

10.0 SITE PLAN REVIEW.

10.0 MAJOR SITE PLAN REVIEW.

10.1.1 Purpose.

The purpose of site plan review is to protect the health, safety, convenience and general welfare of the city by providing a mechanism to review plans for proposed structures and to ensure that development is designed or expanded in a manner that reasonably protects visual and environmental qualities of the site and its immediate surroundings.

10.1.2 Applicability.

Prior to the issuance of a building permit in any zoning district, an applicant must first be granted site plan approval by the Planning Board, unless otherwise provided herein. The site plan review and approval provisions of this section shall apply to the following types of structures and uses:

1. Any new structure, or group of new structures under the same ownership, with at least 5,000 square feet of gross floor area, 10,000 square feet of impervious surface, or requiring the provision of seventeen (17) or more parking spaces.
2. Any addition which results in an additional impervious surface area of greater than 5,000 square feet, or an additional 5,000 square feet of gross floor area, or requires the addition of seventeen (17) or more parking spaces.
3. Any new structure or group of new structures or additions which result in an increase of 700 vehicle trips per day as calculated by the Institute of Transportation Engineers (ITE) trip generation manual or any other acceptable formula.
4. Changes in use of any building that will introduce significant quantifiable alterations as reasonably determined by the Planning Board regarding on and off site traffic, and curb cuts, site design or other site features.
5. Multifamily residential developments involving four (4) or more units.
6. Multifamily Flexible Developments projects as regulated under Section 7.5.

The calculation of increase in square feet shall be based on the aggregate of all new structures and/or additions calculated from the date of enactment of this section.

10.1.3 Waiver.

The Planning Board may vote to waive any or all requirements of Major Site Plan Review in the cases of change of use and other instances where approved by the Board. .

10.1.4 Application.

1. Pre-application meeting. An applicant for major site plan approval must attend a pre-application meeting. The applicant shall provide adequate information to describe the nature, scope and site of the proposed development and any anticipated waiver(s) to be requested by the applicant at the meeting. The pre-application meeting shall be conducted by the Permitting Group.
2. Waivers. Waivers of site plan submittal requirements shall only be granted if the applicant requests such in writing at the time of application submittal. It is the responsibility of the applicant to demonstrate that the health, safety, and welfare of the public will not be harmed by the waiver of any submittal requirements. The Planning Board, by majority vote, may grant a waiver(s) of any of the items listed below under "required site plan contents" and shall state their reasons for granting the request. If the Planning Board subsequently desires to revoke a waiver, the Board shall do so only on the unanimous vote of the Board of those members present.
3. Submittal requirements to the Planning Board. The following information shall be submitted to the Planning Board:

- a. Two (2) original application forms and a designer's certificate.
- b. Ten (10) full sets of the site plans no larger than 24" x 36", and seven (7) copies of reduced size plans, preferably 11"X17".
- c. A digital (pdf) file of the site plan and other required submittal materials.
- d. List of property owners and their addresses for all parcels of land within 300 feet of the subject parcel, to be obtained from the most recent property list from the Holyoke Assessors Office.
- e. Stamped A10 sized envelopes twice the quantity of the number of abutters established in (d) above. Envelopes will be used to mail hearing notices and the decision to all abutters.
- f. Required fee.
- g. The Planning Board will require the applicant to submit as-built drawings and plans in computer formats. Contact the Planning Board for required format.
- h. A Revision List is required for all revisions to plans.
- i. The cost of publication shall be borne by the applicant.

10.1.5 Contents.

A Major Site Plan submitted under this section shall be prepared by a registered architect, landscape architect, engineer. In all districts, the site plan shall include the following components and information:

1. **Locus Plan.** A locus plan showing the entire proposed development and its relation to existing areas, buildings and roads for a distance of one-fourth (1/4) mile from the boundaries of the proposed development or such other distance as may be approved or required by the Planning Board. The plan shall also show all contiguous land owned by the applicant or by the owner of the property which is the subject of the application.
2. **Perspective, Isometric, or Cross-section Drawing(s).** A digital/graphic representation showing the entire proposed development and its relation to existing adjacent areas, buildings and roads for a distance of a hundred (100') feet from the boundaries of the proposed development. In cases where the impact to the neighborhood is of specific concern, the Planning Board may require a cross-section or full isometric drawing.
3. **Utility Plan.** A plan depicting all utilities, including sewer, water, electric, cable, lighting, etc. All easements shall be illustrated on the plan describing the bounds and purpose thereof.
4. **Landscape Plan.** A landscape plan showing the limits of work, existing tree lines, and all proposed landscape features and improvements including but not limited to, fences, walls, screening devices, decorative paving, irrigation systems, and planting areas with size and type for each shrub or tree. The plan shall contain a legend stating all common, botanical names, and at what stage of maturity each is represented of the proposed species to be planted.
5. **Improvements Plan.** A plan depicting all existing and proposed buildings, driveways or roads, parking areas, service areas, refuse collection areas, sidewalks, paths, etc.
6. **Building Elevation Plan.** Building elevation plans showing all elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades including the dimensions of the building. Each elevation shall be labeled with its compass direction. The plan shall also include the location, dimension, height and characteristics of proposed signs.
7. **Erosion Control Plan:** A plan depicting all erosion control measures to be utilized in the project including, limit of work, all methods being utilized with their location depicted on the plan (ie. hay bales), sediment tracking pad, etc. Details shall be included for all measures.
8. **Details.** Detail sheets including, but not limited to, catch basins, signage (temporary and permanent), stormwater management structures, retaining walls, pavement markings, lighting fixtures, fencing, dumpster enclosures, curbing, any site improvements included in plan 3-7 above.
9. **Stormwater Management Plan.** Sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The plan shall be reviewed by the City Engineer in compliance with the Holyoke Code of Ordinances – Stormwater & Erosion Control Ordinance.

10.1.6 Accompanying Narratives.

The site plan shall be accompanied by the following narrative information:

1. Development Impact Statement:

- a. summarize the content of the site plans and set forth the development schedule;
- b. project the economic benefits and liabilities of the proposed development;
- c. detail the demands which will be placed on city services and infrastructure by the proposed development;
- d. explain how the proposed development will be integrated into the existing landscape through design features such as vegetation buffers and the retention of open space and/or agricultural land;
- e. demonstrate the consistency and compatibility of the proposed development with the existing master plan or similar documents;
- f. account for the impact of the proposed development on all streets and intersections adjacent to or within one-fourth (1/4) mile of the project boundaries or other such distance as may be approved by the Planning Board;
- g. detail adequate measures to prevent pollution of surface water or groundwater to minimize erosion and sedimentation and to prevent changes in groundwater levels, increased runoff and potential for flooding;
- h. assure that outdoor lighting, including lighting on the exterior of buildings or lighting in parking areas is arranged to minimize glare and light spillover to neighboring properties; and
- i. assure that all permits or licenses that may be required by federal, state or local law have been obtained, or will be obtained before construction begins.

2. Traffic Impact Statement. The purpose of this section is to document existing traffic conditions in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. The traffic impact statement shall contain:

- a. The projected number of motor vehicle trips to enter or leave the site estimated for daily and peak hour traffic levels.
- b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by proposed use of the site.
- c. Traffic flow patterns at the site including entrances and egresses; loading and unloading areas, and curb cuts on-site and within five hundred (500') feet of the site.
- d. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter and depart from the site estimated for daily hour and peak hour traffic levels, road capacities, and impact on intersections existing daily and peak hour traffic levels and road capacities shall also be given.
- e. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means.
- f. An internal traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
- g. Adequate pedestrian and bicycle access to adjacent properties and between individual businesses within a development.
- h. Specific mitigation measures which alleviate impacts to the adjacent roadway network.
- i. The Planning Board may require a detailed traffic study for higher-volume traffic generating uses, regardless of any MEPA action or waiver.

