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**Members**

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

**MINUTES**  
**August 31, 2022**

The following are the minutes of a public hearing held Wednesday, August 31, 2022 at 6:30 PM in the Chambers, 4<sup>th</sup> floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013 and via Zoom.

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

**Members Absent:** Balakier

**Also Present:** Daniel Garvey (Associate City Solicitor), Councilor Laflamme, 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 275-9 (L3) for the purpose of renewal of a special permit granted on 8-11-2020. Requesting relief from the following ordinances:

- From Section 275-23 requiring restoration to be complete within 12 months. The petitioner was delayed by insurance claim issues, legal issues involving tenant possessions and access to the damaged building, and building code enforcements.
- From Section 275-D(1) (c) Multi-family dwellings from 30,000 SF to 19,199 SF
- From Section 275-D (3) (2) Front yard setback from 20 feet to 7.5 feet (average)
- From Section 275-D (3) (c) Rear yard setback from 30 feet to 10 feet (average)
- From Section 275-D (3) (5) Depth from 200 feet to 91.6 feet (average)
- From Section 275-D (8) Side yard from 20 feet to 6.5 feet (average)  
Located at 38-52 Front Street.

Applicant – PAH Properties, LLC, Corey Chenevert, 12 Hannoush Drive, West Springfield, MA 01089

Corey Chenevert, 12 Hannoush Drive, West Springfield was present along with

Applicant stated that he is requesting to renew the Special Permit that was granted in August 2020. The proposal has not changed.

Reports:

Planning – Property is zoned Residential C. Applicant is looking to renew a Special Permit to rehabilitate an existing 6 family residential building previously damaged by fire; to address non-conformities with zoning and building codes for a building in a historic district. City Council waived the following requirements under authority established by 275-54 (D) (1):

- From Section 275-23 requiring restoration to be complete within 12 months. The petitioner was delayed by insurance claim issues, legal issues involving tenant possessions and access to the damaged building, and building code enforcements.
- From Section 275-D(1) (c) Multi-family dwellings from 30,000 SF to 19,199 SF
- From Section 275-D (3) (2) Front yard setback from 20 feet to 7.5 feet (average)
- From Section 275-D (3) (c) Rear yard setback from 30 feet to 10 feet (average)
- From Section 275-D (3) (5) Depth from 200 feet to 91.6 feet (average)
- From Section 275-D (8) Side yard from 20 feet to 6.5 feet (average)

Planning recommends approval of the Special Permit renewal with the same conditions previously approved by Council on August 8, 2020.

Engineering – A Street Occupancy Permit must be obtained for any work or staging in the City right-of-way.

Fire – Please resubmit fire protection and detection plans.

Motion made by Councilor Labrie and second by Councilor Courchesne to approve Waiver #1 From Section 275-23 requiring restoration to be complete within 12 months. The petitioner was delayed by insurance claim issues, legal issues involving tenant possessions and access to the damaged building, and building code enforcements.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Zygarowski and second by Councilor Courchesne to approve Waiver #2 From Section 275-D(1) (c) Multi-family dwellings from 30,000 SF to 19,199 SF.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Labrie and second by Councilor Courchesne to approve Waiver #3 From Section 275-D (3) (2) Front yard setback from 20 feet to 7.5 feet (average).

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Zygarowski and second by Councilor Courchesne to approve Waiver #4 From Section 275-D (3) (c) Rear yard setback from 30 feet to 10 feet (average)

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Pniak-Costello and second by Councilor Courchesne to approve Waiver #5 From Section 275-D (3) (5) Depth from 200 feet to 91.6 feet (average).

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Zygarowski and second by Councilor Courchesne to approve Waiver #6 From Section 275-D (8) Side yard from 20 feet to 6.5 feet (average)

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

**Conditions**

Permit to run with the land

Applicant to comply with all SPRAC requirements and comments as evidenced by written communication from the Director of Planning

Motion made by Councilor Zygarowski and second by Councilor Courchesne to approve with conditions.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

## ITEM #2

Special Permit application under Chapter 275-27-1 for the purpose of construction and installation of a 120 foot tall monopole tower located at 939 Chicopee Street and installation and operation of a wireless communications facility. Waivers requested – Section 275-27.1 of the Zoning Ordinance, in connection with “Screening.”

