



Members

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

MINUTES
March 29, 2023

The following are the minutes of a public hearing held Wednesday, March 29, 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, Pniak-Costello (arrived 6:35), López (Zoom), Zygarowski, Labrie

Absent: Courchesne, McAuliffe

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

The meeting was called to order at 6:30 PM

In compliance with the Open Meeting Law the Chairman asked if anyone in the audience was recording the meeting. Josh from Western Mass News identified himself as recording the meeting. The City is recording the meeting.

ITEM #1

Special Permit application under Chapter 275-50 (C) (1+2) for the purpose of erecting a digital sign on the property on existing pole. Waiver requested – front setback from 25' to +/- 2.5' located at 704 Memorial Drive. Applicant – Chuck's Sign Company, 658 Fuller Rd., Chicopee, MA 01020.

Eric Morgan from Chuck's Sign Company was present on zoom. He stated that they are looking for relief of setback requirements to +/- 2.5' for an existing pole sign to erect a digital sign.

Reports read from the following departments:

Engineering – No engineering comments.

Building – No comments

Planning – Property is zoned Business A; waiver of setback requirements for new digital pole sign placement from 25 feet to +/- 2.5 feet from the property line requires a Special Permit under 275-50 (C) (1). Additionally,

the applicant is looking to obtain a Special Permit for erecting a digital sign, which is considered an Accessory Sign, under Chapter 275-50 (C) (2). Planning sees no issue with the proposed sign as well as the relief of setback requirements as long as Engineering sees no issue with a digital message board in relation to traffic control systems. Planning recommends approval of the Special Permit.

Collector’s Office – No comments

Councilor Balakier asked if the sign will be static or changing. Mr. Morgan stated that it will be changing and he is aware of the time limitation for the changing of the message. He believes it is an 8 second delay.

Councilor Labrie asked the square footage of the sign and is it two-sided. Mr. Morgan replied that the sign will be two-sided. The digital sign is 48x96.

Lee Pouliot stated that this is the former Midas property currently occupied by Hannoush Jewelers and they are looking to put up a sign for the business on the existing foundation and pole. The infrastructure is in place for this sign and since it falls in the setback requirement the applicant is seeking a waiver of this setback requirement.

Motion made by Councilor Zygarowski and second by Councilor Balakier to approve the waiver front setback from 25’to +/- 2.5 feet.

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.

Conditions

Permit to run with the applicant

Compliance with City regulations regarding digital signs

8 second delay requirement regarding digital signs to be met by applicant

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

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

Special Permit application under Chapter 275-52 B (10), 50 C (2) for the purpose of parking facilities within Residential A district. Replace existing accessory sign. Waiver requested – front setback from 25’ to 12’ located at 147 Grape Street and 0 Grape Street (Map 063-31). Applicant – Elms College, Katie Longley, 291 Springfield St., Chicopee, MA 01013.

Doug Searle, Berkshire Design Group, Jeff Paul, Elms College Staff Member, were present at the meeting. Mr. Searle stated that the existing facility is owned by Elms College and used as a creative writing center. He continued that the facility in its current condition has an existing parking lot that holds 17 spaces and there’s an existing sign that is approximately 10.7 feet away from the property line. These two conditions are currently non-conforming and the school is in the process of making some improvements to the overall site, repaving the parking lot, adding some vegetation, adding a new ADA ramp to the building and making some improvements to the building itself. The request tonight is for a special permit for the use of the parking lot within a residential zone and to upgrade the existing sign and replace that with something that’s more conforming with what exists on campus. Also, requested is a waiver of front setback from 25’ to 12’.

Public Input

Rick Salvador, 141 Grape Street, he wanted to know the size of the parking lot.

Mr. Searle replied that the parking currently holds 17 spaces. The proposed lot has the spaces reduced to 11.

Reports read from the following departments:

Engineering – Sign cannot overhang sidewalk or impede

Building – No comments

Fire – No issues

Planning – Property is zoned Residential A; relief of setback requirements for sign placement from 25 feet to 12 feet from the property line requires a Special Permit under (275-50(C)(1)). Planning sees no issue with the relief of setback requirements. Applicant is looking to obtain a Special Permit for parking facility in Residential A Zoning District, this requires a Special Permit under (275-52)(B)(10). Planning recommends approval of the Special Permit which will allow Elms College to advance significant property improvements at the subject property, consistent with the completed project SPRAC review.

