



Members

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

MINUTES
May 31, 2023

The following are the minutes of a public hearing held Wednesday, May 31, 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, Zygarowski, Labrie

Absent: McAuliffe

Also Present: Daniel Garvey (Associate City Solicitor), Timothy Reilly (Associate City Solicitor), Councilor Laflamme, Jerry Rivera (IT), Councilor Dobosz, Patrick Collins (Assistant Planning Director), Councilor Krampits (zoom)

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. Here none the meeting continued.

ITEM #1

Special Permit application under Chapter 275-59 B 9 for the purpose of eating and drinking place with consumption of alcohol located at 181 Center Street. Applicant – Kevin Sahagian, 4 Chapman Avenue, Easthampton, MA 01027.

Kevin Sahagian was present at the meeting. He stated that he is requesting a temporary beer and wine license to eventually get a seasonal beer and wine license at this location. The alcohol will be served from a separate trailer. Fire Department and Health Department have inspected the property.

Reports read from the following departments:

Building – No comments

Fire – Ensure all food truck/trailers have all required permits and inspections. All food truck/trailers must maintain 10' distance from each other and all other structures and eating/seating areas.

Engineering – No Engineering comments

Planning – Applicant is applying for a Special Permit to establish a Food Truck Court with an alcohol service window, which would require a Seasonal Alcohol License for which the applicant is seeking to qualify. Property is zoned Business B; eating and drinking places with the consumption of alcohol require a Special Permit under 275-59(C)(6); Reactivation of 181 Center Street as Center Space is a priority action for the Chicopee Center TDI District. Planning supports this economic development initiative as a draw for residents and visitors to second year of the property’s management by Captain Jack’s and Planning recommends approval of the Special Permit.

Motion made by Councilor Labrie 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Conditions

As referenced by the Fire Department distance of 10’ between food trucks/trailers

Port-o-potty, with public restrooms to be on premises

No mobile food or trucks to be allowed on premises without proper permits

Motion made by Councilor Labrie and seconded by Councilor Balakier to approve with restrictions.

Roll Call

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

Motion passed.

ITEM #2

Special Permit application under Chapter 275-9L for the purpose of renewing the special permit granted on May 3, 2022, to exercise the regulations of the Mill Conversion and Commercial Center Overlay District located at 10

Southwick Street. Applicant – Valley Opportunity Council, Inc., Ellen W. Freyman, Esq., Authorized Agent, 35 Mt. Carmel Avenue, Chicopee, MA 01013.

Attorney Ellen Freyman and Stephen Huntley were present at the meeting.

Attorney Ellen Freyman stated that this is a request to renew the Special Permit to allow this development in the Overlay District. It's the former Belcher School which is going to be redeveloped for housing. The City sent out for RFPs for this site and Valley Opportunity Council was the successful bidder.

Stephen Huntley stated that around 2015 the City put the property out for bid. Valley Opportunity Council was selected as the preferred developer, and they have inched their way forward since then. An additional eight or nine months is needed before construction will start. As of right now tax credits have been awarded as well as other funding for the project. Money has been awarded conditionally. One of the conditions is renewing this Special Permit without which the project is dead. They are hopeful to close on the financing in either December or January. The proposal is for 25 units of housing, 3 market rate and 22 affordable housing. There's a mix of one-, two-, or three-bedroom units. This will be a historic restoration project.

Reports read from the following departments:

Engineering – Please see the Engineering Department comments provided with the site plan review process.
Fire – Fire Protection Engineer should review the possible need for BDA system. FDC should be on the front left of building. One or more stairwells should have an are of refuge.

Building – None

Planning – Property is zoned Residential A and is also within the Mill Conversion and Commercial Center Overlay District. Applicant is looking to renew a Special Permit for a proposed multi-family development, seeking to “exercise the regulations of the Mill Conversion and Commercial Center Overlay District.” Previously approved renewal of Special Permit was granted on May 3, 2022. Planning recommends approval of the Special Permit renewal with the conditions that were accepted from the Overlay District Review Committee (ODRC) from February 9, 2021.

