



Approved 4-28-2021

Members

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

MINUTES
March 31, 2021

The following are the minutes of a public hearing held Wednesday, March 31, 2021 at 6:30 PM in the Council Chambers, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

Members Present: Tillotson, Krampits, Laflamme, Labrie

Members Absent: Balakier, Roy, Walczak

Also Present: Daniel Garvey (Associate City Solicitor), Councilor Courchesne, Jerry Rivera (IT), 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. Hearing none the meeting continued.

ITEM #1

Special Permit application under 275-50 (A) (1) (g) (1) for the purpose of an off-premise, non-accessory sign (also defined as a billboard) for the Leadfoot Brewing located at 30 Buckley Blvd. and any needed waivers under 275-50 (A) (1). Request the following waivers:

1. A waiver from 275-50.A (1) (g) (1) (a) – To waive the requirement for a billboard to not be located within 1,500 feet of a park or the main building entrance of a school or church.
2. A waiver from 275-50.A (1)(g) (1) (b) – To waive the requirement for a billboard to not be located within 500 feet of residentially zoned land.
3. A waiver from 275-62 (D) – To waive the requirement that a freestanding sign may be allowed for each building set back as least 25 feet.

Applicant – Leadfoot Brewing LLC, Patrick Randall, 4 John Lane, South Hadley, MA 01075.

Mr. Randall was present at the meeting. He stated that he is requesting this special permit for a sign for his brewery business. The sign will not be lit.

Report read from the following department:

Planning Department – Property is zoned Industrial; an off-premise, non-accessory sign (also defined as a billboard) requires a Special Permit under 275-50 (A) (1) (g) (1). The brewery is currently in operation at 95 North Chicopee Street, the non-accessory sign (also defined as a billboard) is to be located at 30 Buckley Blvd, the applicant is also requesting setback relief for this non-accessory sign. Current accessory signs exist in this located already and must be removed. Planning recommends approval of the Special Permit with the request setback relief with the condition that all other accessory signs on the property be removed and confirmed by the Building Commission prior to installation of the new sign.

Motion made by Councilor Laflamme and second by Councilor Labrie to approve Waiver #1 A waiver from 275-50.A (1) (g) (1) (a) – To waive the requirement for a billboard to not be located within 1,500 feet of a park or the main building entrance of a school or church.

Committee vote 4 – 0 favorable.

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve Waiver #2 A waiver from 275-50.A (1)(g) (1) (b) – To waive the requirement for a billboard to not be located within 500 feet of residentially zoned land.

Committee vote 4 – 0 favorable.

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve Waiver #3 A waiver from 275-62 (D) – To waive the requirement that a freestanding sign may be allowed for each building set back as least 25 feet.

Committee vote 4 – 0 favorable.

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

Conditions

- All accessory signs on the property be removed and confirmed by the Building Commissioner prior to installation of the new sign.
- Sign not be illuminated
- Permit to run with the applicant

Committee vote 4 – 0 favorable.

ITEM #2

Special Permit application under 275-52 (B) (11) for the purpose of a home occupation permit to legally produce baked goods such as cakes and cookies in a residential kitchen located at 64 McCarthy Avenue.

Applicant – Jessica Carrano, 64 McCarthy Avenue, Chicopee, MA 01020.

Ms. Carrano was present at the meeting. She stated that she is planning to sell homemade cakes and cookies. Her plan is to start a website where orders will be placed and then picked up at her home.

Councilor Laflamme stated that he has some concerns about the potential of increased traffic in the neighborhood.

Motion made by Councilor Laflamme and second by Councilor Labrie to approve with conditions.

Conditions

- Fire Department inspection before Special Permit is granted
- Health Department inspection
- Permit to run with the applicant

Committee vote 4 – 0 favorable.

ITEM #3

Special Permit application under 275-40 (G) for the purpose of reduction in required number of parking spaces from 18 to 16 spaces located at 675 Fuller Road.