Collector’s Office – Outstanding water bill in the amount of \$32.00 due 3-30-2023

Lee Pouliot stated that this is another great project with Elms College. He continued that the improvements will actually address a number of existing non-conformity with the property. With the redevelopment of the parking lot the college is actually moving pavement away from other residential abutters and incorporating appropriate screening onto the parcel. Overall, there's a slight reduction in pavement and some improvement to the esthetics of the front green area. The existing sign location does not conform to the 25-foot setback, so they're looking for relief. This is not a digital sign. This is just a backlit sign for the college. This has gone through site plan review with the Planning Department. There were very minimal issues.

Councilor Zygarowski asked what the building will be used for. Mr. Paul replied that it's a reading center.

Attorney Garvey stated that there's essentially three questions before the council. Number one is special permit for the parking facility to be located within a Residential A district. The second vote will be the waiver from 25 feet required to 12 feet. The third vote will be the special permit to install the sign.

Motion made by Councilor Zygarowski and seconded by Councilor Balakier to approve Waiver #1 front setback from 25' to 12'.

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 Labrie and seconded by Councilor Zygarowski to approve the installation of the sign.

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 seconded by Councilor Balakier to approve the Special Permit for parking in Residential A.

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				
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Motion passed.

Conditions:

Permit to run with the applicant

ITEM #3

Special Permit application under Chapter 275-66 A for the purpose of allowance of a business, commercial, or industrial development on Burnett Rd. (Parcel ID Map 294, Lot 6 & Lot 7) Applicant – Scannell Properties #705, LLC, c/o Leo Leighton, 294 Grove Ln, Suite 140, Wayzata, MN 55391.

Attorney Todd Brodeur representing the applicant Scannell Properties. Also present: Leo Leighton, Austin Turner (Civil Engineer), Scott Thornton (Traffic Engineer).

Attorney Brodeur stated that the applicant is seeking a Special Permit as required by Chapter 275-66A to develop an electric car dealership and service. As required by ordinance a traffic impact analysis has been completed and is presented. He stated that he believes that the traffic impact is minimal. Attorney Brodeur also stated that they are seeking a zone change because the lot is currently split zone. It's almost two thirds Industrial zone and a third Industrial Garden Planned Unit Development Type 1 zone. The purpose of the zone change request is to make it continuity on the parcel. The zone change will be heard by the Planning Board at an upcoming meeting. He continued that they are proceeding through the City's permitting process. They understand that site plan approval is needed from the Planning Board, Conservation Commission approval is needed for some work within the buffer zones of wetland. This won't be the first time or the last time that the projects will be heard. The proposal on the 7.1 acre site is an approximately 50,000 square foot building, which is predominately a service center. There is a small area for display of vehicles, but it's really only two or three vehicles that are on the site at any given time. There's a 7000 or 7200 square foot part center for that servicing to be to be done on site. The intended use of the site is by Tesla. The cars are electric so there is no gas. It's all electric vehicles. Any of the servicing that's done doesn't contain some of the uglier elements of service that are usually part of an automobile service center. Customers will be able to come to the site to take a test drive. There will be typically 4 to 6 demo vehicles on the site. Customers will be able to take a test drive from this facility. This site will not be a traditional car dealership. There will not be hundreds of inventory cars on site. Orders are placed based on sometimes the test drive. Most of the orders are done online. Customers will not be walking around on the stie picking vehicles. Standard service work will be done onsite such as tire replacement, tire balancing, alignments, topping off water and the occasional battery replacement. Most services can be done in an hour or two while the customer waits. If a customer cannot wait, loaner cars will be available. The proposal is for 48 bays with 7,200 square feet of parts storage. The hazardous chemicals stored on site is extremely minimal. The employee count is expected to be around 35.