Public Input

Al Pinciak, 137 South Street, stated that he has concerns about Captain Jack operating from the small site. Customers will park on South Street. He is also concerned about trash, parking and safety.

Lisa Bienvenue, 34 Everett Street, stated that the City needs housing stability, but the city has to consider everything that goes along with this project including how it will effect schools, roadways, Police and Fire.

Motion made by Councilor Labrie 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Councilor Krampits stated that he is glad to see the project moving forward.

Motion made by Councilor Labrie and seconded by Councilor Balakier to approve with conditions.

Roll Call

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

Motion passed.

ITEM #3

Special Permit application under Chapter 275-9(L) for the purpose of renewal of Special Permit, with current conditions, granted on March 1, 2022 for redevelopment of the Baskin parcel consistent with the Mill Conversion & Commercial Center Overlay District located at 75 West Main Street. Applicant – Hammad Graham, Brisa Development, LLC, 2009 Flatbush Avenue, Brooklyn, NY 11234.

Chris Nolan, Pare Corporation, Senior Project Coordinator, was present in the Chambers and introduced the team participating via Zoom. Hammad Graham, Andy Vann, Al Hanscom.

Hammad Graham stated that the application before the committee is to renew the special permit that was issued in March of 2022. The request for extension is due largely to the fact that this project is unique in size. He also stated that the project needs to go back for additional funding or solving some gaps that were in the residential component of the project. A few weeks ago, the governor came out with an announcement and highlighted this proposed building. CDM Housing has supported this project and they like the concept. He also stated that the project has been fully funded and is slated to close and begin construction on the residential portion in the third or fourth quarter of this year. The request is to renew under the previous design. The plans for this development have not changed really. The only changes have been to incorporate comments that came from the City of Chicopee.

Reports read from the following departments:

Engineering – Please see the Engineering Department comments provided with the site plan review process.

Fire – No new recommendations

Building – None

Planning – Applicant is requesting renewal of Special Permit to exercise redevelopment of the Baskin parcel within the parameters of the Mill Conversion & Commercial Center Overlay District; Special Permit previously granted March 1, 2022 with conditions. Planning recommends approval of the Special Permit renewal with the current conditions that were accepted from the Overlay District Review Committee (ODRC) from February 1, 2022.

Public Input

Gerry Roy, 31 Devlin Drive, questioned how many units are being proposed; how many bedrooms; how many children are projected to live in this apartment complex.

- 15 studio apartments
- 11 one-bedroom apartments
- 69 two-bedroom apartments
- 11 three-bedroom apartments

Al Hanscom stated that a fiscal impact assessment for the special permit was submitted for the record. There was a net zero increase in cost to the City because the revenues that are generated by taxes will offset any impact to City services including school costs for educating the children.

Lisa Bienvenue, 34 Everett Street, stated that this apartment complex along with the other complex at Belcher School totals 132 additional units in the City that will need City services. Traffic in the falls now is heavy. This project will just add to it. The City is not in the same place it was in March of 2022 when this special permit was granted.

Motion made by Councilor Labrie 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Motion made by Councilor Labrie and seconded by Councilor Balakier to approve with restrictions.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				

Pniak-Costello		X			
McAuliffe			X		
López	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #4

Special Permit application under Chapter 275-58 (c)(5) for the purpose of four (4) residential units located at 1682 Memorial Dr. Applicant – 896-900 Prospect Street, Inc., David B. Williams, 32 Haig Ave., South Hadley, MA 01075.

David Williams and his attorney James Baker were present via zoom. Attorney Baker stated that this request is for residential units and a maintenance office to store essential plumbing and electrical supplies. The applicant also owns the property next door and there is an easement that was granted over the adjacent property to provide further access to the subject parcel to permit parking.

Reports read from the following departments:

Building – There still needs to a business use in the building. Bus A.

Engineering – No Engineering comments

Planning – Property is zoned Business A; applicant is seeking Special Permit to allow for up to four (4) residential dwelling units; current conditions consist of a building with four (4) residential units and one (1) units used as a professional office for a total of five (5) units; the proposed uses are permitted in Business A by Special Permit 1. 275-58(C)(5): Up to four (4) dwellings in a business building; 2. Parking requirements are regulated under 275-40(N)(1)(B) Multifamily dwellings four or more units 1.5 spaces per unit two guest spaces per 10 units. Planning recommends approval upon confirmation from the Building and Fire Departments that all Building Code and Life Safety requirements are met.

