

7.2.1 Motor vehicle service station.

1. Pits and hoists shall be contained within the area of the building, and all washing, lubricating and repair work shall be carried on inside the building.
2. No sale and/or rental of motor vehicles, trailers, or boats will be permitted. Motor vehicle body and paint work will not be carried on the premises, and there will be no storage of wrecked vehicles.
3. Concurrent with the application for a special permit for a service station there shall be filed a site plan of the proposed service station. Within ten days after receipt of the plan, the city council shall transmit a copy thereof to the planning board. The planning board shall investigate the proposed layout and report in writing its recommendations to the city council. The city council shall not take final action until it has received a report from the planning board or until the planning board has allowed 20 days to elapse after receipt of such plan without rendering a report.
4. No such facility shall be located on a lot measuring less than a 100 feet by a 100 feet.
5. Said lot is located in one of the following zones: BG, BH, BE, SC, or IG.
6. No part of any such establishment shall be located within a 100 feet of any residence district; except that facilities may be located up to 50 feet from a residence district if screened from adjoining properties in the residence districts by plant or other suitable material.
7. Entrances or exits for vehicles shall not be within 200 feet as measured along the public street of a school, playground, church or related facility, library, museum, hospital, or nursing home.
8. Access and egress points shall be well defined, shall be located not less than 50 feet apart and shall not be located within 50 feet of similar points on adjacent properties or of the intersection of two street right-of-way lines.
9. No exterior oil draining pit, hoist or other visible appliance for any such purpose shall be located within 20 feet of any property line.
10. Incidental sales and/or rental of motor vehicles, trailers or boats, if permitted, shall be governed by the applicable regulations for such use.

Motor Vehicle Service Station
Special Permit Application Checklist

The following must be provided at the time of application:

- Completed application and non-refundable fee of \$200.00
- Documentation of the fire suppression system in the painting booth (paint shop only)
- Proof of registration with the Massachusetts Department of Environmental Protection (1 Winter Street, Boston (617 292-5500 or visit www.mass.gov/dep) as a hazardous waste generator in accordance with Section 22-131 of the Code of Ordinances.
- Letter from Treasurer and Tax Collector stating that the person(s) and property(s) named herein have no uncollected taxes, fines, and fees or other charges owing to the City of Holyoke.
- (If applicable) If applicant is not the owner of the building, a letter from the owner of the property acknowledging that they are aware of, and are in support of, the Special Permit request
- Five copies of the site plan drawn to scale. These plans should include the following:
 - Parking layout plan showing off street parking spaces for vehicles to be repaired, employees and customers
 - Total lot area in square feet and proposed coverage area
 - Lighting, drainage, bulk waste container (dumpster) location, and landscaping or buffer plans
 - Location of landscaping and buffering
 - If more than one motor vehicle use exists on the property, include on the plan the portion of the property devoted to each use, including the parking spaces dedicated to each use

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- ✓ All departments will be given at least 21 days, after the application is received by the City Clerk and forwarded to appropriate departments, to respond to City Council
 - ✓ A report from the Planning Department, declaring the maximum number of vehicles allowed must be provided at the time of the public hearing
 - ✓ The applicant is responsible for paying the cost of advertising the public hearing

Please note:

All Special Permits are subject to a 20 day appeal period. Therefore, after the full City Council votes on the Special Permit the 20 day appeal period begins.

(According to MGL Ch. 40A, Sec. 11: A special permit...shall not take effect until a copy of the decision bearing the certification of the city or town clerk that 20 days have elapsed after the decision has been filed in the office of the city or town clerk and either that no appeal has been filed or the appeal has been filed within such time...is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. After Special Permit has been approved favorably by the full City Council)

- (*After the 20 day appeal period is over*) applicant must file the Special Permit at the Hampden County Registry of Deeds.
- After receiving a special permit from the city council, and recording it with the Registry of Deeds, a license to operate the motor vehicle repair garage for one year must be obtained from the license commission, as well as any other necessary business permits and/or licenses.

Sec. 22-131. - Repairman license; inspection of premises and records; registration as hazardous waste generator.

- (a) *License required.* No person shall engage in business as a repairman unless said person holds the necessary license issued by the license board.
 - (1) A *repairman* shall be defined as any person who is principally engaged in the business of repairing, altering, reconditioning, equipping or towing motor vehicles or trailers for the public and who maintains an established place of business, as defined in M.G.L.A. c. 90, § 1.
 - (2) For purposes of this section, those engaged in autobody painting and autobody repair shall be classified as a repairman.
- (b) *License fees.* The license board shall establish uniform and reasonable fees pursuant to M.G.L.A. c. 40, § 22F.
- (c) *Rules and regulations.* The license board may prescribe reasonable rules and regulations pertaining to a repairman's license as the license board deems necessary.
- (d) *Inspections.* The license board or such person as it may designate, or the chief of police, may enter upon any premises used by any person licensed under this section to ascertain how he conducts same and examine all books, papers and inventories related thereto.
- (e) *Registration as hazardous waste generator.* All applicants for a motor vehicle repair license must register with the state department of environmental protection in accordance with Code of Massachusetts Regulations 310 CMR 30.061(1). Proof of registration must be presented to the license commission, with a copy to the ordinance committee of the city council prior to the issuance of the license.

(Ord. of 12-18-07 [5th amd.], § 1)