A case history in zoning: the Holyoke, Massachusetts experience.

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A CASE HISTORY IN ZONING: 
THE HOLYOKE, MASSACHUSETTS 
EXPERIENCE 

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A CASE HISTORY IN ZONING:
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by

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PREFACE

When I undertook this project, I did so with a vague realization that I would be operating under something of a handicap. Municipal records are not nearly as well kept as are the records of the higher echelons of government. Municipal service has not to date attracted the type of career employee who is often found at other levels of government and who works through various political periods. I soon learned, however, that the information which was available from public records was even less than I had expected. Fortunately, I also found that the people who have been involved with the zoning ordinances in Holyoke were, whether now in or out, always willing to help me. This study would not have been possible had it not been for the splendid cooperation I received from these people. The files of the Holyoke Transcript-Telegram were an unparalleled source of information without which my task would have been hopeless. Though I am certain I must have become a terribly familiar sight, I was always welcomed and generously given every measure of assistance by the staff of the Transcript-Telegram.

I want to especially thank William J. Dunn, Chairman of the Holyoke Planning Board for the many times he allowed me to interrupt his busy work day to discuss the subjects of planning and zoning in Holyoke. Francis Mackay, Planning
Engineer for the Planning Board, was always willing to discuss my problems with me and to help me in any way possible. Mrs. Eleanor Murphy, secretary to the Planning Board, most graciously allowed me full access to her records and notes. James Shea, Assistant City Clerk, guided me through the records of the Clerk's office and was invaluable in helping me through that maze. Tom O'Donnell, Clerk of Committees of the Board of Aldermen, generously spent a good deal of his time with me, and for me, checking the records of the aldermanic committee meetings. Others to whom I am indebted are: Austin Kenifeck, Chairman of the Board of Appeals; Douglas Ferguson, President, Board of Aldermen; William Millane and John Driscoll, former members and former chairmen of the Planning Board; Conrad Hemond, former Executive Director Holyoke Chamber of Commerce; the present staff of the Chamber of Commerce; George V. Wallace, President of the Hadley Falls Trust Company; and Mayor Samuel Resnic.
INTRODUCTION

During the decade 1910 - 1920, the United States changed from a nation which was basically rural to one in which a majority of the people lived in urban areas. Today two-thirds of our citizens live in communities of more than 2,500 people: and the rate of change is actually increasing as the suburbs continue to spread out from the central cities. This spread of urbanization has unfortunately been accompanied by an extension of urban blight and decay. Public officials at all levels of government increasingly aware of the problem have taken a series of steps designed to cope with and eventually eliminate it. They find that their most effective tools are contained in a program of sound municipal planning.

As originally conceived municipal planning was concerned only with the development of the "city beautiful". In recent years its scope has been expanded to include social, economic and governmental problems as well as the purely physical. The broad objectives of city planning today are to develop the resources of the community in such a way that the health, safety, convenience and general welfare of the public are maximized. The planner attempts to co-ordinate and to bring into harmony the social, economic and political aspects of the community through the power of
the municipal government, so that the neighborhood becomes, or remains, an attractive place in which to live and work.

The planner in his study of the community attempts what is known as a Master Plan. This master plan usually contains at least these three parts:

1. "WHAT DO YOU HAVE?" a land use study which catalogs all the uses to which the land in the community is being utilized at the time the study is taking place.

2. "WHAT DO YOU WANT?" a land use study which estimates the "ideal" use for all land in the community and which projects the needs of the community into the future.

3. "HOW CAN YOU ACHIEVE IT?" This is a complicated phase of the master plan, but for our purposes the first essential is a zoning ordinance which establishes districts in each of which land uses are regulated. The assembly of such districts will in time result in the community's land use pattern following the "ideal" as proposed in step 2.

Competent planning cannot be achieved without due regard for the zoning phase. Through the use of the zoning ordinance the community attempts to insure that each new land use makes a contribution towards transforming the present community into a better one. The regulations may be compared

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1For our purposes I am citing only the land use aspect of the Master Plan. A full study would also include such things as: population forecasting, economic base study, traffic flow patterns, educational and other community facilities requirements, and financing.
with the blueprints used in building a house: Just as the house is composed of rooms, each of which is intended for a specific use, so do the zoning districts combine to form the city.

Because the zoning ordinance has such great potential value to a community, it is unfortunate that it is probably the least understood and most misused of all municipal powers and rights. The average citizen knows little of and cares less for the provisions of his local zoning ordinance. If at any time he thinks his rights are in jeopardy he is apt to go off, poorly prepared and with objections which are irrevalent, to any public hearing in which he may be involved. He may have good reason for objecting to a proposed change, but if he is not interested enough to know the law he will probably be unsuccessful. On the other hand, it also happens that a vociferous minority may band together and by objecting to a move for personal reasons, thwart the public officials from acting for the public good.

Misunderstanding and pure ignorance of local zoning regulations are not limited to the general public. In far too many cases the local officials who are entrusted with the development and enforcement of zoning, through a combination of misunderstanding, ignorance and fear, close their eyes to the needs of the community. When sorely needed changes are discussed they either definitely refuse to act, or delay and hesitate unnecessarily before doing so. In other cases the delay and hesitation may be caused by local officials who are seeking their own personal ends. They have no desire
for any change that will block their own aims. They seek or effect moves only for their own aggrandizement.

Unfamiliarity with the zoning ordinance extends also to the builders and developers of the community. This unfamiliarity may however be an affected pose used in an attempt to disregard or to bypass certain provisions of the zoning regulations. In either case it does not speak well of the type of people who are developing our communities. Too often the minimum requirements set by the planning board are used as the sole criterion for development.

The focus of this study is the subject of zoning in the City of Holyoke, Massachusetts. I have chosen Holyoke for the purpose of this study for three reasons:

1. It is the city of my birth and has been my home all my life, a community with which I am thoroughly familiar, and one in which I have a number of personal acquaintances who have been willing to assist me in securing information necessary to this project.

2. It is a community with all the problems incidental to modern urban communities, yet is small enough to be handled in a study of this kind.

3. It is within easy commuting distance of Amherst, enabling me to work on this project, yet remain in close contact with the advisory committee.
CHAPTER I

THE METROPOLITAN REGION

In order to understand Holyoke and its zoning, it is necessary to know something about the metropolitan area of which it is a part. No community is entirely self-contained. Municipal growth and economic development and influence seldom stop at the invisible line known as the municipal boundary. Holyoke is no exception to this rule; it is an integral part of the Springfield-Holyoke Metropolitan Area and an understanding of the larger area is basic to an understanding of Holyoke.

The Springfield-Holyoke Standard Metropolitan Area, as defined by the 1950 federal census, ranks 42nd in the nation, and second in the state in numbers of people, with a total population of 407,255.¹ The area comprises 13 municipalities in the counties of Hampshire and Hampden in southwestern Massachusetts: the cities of Chicopee, Holyoke, Northampton, Springfield and Westfield, and the towns of Agawam, Easthampton, East Longmeadow, Longmeadow, Ludlow, South Hadley, West Springfield and Wilbraham.²


²Enfield, Conn., considered part of this Metropolitan Area for some purposes, is not included in this study, as the source of the data did not include it.

