

Notice of Meeting

To be filed in duplicate

Notice is hereby given in accordance with Chapter 30A, Section 18-25 of the General Laws of a meeting of the:

City Council

Meeting will be held at **6:30 PM**

on **Tuesday, August 4, 2026**

The location of the meeting will be

Auditorium, 3rd floor, City Hall & via Zoom

Full description of location

274 Front Street, 3rd floor, Chicopee, MA 01013 & via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/89038235469?pwd=tPW7aBCaX6cx0xLuRk8X2Uh5fUyCXc.1>

Meeting ID: 890 3823 5469 Passcode: 120121

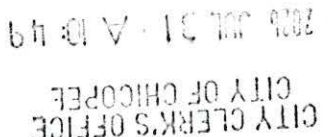
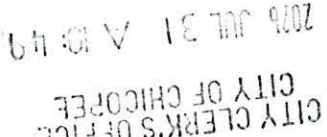
If you have questions, call the City Council Office at (413) 594-1435

The purpose of the meeting

See attached agenda



July 31, 2026 – Administrative Assistant

Date and Time Received by the City Clerk's Office (electronic stamp)	Date and Time Posted by the City Clerk's Office (electronic stamp)
	

The City of Chicopee City Council meeting will be held on August 4, 2026, at the City of Chicopee City Hall Auditorium located at 274 Front Street, 3rd Floor, Chicopee, Massachusetts at 6:30 p.m. and via Zoom. The items to be discussed include the agenda items listed below.

Mayor's Orders briefing and announcements by Mayor Vieau or designee.

Public Input

Communications:

- Minutes 6/16/26 City Council Meeting, 6/25/26 Special Council Meeting, & 7/7/26 City Council Meeting
- MO-1 Mayor's appropriation of Twelve thousand six hundred twelve and 58/100 dollars (\$12,612.58) to the following named account: Human Resources Special Account for Indemnification of Police & Fire from available funds in the Stabilization Fund.
- MO-2 Mayor's appropriation of Four thousand six hundred sixty-three and 50/100 dollars (\$4,663.50) to the following named account: Human Resources Special Account for Indemnification of Police & Fire from available funds in the Stabilization Fund.
- MO-3 Be it Ordered that the City of Chicopee hereby accepts M.G.L. c. 59 § 57C thereby enabling the city to establish a quarterly tax payment system to be implemented in FY28.
- MO-4 Ordered that the City Council accept the Bulletproof Vest Program Grant in the amount of Four thousand five hundred fifty and 00/100 dollars (\$4,550.00) from the Executive Office of Public Safety and Homeland Security to the Chicopee Police Department. Said grant is accepted in accordance with M.G.L. Chapter 44 Section 53A.
- MO-5 Mayor's appropriation of Eleven thousand seven hundred seventy-eight and 90/100 dollars (\$11,778.90) to the following named account: Human Resource Expense Account for Special Services from available funds in the Stabilization Fund.
- MO-6 Mayor's appropriation of Six thousand and 00/100 dollars (\$6,000.00) to the following named account: Human Resource Expense Account for Education Training from available funds in the Stabilization Fund.
- MO-7 Mayor's appropriation of Four hundred fifty and 00/100 dollars (\$450.00) to the following named account: Human Resource Expense Account for Education Training from available funds in the Stabilization Fund.

MO-8 Chicopee Intersection Improvements Project – Water Portion Bond Authorization. Ordered that \$1,200,000.00 is appropriated for the purpose of financing the following Water Department project: water main replacement as part of the Massachusetts Department of Transportation Highway Division Intersection Improvements at Montgomery Street, Granby Road and McKinstry Avenue in the City of Chicopee, including without limitation all costs incidental or related thereto; and that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,200,000.00 under and pursuant to any other enabling authority, and that the Mayor is authorized to take any other action necessary or convenient to carry out the purpose of this order.

MO-9 Mayor’s appropriation of Seventy-five thousand and 00/100 dollars (\$75,000.00) to the following named account: Wastewater Special Account for Settlement of Claims from available funds in the Sewer Surplus Account.

MO-10 Mayor’s appropriation of Three hundred thirty and 04/100 dollars (\$330.04) to the following named Building Expense accounts:

Emergency Demo/Security	\$ 14.98
Travel	<u>315.06</u>
Total	\$330.04

from available funds in the Stabilization Fund.

MO-11 Mayor’s appropriation of Three hundred fifty-seven thousand three hundred sixty-seven and 79/100 dollars (\$357,367.79) to the following named MIS Accounts:

TV Production Director Salary	\$182,367.79
P.T. Chicopee TV Staff Salary	75,000.00
Chicopee TV Facilities Equipment	<u>100,000.00</u>
	\$357,367.79

from available funds in the Receipts Reserved for Appropriation PEG Access Cable Account.

MO-12 Ordered that the City Council accept the FY26 Emergency Management Performance Grant (EMPG) in the amount of Nineteen thousand three hundred fifty and 00/100 dollars (\$19,350.00) from the Massachusetts Emergency Management Agency. Said grant is accepted in accordance with M.G.L. Chapter 44 Section 53A.

MO-13 Ordered that the City Council accept the donation in the amount of Twenty and 00/100 dollars (\$20.00) from Mr. Ray Walsh to the Chicopee Police Department. Said donation is accepted in accordance with M.G.L. Chapter 44 Section 53A.

MO-14 Ordered that the City Council accept the donations in the amount of Seven thousand seven hundred twenty-seven and 00/100 dollars (\$7,727.00) to the Chicopee Senior Center. Said donations are for senior meals for the month of June, 2026 and they are accepted in accordance with M.G.L. Chapter 44 Section 53A.

MO-15 Ordered that the City Council accept the donations in the amount of One thousand one hundred sixty-one and 23/100 dollars (\$1,161.23) to the Chicopee Senior Center. Said donations are for senior programming donated from April 1, 2026 through June 30, 2026 and they are accepted in accordance with M.G.L. Chapter 44 Section 53A.

MO-16 To the City Council

You are hereby notified that I have this day re-appointed Anthony Gallant, 255 Basil Road, Chicopee, MA 01020 as a member of the Zoning Board of Appeals. Effective August 4, 2026, expiring on April 1, 2031. To which I ask the confirmation of your honorable council.

*Re-appointment

MO-17 To the City Council

You are hereby notified that I have this day appointed, Bianca Janeczek, 27 Otis Street, Chicopee, MA 01020 as Chief Human Resources Officer to serve in such office for the term starting on August 10, 2026, and expiring on June 30th, 2029. To which I ask the confirmation of your honorable council.

*New-appointment

18 A favorable Human Resources & Communication Committee report: Mayoral appointment of Robert St. Lawrence to serve as a board member on the License Commission effective June 1, 2026 expiring June 1, 2028.

19 A favorable Human Resources & Communications Committee report: Mayoral appointment of Melissa Harms, to serve as a board member on the Parks and Recreation Commission for the term of 5 years expiring on the first of May 2031.

20 A favorable Human Resources & Communication Committee report: Be it Ordered that the Human Resources & Communication Subcommittee meet with representatives from OpenGov, MuniTrac and Litix Insights ctc to discuss use of their products.