Austin Turner, Bohler, Land and Development and Civil Engineering Consultants, working on the project stated that the proposal is a single file access onto Burnett Road. The customer parking is in the front of the building or where the entrance is. The parking on the perimeter of the site is general support of operational needs. The proposal is to have landscaping along the road as you enter the driveway and then interior to the property as well as to have green space to make it look welcoming.

Scott Thornton, Vanasse & Associates, Traffic Engineer and Planners. He stated that he prepared the traffic assessment for the project standard assessment. The traffic assessment was prepared with the standard traffic assessment to be consistent with state and industry guidelines, consistent with MassDOT protocols for traffic assessments. Four intersections were looked at. Three existing or signalized and one proposed is the intersection of the site driveway with Burnett Road and those other three intersection going from the location to the south including Lombard Road, First Avenue and the I-90 ramp 291 intersections with Burnett Road. Traffic counts were done in November of last year. They looked at three time periods, looked at the weekday morning time period, weekday evening time period and Saturday midday time period. That's seven hours of traffic counts. They did a comprehensive analysis of exiting conditions not just traffic volumes, crash data, sight distances, speeds. The data shows the following:

Project Trip Generation	
Time Period/Directional Distribution	Vehicle Trips
Weekday Morning Peak Hour	
Entering	69
Exiting	25
Total	94
Weekday Evening Peak Hour	
Entering	49
Exiting	73
Total	122
Saturday Midday Peak Hour	
Entering	101
Exiting	101
Total	202

Mr. Thornton continued that the project is expected to generate an increase of between 2 and 4 percent. The project results in minor delay increases at study area locations but no changes to level of services.

Lee Pouliot stated that tonight the Council is seeing a conceptual plan because these plans have not been submitted to the Planning Board yet for review until there's a special permit. Additionally, because of abutting resource areas, particularly in the state parts of the North, this project will also require review and conditions through an NOI to the Conservation Commission. This is one of the tensions between the Moratorium chapter and our typical review process for what is otherwise a site plan review. The committee is seeing this as a concept plan without the benefit of the review process and this SPRAC review that would happen with the Planning Board. In reviewing the proposed use, which is a car dealership and maintenance facility against both the existing zoning districts on the property, which are Industrial and IPUD, it's an allowed use in both zones. It would be a by right use with or without the zoning change request to make the entire property uniform. The only difference being that with the zone change, the applicant would not have to follow two different dimensional packages because there are slight dimensional differences for a step back between industrial and the IPUD zoning districts. Lee stated that he can't give the committee too much more information because a technical review has not yet occurred and that won't happen until it goes to the Planning Board. He would suggest that it's a perfectly acceptable use within the zoning districts and the Council should allow it to start

moving through the regular process of review with both the Conservation Commission and the Planning Board.

Reports read from the following departments:

Planning – Applicant is requesting a Special Permit under Chapter 275-66: Burnett Road. Chapter 275-66 effectively functions as a zoning moratorium on by-right development within a defined area of the Burnett Road neighborhood. Zoning moratoriums are intended to be temporary – while this moratorium has been annually reviewed since 1999. The proposed uses of the property as an automobile dealership and service center for electric vehicles are by-right uses in both of the Zoning Districts present on the property (Industrial and Industrial Garden Unit Development (IPUD)). Under Industrial 275-62(A) (i.e., Automotive Trade and Motor Vehicle Repair Services per Business A and B Districts). Under IPUD 275-63(C)(1) (i.e., Industrial uses). The Planning Department maintains that Chapter 275-66 is unenforceable as it restricts the ability of property owners to develop by-right uses on subject properties. Planning recommends that the City Council either abandon this moratorium or grant the Special Permit to allow this project to begin Site Plan Review with the Planning Board in addition to advancing appropriate filings with the Conservation Commission.

Engineering – No Engineering comments at this time will address all issues during SPRAC

Fire – Please provide fire apparatus turn ratio diagram. Please provide all pertinent fire protection and suppression information as pertains to electric vehicle storage and service.