- 5 -
It has a total land area of 299.82 square miles and a population density of 1361 persons per square mile.\(^3\)

**PHYSICAL SETTING:**

The Springfield-Holyoke Metropolitan Area lies within one of the major physiographic units of the New England region: the Connecticut River Valley Lowlands. The area extends along its east-west axis from the edge of the Eastern Uplands in Wilbraham to the foot of the Berkshire Hills in Westfield, along the courses of two of the major tributaries to the Connecticut River: the Chicopee and the Westfield Rivers. The Chicopee River enters the valley through a ridge with elevations up to 600 feet above mean sea level, and the Westfield River through a ridge with elevations of up to 1100 feet above mean sea level. Through this gap run the two major east-west highways which transverse the State: U. S. Route 20 and the Massachusetts Turnpike; also the tracks of the Boston & Albany Railroad. Along this axis the maximum distance is approximately 20 miles. The north-south axis of the metropolitan area is the Connecticut River, and along its banks run the tracks of the Boston & Maine Railroad and U. S. Route 5—the main highway to the north and south. This axis is approximately 30 miles in length.

The Springfield-Holyoke Metropolitan Area holds "a strategic position in the traffic of the New England States with New York and the West".\(^4\) It is located approximately

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\(^3\) Monograph for Holyoke-Springfield Metropolitan Area, Mass. Dept. of Commerce February, 1959.

\(^4\) Massachusetts; Federal Writers' Project Houghton Mifflin 1937 p. 102
100 miles from the port of Boston, within 150 miles of New York City, and on the main routes to Albany and to Montreal. Its location makes it important as a marketing and distribution center for a wide area. Interstate Highway 91, now partially completed and scheduled to be opened through the Commonwealth by 1965, will run through the region slightly to the west of present Route 5. The completion of this route will place the metropolitan area at the junction of the main through routes east and west and north and south.

**ECONOMIC BASE:**

The Springfield-Holyoke Metropolitan Area has a well-balanced economic base with diversified industries and flourishing mercantile establishments. It is second only to metropolitan Boston in sustaining the economy of the Commonwealth. The Massachusetts Division of Employment Security reported in 1957 that the area had 8451 firms with an annual payroll of $551,468,000 and a November employment roll of 131,060. The core cities of Springfield and Holyoke had 62.4% of the area's firms, 64.9% of the annual payroll, and 65.1% of the November employment. Manufacturing, with 51.9% of the area's employed labor force is by far the largest source of employment. The trade industry with 24.3% of the total employment is the second most important. The manufacture of machinery with less than 10% of the total number of employed persons was the largest single manufacturing

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5 Monograph for Holyoke-Springfield Metropolitan Area.
group in 1957. The extent of the diversification in the area would seem to be a stabilizing factor in the economy of the region against business fluctuations.

SOCIAL ASPECTS:

During the decade 1945-55, the population of the metropolitan area increased by 10.1% for a net gain of 37,419 persons. This increase was due to a balance of births over deaths of 45,755 and a loss due to out migration of 8,336. The total population as of January 1, 1955 was 408,105. Of this number 50.4% were females and 49.6% were males. Breaking down the 1950 population, we find that native-born whites numbered 340,654, foreign-born whites 59,142, negroes 7,256, and there were classified as "other" 203.

Of the foreign-born persons, the largest nationality groups were: 19.2% Canadian French, 19.2% Polish, 13.1% Italians, 10.6% Irish, 5.8% Non-French Canadians.

The median number of school years completed for persons 25 years old and over was 10.5. The median income for families and unrelated individuals was $3,036. Of the 318,425 persons 14 years old and over, 54.7% were in the civilian labor force. Males accounted for 67.3% of this number. The median age of the population was 32.9 years.

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6 Monograph for Springfield-Holyoke Metropolitan Area.
7 Ibid.
ZONING:

All thirteen of the municipalities in the metropolitan area have established zoning regulations. There is however a considerable degree of variation in the regulations established. For example, Springfield and Chicopee do not have minimum lot sizes in their residential districts. Holyoke, Westfield and Northampton have minimums of 6000 square feet, in Wilbraham the minimum is 30,000 square feet. Most of the land in Holyoke, Springfield, West Springfield, Northampton and Chicopee is zoned for lots of less than 9999 square feet. The towns of Agawam and Longmeadow have zoned most of their land for lots of 15-20,000 square feet. In its residential section, the town of South Hadley is zoned largely for multi-family dwellings, but where single-family residence areas are described 15-20,000 square-foot lots predominate.

In Holyoke, Easthampton and West Springfield the industrial sections are well confined and do not conflict with other land uses. In Springfield, Northampton, Westfield and Chicopee, however, the industrial areas are widely scattered and not all localized. The town of Ludlow appears to be almost entirely zoned for business and light industry, while in Longmeadow there are no areas at all zoned for industry. The preceding has been an attempt to give the reader

8 Monograph for Springfield-Holyoke Metropolitan Area.

9 Information obtained from a map prepared by Klar & Brown Planning Consultants in 1957 for the Springfield Metropolitan Planning Council.
at least a nodding acquaintance with the general characteristics of the Springfield-Holyoke Metropolitan Area. Many other facts concerning the region could be cited, but for the purpose of this study the foregoing should be a sufficient frame of reference with which to look at Holyoke.

In any kind of endeavor it is usually best to start at the beginning and it is to the beginnings of Holyoke to which we shall now turn. The purpose of the next section is to describe how the city got to be the way it is so that we may be in a better position to judge the present day activities with a due understanding for the past.
CHAPTER II

THE CITY OF HOLYOKE

HISTORY

Beginning about 1634-35, a number of the inhabitants of the towns of Cambridge, Dorchester, Watertown, and Roxbury, feeling "the Massachusetts Colony was become like an hive overstocked with bees..." extended further into the country. William Pynchon, one of the patentees named in the Massachusetts Bay Colony Charter of 1628, led a group of these settlers from the town of Roxbury to a site he had selected approximately 100 miles west of the bay, on the bank of the Connecticut River—a place called "Agaam". There a settlement was made and a warehouse and wharf constructed for the purpose of trade with the Indians. Out of this settlement grew the towns of Agawam and Springfield—from them, the town of West Springfield, a part of which—Ireland Parish—became Holyoke.²

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²The boundaries of Springfield, indefinite from the first, were enlarged from time to time until they included portions of Westfield and Southwick, the whole of West Springfield, the present territories of Springfield, Chicopee, Wilbraham, Ludlow, Longmeadow, Holyoke; and Enfield and Somers in Connecticut.
Although the earliest settlers in the region came primarily to trade with the Indians, the fertile lands which surrounded them led them almost immediately into land cultivation. The valley soil, due to its proximity to the river with its periodic overflow, proved so bountiful as to be more than ample for the settlers' own needs, and corn, in addition to furs, was an early export commodity.\(^3\)