- 21 A favorable License Committee Meeting report: Application for a Home Occupation License at 1150 Granby Road for the purpose of doing billing for dental office. Applicant: Supreeth Veeranna, 1150 Granby Road, Chicopee, MA 01020.
- 22 A favorable License Committee report: Application for a Hawkers and Peddlers License to sell ice-cream located at 878 Memorial Drive. Applicant: Tyrone Tyson Jr., 18 Roberts Pond Lane, Chicopee, MA 01020.
- 23 A favorable License Committee report: Application for an Auto Repair for Daigle Truck Repair Inc., located at 57 Fuller Road. Applicant: Cara Raschilla, 22 Oriole Drive, Feeding Hills, MA 01030.
- 24 A favorable Rules Committee report: Be it Ordered that the Rules Committee meet to discuss the Open Meeting Law Complaint filed by Patrick Higgins on 6-23-2026 regarding the 6-2-2026 City Council minutes.

- 25 A favorable Rules Committee report: Be it Ordered that the Rules Committee meet to discuss the Chicopee City Council Committee Rules.

CHICOPEE CITY COUNCIL COMMITTEE RULES

QUORUM

RULE #1

A City Council Committee shall consist of five (5) members. A quorum of a City Council Committee (hereinafter "Committee") shall consist of three (3) members. If, at any time any meeting is called to order, a quorum is not present and if after a recess of not more than ten minutes a quorum is still not present, the Chair shall declare the meeting adjourned. If the Chair has prior knowledge that a quorum will not be present, they may adjourn the meeting after ten minutes from the posted meeting time.

ORDER OF BUSINESS

RULE #2

The priority of agenda items shall be determined by the Committee Chair and listed on the meeting agenda.

HEARINGS

RULE #3

On all hearings before the Committee, members of the public shall be allowed to speak for or against each agenda item for three (3) minutes. This is called Public Comment. All persons speaking during Public Comment shall speak at the podium provided and limit their comments to the subject matter of the agenda item being heard. The applicant for each agenda item and their agents, experts and attorneys are allowed a total time of five (5) minutes to speak. The applicant shall sit at the Committee table with the members of the Committee. If the opponents of an agenda item are represented by an attorney, they will be allowed to make a presentation of five (5) minutes. If the time for applicants is extended by the Chair, at the Chair's sole discretion, the time for the opponents' attorney shall be extended by the same amount. Questions by members of the Committee shall be made only after the speaker's allotted time has expired.

ELECTED OFFICERS

RULE #4

The Chair of the Committee shall take the chair at the appointed hour and call the members to order and shall forthwith cause the roll to be called by the Administrative Assistant and the names of the absentees recorded.

In the absence of the Chair, the Vice-Chair shall serve as temporary Chair. In the absence of both the Chair and Vice-Chair, a temporary Chair shall be chosen by the members who shall serve during the absence of the Chair.

RULE #5

The Chair shall announce all votes.

RULE #6

The Chair may, at any time, during debate or otherwise, declare a recess for not more than ten minutes. The Committee may not make any motion to stop the recess.

RIGHTS AND DUTIES OF THE COMMITTEE MEMBERS

RULE #7

- ◆ *Every member, when speaking, shall respectfully address the Chair, confining themselves to the question under debate.*
- ◆ *No member shall speak out of their place without leave of the Chair*
- ◆ *No member shall interrupt any member who has the floor. Exceptions may be made to request the Chair to enforce a Rule (point of order) or request information (point of information).*
- ◆ *Private discussion between members while another has the floor is out of order.*
- ◆ *Private discussion between members and the public, including the applicant, is out of order.*

RULE #8

No Committee member shall speak more than twice on the same question or more than once until other members choosing to speak shall have spoken, or more than two (2) minutes at each time, without obtaining leave of the Chair.

RULE #9

When two or more members address the chair at the same time, the Chair shall name the member who is entitled to the floor.

RULE #10

Every member who is present at a meeting must be seated at the Committee table with the other members of the Committee.

ATTENDANCE

RULE #11

Each member who has knowledge of the fact that they will not be able to attend a scheduled meeting of the Committee shall notify the City Council Office at the earliest possible opportunity. Attendance shall be recorded in the minutes.

RULE #12

The affirmative vote of the majority of a quorum of the Committee shall be necessary to pass any motion or vote, unless otherwise required by statute. A tie may result in a defeat of a motion or vote.

- 27 A favorable Zoning Committee report: Special Permit application under section 275-58 C5 for the purpose of constructing a mixed use business and residential building that is currently zoned Business A – refiling due to previous approval expiring located at 520 Chicopee Street. Waiver requested – reducing parking requirement from 6 spaces to 3 spaces. Applicant: Campagnari Construction, Matt Campagnari, 128 Federal Street, Springfield, MA 01105.
- 28 Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:
Add
Chapter 278-7 Camping
AN ORDINANCE PROHIBITING CAMPING ON PUBLIC PROPERTY
§1. PURPOSE
The purpose of this Ordinance is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by prohibiting camping and storage of personal property on public property which interferes with the rights of others to use the area in the manner for which it is intended.
§ 2. DEFINITIONS.
A. “To Camp” means to pitch, set up, erect, or occupy a Campsite or to use Camping Materials or both, for the purpose of, or to facilitate outdoor sheltering, temporarily or permanently.
B. “Campsite” means any place where bedding, sleeping bag or other material used for bedding purposes, or any stove, cooking facility or fire is placed, established, or maintained for the purpose of maintaining a temporary place to live whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.
C. “Camping Materials” means items used to establish or facilitate occupancy of a campsite, including tents, tarps or other temporary structures, as well as items used for furniture, stoves, and other cooking instruments.
D. “Public Property” means any real property including parks, buildings, structures, equipment, sign, shelter or public open space, including all areas such as parking lots, bridges, bridge nooks and ledges, or areas controlled or owned by the City or any other City agency.
E. “Street” means any roadway, highway, lane, road, street, right-of-way, sidewalk, boulevard, alley, and every way and place in the City of Chicopee open as a matter of right to public pedestrian and vehicular travel.
F. “Posted Notice” means any signage, written notice or material posted or distributed to the City either to individuals or erected, pinned or posted in public space to convey a directive or prohibited conduct.
§ 3. SLEEPING ON SIDEWALKS, STREETS, ALLEYS, OR WITHIN DOORWAYS PROHIBITED.
A. No person may sleep on Public Property at any time.
B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
§ 4. CAMPING PROHIBITED.
No person may occupy a campsite in or upon any sidewalk, street, alley, lane, public right of way, park, bench or any other publicly-owned property or under any bridge or viaduct.
§ 5. REMOVAL OF CAMPSITE ON PUBLIC PROPERTY.
A. Immediate Removal: The following shall be cause for immediate removal of a campsite:
1. Any campsite that infringes upon safe usage of public sidewalks, roadways, parking lots, and/or alleys is subject to immediate removal.