Building – No comment

Councilor Dobosz stated that he was initially in favor of this project. He's not opposed to it but it's just bigger than he is comfortable with. 400 parking spaces is quite a bit for this location and 48 bays makes him nervous. If the 48 bays are full and the parking lot is full that's quite a bit of traffic. That's 400 more cars on Burnett Road. He thanked the applicant for completing a traffic study. He believes that there should be an entrance and exit for this project at the traffic light. It appears that the entrance and exit is between the intersection and Dunkin Donuts and the traffic going north already backs up enough where sometimes it blocks the exit from Dunkin Donuts. He believes that there should be some type of traffic arrow to turn into the property. He asked if the License Committee will be able to restrict the number of cars for sale and the number of cars for repair. Attorney Garvey replied that the committee could restrict the number of cars. He also stated that he believes from the presentation that the cars are not actually on display at the facility. The customer comes in and test drives a vehicle then orders it. Councilor Dobosz asked if the business changes for some reason to a different type of business would the applicant be required to come in for another special permit. Attorney Garvey replied that under the current moratorium, yes. Councilor Dobosz wanted the public to understand that the applicant did apply for a zone change. The applicant mentioned it is from Industrial Garden to Industrial. He understands that the committee is not voting on that tonight, but he wants to be on the record that he is not in favor of that zone change proposal at this time because he believes it would allow a bait and switch, which is a concern of a lot of residents that have called him. He requested that the committee table this application to the next meeting or place specific restrictions on the special permit if they vote to approve.

Attorney Garvey wanted to clarify the question Councilor Dobosz asked him earlier. If a new dealership came in, would they need a special permit, the answer is no.

Councilor Laflamme asked why 400 parking spaces are needed. Attorney Brodeur stated that about 35 employees or so on the site. They need a place to park. Customer parking towards the front of the building is

sort of that direct entry parking. Those folks that will be waiting or their cars being serviced. They need a place to park. This is a location where new vehicles will be delivered and will await a customer pickup. That is the number of spaces that Tesla feels are appropriate for this type of facility of this size. To answer the question of if this will be regional facility for Tesla, the answer is yes. In the presentation by the Traffic Engineer earlier he anticipates a lot of trips will be coming on the highway from Connecticut, from the east, west, south, and north.

Councilor Zygarowski stated that he agrees with Councilor Dobosz about the entrance and exit to the site. He also believes that the area needs to be developed differently to allow cars to go in and out while still allowing vehicles to continue driving on Burnett Road.

Councilor Labrie stated that he would like to hear from the City Engineer on this proposed project.

Lee Pouliot stated that this is a preliminary plan, and the City Engineer will make his comments when the Planning Board receives plans. It will trigger a complete review by departments. The City Engineer, the DPW Superintendent, Police and Fire will see both a preliminary plan which would largely be based on something like this and then a definitive plan. Lee continued that just like every other project that goes through that process, there will be changes to the layout based on the Engineer, Police, Fire and other reviewing departments. Lee cautioned the committee to not over restrict now and then tie the hands of the reviewing departments when it gets to them.

Attorney Brodeur stated that there were comments made about using the intersection for entrance and exit to the property. He stated that the petitioner is in the process of looking at various options which would do that. The petitioner is not opposed to that.

Councilor López asked the reason why the applicant is proposing so many parking spaces, potentially putting some supercharging stations at this location. Attorney Brodeur stated that 6 charging stations are planned. Councilor López asked how many plugs each charging station has. Attorney Brodeur replied one.

Councilor López continued that usually folks spend 15 to 30 minutes at a super supercharging station. And so that is also an added layer of traffic flow that occurs. If you have six of those and there are limited super charging stations in the area. There are not a lot in the Chicopee area and this proposed location is accessible from the highway. Councilor López would estimate that would be an increase in traffic as well. Traffic is of concern to the residents that live in that neighborhood. She asked that if the committee votes on the special permit that a condition be added that the applicant cannot erect more than the six charging stations.

Councilor Zygarowski asked about the hours of operation. Attorney Brodeur replied that the expected hours of operation are Monday through Saturday 8 a.m. to 7 p.m. and Sundays, 11 to 6 are the service. He continued that the charging stations are not intended to be, 24 hours a day.

