



Members

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

MINUTES
October 25, 2023

The following are the minutes of a public hearing held Wednesday, October 25, 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, López, Zygarowski, Labrie

Absent: Courchesne, McAuliffe

Also Present: Timothy Reilly (Associate City Solicitor), Councilor Laflamme, Councilor Krampits, Councilor Dobosz, Daniel Stamborski (Fire Chief), Doug Ellis (City Engineer), Jerry Rivera (IT), Lt Eric Laflamme (Police Department)

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.

Motion made by Councilor Labrie and seconded by Councilor Balakier to take Item #9 out of order.

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 #9

BE IT ORDERED THAT the Food Bank appear before the Zoning Committee regarding concerns from residents. Invite to the meeting DPW Superintendent, Planning Director, Law Department, Building Commissioner, Police Chief, and Fire Chief.

Councilor Balakier stated that this will be an informational meeting. The City Council does not have a legal purview to really do anything at this meeting except to listen. The Council has no legal standing because there is no special permit or zone change application for this property. He further stated that there was recently a Conservation Commission hearing on the Food Bank and it is his understanding that there is an enforcement order with the Conservation Commission and on November 1st there will be a continuance hearing on the order of compliance.

Councilor Laflamme stated that the Council may not have authority on these issues but the Council has the authority to help the residents with their concerns.

Doug Ellis stated that he is trying to get a second address for the Food Bank. He has reached out to the Fire Chief and the Police Chief and there are some safety concerns that they are trying to work out.

Chief Stamborski stated that Doug Ellis did reach out to him with regard to a second address. There are some issues with two addresses being assigned to a building. It can be confusing to responding personnel to an exact location and timing is everything when it comes to medical or fire calls. He understands that the reason for the second address is for traffic purposes and he is willing to sit down and discuss this to try to work something out.

Lt. Laflamme, representing the Police Chief, stated that he visited to the site. The site has two entrances (East Main Street and Carew Street). He does not see a traffic problem or a response problem on the Police side with issuing two addresses for this business. He also stated that he understands that the trucks going to the business are being instructed to utilize Carew Street and by the time the driver realizes that they are in the wrong spot they missed the East Main Street entrance making it difficult to turn around.

Andrew Morehouse, Food Bank of Western Massachusetts, Executive Director, provided the following update. He stated that he agrees with the neighbors about the second address being provided on East Main Street. The truck entrance was designed on East Main Street not Carew Street. He has heard from the neighbors that trucks are entering on Carew Street and idling their trucks. One of the requests that are on the modified plan going before the Planning Board is to install permanent gates that the Police and Fire Departments can access. He stated that the bollard lights have been turned off once he heard feedback from the neighbors. Screening is being installed. He continued that this project is still a work in progress. It's still a long way to complete the project. They are also addressing the Conservation Commission issues. All of the requests per the enforcement order have been complied with. Soil should be stabilized within the next two weeks.

Public Input

Brenda Tetrault, 34 Carew Street, stated that trucks are idling at all hours of the night. The trucks park on Carew Street then they reverse creating a dangerous situation.

Kevin Coulter, 32 Maryland Avenue, stated that there are public safety concerns, and the truck entrance confusion needs to be addressed.

Stan Bigos, 123 Carew Street, stated that the catch basins need to be cleaned.

Dave Tetreault, 34 Carew Street, stated that the proposed patio that the Food Bank is proposing is noise pollution. He stated that he does not want to see the patio out his front window. The lights should be shielded.

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 Laflamme asked that the Planning Board and Conservation Commission receive a copy of the Zoning Committee report.

Motion made by Councilor López and seconded by Councilor Balakier to place on file.

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 take Item #3 out of order.

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 275-51.1 for the purpose of constructing a membrane covered structure located at 24 Olko Ct. Applicant – Bobbilea Larrivee, 24 Olko Ct., Chicopee, MA 01020.

Applicant was present at the meeting. She stated that she would like to keep the existing carport. It has been on the property for 5 years.

Reports read from the following:

Health Department – On June 23, 2023, I sent a letter to Mrs. Boisjolie citing her for assorted debris (bikes, computer parts, ladders, fencing material, etc.) on her property. On July 12, Frank Boron and I did a reinspection of the property. At the time of the inspection the property had been cleaned.

The following email was read from Councilor Dobosz:

I got some calls about an application for a resident to build structures in his backyard at 24 Olko Ct. I didn't realize this is the same guy who was burning mattresses in his backyard and then taking the metal and turning it in for scrap. He has burned other trash and has been cited a few times. Fairly recently, a house on Burnett Road invited the city to take pictures of the backyard of 24 Olko Ct for serious ordinance violations. The fire department was called to this house several times. He is running a business out of his home where he cleans out apartments, and he stores trash/items/etc. in his backyard. I hope the reports from the city departments reflect this. I was under the impression that the city considered this property a problem property.