2. Any campsite residing on private property is subject to immediate removal.

3. Any campsite in which the individual inhabiting the site has committed a crime under any local, state, or federal law is subject to immediate removal and any other appropriate enforcement action mandated by law.

4. All personal property must be collected and removed from the campsite by the individual. Any property left behind will be disposed of by the City of Chicopee. The City is not responsible for any property left after a campsite is vacated.

B. Removal with 24-Hour Notice: If immediate removal does not apply, and upon discovery of a campsite on public property, removal of the campsite by the City may occur under the following circumstances:

1. Prior to removing the campsite, the City shall post a notice 24-hours in advance. The notice shall be prominently posted in the immediate area of the tent or campsite and provide a specific date and time by which individuals must remove their property from the location. The notice shall include a statement that any property left at the site may be immediately disposed of. The notice shall include information including contact numbers and locations for agencies that provide a range of shelter, housing services, and recovery support services.

2. After the 24-hour notice period has passed, the City is authorized to remove this campsite and all personal property related thereto.

3. Upon request, translated versions of the 24-Hour Notice and/or this Ordinance must be made available to any individuals affected by the provisions of this Ordinance for notice or removal of any campsite inhabited by a limited English proficient individual.

§ 6. REMOVAL PROCESS AND ENFORCEMENT.

The Chicopee Health Department, Chicopee Police Department, Chicopee Building Department, Chicopee Department of Public Works, Chicopee Park Department or their designee(s) may be present at the time of removal, enforcement, or to provide resources for individuals affected by the provisions of this Ordinance.

§7. POSTED NOTICE.

The City shall erect Posted Notice signage stating that camping on public property is prohibited. Discretion shall be given to the City to determine appropriate locations throughout the City to post appropriate signage.

§8. PENALTY FOR VIOLATIONS.

Any person who violates any of the provisions of this Ordinance shall be given a written warning for the first offense. The 24-Hour Notice provided for in Section 5(B)(1) above shall constitute the written warning for the first offense.

Any person who violates any of the provisions of this Ordinance following the 24-Hour Notice shall be subject to immediate removal and may be fined fifty dollars (\$50.00) for the second and one hundred dollars (\$100) for any subsequent offense. Each day the person is in violation of the Ordinance shall constitute a separate offense.

The City may seek a criminal complaint for violation of this ordinance for any individual who is given more than three (3) violations under this Ordinance.

§9. SEVERABILITY.

The provisions of this Ordinance are severable. If any part or provision of this Ordinance is held invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected by such holding and shall continue to have full force and effect.

Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Delete Chapter 278-3 Loitering

And Insert In Place Thereof

Chapter 278-3 Loitering

AN ORDINANCE PROHIBITING LOITERING IN PUBLIC PLACES

§ 1 Definitions.

The following words, as used in this section, shall, unless the context otherwise requires, have the following meanings:

Loiter: Remaining idle in essentially one location, and shall include the concepts of spending time idly, wandering or walking about aimlessly.

Public Place: Any area within the City of Chicopee that is City, State or Federally owned or controlled and accessible to the general public, including, but not limited to, buildings, streets, sidewalks, bridges, alleys, driveways and parking lots.

§ 2 Prohibited conduct.

A. No person shall congregate, stand or loiter upon any street, sidewalk, bridge or crossing so as to obstruct the same or to hinder or prevent persons passing or attempting or desiring to pass thereon.

B. No person shall congregate, stand or loiter in or in front of any hall, lobby, doorway, passage or entrance of any public building, theater, hotel, eating house, lodging house, office building, store, shop, office or factory or other like building so as to obstruct the same, hinder or prevent persons walking along or into or out of the same or attempting or desiring to do the same.

C. No person shall congregate, stand, loiter or remain in any parking garage, whether publicly or privately owned, so as to interfere with the property of others or with any person's ability to use the services afforded by the garage, unless present there with the intent to park or use any other services afforded by the garage.

D. No person shall stand, loiter or remain in, or in the immediate vicinity of, or frequent a public transportation terminal, whether publicly or privately owned, unless present there with the intent to use or to accompany or meet a person or persons using the public transportation there offered or to use one or some of the accessory convenience facilities operated at such terminal for the use of travelers.

E. No person shall congregate, stand or loiter in or in front of any school, community college, or community center with the purpose of annoying or interfering with the students or employees thereof or so as to hinder, obstruct, prevent or disrupt the normal functions carried on therein or thereat, or so as to obstruct, hinder or prevent persons passing by or into or out of the same or attempting or desiring to do so. It shall be unlawful for any person to loiter or remain in or about the area of a school not having any reason or relationship, involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

E. No person shall loiter or remain in a vacant unoccupied building or on any portion of vacant land upon which such vacant building is located, unless with the permission of an authorized agent of said property.

§ 3 Violations and penalties.

A. No person shall be arrested for a violation of this chapter unless the arresting officer, or by direct demand, first affords such person an opportunity to cease or explain such conduct.

- B. No person shall be convicted of a violation of this chapter if it appears at trial that the explanation tendered was true and disclosed a lawful purpose.
- C. Any person who violates the provisions of this chapter shall be punished by a fine of \$50. Each day on which the violation exists shall be deemed to be a separate offense.
- D. The City may seek a criminal complaint for violation of this ordinance for any individual who is given more than three (3) violations under this Ordinance.

Laflamme

30

Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

275-71 Renewable Energy

By adding the attached definition Renewable Energy Storage Language and Battery Energy Storage System Language to Sections 275-71(a)(4), (b)(1), (c)(2), (d), and change 275-71(h) to 275-71(i), 275-71(i) to 275-71(j), and add 275-71(h) – Battery Energy Storage Systems (BESS).

Renewable Energy

Proposed additions noted in Bold

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

General Definitions

Adverse Visual Impact: When an undertaking alters directly or indirectly the viewshed from a property in a manner that would diminish that property's perceived value.

Site Plan Review Authority: Refers to the body of local government designated by the municipality to review site plans. For the City of Chicopee the Site Plan Review Advisory Committee (SPRAC) serves as the Site Plan Review Authority.

Special Permit Granting Authority: A body of local government designated by the municipality to grant special permits. In the City of Chicopee the city council holds such authority.

Zoning Enforcement Authority: The board charged with enforcing the zoning bylaws. For the City of Chicopee the Building Commissioner serves as the Zoning Enforcement Authority.

Definitions (Energy Storage Systems)

ANSI: American National Standards Institute

Battery or Batteries: A single cell or group of cells connected electrically in a series, in parallel, or a combination of both, which can charge, discharge, and store energy, electrically. For the purposes of this section, a Battery or Batteries utilized in commercial products are excluded from these requirements.

Battery Energy Storage System (BESS): One or more containers or cabinets on a lot containing batteries and related equipment, assembled together, capable of storing electrical energy in order to supply electrical energy to the power grid at a future time. This includes all accessory equipment on said lot necessary for energy storage including but not limited to inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, and other power interconnection facilities and/or a project substation, but does not include public utility owned and operated interconnection equipment, regardless of location, or other interconnection equipment to be located on the real property of the public utility or within its right of way, determined to be necessary by the public utility to facilitate the BESS interconnection with the power grid whether for

bringing power to the BESS or for returning it to the power grid, a stand-alone 12-volt vehicle battery, or an electric motor vehicle. It may be a primary use or an accessory use to a renewable energy generating facility (solar or wind), power generation facility, electrical substation, or other similar uses.