3. Traffic Impact Study. For all projects generating more than 700 vehicle trips per day (based on Institute of Transportation Engineers rates found in Trip Generation), or in other instances where the Planning Board so determines, the applicant shall be required to submit a detailed traffic study conducted by a MA Registered Transportation Engineer containing:

- a. The existing average daily and peak hours volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally such data shall be presented for all streets and intersections adjacent to or within 2,500 feet of the project boundaries and shall also include all intersections clearly impacted by such development. LOS shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

- b. Projected traffic conditions for design year of occupancy. Statement of design year occupancy, background traffic growth on an annual average basis, impacts of proposed developments which have already been approved in part, or in whole by the City.
- c. Projected impact of proposed development. Projected peak hour and daily traffic generated by the development of roads and ways within 2,500 feet of the development; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; proposed traffic movements at all major intersections likely to be affected by the proposed use of the site; and projected post-development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development. The increase in vehicle trips attributed to the proposed project shall not decrease the LOS of any intersection affected by the project. Any decrease in LOS shall be mitigated by the applicant.
- d. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or car-pooling, or other appropriate means.
- e. An internal traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
- f. Adequate pedestrian and bicycle access provided by supplying access to adjacent properties and between individual businesses within a development.
- g. Specific mitigation measures which alleviate impacts to the adjacent roadway network.
- h. A five-year forecast roadway capacity analysis with a discussion of the primary differences between development of the project (Build) and the alternative of not carrying out the project (No Build).

In the case where transportation improvements are required, the applicant shall be responsible for posting a monetary performance bond in a form and amount as recommended by the City Engineer and approved by the Planning Board, sufficient to guarantee all improvements as required by the Board. The Bond shall be held by the Department of Public Works.

- 4. Height/visibility impact. The Planning Board may require an on-site demonstration of the visibility of the proposed structure by means of the flying of a balloon in the case where the height of the proposed project will have an impact on the abutting properties.

- a. The demonstration shall take place after the application for site plan review has been submitted.
- b. The date of the demonstration must be advertised in a newspaper of general circulation within the city at least seven (7) days prior to the actual demonstration date at the applicant's expense.
- c. Notice of the demonstration shall be provided at least seven (7) days in advance to direct abutters, Planning Board and City Council.
- d. The demonstration must be for a minimum of 12 daylight hours or the maximum allowed by the season.
- e. The balloon shall be of appropriate size, color and material to be seen from a distance of at least 300 feet.

10.1.7 General Design Standards and Site Plan Review Criteria.

The following criteria shall be considered by the city departments in the review and evaluation of the site plan:

- 1. The proposed development shall comply with the provisions of the ordinances of the City of Holyoke, the General Laws of Massachusetts and all applicable rules and regulations of state and federal agencies.
- 2. Landscape and Open Space. The proposed development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible: (1) minimize use of wetlands, steep slopes, floodplains, hilltops; (2) minimize obstruction of scenic views from publicly accessible locations; (3) preserve unique natural or historical features; (4) minimize tree, vegetation and soil removal and grade changes; (5) maximize open space retention; and (6) screen objectionable features from neighboring properties and roadways.
- 3. Building Design. The architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screening, breaks in the roof or wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.
- 4. Utilities. The proposed development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health. The site plan shall show adequate

measures to prevent pollution of surface water or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased runoff and potential for flooding. Drainage shall be designed so that run-off shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected. The proposed electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible.

5. Circulation. The site plan shall show adequate access to and from the site, maximum convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. Entrance and exit driveways shall be located and designed to achieve maximum distance from existing and proposed access connections from adjacent properties left-turn and other turning movements shall be minimized, driveways shall be located and designed as to discourage the routing of traffic to and through residential streets, and pedestrian and bicycle circulation shall be separated from motor vehicle circulation as much as possible.
6. Infrastructure. The development will not place excessive demands on city services and infrastructures.
7. Screening. Any exposed storage areas, machinery, service areas, HVAC system, dumpsters, outdoor storage, truck loading areas, utility buildings and structures or other unsightly uses shall be set back and screened to protect the neighbors from objectionable features. Materials utilized to enclose such features shall be of a material of similar type and color to the main structure, or similar durable material or of landscaped materials adequate to fully screen the feature.