Further, It's my recommendation that at least a small police presence be at the planning board meeting where this makes the agenda and any subsequent meetings where this may go in front of the city council. I know there are residents who are heated about this application. There are other residents who believe the man living at 24 Olko Ct is a gang member and are intimidated by him. I want to be sure everyone is safe at the meeting and free from retribution for speaking during public input.

Thanks for your time and attention to this matter.

Building Department – If this gets approved, let them know they need to apply for a building permit.

Engineering Department – Storm run-off shall not drain towards neighboring properties.

Planning Department – Property is zoned Residential A. Applicant is looking to install a membrane covered structure for the purpose of a vehicle carport. Membrane covered structures are permissible with a Special Permit from City Council under Chapter 275-51.1 and must meet the following conditions:

1. In the judgment of the City Council, the visual impact of the structure will not adversely impact the area in which it is located
2. The use of the structure is consistent with the intent of the district in which the use is located and the general purpose and intent of Chapter 275
3. The structure complies with the dimensional requirements of the zoning district in which it is located and the requirements of the Massachusetts Building Code
4. The Special Permit application and site plan shall include the following:
 - a. The structure shall be clearly shown on the site plan
 - b. A rendition of the structure with dimensions (footprint and height) and a description of the construction materials shall be provided.

Application action is in direct response to Applicant's receipt of Cease-and-desist letter wherein the applicant was advised to move previous structure and apply for this Special Permit upon inspection by Building Commissioner. Application includes required documents. Planning recommends approval.

Fire Department – No issues

Councilor Dobosz stated that he opposes this application. He continued that there is a business being run from this property. It's a problem property. The applicant has been burning trash at this property.

Public Input

David Rossi, 106 Moreau Drive, stated that there is an illegal business running from the property called Evolution Unlimited, LLC on residentially zoned property. This address has been of concern to the abutters for some time and has been discussed at the Mayor's Neighborhood meetings. He requested that the City look into this illegal business operating from this address.

Sam Shumsky, 5 Savory Drive, stated that he is concerned about the burning in the backyard.

Sue LaPlante, 71 Angela Drive, stated that the business running from residential homes effects the neighborhood.

Jennifer Santerre, 79 Moreau Drive, stated that there are a lot of concerns with the property. There are toxins coming from the burning on the property.

Anthony Bixby, 107 Moreau Drive, stated that this type of business does not belong on residential property.

Glenn LaPlante, 71 Angela Drive, stated that this structure has been up for 5 years now. The applicant is running a scrap yard business from this property.

Jill McIntosh, 1181 Burnett Road, stated that there is a business operating out of this address.

Tom Collins, 1169 Burnett Road, stated that the structure should be taken down and the petitioner should be fined.

Christopher Larrivee stated that he is not burning trash or mattresses on the property. The carport is to house their personal vehicle. He stated that trash will not be piled in the backyard. He did not realize it was a problem.

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 López stated that she is not in favor of this application.

Councilor Pniak-Costello cannot understand why this has been allowed for five years and this needs to be addressed.

Councilor Labrie stated that he is opposed.

Councilor Zygarowski stated that he is opposed.

Motion made by Councilor López and seconded by Councilor Balakier to deny.

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. Application denied.

Reasons for Denial

1. Neighborhood concerns
2. Not compatible with existing uses and other uses permitted by right in the same zoning district
3. Proposal has potential for creating a nuisance due to air and water pollution, flood, noise, dust, vibration, lights or visually offensive structures and accessories.
4. Applicant's plan is not compatible with the appearance of the neighborhood.
5. The proposal is not in general harmony with the purpose and intent of the Zoning Ordinance.

Motion made by Councilor López and seconded by Councilor Balakier to return to Item #2.

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

Zone Change application from Business B to Residential A for 0.964 acres of property located at 0 Marion St. (Parcel ID 0027-00034) for the purpose of construction of single-family homes. Applicant – Partyka Partners Limited Partnership, formerly known as Partyka Family Real Estate Limited Partnership, Joan Partyka, 495 Springfield St., Chicopee, MA 01013.

Joan Partyka and John Krzeminski were present at the meeting. John stated that this is a continuation of the development of single-family homes. The proposal is to build two new single-family homes, but this zone change is required before this cannot proceed because a portion of the property is zoned Business.

Councilor Balakier stated that the Planning Board voted favorably to recommend this zone change.

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Motion made by Councilor López and seconded 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Motion made by Councilor López to return to the regular order of business.

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 #1

Zone Change application from split zone Bus A/Res B to Res A for 9,000 SF located at 580 Meadow St. for the purpose of Boys & Girls Club (existing) eliminating a small portion of zoning overlapping and causing a split zone on the site. Applicant – Chicopee Boys & Girls Club, Jason Reed, 580 Meadow St, Chicopee, MA 01013.

Motion made by Councilor López and seconded by Councilor Balakier to postpone to the end of the meeting.

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 failed.