Twenty-five years elapsed after the first valley settlement was established before the first grant of land was made in the area known today as Holyoke. In 1660, 24 acres "about halfe a mile below the higher falls in the Great River" were assigned when the more accessible lots to the main settlement had all been granted.\(^4\) In 1663 another parcel of land in that same area was assigned to an Irish Protestant, John Riley, and out of deference to his nationality the region was soon commonly referred to as "Ireland Parish". As late as 1729 only six families are known to have lived in the area, and they "forted together at night out of fear of Indians".\(^5\) A list of the polls of the Fifth Parish of Springfield in 1760 shows just under 40 on the west side of the river (Holyoke) 100 years after the first grant was made in that area.\(^6\)

\(^3\)Green, Constance M. HOLYOKE Yale Historical Series, New Haven, Conn. 1939 p. 2

\(^4\)Ibid. p. 2


\(^6\)Springfield Town Records Quoted in Green p. 5
In 1773 an act was passed by the General Court of the Commonwealth cutting off from Springfield proper all lands on the west side of the river, and establishing the town of West Springfield. Under this division, Holyoke lands were considered a part of West Springfield, but for ecclesiastic purposes it was still a part of the Fifth Parish of Springfield and united for this purpose with Chicopee, across the river. In 1792 the petition of the Ireland residents for separation was finally granted, and they became officially the Third or North Parish of West Springfield.  

Life in the little village of Ireland was simple and changed little during the course of its first 100 years. Not until after the conclusion of the Revolutionary War did it change at all. The tilling of the soil, the care and tending of livestock, the improvement of farm dwellings, and the annual spring fishing near the "Great Falls" constituted a routine into which the early inhabitants comfortably settled.  

During the years following the American Revolution a number of small businesses were established in the parish: A sawmill began its operation in 1783, and a corn mill shortly thereafter. In 1785 Abner Miller built an inn on the "main road to Hanover and Dartmouth College" which became a popular stopping point for both north- and south-bound  

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7Under early Massachusetts Law, a parish was actually a civil division of the Commonwealth, with territorial bounds strictly marked and duties clearly defined. A parish held elections for parish office and levied taxes upon the inhabitants. Each parish was required to elect and maintain a Minister to attend to the spiritual needs of the community.
Figure 2

MAP OF IRELAND PARISH 1831
travelers. In the ensuing years a tannery, a blacksmith shop, a shingle cutter, a cider mill, and a part-time clock manufactory were all established in the parish, and a good part of the grain which was grown in this area found its way into strong drink through the distilleries which were also located here. Despite this seeming growth of industry and trade, Ireland Parish actually contained only those industries which were essential for any remote community in those days of slow travel and poor communications.\(^8\)

The natural advantages of Holyoke's location by the "higher falls in the Great River" failed to attract any significant industrial growth to the community until the middle of the 19th century. Prior to that time several minor attempts were made to harness the river for industrial purposes. In each of these, however, the power derived was of limited use, and no great establishments arose.\(^9\)

In 1847, a group of Boston financiers who had already made their fortunes through the development of industrial communities along the Merrimack River (Lowell and Lawrence) petitioned the Legislature to be incorporated as the Hadley Falls Company....

"for the purpose of constructing and maintaining a dam across the Connecticut River, and one or

\(^8\)Harper p. 15, Green p. 9, 10.

more locks and canals in connection with the said dam; and of creating a water power, to be used by said corporation for manufacturing articles from cotton, wool, iron, wood, and other materials, and to be sold or leased to other persons and corporations, to be used for manufacturing or mechanical purposes, and also for the purpose of navigation.\(^\text{10}\)

The capital stock of the new corporation was fixed at four million dollars, and authority was given to hold real estate. In the stockholders' report of 1853 these reasons are given for the selection of the Hadley Falls location for development:

"The river at this place makes a large semicircular curve, the falls being situated at the beginning of the bend. The land enclosed by the river affords a clear and plane space for the erection of factory buildings, to the west of which the ground rises by a gentle elevation, affording admirable sites for the erection of houses. This spot, moreover, now known by the name of Holyoke, was distant but eight miles by railroad from Springfield, the great railroad center of western Massachusetts; whence Boston, New York, and Albany can all be reached in half a day, and Philadelphia or Baltimore, Buffalo and Montreal in one day more. The ground was as yet unoccupied by any dwellings--thus giving a fair field for beginning operations."\(^\text{11}\)

Following the establishment of the Hadley Falls Co., the directors and management of the corporation purchased

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\(^\text{10}\) Report of the History and Present Condition of the Hadley Falls Co., Holyoke, 1853. p. 5

\(^\text{11}\) Ibid. p. 6
over 1100 acres of land, including nearly all of the prom-
entory within the bend of the river and adjacent tracks upon
the rising ground. A dam was begun almost immediately,
and on November 16, 1948, the gates were closed and the
waters of the "Great River" began to well up behind. But
the waters of the Connecticut were not willing to be harnessed
so easily, and late that same afternoon the Treasurer of the
company sent his now famous message to his superiors at
Boston: "DAM GONE TO HELL BY WAY OF WILLIMANSETT".

In April of 1849, as soon as the weather permitted,
work was begun on a new dam, and it was completed in October
of that year. The new dam, built under a "very different
and much stronger plan", proved solid, and long after the
stone dam was completed in 1900, at low water the old wooden
dam could still be seen rising above the surface.

The plan of the new city was conceived and developed
as a whole by the engineers of the Hadley Falls Company.
It involved not only industrial sites but community and
residential planning as well. The company undertook to
build not only the dam and gate house, the locks and canals,
but the factories, machine shops, tenements, the water sup-
ply system, gas plant, sewerage system, fire department, and
schools as well. The plan of Holyoke, shown in the 1853
report of the Hadley Falls Company, is easily recognized as
the skeleton of the Holyoke of today, without the additional

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12 Holyoke Town and City from its Earliest Days to 1895. 100th Anniv. Edition Holyoke Transcript-Telegram.
growth the years have brought to the city. (Fig. 3)

The directors of the Hadley Falls Company were cotton barons, and were determined to make Holyoke into a textile city. When men interested in starting a paper mill in Holyoke approached them with regard to purchasing a site and power privileges, the Hadley Falls directors refused to negotiate because they were not interested in bringing into their city "any such small business as paper making". However, after the paper people had secured an option on a non-Hadley Falls Company piece of property, the directors relented and sold them land near the river for a mill site.\(^{13}\)

The directors were also unshakeable in their belief that Holyoke would very shortly become a teeming industrial center. This conviction was unfortunate, because it caused them to view the land which they controlled with such an inflated value for industrial development that they would not relinquish it for residential purpose except in very small amounts. In 1855 there were only 514 dwellings in the new city to accommodate 778 families. Brick blocks three and four stories high were the common place of dwelling in Holyoke, while in the surrounding towns single family residences predominated. The directors believed that a conservative estimate of the future population of Holyoke, based on the

\(^{13}\)Green p. 37.
The above engraving is a representation of the new Town of Holyoke, according to a plan of the "Hadley Falls Company." Nearly three years have elapsed since the foundation for a great Manufacturing City was laid in this place. Since that time great changes have been wrought, buildings of all kinds have been erected, and the population has rapidly increased. No place in the Union possesses greater natural advantages for carrying on a large manufacturing business than this town.