10.1.8 Stormwater Management Design Criteria and Standards.

All stormwater management measures must comply with the Holyoke Stormwater & Erosion Control Ordinance. No site plan shall be approved unless the development provides design and management measures necessary to maintain the post development peak discharges for a 24-hour, two (2) year frequency storm event at a level that is equal to or less than the respective, pre-development peak surcharge rates. When the proposed discharge may have an impact upon a sensitive receptor, including streams, storm drains, combined sewers, roads, and/or buildings, the City Engineer may require an increase in these minimum requirements. The plan shall incorporate the following performance standards to accomplish this objective:

1. Stormwater Management Measures. Stormwater management measures shall be required to satisfy the minimum control requirements and shall be according to the following order of preference:
 - a. Low Impact Development technologies.
 - b. Infiltration, flow attenuation, and pollutant removal of runoff through the use of open vegetated swales, natural depressions or underground systems.
 - b. Detention and evaporation of stormwater on rooftops or in parking lots.
 - c. Use of stormwater on-site to replace water used in industrial processes or for irrigation.
 - c. Stormwater detention structures for the temporary storage of runoff which are designed so as not to create a permanent pool of water.
 - e. Stormwater retention structures for the permanent storage of runoff by means of a permanent pool of water.
2. Low Impact Development Incentives. An applicant that utilizes low impact development best practices as described in the Massachusetts Stormwater Management Guide shall be eligible for the incentives below as determined by the City Engineer in accordance with the level of utilization as listed below:
 - a. Waived site plan review application fee for all instances
 - b. Discounted sewer entrance fee in direct accordance with the amount of stormwater infiltrated using LID best practices.
 - c. Parking reduction by right if such area of reduction is used for area to utilize LID technologies

10.1.9 Action by the Planning Board.

Site plan review shall be conducted in accordance with the procedures set forth in G.L. c. 40A for special permits. After determining that the site plan is in conformance with the requirements of this ordinance, and after considering the criteria set forth in Section 10.1.6, the Planning Board may approve, approve with modification, or disapprove the site plan application or grant leave to withdraw. Approval may be subject to any conditions, modifications and/or restrictions as the Planning Board may deem necessary. Leave to withdraw or disapproval by the Planning Board must be supported by written findings.

1. Failure to take action within ninety (90) days following the date of the public hearing shall be deemed to be a grant of site plan approval, and the site plan will be approved.

2. The Planning Board shall file a copy of its decision with the City Clerk within fourteen (14) days. No approval shall be issued until the twenty (20) day appeal period has lapsed.
3. The Planning Board may require the posting of a bond for public improvements in an amount to be recommended by the City Engineer, to assure compliance with the public improvements required by this site plan as approved by the Planning Board. The amount of the bond shall not exceed the cost of the public improvements.

10.1.10 Enforcement, Lapse and Appeal.

The terms and conditions of site plan approval shall be enforced by the Building Commissioner. Any site plan approval issued under this section shall lapse within two (2) years if a substantial use thereof has not commenced sooner except for good cause. Such extension request shall be submitted to the Planning Board, in writing, prior to the expiration of said 2 year term. The time required to pursue and await determination of a judicial appeal pursuant to G.L. c. 40A shall not be included within the two (2) year time.

1. Appeal. Persons aggrieved by the action of the Planning Board pursuant to this Section 10.0 shall appeal in accordance with the provisions of G.L. c. 40A, s. 17.

10.2 TECHNICAL REVIEW

10.2.1 General.

1. Any special permit granting authority (SPGA), or the Planning Board in the conduct of site plan review, shall be authorized through rules to impose reasonable fees for the employment of outside consultants to assist in evaluating applications for special permits or site plan review, consistent with G. L. c. 44, s. 53G, in addition to minimum filing fees required in Appendix A of the Holyoke Code of Ordinances.
2. All reasonable costs approved by a two-thirds (2/3) vote as necessary for the employment of experts or consultants for the purpose of analyzing or evaluating a project that it is the subject of a special permit application or site plan review shall be assessed to the applicant and shall constitute required costs in addition to the filing fee.
3. No special permit application or site plan review shall be considered without payment in full of fees as outlined in this ordinance. Failure to pay costs as outlined herein shall be just cause for denial of an application without prejudice.
4. The amount of costs for a consultant or consultants shall be determined to the satisfaction of two-thirds (2/3) of the SPGA or Planning Board based upon estimates from professionals such as engineers, hydrologists, botanists, health physicists, and other professionals. as well as the recommendation(s), by city boards, department heads, city employees or other officials, including the City Council, which is derived from their expertise or which is derived from experience on similar projects. Hiring shall be consistent with Massachusetts General Laws and/or any special law or local ordinance.