Applicant - Mike Laser Enterprises, LLC, c/o David LaVenture, 428 East Street, Chicopee, MA 01020.

The following letter was received and read into read:

March 30, 2021

Dear Mr. Balakier and Committee members:

At the request of the applicant Mike Laser Enterprises, LLC our office is herein requesting a continuance of the public hearing scheduled for March 31, 2021.

Per comments received from the Planning Department through the Site Plan Review Advisory Committee decision in March 2021, a variance request was filed with the Board of Appeals to allow off-street parking within required setback from front street line. The Board of Appeals is scheduled to consider this variance request in April 2021.

We respectfully request the Zoning Committee schedule this matter for your next available meeting after April 22, 2021, when the public hearing process for the variance request will be closed. Per Section 275-9 (E) of the Chicopee Zoning Ordinance, we agree to allow the Special Permit Granting Authority to extend the 90-day decision requirement by an additional 120 days.

If you have any questions regarding this matter, please feel free to contact our office at your convenience.

Sincerely,
R. Levesque Associates, Inc.

Jessica Allan, AICP
Permitting Project Manager

Motion made by Councilor Laflamme and second by Councilor Tillotson to postpone to the call of the chair within the accepted time requirement.

Committee vote 4 – 0 favorable.

ITEM #4

Special Permit application under 275-72 for the purpose of the establishment of an Adult Use of Marijuana – Marijuana retailer – License Group B located at 1269 Memorial Drive.

Applicant – JimBuddy’s Rec Shop, Inc., James Robinson, 30 Vadnais Street, Chicopee, MA 01020.

Mr. Robinson was present at the meeting. He stated that this is a resubmission of a Special Permit application. The first time around it was determined that the property owner had conservation issues that needed to be resolved and a traffic study was to be provided. Since that time the property owner has addressed all the conservation issues and Mr. Robinson provided a traffic study with the application.

Councilor Tillotson stated that he feels that parking for this business will be an issue. He is concerned that the lease between Mr. Robinson and Masse’s Seafood Restaurant has no end date which could mean that the agreement could be terminated at any time.

Mr. Robinson stated that based on the square footage of his store he has adequate parking for the volume of people that are allowed to come into his store. He continued that people will place orders on their phones and they will get a time to come and pick up.

Lee Pouliot stated that in the city’s marijuana ordinance there is no specific formula for parking.

Lee Pouliot stated that the property owner did significant work correcting the conservation violations on the property.

Mr. Robinson stated that the front of the property is for customer parking and the rear parking is for employees.

The following are the SPRAC comments obtained by the Planning Department:

Departmental (SPRAC) Comments Submitted to the Planning Department for Site Plan associated with Special Permit

File # 21-6602

“Jimbuddy’s Inc. – 1269 Memorial Drive”

February 24, 2021

Planning Department:

1. Property Owner must address signage violations. Northernmost sign is located in the State ROW and must be licensed by Mass DOT or removed.
2. Jamrog Drive needs to have new no parking signs installed – existing signs extremely faded. Address with DPW.
3. Provide a plan for managing customer volume i.e. appointment system etc.
4. Additional parking is available at Masse's per agreement.

Engineering Department:

5. There are no typical parking space dimensions shown on the plan. The handicapped parking space is also not dimensioned. These typical dimensions or typical details must be shown on the plan.
3/2/2021 Update: The existing parking spaces are noted on the plan as 9' x 18'. However, the handicapped parking space is not dimensioned and these should be shown on the plan along with the adjacent access aisle.

Fire Department:

6. No Comments – Concerns were addressed at SPRAC meeting.

Water Department:

7. A preconstruction meeting is required with the General Contractor and Site Work Contractor with any utilities involved and the Chicopee Engineering Department – provide most updated plans.
8. All water gate and service valves are only operated by the Chicopee Water Department Personnel.
9. Chicopee Water Department is a non-member utility of DIGSAFE and contractor MUST contact the Chicopee Water Department directly at 413-594-3420.