In the construction of the canals, it is so arranged that the whole Connecticut River can be used over twice. The water is first received from the pond into a main Canal through the gateways—thirteen in number—on the landward side of the dam. The length of this canal is 1,012 feet. It then diverges to the South, forming the upper canal, which is to be extended in a straight line to the length of 6,600 feet. Parallel with this canal, at the distance of 400 feet, runs the raceway, which receives the water as it comes through the wheels of the factories, which are to be placed between the canal and raceway, at the rate of one factory to every 250 feet, and carries it back to the head of the lower canal, to be used again, and then pass into the river. The length of the lower canal, which commences at the North end of raceway, when finished, is to be 9,500 feet. The width of the main canal is 110 feet, and designed for 20 feet depth of water. The width of the upper canal at the north end, is 140 feet; at the south end, 80 feet, and is designed for 15 feet depth of water. The fall to the raceway, which is the same dimensions as the canal, is 20 feet. The lower canal has a fall at the north end of 25 feet, increasing at the South end to 30 feet. It will be observed by referring to the plan that there is a canal leading from the lower end of the main canal into the raceway opposite. In this canal there is a lock with a 20 feet lift, and an overfall with a granite face. Between the gateway, at the dam, and the bank, navigation locks have been constructed, and by means of this canal, boats can pass from the river above into the lower canal. About 2,000 feet of the upper canal, sufficient for four mills, is now completed.

On the upper canal are designed to be placed 24 factories, each 268 feet long, 68 feet wide, and five stories high. On the lower canal, there are designed to be placed 30 of the same size. Each factory is to contain 18,432 spindles.

REFERENCES.

2.2.2. Boarding-house Blocks.
3.3.3. Mechanic Blocks.
4. Reservoir.
5. Hampden Square.
6. Railroad Station.
7. Office of Hadley Falls Co.
11. Saw Mill.
12. Old Cotton Mill.
13. Flour Mill.
15. Glasgow Mill.
16. Hotel.
17. Locks.
amount of mill powers\textsuperscript{14} available, would be 200,000, and they wanted to keep the land near the canals free for industrial sites.\textsuperscript{15} This fact was to be an important one in the overall land use pattern which shaped the present city.

The huge amount of money required to build the canals and to develop mill sites, in addition to the initial cost of the dam itself, was too much for the original Hadley Falls Company. In 1854, five years after its founding, it was necessary to split off the manufacturing unit (The Lyman Mills) in order to raise sufficient capital to keep the main company going.\textsuperscript{16} Business conditions in the country failed to improve sufficiently in the next few years to strengthen the company's position (through the sale of land and power), and in 1859, after having spent close to two million dollars in developing the "New City", the directors were forced to put the Hadley Falls Company up for public auction. Alfred Smith, a pioneer developer in the region who had sold a small

\textsuperscript{14}A word used to measure the amount of energy available in water power. It is a term hardly used outside of Holyoke yet it is inextricably woven into the fabric of this industrial city. Its technical definition as employed by the Holyoke Water Power Company is as follows: "every mill is declared to be the right during sixteen hours of the day to draw water from the nearest canal or water course of the grantor and through the land to be granted thirty-eight cubic feet per second at the upper fall when the head and fall there is twenty feet and a quantity inversely proportionate to the height at other falls."

\textsuperscript{15}\textsuperscript{15}H.F.C. Report p. 16.

\textsuperscript{16}Green pp. 36-38.
wing dam and mill to the Hadley Falls Company ten years earlier, purchased the whole of the real estate and water power rights of the company for $350,000, and shortly afterward the Holyoke Water Power Company was organized to take over the properties.17

As the new decade of the 60's dawned on Holyoke, the future began to brighten for the new community. The dam was already built and had proven to be strong enough to withstand the force of the river. The canal system was fully mapped out and some 60 per cent completed. The machine shop, built by the Hadley Falls Company, was still in operation, and was "capable of furnishing on the spot all of the machinery required for a first class mill from cellar to attic."18 Rumor was that the new owner of the shop, J. C. Whitten, had to refuse orders to the value of $1,000,000 in the first few months, business was so good.19 There were three cotton mills, two paper mills, and several small industries running in the town, as well as two banks, a newspaper, and a number of mercantile establishments.20 The population of the town had grown to 4,997 in the year 1860,—a gain of 1,752 in the ten years from 1850.

17Green pp.61-64.
19Green pp. 68.
20Green pp. 66.
During the years 1860-1900 the population of Holyoke multiplied nearly ten times, from just under 5,000 to over 45,000.\textsuperscript{21} The estimates of the original investors for a city of 200,000 seemed to be within reason as Holyoke moved on toward the new century.

In order that the power potential of the water impounded by the dam could be put to its fullest use, a canal system had been devised to bring water to a maximum number of industrial sites. This canal system consists of three levels with a total length of 4½ miles. (Figure 4). The river water enters the canals at the gatehouse by the dam and falls, from level to level, using the natural contour of the land, turning water wheels which operate machinery or electric generators.\textsuperscript{22} Some of the water is used as much as three different times as it passes through the canal system.\textsuperscript{23}

This combination of ample power for running the heavy machinery and the abundant supply of sufficiently pure wash water for the "half stuff" made Holyoke an ideal center for the manufacture of high grade paper.\textsuperscript{24} The availability of

\begin{itemize}
  \item Population figures: 1855--4639, 1865--5648, 1870--10733, 1875--16260, 1880--21915, 1885--27895, 1890--35674, 1900--45712
  \item This power amounted to over 28,000 kilowatts in 1950.
  \item "Dams on the Connecticut River near Holyoke."
  \item Green p. 74.
\end{itemize}
Figure 4

PATH OF HOLYOKE CANAL SYSTEM

Path Of Holyoke Canal System...4½ Miles, Dug With Pick, Shovel

THE HOLYOKE WATER POWER COMPANY'S 4½-mile canal system is outlined above in white. Several of the mill buildings along the canals have been there since the beginning of construction on the system. The canal waters, leased on a mill power basis by the Company, provide the power for hydro-electric units and water for processing uses, particularly paper making, in the individual mills. The Holyoke-Hadley bridge is at the lower right and the Holyoke Dam, which diverts the river water to the canals, is just above the bridge. The bridge itself, while not as historic as the dam and canal system, has served for 88 years. Built at a cost of $105,000 and opened in 1872, it was replaced in 1890 by a span 15 feet wider that used much of the original construction. In the plan shown above, the first level canal is the uppermost strip, the second level canal occupies most of the large loop below the first level canal, with the third level canal occupying a portion that includes the bend at the far left. Waterfalls carry the second level's waters to the third level.
wood pulp from the north, whence logs could be floated down the Connecticut River, and the rag waste available from the textile mills also contributed to the growth of Holyoke as a Paper City.

