you for your time.

Sincerely,
 R Levesque Associates, Inc.
 Alexandra Cichetti
 Permitting Project Manager

Councilor Balakier also stated that the Planning Board held a hearing on February 2, 2023 and sent their recommendation to the committee. The Planning Board voted 3 favorable and 1 unfavorable.

Public Input

Richard Bourbeau, 481 Burnett Road, stated that he's looking for more information. How many units? Is the Dunkin Donuts Plaza being torn down? He also requested that the abutters be notified of future meetings if this item is postponed tonight.

Councilor Dobosz stated that the developer claims that he's going to keep Dunkin Donuts in the mini plaza. He continued that the developer wants to tear down where Deegan's is now. He continued that he and the residents are always nervous about bait and switch by a developer not necessarily that this developer will do that. He continued that there is a huge difference between Business A and Industrial Garden. Four no votes on the City Council will block a zone change. But if the Council approves this Mill Conversion Zone Change and the developer decides to do business instead of residential and they apply for industrial instead of Business A he believes that a Special Permit would be needed which would only need seven yes votes.

Attorney Garvey stated that this request does not affect the underlying zone as it sits today. He continued that it doesn't jump from Business A to Industrial if it's whatever it happens to be right now. So, for example, if it's Business A, say it remains Business A so if the mill overlay is approved, all that does is it allows the residential development to occur. What's currently underlying on the business side but it does allow the developer to come before the City Council for a Special Permit for residential use that's allowed under mill conversion. The developer cannot flip flop. If it's currently zoned Business A this vote has nothing to do with the underlying district. If the developer wants to flip it to Industrial A they would need to come before the Council. If it's currently zoned Business A the developer is still allowed to do whatever they want allowed under Business A but they cannot flop to another zone without getting a proper zone change.

Councilor Dobosz asked what is the difference between Residential A and Mill Conversion? He continued that Lee Pouliot says that Residential A would be considered spot zoning but the City owns Burnett Road land and it's Residential A by default.

Attorney Garvey stated that he would have to defer to Lee Pouliot for that. As far as spot zone he does not have that information.

David Rossi, 106 Moreau Drive, just wanted to thank Attorney Garvey for providing that information as well as the committee for giving a better understanding to the residents exactly what Mill Conversion permit would be.

Councilor Costello asked if Mill Conversion could be used for some other use beside residential? Attorney Garvey stated that it can only be used for housing. Councilor Costello continued that when the overlay districts came into effect in 2008, the City of Chicopee bought into it and the City received \$600 as an incentive from the government.

Attorney Garvey stated that the Council needs to grant a Special Permit for the specific type of housing that is sought under the Mill Conversion Overlay District.

Councilor Laflamme stated that the Overlay District location was approved by the Council seven or eight years ago and includes Ward 4, 6, 7, downtown.

Motion made by Councilor Zygarowski and second by Councilor Balakier to accept the request of the applicant to continue until April 26, 2023, Zoning Committee meeting at City Hall, Council Chambers at 6:30 PM. Notification of meeting to be sent to all previous abutters.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #4

Minutes – February 22, 2023

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

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Motion made by Councilor Zygarowski and second by Councilor Balakier to adjourn at 7:49 PM.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				
Pniak-Costello	X				
McAuliffe			X		
López (zoom)	X				
Zygarowski	X				
Labrie	X				

Motion passed.