Applicant – Blue Sky Towers III, LLC, c/o Prince Lobel Tye LLP, Attn: Adam F. Braillard, Esq., One International Place, Suite 3700, Boston, MA 02110.

Present were: Attorney Adam Braillard, Jessie Marino, and Sokil Sohail.

Attorney Braillard stated that the Special Permit is proposing a wireless communications facility at the property. The proposal is to construct a one hundred and twenty foot tall monopole tower within a forty-eight by sixty-two foot fenced in compound area located at the property. Blue Sky has entered into a lease agreement with AT& T whereupon completion of the construction of the Tower, AT&T will install antennas on the tower as well as install appurtenant equipment at the base of the tower for the operation of the wireless communications facility. The facility will be surrounded by an eight foot high chain-link fence, and will also be surrounded by a natural barrier of screening trees. The property on which the facility will be located is completely fenced in. The towers are used by wireless carriers licensed by the FCC. AT&T is licensed by the FCC to construct and operate wireless telecommunications networks. AT&T is in the process of identifying gaps in coverage in their networks and designing sites to supplement their telecommunications networks for reliable coverage.

Reports:

Fire – None

Engineering – As an additional note, we do not have a record of 3939 Chicopee Street. The parcel of land this application is for is numbered #929 Chicopee Street. If the applicant would like an additional address number for the cell tower location, they will have to go through the Engineering Department. Any work within the City R.O.W. shall require a street occupancy permit (Utility connections, etc.) Drainage is directed toward RR tracks, MassDOT should be contacted for review. Proposed view photos do not address the viewing angle of direct abutters (#841-#865) on Chicopee Street especially without tree foliage in the winter.

Planning – Property is zoned Industrial; Wireless Communication Towers are permitted in Industrial districts under 275-27.1 (D) with a Special Permit. Planning has reviewed the Special Permit application and notes the following:

1. 275-27.1 (E) Fencing – proposed 48 foot by 62 foot by 8 foot-tall fenced area exceeds zoning required minimum, per provided site plans. (F) Screening – applicant requests waiver of screening requirements as natural vegetation surrounds proposed tower location. Planning recommends waiver be granted, on condition that existing natural vegetation be maintained in its current state. (G) Setbacks – proposed tower is clear of 100% plus 10 feet of the tower height from nonresidential abutting parcels and 200% of residentially zoned abutting parcels. (H) Co-locations – tower design provides engineering for 3 additional carriers. (I) Height – Tower is proposed at 120 feet, below the maximum height of 190 feet. (J) Discontinuances – City Council should condition the Special Permit on the required \$20,000 bond submitted to the City prior to issuance of Certificate of Occupancy by the Building Department.

Planning recommends approval with the conditions noted above.

**Public Input**

Tamara Bilodeau, 36 Blanche Street, asked about the environmental impact this tower will have.

Attorney Brillard stated that current regulation states that birds that nest must remain through the breeding season. He also stated that tree removal in this area will be at a minimum.

Anthony Perla, 36 Blanche Street, asked if this tower will lower his property value and he would like that to be considered.

Councilor Courchesne stated that the property value question is for the Assessor’s Office.

Vladislav Morozov, 37 Blanche Street, stated that he agrees with his neighbor.

Motion made by Councilor Pniak-Costello and second by Councilor Courchesne to approve Waiver #1 Section 275-27.1 of the Zoning Ordinance, in connection with “Screening” to allow the use of natural and existing foliage.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Conditions:

\$20,000 bond submitted prior to installation and issuance of the Certificate of Occupancy.

Applicant comply with all department requirements and comments as evidenced in the written communication from the Director of Planning

As per tax records 939 is known as 929

Motion made by Councilor Pniak-Costello and second by Councilor Courchesne to approve with conditions.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	

López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

**ITEM #3**

Minutes – July 27, 2022

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

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.

Motion made by Councilor Labrie and second by Councilor Courchesne to adjourn at 7:22 PM.

Roll Call Vote:

	Yes	No
Balakier	Absent	
Courchesne	X	
Pniak-Costello	X	
McAuliffe	X	
López	X	
Zygarowski	X	
Labrie	X	

Motion passed.