The paper mill started in 1855 by Joseph Parsons proved to be so successful that within ten years of its founding it had become the largest producer of writing and envelope paper in the United States. The quality of the paper and the perfection of its finish made it a well known and much sought after commodity.\(^{25}\) In rapid succession, a number of other mills for the production of paper were also established here: The Holyoke Paper Company was started in the early 1860's by a former foreman in the Parsons' mill. In 1865 the four Newton brothers, who were to become a major force in the growth and development of the local paper industry, began producing paper for collars and shirt fronts and found themselves with a rushing business. In March of 1865, the Whiting Paper Company was organized for the manufacture of high grade writing papers by a former clerk in the Holyoke Paper Company. During the next year and one-half five other companies were organized for the manufacture of paper, and mills for them were started.

One outstanding characteristic of the Holyoke paper concerns was that at least half of the capital invested in the mills came from Holyoke people, and most of the remainder from nearby Springfield. This was in marked contrast to the

\(^{25}\)Green p. 83.
financial backing of the Holyoke Water Power Company and of the early textile mills. One other characteristic worth mentioning is the apparent ease with which some of the top employees could, on the basis of their experience in the mill of another, obtain the backing necessary to begin a paper-making venture of their own. A number of Holyoke mills started in this way.

In 1878 Holyoke papers gained immense prestige and publicity when three local manufacturers were awarded top prizes at the International Exposition in Paris. Holyoke, by then producing nearly 150 tons of paper a day, became known as the Paper City of the world. When Tiffany & Co. of New York placed their order for fine papers with Whiting & Co. of Holyoke in the early 1880's, rather than with a foreign manufacturer, it was the culmination of a long struggle for recognition at home of the superior quality of Holyoke papers.

In addition to the paper manufacturers who began their operations during this period, a number of other firms were established here by the 1880's. Outstanding among these firms were the Farr Alpaca Company, Wm. Skinner & Co., the Germania Mills, and the Merrick Thread Co. These plants and the Lyman Mills were among the leading employers in the town for many years. Textiles did not cease to be important

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26 Harper History of Holyoke p. 53.
27 Green pp. 146-47.
to the town even as the paper making industry increased in its importance.

At the same time that Holyoke was reaching up towards its highest level in population and industry, factors were already at work which eventually turned the tide against it and halted the growth which had marked Holyoke throughout its short life as a city. During the 1880's the Holyoke Water Power Company, realizing that its permanent mill powers were nearly all sold, embarked on a program of selling non-permanent mill powers. These were rights to power only after the permanent mill powers had all been supplied. Such powers were of course far less satisfactory, and for manufacturers who were thinking of building in Holyoke it was discouraging news. In addition to this policy which affected new industries, the Water Power Company also began a policy which was to disturb those industries which were already located here: The mills which were located along the canals were all granted by indenture a certain number of "mill powers". Prior to this period the Holyoke Water Power Company had had no effective way to measure the actual number of mill powers being used. In the early 1880's, however, new gauges were developed which did measure this commodity, and the Company began to charge a much higher rate than the users felt was justified for power used in excess of the indentures. They protested, but in vain.28

The second factor adversely affecting the city's growth

28 Green pp. 151-52.
was the development of electric power. With this development the location of mills along the canal banks were not so important as before. Real estate dealers of the time reported that the Holyoke Water Power Company would then sell only at inflated rates land which was formerly offered at moderate cost. Because the Power Company was able to sell power outside of the city or in it, the land sales were of secondary importance to them. However, the peculiar advantage which Holyoke had enjoyed until this time now largely disappeared.²⁹

The third factor which worked against Holyoke was the rise of the trusts. In midsummer of 1899 the American Writing Paper Company was organized in New Jersey with twenty-five mills, sixteen of them located in Holyoke. Competent observers have stated that there was reason to believe that this trust could have become as dominant and as successful in its field as United States Steel was in its domain if the paper mills were properly organized. Unfortunately, unlike other trusts this one was not formed by people in the industry, but by financial interests. The management of the corporation was not sufficiently forceful and competent, and the Company failed to realize the greatness envisioned for it. The effects on Holyoke, however, were substantial, in reduced working hours, due to some consolidation in the plants, and a loss of revenue through purchases made by the concern outside the city.³⁰

²⁹Green pp. 243-45.
³⁰Green pp. 188-95.
The thread plant of Timothy Merrick, who had resisted all efforts of the big thread combines for merger, was sold in 1898 by his heirs to the American Thread Company, and while this had little effect on the city immediately, in the longer run it was detrimental to the economic health of the community.

The third Holyoke involvement with the trusts was the absorption of the Deane Steam Pump Company into the International Pump Company. Although this made little difference at the time, as was the case with the thread mill, in later years the Holyoke plant was closed by the absentee owners of the company, in favor of the more efficient and economical operation of non-Holyoke holdings of the trust.

Holyoke's rapid population growth was due to a continuous flow of immigrants into the community. Irish immigrants had entered the region to build the Connecticut River Railroad and had stayed to build the dam and canals and to work in the factories. With the rise of the cotton industries in the city a concentrated effort was made to bring other persons into the community. Wagon trains were sent out to recruit and to bring French Canadians into Holyoke. Skilled weavers were imported for the mills from England and Scotland. The growth of woolen manufacturing in the city brought in skilled labor from Germany due to the recruiting of the Stursberg family, founders of the Germania Mills. Down to the 1900's these groups were the most significant elements in the population. In 1875 Holyoke had the largest percentage of foreign-born population of any city in Massachusetts,
By 1890 Holyoke's percentage of foreign-born had shrunk to 47.67%, but this was exceeded only by Duluth, Minnesota's ... 48.17%, and Fall River, Massachusetts with 50.15%.

By the end of the century seven other American cities had larger percentages of foreign-born persons than Holyoke. 31

The housing problem in Holyoke in 1880, due in part to the previously cited land sale policy of the Holyoke Water Power Company, was more acute in only two cities in the nation. New York City had 16.31 persons per building Hoboken, N. J. had 11.5 and Holyoke had 10.52.