Public Input

Lisa Bienvenue, 34 Everett Street, stated that it does not matter if you are thinking about 4 units, 25 units, 107 units it’s more than just what the reports from Department Heads. Council needs to be forward thinking about transportation. It’s not just about taxes. She stated that we know that the City has traffic problems and they have to be addressed as these projects are being moved forward.

Motion made by Councilor Labrie 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	X				
Zygarowski	X				

Labrie	X				
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Motion passed.

Councilor Pniak-Costello asked how the building is currently being used. Attorney Baker replied that there are four residential units there now. The four tenants there now have been there for some time. Councilor Pniak-Costello asked the Law Department where the city goes from here knowing now that the units are illegal. Attorney Garvey stated that it looks like the applicant is trying to come into compliance with the City ordinances. Attorney Baker stated that Mr. Williams purchased the property this way. The property was purchased in 2018.

Councilor López stated that it's good that the applicant is coming forward to rectify the issue but it has taken 5 years to do so.

Councilor Laflamme asked if the applicant has a Certificate of Occupancy from the Building Department. He continued that the Fire Department and Building Department should approve the property and that all regulations have been met.

Councilor Courchesne asked the applicant if he knew at the time of purchase that the property was nonconforming. Mr. Williams replied that he did not. He discovered that it was nonconforming when he tried to sell the property.

Councilor López stated that she agrees this matter needs to be rectified but it is unacceptable to wait 5 years.

Councilor Laflamme asked if the property owner has a Certificate of Occupancy from the Building Department. No answer was provided. Councilor Laflamme stated that it should be required and part of the Special Permit conditions. Fire and Building Departments should inspect the property.

Councilor Pniak-Costello stated that a thorough investigation must be conducted by the Building and Health Departments as this has 4 apartments in a building that it not approved. This matter needs to be addressed. She suggested that the matter be postponed.

Attorney Baker stated that this has existed for decades. Mr. Williams inherited this and they agree that it's wrong. They welcome any inspection for safety and health. He does not know why the previous attorney did not address this.

Attorney Garvey stated that the applicant should submit a letter requesting a 60-day extension to allow the City to get the needed information.

Motion made by Councilor Labrie and seconded by Councilor Balakier to postpone to the June 28, 2023 Zoning Committee meeting at 6:30 PM in the Chambers, City Hall Annex. Building and Fire to inspect.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				

Pniak-Costello	X				
McAuliffe			X		
López	X				
Zygarowski	X				
Labrie	X				

Motion passed.

ITEM #5

Zone Change application from Industrial Garden Planned Unit Development Type 1 to Industrial for 2.58 +/- acres of property located at Burnett Road (Parcel ID Map 294 Lot 6 and Lot 7) for the purpose of eliminating the existing split zone property. Applicant – Scannell Properties #705, LLC c/o Leo Leighton, 294 Grove Lane, Suite 140, Wayzata, MN 55391.

Attorney Matthew Eckel, Fletcher Tilton, PC was present at the meeting. Present via zoom were Austin Turner with Bohler Engineering and Leo Leighton from Scannell Properties. Attorney Eckel stated that this is a zone change request from Industrial Garden Unit Development Type 1 to Industrial for approximately 2.5 acres for the purpose of creating a consistently zoned property. The majority of the property is already zoned Industrial and there is a sliver that the zone change is being requested. The applicant feels that it makes sense because it gives clarity and consistency to the property. It will be easier to interpret the zoning. There has been some discussion that the zoning that the use that is being proposed is allowed in both zones but there is conflicting dimensional regulations as well as some other requirements that it would just be easier and more in line with the City’s planning initiative to kind of eliminate these split zones in general.

Councilor Balakier read into the record the Planning Board recommendation regarding this zone change request. The Planning Board voted unanimously to approve.