Councilor Dobosz asked that this be tabled. If that's not the will of the committee, he asked that the entrance and exit be at the intersection and that the parking spaces be cut in half. He agrees with Councilor López, no more than six charging stations. He would feel more comfortable if the City Engineer provided comments regarding this request.

Councilor Pniak-Costello stated that she agrees with Counselor Dobosz. He is the representing Councilor for the area. He knows this area. Based on the newness of this concept, we're now talking about charging stations, which is not our normal dialog. She feels that it's time that the committee table this to get more information, especially in regard to our City Engineer.

Councilor Balakier stated that the committee will now hear public input. Public input will be limited to three minutes.

Public Input

Glen LaPlante, 71 Angela Drive, stated that the moratorium has been in place now for 23 years on Burnett Road and it's because of traffic issues. Recently there was a Pilot project proposed 300 yards from this proposal. He's concerned about the number of entrances to businesses on the same side of the street within 300 yards. He feels that the people in the area probably don't realize what's going on here tonight. They didn't realize that zoning has the authority to basically override what's in place already as far as a moratorium. He believes this should be tabled to another meeting and so all the people in the area be notified so they know exactly what's potentially taking place. He doesn't believe that this should be able to be approved with a concept that's basically just a concept. He also stated that Tesla vehicles can only be serviced by a Tesla certified technician. He also questioned used Tesla's sitting on the property. He stated that his proposed facility will be for out-of-town folks from Boston and Connecticut not the people of Burnett Road. He also stated that there are problems with charging stations. He continued that most money is made on service of a vehicle and this proposal is for 48 bays that Tesla will want to fill at least a few times per day.

David Rossi, 106 Moreau Drive, stated that the entrance and exit needs to be at the traffic light otherwise it will impact Burnett Road. He stated that there is bumper to bumper traffic on Burnett Road from folks going to Dunkin Donuts, the bank across the street. The 400 parking spaces is a concern and car carriers coming in and out on a regular basis to keep the supply and demand going. He stated that Jeremy, Interstate Towing, is building a brand-new facility over in Sturbridge where he's putting concrete boxes in there because once they catch fire, they don't go out necessarily with regular conventional water or foam. Many news reports have stated and there's articles that show storing those cars 50 yards apart from one another because they can combust upon each other. He feels that there are serious fire issues here. He questioned the impact of this on the City's Fire Department. He stated that he believes that the developers need to provide more information because this is not what the neighborhood wants.

Richard Bourbeau, 481 Burnett Road, stated that all his points have already been mentioned and he feels that this application should be tabled.

Motion made by Councilor Pniak-Costello and seconded by Councilor Balakier to close public input.

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				
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Motion passed.

Councilor Pniak-Costello stated that there are too many unanswered questions. The residents of Burnett Road raised tonight were, in fact legitimate. She doesn't think any special permits or any special conditions can address that until we get more information, especially as Councilor Dobosz said from the City Engineer in regards to the traffic. She is in favor of tabling for further information.

Councilor Zygarowski stated that there are things that still need to be ironed out. He is in favor of tabling.

Councilor Labrie stated that he is in favor of tabling.

Councilor López stated that she is in favor of tabling but also that the applicant be provided with questions or guidelines so that the applicant can come prepared to answer some of them.

Associate Solicitor Garvey stated that the clock is currently ticking without a written request to extend the time period. The second issue is to consider if you just merely postpone it to the call of the chair, since it is a special permit, we have to advertise in the newspaper and send out notices that we've already done. If it is the will of the committee, my suggestion would be again, it's a suggestion, that you postpone it to a specific date in time at this public meeting.

Motion made by Councilor López and seconded by Councilor Balakier to postpone this matter until April 19, 2023, at 6:30 PM in the Council Chambers, City Hall with questions from the committee to be submitted to the applicant by April 7th, 2023, to the City Council Office. Administrative Assistant will then send the questions to applicant.

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.

Attorney Brodeur asked if the questions should be answered in an email. Attorney Garvey stated that they should be answered in public.

Motion made by Councilor Zygarowski and second by Councilor Balakier to adjourn at 8:45 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.