By 1900 Holyoke had slipped to fourth in the ratings while its population density had actually increased. Manhattan and the Bronx with 20.4 persons per building Hoboken, N. J. with 14.2 and Fall River, Mass. with 11.0 exceeded Holyoke's 10.9. 32

The first twenty years of the new century saw Holyoke reach its high water mark in population before it began to recede slowly from that peak. In 1918 a population of over 63,000 was officially estimated for Holyoke, but by the 1920 census the population had dropped to 60,203. World War I had greatly increased production and profits, but almost immediately after the signing of the armistice business

31 Green pp. 366-68.


conditions turned downward. The ensuing years brought a series of disappointments to the city. In 1923, the American Writing Paper Company, poorly organized and badly managed from the start, failed, and under its reorganization operated only seven of its former sixteen Holyoke mills.\footnote{Green p. 392.}

The Farr Alpaca Company, at the peak of its success employing over 4000 persons and turning out over fifty miles of finished goods a day, came upon adverse conditions and finally liquidated.\footnote{Harper pp. 60-61.} The Lyman Mills were liquidated in 1927, not only because of poor business conditions, but because investors learned that over $200 could be realized on each $100 par value share of stock. Nearly 1100 operators were thrown out of work as a result. Once again the sturdy day-in and day-out workers of Holyoke had felt the powers of the trusts and absentee ownership.

While this is not a complete listing of the business failures of the 20's and 30's, it does illustrate how bleak the situation had become following the early successes of this century. These firms had been among the leading employers of the city for many years. The gap which they left was not easy to fill.

The Germania Mills, producing heavy overcoating materials, were faced with the advent and widespread use of the closed automobile, which practically eliminated the market for heavy overcoats. In 1931 it reorganized as The Livingston
Worsted Mills, manufacturing mens wear worsted suitings, and they are today one of the very few independent worsted manufacturers in the United States, supplying most of the top-ranking clothing manufacturers of the country. It is good to note that this concern is still owned and operated by the Stursberg family who founded it—now in its fourth generation.

Holyoke was never really a one-industry town. Even at the peak of its fame as the Paper City four textile mills were the largest individual employers in the city, each employing 1000 or more workers, and the machine shops had been an important factor in the city's growth from the time of the establishment of the first shops of the old Hadley Falls Company. Nevertheless Holyoke suffered from the overdependence of its economy on the two industries, paper and textiles, after the reasons for their locating in the city had ceased to exist. In the years following the depression of the 1930's, attempts were made to diversify the Holyoke economy.

In 1925 the population recorded in the Massachusetts Decennial Census was 60,335...approximately the same figure which had been recorded in the Federal Census of 1920. This period of leveling off of population preceded a period of gradual decline. Since 1940 the population has again leveled off and remained nearly constant at approximately 53,000.

In the fifteen years from 1925 to 1940 the population of Holyoke decreased by nearly 7000 to 53,750. During this
same period the population of Granby and South Hadley, Massachusetts (the neighboring towns often assumed to have benefited most by Holyoke's decline) remained relatively stable. The two towns increased in total by only 375 persons hardly enough to achieve a proper balance of births over deaths in the two towns. This being the case, it must be assumed that during this period there was a net out-migration from Holyoke of better than 10% of its population. This percentage has apparently been lost forever to the city, these people having in all likelihood relocated beyond the city's economic reach.

Although the population has remained relatively stable in the twenty years since 1940, it does not necessarily follow that the city has remained relatively stable economically as well. The two towns mentioned have together more than doubled in size between 1940 and 1960, for a total increase to 1960 of 11,217.

The population of Granby in 1940 was 1085. South Hadley numbered 6856. Preliminary 1960 Census figures give Granby 4227, South Hadley 14,925. The final figures for 1960 are not yet available, but the preliminary figures used here are close enough to illustrate the magnitude of the change. Some of this increase in population can of course be attributed to factors other than the economic climate of Holyoke. At least some part of this growth may be ascribed to Westover Air Force Base. There are a number of persons, both civilian and military, employed there who reside in these two towns. Nevertheless it is generally accepted by
competent observers that the major portion of this growth is the result of former Holyokers seeking to move out from the overcrowded living conditions in Holyoke to obtain land, light and air.

In large measure the move was made possible by the increased wages paid, and was desirable for the individual families involved because of the lack of good homesites in Holyoke.

As the city's largest employers began to suffer economic difficulties, the Holyoke Water Power Company, still interested in selling its power and its land holdings, embarked on a program of "incubation" which was to do much to broaden the economic base of the city. Briefly, this policy consisted of bringing into the vacant space in the large mill buildings small firms which occupied only parts of the available space, and as a method of encouragement promoting these businesses until they could move into quarters of their own. This policy is still in operation today, now supervised by the Regional Business Development Corporation, an organization composed of the heads of the Holyoke Water Power Company, the Hadley Falls Trust Company, Daniel O'Connell's Sons Construction Company, the present Mayor, a leading lawyer, and a leading real estate dealer. Mr. George V. Wallace Jr., President of the Hadley Falls Trust Company, explains that the group has found it most beneficial to work with business existing within the community, and to aid and foster such growth.

Referring to the success of this policy, he says with
pride: "We have not lost a business yet." Among the businesses which have been nurtured in this way are the Adams Plastics Company, makers of Pakawood, and now a division of Ecko Products Company, and the Adell Chemical Company, now widely known as the makers of Lestoil and Lestare. The Regional Business Development Corporation sponsored the building of the Holyoke Industrial Park in the Springdale section of the city, which in less than ten years has been so successful that no land whatsoever remains in it for further expansion. As a result the Corporation has purchased some fifty acres of land adjacent to the proposed site of Route 91 and plans to promote the same objectives in that area.

Among the other industries worthy of note in Holyoke is the Paper conversion industry, which grew in the period of decline of the textile interests, and today counts as a leading source of employment in the city. Products such as greeting cards, gift wrapping paper, note books, journals, loose leaf folders, pads and magazines are produced by a number of Holyoke firms.

The industrial picture in Holyoke over the past fifty years shows the large concerns fluctuating from extreme high to extreme low. When the city was almost wholly dependent on the paper and the textile industries for its weekly income, there were some very distressing times experienced. Many of these large industries were forced to close down forever during the most recent of these low points. The smaller businesses, however, seem to have been here always, and to have kept the
back of this industrial city from breaking. The number of businesses in Holyoke has increased several times since 1920. Today there are approximately twenty per cent more people employed in the city than in 1929, with an annual payroll more than four times as large. The value of products shipped from Holyoke has increased by more than seventy-five per cent for the same period.

This concludes our discussion of the historical aspects of Holyoke's development. With this review of the past, we can now turn our attention to the present-day community. We shall discuss in some depth the type of community with which we are dealing in an attempt to further develop our frame of reference for the discussion of the zoning issue.

CONTEMPORARY SCENE

The city of Holyoke is located in Western Massachusetts on the west bank of the Connecticut River in the heart of industrial New England. It is bounded on the north by Easthampton, on the east by the Connecticut River, on the south by West Springfield, and on the west by Southampton and Westfield. The city has a total land area of 22.79 square miles, a greatest east-west extent of 5.12 miles, a greatest north-south extent of 9.25 miles, and a river frontage of 11.56 miles.