Cell: The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

Commissioning: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

Energy Storage Systems (ESS), Accessory: ESS store energy for industrial and general uses utilizing various technologies. Accessory use ESS are considered part of the principal use for zoning purposes including allowable locations. To be considered as accessory, ESS shall be designed with appropriate storage capacity to serve the principal use only and not the electric power grid; Energy Storage Systems (ESS), Stand Alone: ESS store energy for industrial and general uses utilizing various technologies. Chemical batteries are a type of ESS that are installed as a standalone use.

Nationally Recognized Testing Laboratory (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NFPA: National Fire Protection Association

Definitions (Photovoltaic Systems)

Greenfield: An area of agricultural or forest land, or some other undeveloped site.

Photovoltaic System (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System, Grid-Intertie: A photovoltaic system that is connected to an electric circuit served by an electric utility.

Solar Energy System, Ground-Mounted: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium-or large-scale).

Solar Energy System, Large-Scale: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

Solar Energy System, Medium-Scale: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10- 250 kW DC).

Solar Energy System, Off-Grid: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium-or large-scale).

Solar Energy System, Small-Scale: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Definitions (Wind Systems)

Building Integrated Wind Energy System: A building-mounted wind energy conversion system that has a manufacturer's rating of 10 kW or less and projects no more than fifteen (15) feet above the highest point on the roof and shall not be considered a small wind energy system in terms of area and setback requirements. This definition also covers, for the purposes of this zoning provision, other wind energy systems primarily used for land-based applications which may be permanently mounted and operated on a building.

Utility-Scale Wind Energy Facility: A commercial wind energy facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

Wind Energy Facility: All of the equipment, machinery and structures together utilized to convert wind to electricity. This includes, but is not limited to, developer-owned electrical equipment, storage, collection and supply equipment, service and access roads, and one or more wind turbines.

Wind Turbine: A device that converts kinetic wind energy into rotational energy to drive an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

a. Purpose: The purpose of this section is to:

1. Promote the use of renewable energy systems, including the creation of new large-scale ground-mounted solar photovoltaic installations, wind energy facilities, and Battery Energy Storage Systems (BESS).
2. Provide standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety and minimize impacts on scenic, natural and historic resources and residential viewsheds.
3. Ensure adequate financial assurance for the eventual decommissioning of such facilities.

B. Applicability.

1. All renewable energy installations shall be installed in compliance with the requirements of Chicopee City Code Chapter 275 – 71; state and federal law, and the standards and procedures established by Chicopee Electric Light (CEL) or Western Massachusetts Electric Company (WMECO). This requirement pertains to physical modifications that alter the type, configuration or size of installations pre-existing this ordinance and those installations permitted in accordance with this ordinance. This section also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment.
2. Nothing in this chapter should be construed to prevent the installation of accessory roof mounted solar photovoltaic installations, Wind Energy Facilities, or BESS.

C. Process.

The following identifies those uses that are allowable and those that may be allowed only by special permit. The City Council is the special permit granting authority in accordance with Chicopee City Code, § 275-9. The construction and operation of all solar photovoltaic installations and wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation, wind energy facility, or BESS shall be constructed in

accordance with the State Building Code, the [standards] of the National Fire Protection Association (NFPA).

D. Utility Notification.

1. For installations that do not require a special permit: Prior to issuance of building and/or electrical permit, the installation owner or operator must enter into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements.

2. For installations requiring a special permit: No special permit applications shall be accepted unless installation owners provide written proof that they have notified the utility company that operates the electrical grid for which the installation connection is proposed.

E. Solar.

1. Production for On-Site Use

The following conditions shall apply to all installations designed to convert solar energy into a power source for residential, commercial, business and industrial uses where the primary purpose of the system is to generate power for those uses. These uses are permitted in any zoning district within the city.

a. **Visual Impact:** All solar conversion installations shall be designed and located to minimize adverse visual impacts, defined as *"an undertaking that alters directly or indirectly the viewshed from a property in a manner that would diminish that property's perceived value."*

Adverse visual impacts can be mitigated through a variety of actions in design, construction and maintenance. The removal of the natural or existing vegetation is the single most noticeable visual impact of a project and shall be held to a minimum to achieve community acceptance. Clearing only what vegetation is necessary for the construction can eliminate or reduce the need to mitigate. However, proper sight distances, clear zones and horizontal clearance requirements must be considered. All abutting property shall be visually screened from the project through any one or combination of the following: location, distance, plantings, existing vegetation (located on the same parcel as the installation) and fencing (not to exceed six feet).

b. **Pole Mounted Installations:** If solar conversion installations are mounted on a pole or other apparatus separate from a principal or accessory structure, said apparatus must comply with accessory structure regulations within their respective zoning districts and be set back from adjoining property lot lines at a ratio of 1' apparatus height to 0.5' of setback or a minimum of the underlying setback requirement,.

c. **Rooftop Installations:** Rooftop solar conversion installations that are not flush mounted must not exceed the overall building height limits of the underlying district. Height is measured to the highest protruding point of the solar energy system at its fullest extension, not to exceed 5' above the roof line.

d. **Wall-Mounted Installations:** If solar conversion installations are mounted on building walls/facades, said installations must comply with minimum setback requirements as detailed within the property's respective zoning district.

e. **Utility Notification:** Written proof that CEL or Eversource is in discussions with the applicant regarding an interconnection agreement must be submitted with all permit applications. No building or electrical permits will be issued until the installation owner or

operator enters into an interconnection agreement with the utility company that operates the electrical grid for which the installation connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements. Reasonable efforts, as determined by the City Council with guidance from the Planning Department, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

2. Production for Off-Site Use

The construction of a solar energy system intended for off-site generation as set forth in Chicopee City Code Chapter 275-6 and shall comply with all requirements set forth herein.

- a. **275-66: Burnett Road:** Regulations promulgated in Chapter 275-66, which regulate new development on Burnett Road and appurtenant streets, shall not apply to solar energy projects proposed for the Burnett Road area of the City.
- b. **Screening:** Structures must be shielded from view and/or located to avoid adverse visual impacts as deemed necessary by and in the opinion of the Site Plan Review Advisory Committee.
 1. **Landscaping:**
 - (a) Plantings intended to provide screening shall be evergreen, installed at a minimum of 6' in height measured from the top of the root ball to the tip of the plant and spaced to create a visual barrier.
 - (b) Deciduous buffers: deciduous or mixed deciduous and evergreen buffers shall be a minimum of 40' wide and are counted as part of the setback.
 2. **Natural features:** Natural features and features designed to appear as natural features may be employed as visual barriers. Existing vegetation (located on the same parcel as the installation) must be at least 40' in width and adequately dense to provide sufficient screening.
 3. **Fencing:** Fences shall be installed at a minimum of 6' and shall be solid in appearance.
- c. **Setbacks:** The purpose of setbacks is to mitigate adverse impacts on abutting properties. For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 1. Minimum of 50'.
 2. Every abutting property shall be visually screened from the project through any one or combination of the following landscaping, existing vegetation and fencing (not to exceed 8'). Fencing in excess of 8' requires a variance from the Chicopee Zoning Board of Appeals.
- d. **Lighting:** Lighting of parts of the solar energy system shall be limited to that required for safety and operational purposes, and shall be designed to minimize glare on

abutting properties and be directed downward with full cutoff fixtures to reduce light pollution. The City suggests the use of LED systems whenever possible to conserve electricity.