Public Input

David Amo, 117 Fairway Drive, stated that this application seems sketchy. He stated that this was never mentioned at the Planning Board hearing. He stated that a lot of residents in Ward 6 are opposed to this blanket zone change.

Motion made by Councilor López 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Councilor Dobosz stated that he is in favor of the Tesla dealership. He stated that he can't support the zone change at this time unless the split zoning greatly effects the Tesla dealership. He stated that he met with the Law Department and the Tesla dealership can be built now with no changes. He stated that he is concerned that if Tesla violated their lease on the property and moves out and the zone change has been approved pretty much anything could go there in the future. He feels it's setting the neighborhood up for failure.

Attorney Garvey stated that his conversation with Councilor Dobosz was that the use is allowed in both zones but there are different setback requirements in both zones. Planning and the applicant are looking to make it one zone so it's legally conforming.

Attorney Matthew Eckel stated that currently the way the building has been proposed way out and obviously it hasn't gone through site review yet, so the applicant does not have the final layout but currently part of the building would extend into the IPUD zone. So, the building would actually be based on the layout in two separate zones. This zone change as applied for back in January around the same time as the special permit application was submitted. The applicant has gone before the Planning Board for which the meeting was advertised and a hearing was held and application was approved. He also stated that he has worked in conjunction with the Planning Department on this matter.

Councilor López stated that she doesn't base her decision on difficulties. It may be a little difficult to figure out which part of the building is on which part of the zone but there is no risk to the plan. She feels that the ward Councilor and neighbor concerns are valid.

Councilor Courchesne stated that it has been an initiative of the Planning Department for the past 8 years since he has served as Councilors to eliminate split zone properties in the City. He proposed a continuance of this application to give departments time to meet with the applicant and see if a zone change is really needed.

Councilor Laflamme asked if the applicant has presented the Planning department with a more detailed plan. Attorney Matthew Eckel stated that only a concept plan has been presented at this time. The applicant was hoping to have this matter resolved before detailed plans were presented. Councilor Laflamme stated that he is in favor of eliminating split zone but encouraged the applicant to work with Planning to present a plan that shows the difficulty in engineering a design with the split zone.

Applicant will need to file an extension request with the City Council.

Motion made by Councilor López and seconded by Councilor Balakier to postpone the call of the chair to the June 28, 2023 Zoning Committee meeting at 6:30 PM in the Council Chambers, 4th floor, City Hall.

Roll Call

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

Labrie	X				
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Motion passed.

ITEM #6

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 read the following letter from

May 30, 2023

Dear President Laflamme and City Council Members:

On behalf of the applicant, Salmar Realty, Inc. v/o Mr. Peter Martins, R Levesque Associates, Inc., is writing to formally request a withdrawal of the Zoning Map Amendment, without prejudice, currently before the City of Chicopee City Council for the former Dr. Deegan’s site on Burnett Road in Chicopee, Massachusetts. As you are aware, Mr. Martins has been considering a development project on this site but is currently facing uncertainties related to interest rates and construction costs.

As such, Mr. Martins requires more time to assess the viability of the project before committing to any further actions. We believe it is in the best interest of all parties involved to withdraw the aforementioned application at this time.

We would like to take this opportunity to thank you for your time and consideration in this matter. 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,
 Alexandra Cichetti
 Permitting Project Manager

Motion made by Councilor López 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	X				
Zygarowski	X				

Labrie	X				
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Motion passed.

Motion made by Councilor López and seconded by Councilor Balakier to allow applicant to withdraw without prejudice.

Roll Call

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

Motion passed.

ITEM #7

Minutes – April 19, 2023 & April 26, 2023

Motion made by Councilor Pniak-Costello and seconded by Councilor Balakier to approve both sets of minutes.

Roll Call

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

Motion passed.

Motion made by Councilor Zygarowski and seconded by Councilor Balakier to adjourn at 9:25 PM.

Roll Call

Councilor	Yes	No	Absent	Abstained	Out of Chair
Balakier	X				
Courchesne	X				

Pniak-Costello	X				
McAuliffe			X		
López	X				
Zygarowski	X				
Labrie	X				

Motion passed.