Holyoke's physical features are excellent for an industrial city: It is built upon a series of elevations which divide naturally into industrial, commercial, and residential districts. The first level of the city, running from the river west, approximately one-half mile, has the least slope
and is traversed by the three canals of the Holyoke Water Power Company, making it an ideal location for industrial sites. Above the canals, the ground rises more sharply to a second level approximately one-fifth mile wide which constitutes the commercial band of the city. From this level the city rises still more sharply in a series of elevations less general than the former two, and this area embodies the residential districts. In the western section of the city the ridges and elevations culminate in the Mt. Tom Range, the highest point of which is the peak of Mt. Tom 1,202 feet above mean sea level. The mountain range constitutes an area unsuitable for building purposes and reduces considerably the amount of the city's total land area which can be used for further industrial and residential growth. The Holyoke Planning Board estimates that the city is now approximately 40% "built up", but of the city's total of 19,894.3 acres, only 2500 acres of usable land remains, or less than 15% of the total, for all future residential, commercial, and industrial building sites. This is a relatively small area by today's standards, however, the Planning Board estimates that if the existing zoning regulations remain in force indefinitely the ultimate possible population for the city is 409,127. It should be readily apparent that zoning in Holyoke is a subject worthy of careful study. It is imperative that the local officials make the most beneficial use of the remaining land available, if the city is to prosper.

Currently the city is developing an urban renewal program
to regenerate and to revitalize the oldest sections of the city. The report of the urban renewal consultant to the city, Planning & Renewal Associates of Cambridge, Massachusetts, indicates that 10.08 percent of the total number of dwelling units in Holyoke are sub-standard, and that in one of the study areas consisting of 70 acres within a quarter-mile of the City Hall, 72.3 percent of the dwelling units are sub-standard. The city officials are moving in a direction which will reclaim these lands and enable them to put these parcels to the most appropriate uses.

Holyoke has rail, bus, and trucking service to nearby cities and through-connections for all three to New England, New York, and Canada. Holyoke is served by both the Boston & Maine and the New York, New Haven & Hartford Railroads. It is located on U. S. Highways 5 and 202 and on State Highways 141 and 116. The West Springfield Interchange for the Massachusetts Turnpike is located a half mile from the Holyoke line and new Interstate Highway 91 will provide interchanges at two or more locations in the city.

Municipal departments of the City of Holyoke provide gas, electric, and water service to all the residential and commercial users and to some industrial plants. In addition, the Holyoke Water Power Company provides power service to industrial users in the city.

Today Holyoke is a city of diversified industry. Though it still retains a large number of firms producing paper and paper products, other leading outputs include:

In 1957, 1272 firms reported to the Massachusetts Division of Employment Security they were doing business in Holyoke. These firms had a November employment of 19,649 persons and an annual payroll of $78,544,000. Manufacturing, with 11,692 employees or 59.5 per cent of the total number of those employed, was the largest source of employment in the city. The three principal types of manufacturers were: paper and paper products with 28 firms and 29.2 per cent of the number of manufacturing employees; printing, publishing and allied products with 32 firms and 20.7 per cent of the employees; and machinery manufacture with 21 firms and 15.8 per cent of those employed in manufacturing. The annual payrolls for these three

36 Information obtained from Holyoke Chamber of Commerce.
were: $14,594,000 for paper and paper products, $10,038,000 in the printing, publishing and allied products industry, and $10,155,000 in machinery manufacture.\textsuperscript{37}

Holyoke, with a population of 54,661 in 1950, ranged 211th in the nation and 17th in the state in numbers of people. During the decade 1945-55 the population decreased by 562. Since there was a balance of births over deaths of 5221 during this period this means there was an out-migration of 5783 persons during those ten years. This out-migration has apparently continued, at about the same rate, as the 1960 census listed 52,689 Holyoke residents compared to the 1955 census figure of 53,213.\textsuperscript{38}

Based on the 1950 census, 17.95 per cent of the population was other than native-born white; of this number,

30.3\% were of French-Canadian origin
17.6\% Polish
17.4\% Irish
5.8\% English
5.8\% Scottish
5.3\% German
3.6\% U.S.S.R's
3.2\% Canadian (non-French)
2.8\% Italian
8.2\% Other

<table>
<thead>
<tr>
<th>Median number of school years completed for persons 25 years and over.</th>
<th>Median age of population</th>
<th>Median income</th>
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<td>Holyoke . . . . . . . . . . 9.9</td>
<td>34.7</td>
<td>$2817</td>
</tr>
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<td>Springfield-Holyoke Metropolitan Area . . . . . . 10.5</td>
<td>32.9</td>
<td>3036</td>
</tr>
<tr>
<td>Massachusetts . . . . . . . 10.9</td>
<td>32.8</td>
<td>2909</td>
</tr>
<tr>
<td>United States . . . . . . . 9.3</td>
<td>30.2</td>
<td>1917</td>
</tr>
</tbody>
</table>

\textsuperscript{37} Monograph #6 City of Holyoke Mass. Dept. of Commerce.

Housing in Holyoke still bears the mark of the land-use policy of the early Water Power Company. Based on the 1950 census there were dwelling in structures containing more than three units:

<table>
<thead>
<tr>
<th></th>
<th>Holyoke</th>
<th>Metropolitan Area</th>
<th>Massachusetts</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling three units</td>
<td>63.08%</td>
<td>34.6</td>
<td>34.5</td>
<td>21</td>
</tr>
<tr>
<td>Dwelling five units</td>
<td>51.98%</td>
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<td></td>
<td>14.1</td>
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18.54% of the dwellings in Holyoke are single-unit detached structures.

<table>
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<th>Dwellings</th>
<th>Holyoke</th>
<th>Metropolitan Area</th>
<th>Massachusetts</th>
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<tr>
<td>37.97</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>40.5</td>
<td></td>
<td></td>
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<tr>
<td>64</td>
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Of the dwelling units, Holyoke had 25% owner-occupied and 75% rented.

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<tr>
<th></th>
<th>Metropolitan Area</th>
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<th>United States</th>
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</thead>
<tbody>
<tr>
<td>Owner-occupied</td>
<td>47.4</td>
<td>47.9</td>
<td>55</td>
</tr>
<tr>
<td>Rented</td>
<td>52.6</td>
<td>52.1</td>
<td>45</td>
</tr>
</tbody>
</table>

Also, the dwelling units in Holyoke are older than others:

<table>
<thead>
<tr>
<th></th>
<th>Holyoke</th>
<th>Metropolitan area</th>
<th>Massachusetts</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constructed prior to</td>
<td>76%</td>
<td>60.8</td>
<td>67.5</td>
<td>40</td>
</tr>
<tr>
<td>1919</td>
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Rents in Holyoke are slightly below the metropolitan area and the State figures; the median monthly rent being

- $27.35 for Holyoke
- 30.66 for Metropolitan Area
- 31.61 for Massachusetts
- 35.50 for United States

We have now discussed the city of Holyoke in three respects: (1) with reference to its place in the Holyoke-Springfield Metropolitan Area, (2) Historically, from its initial development as a planned industrial community down to the present day, and (3) in this section, as it is today.