- e. **Signage:** Signs on the solar energy system shall comply with the dimensional and setback requirements of the underlying zoning regulations. Signage in districts with no signage requirements are limited to 2 signs, 3 square feet in size, maximum of 5' in height, and located in such a manner that there is an unobstructed view of the street from an access drive. Signage required for safety, emergency or by code is excluded from the signage requirements in this section.
- f. **Appurtenant Structures:** All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations as adopted by the Planning Board concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shielded from view by existing vegetation or plantings and/or joined or clustered to avoid adverse visual impacts
- g. **Parking:** Reasonable on-site parking is required for vehicles that will service solar energy systems. Please refer to (Parking and Loading) Chapter 275 – 40 (N)(2)(V)
- h. **Consultants:** Upon submission of an application for a renewable energy installation requiring Site Plan Review Advisory Committee Review, the Permit Granting Authority will be authorized to hire outside consultants, pursuant to MGL c.44, §53G. As necessary, the applicant may be required to pay the consultant's fees.
- i. **Emergency Services:** The applicant shall provide a copy of the project summary, electrical schematic, and site plan to local emergency service providers, as designated by the Site Plan Review Advisory Committee. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of disconnecting the solar energy system shall be clearly marked. The applicant or system owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The owner or operator shall be required to provide a secure, tamper proof storage box for keys or other access tools at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility. The owner or operator shall designate a representative who is available 24 hours a day, 7 days a week, to respond to emergency situations. This individual shall be required to respond to an emergency situation within 45 minutes of notification.
- j. **Security:** The solar energy system shall be designed to prevent unauthorized access. Access to electrical equipment shall be locked where possible.
- k. **Operation & Maintenance Plan:** The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the solar energy system. Site access shall be maintained to a level acceptable to the local Fire Chief, Police Chief, Emergency Medical Services, and Site Plan Review Advisory Committee.
- l. **Land Clearing, Soil Erosion and Habitat Impacts:** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of

the large-scale ground-mounted solar photovoltaic installation and per best management practices of natural areas or good husbandry of the land or forest otherwise prescribed by applicable laws, regulations and bylaws and defined by Mass General Law Chapter 131, Section 140; 310 CMR Wetlands Protection; and Chicopee Stormwater Ordinance: City Code Chapter 231. The clearing of greenfields/ undeveloped landscapes and the development of such facilities is highly discouraged.

- m. **Financial Surety:** Proponents of renewable energy projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal or failure to maintain in the event the city must maintain or dismantle, remove and properly dispose of the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal and disposal costs due to inflation

n. **Abandonment and Removal.**

1. **Abandonment:** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the installation shall be considered abandoned when it fails to operate for more than one year. If the owner or operator of the installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the city may enter the property and physically remove the installation.
2. **Removal Requirements:** Any installation which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the City of Chicopee by certified mail of the proposed date of discontinued operations and plans for removal.
Decommissioning shall consist of:
 - (a) Physical removal of all structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous wastes in accordance with local, state and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Advisory Committee may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation, at its sole discretion.

F. Wind

(1) Residential & Business Production – Individual Use

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for residential, commercial, business and industrial uses where the primary purpose of the system is to provide power for those uses.

- a) Pole mounted wind conversion systems are prohibited.
- b) Building integrated wind conversion systems are permitted in all zoning districts. For the purpose of this chapter, "building integrated systems" refer only to systems encased within a principle or accessory building.

(2) Production for Commercial Sale

The following conditions shall apply to all structures and devices designed to convert wind energy into a usable power source for commercial sale.

- a. Pole mounted wind conversion systems are prohibited.
- b. Building integrated wind conversion systems are permitted. All such systems shall have a protective shroud to contain projectiles in the event of system malfunction.
- c. No wind energy conversion system shall be erected, used or otherwise employed if said device interrupts or disturbs radio or television signal reception.
- d. As per Chicopee Noise Ordinance: City Code Chapter 200-2, no wind energy conversion system shall be erected, used or otherwise employed if said device results in the creation of any unreasonably loud, disturbing and unnecessary noise of such character, intensity and duration, as to be detrimental to the life or health of any individual or contrary to the public welfare.
- e. Monitoring and Maintenance: The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, emergency braking (stopping) and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The project owner shall be responsible for the cost of maintaining the wind energy facility.
- f. Abandonment or Decommissioning: Removal Requirements. Any wind energy facility which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the facility no more than 150 days after the date of discontinued operations. Decommissioning shall consist of:
 - (1) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site.
 - (2) Disposal of all solid and hazardous wastes in accordance with local, state, and federal waste disposal regulations.
 - (3) Stabilization or re-vegetation of the site as necessary to minimize erosion.
- g. Financial Surety- Applicants for commercial-scale wind energy facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and disposal or failure to maintain in the event the city must maintain or remove the facility and remediate the landscape in an amount and form determined to be reasonable by the Site Plan Review Advisory Committee, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal and disposal prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

G. Battery Energy Storage Systems (BESS)

- (1) Utility Notification: Written proof that CEL or Eversource is in discussions with the applicant regarding an interconnection agreement must be submitted with all permit applications. No building or electrical permits will be issued until the BESS owner, or operator enters into an interconnection agreement with the utility company that operates the electrical grid for which the BESS connection is proposed. Proof of the interconnection agreement shall be presented to the Building Department with the permit application. Projects that are not designed to connect to an electrical grid are exempt but must comply with all other relevant requirements. Reasonable efforts shall be made to locate all utility connections for BESS installations, with emphasis on appropriate soil conditions, shape, topography of the site, and any requirements of the appropriate utility provider.
- (2) Signage. Signage shall comply with the requirements of Chicopee City Code, § 275-50 and the following additional requirements; in the event of a conflict between the provisions of § 275-50 and this section, the requirements of this section shall prevail.
 - a. The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
 - b. As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - c. Signage compliant with ANSI Z535 shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
- (3) Abandonment or Decommissioning: Removal Requirements. Any BESS installation which has reached the end of its useful life or has been abandoned shall be removed. The owner/operator shall physically remove the installation no more than 150 days after the date of discontinued operations. Decommissioning shall consist of:
 - a. Physical removal of all battery modules, equipment, physical containers providing secondary containment and all other associated materials from the site.
 - b. Disposal of all solid and hazardous wastes in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site, as necessary to minimize erosion, as approved by the Site Plan Review Advisory Committee (SPRAC).
- (4) Financial Surety: Proponents of BESS projects shall provide a form of surety, either through an escrow account, bond or otherwise, to cover the cost of removal or failure to maintain in the event the City must maintain or dismantle, remove and properly dispose of the installation and remediate the landscape, in an amount and form determined to be reasonable by SPRAC, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as estimated by the proponent. Proponents shall submit a fully inclusive estimate of the costs associated with removal and disposal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal and disposal costs due to inflation. Such surety will not be required for municipally or state-owned facilities.