10.2.2 Procedures.

1. Upon a determination of the monies required for the evaluation or analysis by the consultant or consultants chosen to evaluate the project, the SPGA or the Planning Board, through the City Clerk, shall notify the applicant in writing, by first class mail, postage prepaid, of the fee required for such an evaluation. The SPGA or the Planning Board, through the City Clerk shall notify all other parties in interest by first class mail, postage prepaid, of the nature of the evaluation and the choice of consultant. The City Solicitor and the Planning Director shall assist the City Council in identifying parties in interest that should be notified.
2. All required fees shall be paid by the applicant to the City Clerk in the City of Holyoke within ten (10) business days of receipt of such notification. For purposes of this section, receipt of notification shall be two (2) business days after the date of written notification to the applicant or the postmark thereon, if the postmark is a later date.
3. In the event that additional evaluation of the project is requested after the initial deposit of such funds, and if such additional evaluation is approved by a two-thirds (2/3) vote, the additional monies required shall be determined and these amounts shall be paid to the city. Determination of amounts of monies requested from the applicant, notification of the applicant parties in interest, and timelines for payment shall follow the procedures outlined above.

4. All fees paid and received by the City Clerk hereunder shall be deposited in a special account established by the auditor, to be maintained by the City Treasurer in the City Treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the SPGA or the Planning Board in a manner consistent with this ordinance.
5. Any excess and unspent amount in the account attributable to a specific project, including any accrued interest, at the completion of said project or the denial of a permit shall be repaid to the applicant or to the applicants successor in interest and a final account of said account shall be made available to the applicant or the applicant's successor in interest. For purposes, of this section, a project shall be deemed complete upon issuance of a final Certificate of Occupancy by the Building Commissioner, or if no Certificate of Occupancy is required, by written certification of the Building Commissioner that the project is complete, or if a special permit or site plan is denied, at the point that the denial is Final and no appeal has been taken.
6. The Treasurer shall submit an annual report on July 1 of each year to the City Council, the City Auditor and the Mayor of all such special accounts and the balances for their review, as outlined in G.L. c. 44, s. 53G.
7. Failure to pay any fee assessed to the applicant shall be grounds for denial without prejudice of the special permit application.

10.2.3 Consultant Qualifications and Appeal.

1. The minimum qualifications for a consultant shall consist of either an educational degree in or related to the field at issue or three (3) or more years of practice in the field at issue or related field, as provided by G.L. c. 44, s. 53G. The selection of a consultant(s) shall be recorded with the City Clerk within five (5) days of City Council's final selection(s).
2. In the event any party in interest in a special permit or site plan review proceeding is dissatisfied with any consultant selected by the City Council to analyze or evaluate any project that is the subject of said permit application, that person may file with the City Council through the City Clerk a written appeal of the selection.
1. The grounds of an appeal herein shall be limited to claims that the consultant has a conflict of interest or does not possess the minimum required qualifications. Appeals must be filed within seven (7) business days of the consultant(s) being recorded by the City Clerk. An appeal shall not be considered valid unless it is formally filed with the City Clerk, with a copy mailed to each member of the City Council.
4. The required time limits for action on a special permit application shall be extended by the duration of the administrative appeal, beginning with the date of filing of such appeal. The City Council shall hear and decide within thirty (30) business days of the filing of such appeal.
5. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this Section and outlined in G.L. c. 44, s. 53G.

10.2.4 Waiver.

The SPGA or Planning Board shall be empowered, but not required, to waive all or part of any fee for applications submitted by municipal or charitable organizations, in addition to those waivers granted under Section 7-4 of Appendix A of the Holyoke Code of Ordinances.

10.2.5 Other.

A copy of this ordinance shall be attached to, and be part of, any special permit application, in order for the applicant to be fully advised of the terms and conditions of this Section. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.