Water Pollution Control:

10. Deferred comments to the Engineering Department.

Police Department:

11. There are issues with parking for this business. Parking in front of the business is minimal, I believe customers will start parking all over Jamrog Drive, Memorial Drive (which is prohibited) and will cause safety issues for the residents.

Building Department:

12. No Comments submitted to the Planning Department.

Health Department:

13. No Comments submitted to the Planning Department.

Conservation Commission:

14. No snow is to be plowed or dumped into the wetland buffer zone or within the area designated as Terrace Escarpment (TE) Soils.
15. Shrubs and fencing to be installed in Fall 2020. Seed mix to be installed in Fall 2020 with a reseeded in Spring 2021 if deemed necessary by the Chicopee Conservation Commission or its Staff.
16. Chicopee Conservation Commission approved signs are to be permanently installed every 20' and 3'-5' above grade either on metal posts or attached to the new fence. Signs are to be maintained in perpetuity by the Property Owner.
17. Erosion control shall be inspected by Conservation Commission Staff prior to commencement of any site work. (inspection was completed by Conservation Commission Staff on November 5, 2020)
18. Erosion Control shall remain in place and in good condition until the site is completely stabilized and final inspection is completed by Conservation Commission Staff.
19. The Property Owner shall inspect the erosion control after heavy rain events and/or once a month and make any repairs necessary.
20. Random inspections by Conservation Staff shall occur at any time during the first two (2) growing seasons after installation and the Property Owner shall provide bi-annual reports in April and October to the Conservation Commission for the first two (2) growing seasons after installation.

Chicopee Electric Light:

21. No CEL upgrade to the existing electric service is required.

Commission for the Disabled:

22. Confirming site meeting comments for ADA compliance, I also indicated that we are coordinating with MOD Boston for updated requirements which have been delayed up to now, but most assuredly includes more consciousness to include "non-touch" access and safety measures. The owner indicated that that was taken into account, and I also noted to him that his future plans for a better location on the Drive over time should include "non-touch" options in designing facilities.

Motion made by Councilor Krampits to approve with conditions.

CONDITIONS

- All departmental requirements (as referenced in the attached SPRAC Departmental Comments dated February 24, 2021) 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 Director of Planning.
- Permit to run with the applicant

- Hours of Operation Monday through Saturday 8 AM to 9 PM, Sunday 10 AM to 8 PM
- Off duty Police Officer shall be hired to control both pedestrian and vehicular traffic as determined by the Chief of Police.
- Applicant to provide adequate off street parking at all times

**Departmental (SPRAC) Comments Submitted to the Planning Department for Site Plan
associated with Special Permit**

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25. Provide a plan for managing customer volume i.e. appointment system etc.
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29. A preconstruction meeting is required with the General Contractor and Site Work Contractor with any utilities involved and the Chicopee Engineering Department – provide most updated plans.
30. All water gate and service valves are only operated by the Chicopee Water Department Personnel.
31. Chicopee Water Department is a non-member utility of DIGSAFE and contractor MUST contact the Chicopee Water Department directly at 413-594-3420.

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Police Department:

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Building Department:

34. No Comments submitted to the Planning Department.

Health Department:

35. No Comments submitted to the Planning Department.

Conservation Commission:

36. No snow is to be plowed or dumped into the wetland buffer zone or within the area designated as Terrace Escarpment (TE) Soils.

37. Shrubs and fencing to be installed in Fall 2020. Seed mix to be installed in Fall 2020 with a reseeding in Spring 2021 if deemed necessary by the Chicopee Conservation Commission or its Staff.

38. Chicopee Conservation Commission approved signs are to be permanently installed every 20' and 3'-5' above grade either on metal posts or attached to the new fence. Signs are to be maintained in perpetuity by the Property Owner.

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Committee vote **4 – 0 favorable.**

ITEM #5

Minutes – February 24, 2021 Motion made by Councilor Laflamme and second by Councilor Tillotson to approve. Motion passed.

Meeting adjourned at 7:16 PM.