Jason Reed was present via zoom. He stated that this is a continuation from the last meeting where a request was made for a zone change for a parcel of the Boys and Girls Club property to make the entire parcel under one zoning. And there were some issues with the application at the last meeting. He had requested a continuance to this meeting to try and get that straightened out.

Councilor Balakier asked the applicant to reach out to the Law Department to determine what needs to be done next with the application.

Motion made by Councilor López and seconded by Councilor Balakier to postpone to November 29, 2023 Zoning Committee meeting at 6:30 PM in the Chambers, 4th floor, City Hall Annex, 274 Front Street.

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 275-30 (B) for the purpose of installation of a 20’x10’ conex storage box for additional storage at the City’s Public Safety Complex located at 110 Church St. Applicant – City of Chicopee, David Rice, 274 Front St., Chicopee, MA 01013.

David Rice, Director of Facilities was present via zoom. He stated that the request is for a storage box to free up space inside.

Reports read from the following:

Fire – No issues

Planning – Property is zoned Business A and is located within the Mill Conversion & Commercial Center Overlay District. Applicant is looking to install a 20 foot by 10-foot Conex storage container for additional storage at the City’s Public Safety Complex. Conex storage box is considered a truck or tractor-towed trailer manufactured for the “use of hauling or carrying materials over the highways” which is impermissible except with a Special Permit from City Council under section 275-30(B)): the City Council may, however, authorize by special permit the use of the above-mentioned equipment for storage by nonprofit organizations, charitable institutions or for other such activities as the City Council deems appropriate. Said special permit shall govern the particular use of said container(s) and shall detail such other provisions and restrictions as the City Council deems necessary and appropriate”. Planning recommends approval following confirmation that the Conex box’s location is consistent with Building and Fire Code requirements.

Engineering – No comments

Building – blank

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Conditions

Permit to run with the applicant.

Motion made by Councilor López and seconded 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Item #5

Special Permit application under Chapter 275-30 (B) for the purpose of installation of a 40’x10’ conex storage box for additional storage at the City’s Department of Public Works located at 115 Baskin Dr. Applicant – City of Chicopee, David Rice, 274 Front St., Chicopee, MA 01013.

David Rice, Director of Facilities, was present at the meeting via zoom. He stated that this box is requested for storage.

Reports read from the following departments:

Building – blank

Engineering – No comments

Planning – Property is zoned Industrial. Applicant is looking to install a 40 foot by 10-foot Conex storage container for additional storage at the City’s Department of Public Works (DPW). Conex storage box is considered a truck or tractor-towed trailer manufactured for the “use of hauling or carrying materials over the highways” which is impermissible except with a Special Permit from City Council under section (275-30(B)) – The City Council may, however, authorize by special permit the use of the above referenced equipment for storage by nonprofit organizations, charitable institutions or for other such activities as the City Council deems appropriate. Said special permit shall govern the particular use of said container(s) and shall detail such other provisions and restrictions as the City Council deems necessary and appropriate.” Planning recommends approval following confirmation that the Conex box’s location is consistent with Building and Fire Code requirements.

Fire – No issues

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Motion made by Councilor López and seconded 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	X				
Zygarowski	X				

Labrie	X				
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Motion passed.

Item #6

Ordinance Amendment Chapter 275-66 Burnett Road, add new language to 275-66 B “or Transportation Impact Assessment or any other such report whose official name may be changed by the Massachusetts Department of Transportation.” Full text available in the City Council Office. Applicant: Councilor Frank Laflamme (At Large) and Councilor William Courchesne (Ward 7), City Council Office, 274 Front St. Chicopee, MA 01013.

Councilor Labrie stated that Councilor Laflamme is requesting that this item be postponed.

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Motion made by Councilor López and seconded by Councilor Balakier to postpone to the call of the chair.

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

Ordinance Amendment Chapter 275-50 Signs, delete 275-50 B (f). Delete “Duration of Placement” Full text available in the City Council Office. Applicant: Councilor William Courchesne (Ward 7), City Council Office, 274 Front St. Chicopee, MA 01013.

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Motion made by Councilor López and seconded by Councilor Balakier to postpone to the call of the chair.

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 #8

Ordinance Amendment Chapter 275-51 Motor Vehicle Repair and Storage, delete language from Chapter 275-51 D. Delete “or inoperable or not currently registered or with a current state inspection sticker”. Full text available in the City Council Office. Applicant: Councilor William Courchesne (Ward 7), City Council Office, 274 Front St. Chicopee, MA 01013.

Councilor Balakier asked if anyone wishes to speak on this matter from the public. Hearing none...

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.

Motion made by Councilor López and seconded by Councilor Balakier to postpone to the call of the chair.

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 #10

Minutes – September 27, 2023

Motion made by Councilor López and seconded 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	X				
Zygarowski	X				
Labrie	X				

Motion passed.

Item #11

Adjournment

Motion made by Councilor López and seconded by Councilor Balakier to adjourn at 8:51 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.