H. Wood

The Board of Health signed the following regulation on the 22nd day of March, 2007. Pursuant to Massachusetts General Laws, Chapter 111 §31 and 31C, it shall be unlawful to use, install and/or maintain outdoor wood burning devices within the City of Chicopee including, but not limited to, all outdoor wood burning stoves, boilers and furnaces. For the purposes of this regulation, outdoor wood burning stoves, furnaces and boilers shall mean wood fired devices that are located outdoors and separate from the indoor building, structure or appliance to be heated, which heats water or air and then transports the same by pipe(s) to an indoor building, structure or appliance for the purpose of providing heat and/or hot water.

- I. If any provision of this Regulation or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Regulation shall not be affected thereby and each other provision shall be valid and be enforceable to the fullest extent permitted by law.

Laflamme

- 31 Be it Ordered that effective immediately that there be a moratorium on Battery Energy Storage Facilities. Until a proper ordinance is established that would establish zoning restrictions, and operating requirements. The ordinance should emphasize public notification of any Battery Storage Facilities application.

Pniak-Costello

- 32 Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

Add to:

275-73. Substance Abuse Treatment Centers.

A. Purpose.

The City of Chicopee desires to protect its residential lands from encroachment by substance abuse treatment centers and to ensure and promote the City's image as a safe, pleasant and attractive place of residence. The City also desires to preserve and protect the safety of young children in the vicinity of schools and public parks. The City further desires that young people and children not be subjected to confrontation with the existence of substance abuse treatment center uses in the vicinity of schools and parks. The commercial areas of the City of Chicopee reflect greatly on the City's image and it is the desire of the city to promote a positive business community image, and to retain and promote safe, attractive business areas free of crime and nuisance.

The purpose of this section is to regulate Substance Abuse Treatment Center uses within the City by Special Permit to Chapter 40A, Sections 9 of the Massachusetts General Laws. In order to promote the safety and welfare of the inhabitants of Chicopee.

B. Definitions.

1. Substance Abuse Treatment center:

A facility providing substance abuse treatment services, including but not limited to counseling services, therapy sessions and/or the dispensing of medication to treat substance abuse.

2. Medical Center:

An institution providing varied medical services, including but not limited to ambulatory care. Route medical visits, surgical care, physical rehabilitation, or mental health services, on an out-patient basis. "Hospitals" and "Substance Abuse treatment Centers" are specifically excluded from this definition.

C. **Restrictions.**

A Substance Abuse Treatment Center shall not be located:

1. Within one thousand (1,000) feet of each other;
2. Within five hundred (500) feet of the nearest lot line of:
 - a. A residential District, or
 - b. A place of worship or a building used for religious purposes unless the Zoning Board of Appeals first determines in writing the use will not be detrimental to the spiritual activities.
3. Within one thousand (1,000) feet of a non-profit educational use, library, or museum;
4. Within one thousand (1,000) feet of a park or playground; or
5. Within one thousand (1,000) feet of any established/establishment licensed under the provisions of Massachusetts General Laws, Chapter 138, Section 12;
6. Adjacent properties shall be adequately protected from noise, odor and unsightly appearances;
7. The hours of operation shall not negatively impact surrounding areas in terms of traffic flow, nor create increases in traffic volume during peak periods in surrounding areas.

D. **The application for special permit must include the following information:**

1. Name and address of the legal owner of the establishment;
2. Name and address of all persons having a lawful equity, or security interest in the establishment;
3. A sworn statement that neither the applicant nor any person having equity or security interest in the establishment has been convicted of violating M.G.L. 119, Section 63 or

M.G.L. Chapter 272, Section 28;

4. Proposed security precautions; and
5. The number of employees;
6. No Special Permit shall be issued under this section to any person convicted of violating

M.G.L. Chapter 119, Section 63.

E. **Applications.**

Substance Abuse Treatment Centers may be allowed, by Special Permit, within Industrial Districts subject to its restrictions of and subject to regulations imposed by the Special Permit Granting Authority. For the purpose of this section, the Special Permit Granting Authority shall be the city council of the City of Chicopee.

1. Special Permits shall only be issued following a public hearing held within sixty-five days after the filing of an application with the Special Permit Granting Authority, a copy of which shall forthwith be given to the City Clerk by the Applicant.
2. Such Special Permit Granting Authority shall adopt and from time to time amend rules relative to the issuance of such Special Permits and shall file a copy of said rules in the Office of the City Clerk.
3. The Special Permit Granting Authority shall act within ninety days following a public hearing for which notice has been given by publication or posting as provided in M.G.L. 40A, Section 11 and by mailing to the parties in interest.

4. Failure by the Special Permit Granting Authority to take final action following the date of a public hearing shall be deemed to be a grant permit applied for.
5. Special Permits for Substance Abuse Treatment Center shall expire one year from the date of the issuing of the permit, and including such time required to pursue or await the determination of an appeal referred to in M.G.L., Chapter 40A Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

Courchesne

33

Be it Ordained by the City Council that the Code of the City of Chicopee for the Year 1991, as amended, be and is hereby further amended as follows:

1. Add to 275-62 (Industrial Districts) section F (Data Center) to read as follows:

F. Data Center: A facility, or portion thereof, primarily designed or used to house computer servers and related information technology infrastructure for the storage, processing, management, or transmission of electronic data. A Data Center may include, but is not limited to, server racks, data storage systems, cooling systems, power conditioning equipment, substations, uninterruptible power supplies, backup generators, telecommunications equipment, security systems and associated mechanical and electrical infrastructure. For purposes of this bylaw, a Data Center shall not be considered an Office, Warehouse, Manufacturing, or Research use.

For zoning and regulatory purposes Data Centers shall be classified based on maximum electrical demand, expressed in megawatts (MW), rather than building size.

- (1) **Tier 1- Low-Impact Data Center:** A facility with a maximum projected electrical demand of (2) megawatts (MW) or less at full build-out, measured as the combined electrical load of all tenants and facility operations. On-site generation capacity shall be included in the calculation of electrical demand, except for on-site solar generation. Tier 1 facilities are typically associated with localized network, enterprise or edge computing functions.
- (2) **Tier II – Moderate-Impact Data Center:** A facility with a maximum projected electrical demand greater than 2 MW but not exceeding 10MW at full build-out. These facilities may include multi-tenant or colocation environments and require substantial utility coordination.
- (3) **Tier III – High Impact Data Center:** A facility with a maximum projected electrical demand exceeding 10 MW at full build-out. These facilities are commonly associated with hyperscale or campus style computing operations and may require major electrical infrastructure expansion.

Data centers include, but are not limited to the following types:

- **Hyperscale Data Center** – A very large scale facility typically operated by a single entity for cloud computing, large-scale data processing, or enterprise services, characterized by substantial electricity demand, extensive mechanical cooling systems, and limited on-site staffing.
- **Enterprise or Colocation (Colo) Data Center** – A facility in which multiple customers lease space, equipment areas, or “racks” within a shared infrastructure environment operated

by a specialized provider, with common power, cooling, telecommunications, and backup systems.

- **Edge or Micro Data Center** – A smaller-scale facility designed to serve localized or network edge functions, typically occupying significantly less floor area and operating with minimal on-site personnel.

These categories are descriptive only and shall not limit the Building Inspectors authority to classify a facility as a Data Center based on its functional characteristics and electrical demand. The applicable Tier shall be determined by the maximum designated electrical capacity, regardless of the number of tenants, building square footage, phased construction, or current utilization levels.

Without limiting the other definitional criteria contained herein, a use shall be classified as a Data Center where either:

- (a) more than twenty-five percent (25%) of the gross floor area is devoted to server racks, stationary computing equipment, or associated mechanical or electrical infrastructure; or (b) the primary purpose of the facility, as determined by the Building Inspector, is the housing and operation of computer servers and related infrastructure, regardless of floor area allocation.

Add to 275 Section 70 to read as follows:

§275.70 Data Centers

A. Purpose and Intent

The purpose of this section is to establish clear standards for the siting and operation of Data Centers in order to protect public health, safety, and welfare; to ensure compatibility with surrounding land uses; and to allow for review of site-specific impacts related to energy demand, water use, noise, emissions, site design, and municipal infrastructure.

B. Applicability

1. Tier I- Low Impact Data Centers shall be permitted only by Special Permit from the City Council in the Industrial Districts, as provided in § 275-9.

1. Data Centers shall be prohibited in all other zoning districts.

3. All applications for a Data Center Special Permit shall comply with:

- § 275-9, Special Permits; and
- The additional performance standards set forth in this section.

C. Performance Standards

In addition to the general Special Permit criteria of § 275.9 the Building Department shall make written findings demonstrating compliance with the following performance standards.

(1) Electrical Demand and Infrastructure Capacity

(a) The applicant shall submit an estimate of maximum electrical demand, expressed in megawatts (MW), at full build-out, including anticipated load profiles and any proposed phasing.

(b) The applicant shall demonstrate, through written documentation from the Chicopee Electric Light Department, that sufficient electric capacity exists or can be made available to serve the proposed facility without impairing reliability, capacity, or service levels for existing municipal electric customers.

(c) The applicant shall identify any required on-site or off-site electric infrastructure improvements, including substations, feeders, or transmission upgrades, and demonstrate coordination with the Chicopee Electric Light Department. The applicant shall provide a planning-level cost estimate for such improvements, prepared by a qualified engineer or utility

professional, including a description of cost assumptions and the anticipated allocation of costs between the applicant and the municipality, if applicable.

(d) Where phased development is proposed, the Building Department may condition approval on demonstrated availability of electric capacity at each phase.

(e) The Planning Board may impose, as a condition of approval, a maximum approved electrical demand expressed in megawatts (MW), and may require compliance monitoring.

(2) Water Use and Cooling Systems

(a) The applicant shall submit estimates of average daily and maximum daily water usage associated with facility operations, including cooling systems, expressed in gallons per day, as well as a narrative explaining the relationship between projected electrical demand (MW) and anticipated water usage, including cooling system type and seasonal variation.

(b) Written documentation from the Department of Public Works shall be provided demonstrating that the proposed water usage can be accommodated without adverse impacts to system reliability, fire protection, or existing users.

(c) Cooling systems shall be designed to minimize the use of potable water. Applicants shall identify efficiency measures employed to reduce consumption, including the use of closed-loop, air-cooled, recycled-water, or other low-water technologies where feasible. Systems that rely on continuous or seasonal evaporative use of potable water as the primary cooling method are strongly discouraged and must demonstrate that no reasonable alternative with lower water demand is practicable.

(d) The Building Department may condition approval on limits to maximum daily or annual water usage, require monitoring of consumption, restrict seasonal use during drought conditions, or on phased occupancy tied to demonstrated system capacity.

(e) Where the proposed facility necessitates upgrades or extensions to municipal water, wastewater, or stormwater infrastructure, the applicant shall submit a planning-level cost estimate of such improvements, prepared by a qualified professional, together with a narrative describing the scope of work, timing, and responsibility for implementation.

(3) Noise

(a) Continuous operational noise, including mechanical equipment, cooling systems, transformers, and other exterior equipment, shall not exceed applicable local or state noise standards and the limits set forth herein, whichever individually or collectively results in the more restrictive regulation as applied to the Data Center.

i. **Sensitive Receptor:** Any existing residence, school, daycare facility, medical facility, hospital, nursing home, assisted living facility, elder care facility, place of worship, or other building regularly occupied by persons for residential educational, medical, or congregate purposes at the time of Special Permit application.

ii. **Point of Compliance:** The exterior of the nearest existing Sensitive Receptor, or the nearest residential zoning district boundary to the subject property where no Sensitive Receptor exists within 1,000 feet of the subject property, unless otherwise specified by the Planning Board.

iii. **Continuous Operational Sound:** Sound generated by the normal, ongoing operation of facility equipment, including mechanical systems, cooling systems, transformers, and similar infrastructure, measured under typical operating conditions and excluding short-term, intermittent, or emergency events such as maintenance activities or backup generator operation during power outages.

Noise compliance shall be evaluated at the Point of Compliance.

In no event shall continuous operational sound, as measured at the Point of Compliance, exceed:

- 50 dBA between 7:00 a.m. and 10:00 p.m.; or
- 45 dBA between 10:00 p.m. and 7:00 a.m.

(b) Backup generator testing shall be limited to days and hours approved by the Department of Public Works. Emergency operation during actual power outages shall be exempt.

(c) A noise study prepared by a qualified professional may be required to demonstrate compliance with applicable local or state noise standards and to evaluate potential impacts from continuous or cumulative industrial operations. Such study may include multi-day ambient monitoring, modeling at full build-out, evaluation of tonal characteristics, and assessment of cumulative impacts. Post-construction sound monitoring may be required to verify compliance, and corrective mitigation measures may be required if standards are exceeded.

(4) Backup Power and Emissions

(a) The applicant shall identify the number, size, fuel type, and location of all backup generators.

(b) Backup generators shall be limited to emergency operation and scheduled testing, in accordance with manufacturer specifications, except where otherwise required by applicable codes.

(c) Compliance with all applicable state and federal emissions standards shall be demonstrated.

(5) Site Design and Physical Impacts

(a) Building height, massing, and setbacks shall, in addition to complying with the applicable baseline dimensional regulations, be designed to minimize visual and operational impacts on adjacent properties.

(b) Mechanical equipment, generators, and substations shall be screened from view from public ways and adjoining properties.

(c) Exterior lighting shall be designed to prevent light spillover beyond the site.

(d) **Air Quality and Emissions** The facility shall comply with all applicable federal, state, and local air quality regulations. Applicants shall identify the number, size, fuel type, and anticipated operating schedule of all combustion equipment, including backup generators. The Department of Public Works may require documentation demonstrating that emissions from such equipment will not create nuisance conditions or adversely affect nearby Sensitive Receptors. Where appropriate, the Department of Public Works may require emission control measures, operational limitations on testing, or other mitigation measures to minimize potential air quality impacts.

(6) Municipal Services and Infrastructure

The applicant shall demonstrate that the proposed facility will not create an undue burden on municipal services, including fire, police, and public works, water, sewer, and electric systems. If mitigation measures or capital improvements are required to maintain acceptable service levels, the applicant shall provide an estimate of the cost of such measures and identify the party responsible for funding them.

Fire protection systems and emergency access shall be reviewed by the appropriate municipal departments.

D. Conditions and Safeguards

The Department of Public Work may impose conditions necessary to ensure compliance with this section, including but not limited to:

1. Limits on maximum electrical load;
2. Caps on water usage;
3. Noise monitoring or reporting requirements;

4. Restrictions on generator testing schedules; and
5. Phasing tied to demonstrated infrastructure capacity.

E. Post-Approval Monitoring and Reporting

(1) Operations Reporting Schedule-As a condition of approval, the Department of Public Works shall require submission of Operations Reports in accordance with the following schedule:

Phase Time Period Frequency Purpose

Startup Monitoring Months 1-3 Monthly (Month 1, 2, 3)

Verify early compliance during initial operations

Early Operations Months 4-12 Twice per year (Month 6,12 Confirm stable system) performance

Long-Term Year 2 onward Annual (Month 24, 36, 48, 60 Ongoing compliance

Operations) tracking Permit Term Years 1-5 Monitoring continues

Supports 5-year permit renewal review.

The Department of Public Works may modify the reporting frequency upon a finding that the facility has demonstrated sustained compliance with all approved operational limits.

(2) As a condition of approval, the Department of Public Works may require submission of an Annual Operations Report for the duration of the Special Permit. At a minimum, the report shall include:

- (a) Maximum electrical demand for the preceding calendar year (MW);
- (b) Average daily and maximum daily water usage for the preceding calendar year (gallons per day);
- (c) Confirmation of compliance with approved operational limits; and
- (d) Identification of any discharge of cooling or process water to the municipal sewer system, where applicable.
- (e) Description of any operational changes affecting electrical load, cooling systems, or water usage.

The report shall be prepared or certified by a qualified professional and provided to Chicopee Electric Light, and Department of Public Works, as applicable.

F. Transferability and Continuing Obligations

1. Any increase in approved electrical demand beyond the permitted MW threshold shall require modification of the Special Permit.
2. Any Special Permit issued pursuant to this section shall run with the land and shall be binding on the property owner and any successors, assigns, or operators.
3. A change in ownership or operator shall not relieve the property of compliance with all permit conditions.
4. Prior to a change in operator, written notice shall be provided to the Department of Public Works confirming continued compliance.

G. Term of Special Permit and Renewal

(1) **Term** - A Special Permit issued for a Data Center under this section shall be valid for a period of five (5) years from the date the decision is filed with the City Clerk, regardless of the date of commencement of construction or operations.

(2) **Renewal Required** - Continued operation of the facility beyond the initial five-year term shall require approval of a Special Permit Renewal from the City Council.

(3) **Application for Renewal** - The permit holder shall submit a complete application for renewal of not less than ninety (90) days prior to the expiration of the Special Permit term. The renewal application shall include documentation demonstrating continued compliance with all conditions

of approval, operational limits, and reporting requirements, together with any updates to facility operations, infrastructure demand, or system design.

(4) **Scope of Review** - The City Council's review of a renewal application shall be limited to evaluation of:

- (a) Operational performance and compliance history;
- (b) Electrical demand, water usage, and other infrastructure impacts;
- (c) Adherence to approved limits and conditions; and
- (d) Any material changes proposed to the facility or its operations.

(5) **Action on Renewal** - Following review, the City Council may:

- (a) Renew the Special Permit with no changes;
- (b) Renew the Special Permit with modified conditions reasonably related to demonstrated impacts; or
- (c) Require submission of a new Special Permit application where substantial changes to the use or its impacts are proposed.

Substantial changes may include, but are not limited to, increases in approved electrical demand, significant changes to cooling systems or water usage, installation of additional generators or major mechanical equipment, expansion of floor area devoted to data center operations, or other

modifications that materially increase operational impacts.

(6) **Failure to Apply for Renewal** - Failure to submit a timely renewal application shall cause the Special Permit to lapse upon expiration of the five-year term, and continued operation thereafter shall constitute a violation of this by law.

(7) **Enforcement** - Failure to comply with approved limits, conditions, or reporting requirements may constitute grounds for enforcement or denial of renewal.

H. Severability

If any provision of this section is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect or to take any other action related thereto.

Courchesne

- 34 A proposed Ordinance striking from Chapter 260, Parking Regulations, Orange Street, West for a distance of 150 feet from the junction of Montgomery Street. Parking Prohibited.

Courchesne

- 35 A proposed Ordinance adding to Chapter 260, Parking Regulations, Montgomery Street, To CEL Pole 4S (Approximately 350' – to be field verified if needed). Parking Prohibited

Courchesne

- 36 A proposed Ordinance adding to Chapter 260, Isolated Stop Signs, Jefferson Avenue, Travelling south – At intersection of Olsen Street, Isolated Stop Sign

Girouard/Laflamme

- 37 A proposed Ordinance adding to Chapter 260, Isolated Stop Signs, Jefferson Avenue, Travelling north – At intersection of Trilby Avenue, Isolated Stop Sign
- Girouard/Laflamme
- 38 A proposed Ordinance adding to Chapter 260, Parking Regulations, Cox Street, East Side – From Meetinghouse Road southerly to Gill Street, Parking Prohibited this side of street.
- Goff
- 39 A proposed Ordinance adding to Chapter 260, Parking Regulations, Front Street, North Side – From westerly (employee) entrance of Chicopee Electric Light (725 Front Street) to a point 250 feet southerly thereof, Parking Prohibited.
- Balakier
- 40 A proposed Ordinance adding to Chapter 260, XIVA – 260-73.1, Dale Street/Rolf Avenue, All-Way Stop Control.
- Laflamme
- 41 A proposed Ordinance adding to Chapter 260, XIVA – 260-73.1, Westover Road/Champion Drive/Casey Drive, All-Way Stop Control.
- Laflamme
- 42 A proposed Ordinance adding to Chapter 260, XIVA – 260-73.1, McKinstry Avenue/Arcade Street, All-Way Stop Control.
- Laflamme
- 43 A proposed Ordinance adding to Chapter 260, One-Way Streets, Kendall Street, Southerly direction from St. Onge Street to Rolf Avenue, One-Way Street.
- Girouard
- 44 Election Call for the September 1, 2026 State Primary.

Councilor's Announcements

Adjournment:

ATTEST:



Keith W. Rattell, City Clerk