Before discussing the subject of zoning in Holyoke, we
will turn our attention in the next chapter to a general look at the development of zoning in the United States and in the Commonwealth of Massachusetts. Zoning was slow to develop in this country and its legality was often in doubt. We will trace the manner in which it developed and became accepted by the general public and finally adopted by the city of Holyoke.
CHAPTER III

THE DEVELOPMENT OF ZONING

THE UNITED STATES

Zoning is the division of a city or town by authority of law into districts, in each of which order is expected to replace chaos by the prohibition of land uses which, though harmless in themselves, impair the public welfare by interfering with the devotion of the district to the use for which it is best suited. Zoning usually also includes restrictions on the size of lots, the height and bulk of buildings, and density with which land may be occupied—which varies in the different districts, so as to be appropriate to the uses permitted in each area.

While zoning was already rather firmly established in Europe as early as the 1880's, 1 the first legal basis for it was not established in the United States until 1885, when the California Supreme Court ruled in a case involving a Chinese laundry in the city of Modesta:

"The City of Modesta has authority under Section 11, Article II of the Constitution, to pass an ordinance prohibiting the carrying on of a public laundry or

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washhouse within the city limits, except within certain prescribed boundaries."\(^2\)

Encouraged by this decision of the Supreme Court of California, the cities of San Francisco, Sacramento, and Los Angeles soon enacted other ordinances restricting livery stables, saloons, slaughter houses, dance-halls, and other businesses which the municipal officials held to be nuisances.\(^3\) Restrictive legislation was also established in other states on the same basis as these early California laws.\(^4\)

In 1892, the citizens of Boston, aroused by the proposed construction of "skyscrapers" which would deprive abutting properties of light and air, established what has since been termed the first comprehensive zoning in the United States. This ordinance was attacked in the courts as unconstitutional but was upheld by both the Massachusetts and United States Supreme Courts.\(^5\)

In 1909 the city of Los Angeles passed the first of a series of regulations which by 1915 covered in one way or another all the city. This legislation resulted in the first really important decision on zoning in the United States. On May 15, 1913, in Ex Parte Hadacheck, the California Supreme Court upheld the decision of the lower courts which forced a


\(^3\) Ibid., p. 19.

\(^4\) Ibid., pp. 19-20.

brick kiln out of a residential area. They further stated that:

"The power of a municipality to regulate the carrying on of certain lawful occupations therein includes the power to confine the carrying on of the same to certain limits, wherever such restrictions may reasonably be found necessary to subserve the ends for which the police power exists, viz, to protect the public health, morals, safety and comfort."\(^6\)

The legislature of the State of New York in 1914 granted to the city of New York the power to pass comprehensive zoning regulations. Under this authority the city in 1916 established regulations which divided New York into districts according to height, bulk, and use of buildings with appropriate regulations for each district which differed from the other districts. Thus, the city of New York adopted the first complete set of zoning regulations in the United States.\(^7\)

Euclid, Ohio, a small village lying adjacent to the industrial area of the city of Cleveland, passed a comprehensive zoning ordinance in November of 1922 which completely districted the village. The Ambler Realty Company, feeling that this ordinance was an invasion of rights granted by the Constitution, attacked the ordinance in the courts, and the case finally reached the Supreme Court of the United States in October 1926. This case is often considered the Number One case in zoning because of the far-reaching statements which the Court

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\(^7\)"The Massachusetts Law of Planning & Zoning" Philip Nicholas Massachusetts Federation of Planning Boards, Boston 1943 p. 22.
made in stating its decision: Justice Sutherland, speaking for the majority, held that every community has the right and the duty to regulate its own character as long as that determination does not destroy the orderly growth of the community and of the nation. He further stated:

"The exclusion of places of business from residential districts is not a declaration that such places are nuisances or that they are to be suppressed as such, but it is a part of the general plan by which the city's territory is allotted to different uses in order to prevent, or at least to reduce, the congestion, disorder, and dangers which often inhere in unregulated municipal development."^8

Prior to this expression by the Court it was felt that in order to restrict land use some element of nuisance must be present. This aspect of the court's decision allowed a much greater refinement of zoning than had been thought possible.

By 1931 all forty-eight states had adopted legislation authorizing municipal zoning, and 70 per cent of the urban population lived in zoned communities. In the ensuing years additional communities throughout the nation have adopted zoning ordinances. The last nation-wide survey, made in 1936, listed 1,322 cities, towns, and villages with zoning ordinances. It was estimated that in 1946 over 1500 zoning ordinances were in effect in the United States.^^

The total number of communities in the United States


^^Lewis p. 262.
Today with some form of zoning regulations is probably close to 2000. The great building boom which began at the conclusion of World War II has radically changed the character of what once were small rural towns surrounding the more urban centers. Many of these communities have adopted zoning in order that they might more effectively control their growth and many other communities not yet touched by the "exploding metropolis" aware of the problems they are apt to face, have adopted zoning ordinances to protect themselves.

HISTORY OF MASSACHUSETTS ZONING

The city of Boston led the rest of the nation in adopting city-wide zoning regulations when it adopted in 1892 its ordinance prohibiting the erection of buildings beyond specified heights. This ordinance, revised in 1898 and again in 1904, was unique in that it set up different regulations for different sections of the city, and for this reason is considered one of the foundation stones of zoning in the United States.\(^\text{10}\) Despite this early lead, the development of comprehensive zoning in the Commonwealth did not come about until the latter half of the second decade of this century. In November, 1918, the citizens of Massachusetts accepted a constitutional amendment which gave the General Court the power "To limit buildings according to their use or construction to specified districts of cities and towns."\(^\text{11}\) A bill

\(^{10}\) Nicholas, pp. 147-8.

\(^{11}\) Constitution of 1922 Article LX.
which authorized the cities and towns to enact zoning ordinances and by-laws was passed by the General Court in 1920,\textsuperscript{12} and in 1924 a special act of the Legislature established zoning regulations for the city of Boston.\textsuperscript{13}

The acceptance of the enabling legislation by the local communities was rapid. There was some initial reaction against the regulations by the conservative land-holding class, which felt that it was an interference with their right to deal with their property in whatever manner they chose. In the end, however, even these people began to realize the advantages which were inherent in zoning, and in rapid succession a number of the cities and towns adopted zoning regulations. Holyoke, in 1923, was among the first communities in the State to join the march of progress.

The constitutionality of zoning in Massachusetts was assailed as soon as the first ordinances were put into effect, but in a series of decisions in 1924 the Massachusetts Supreme Court upheld the constitutionality of zoning.\textsuperscript{14}

The enabling legislation which authorizes zoning in the Commonwealth is known as Chapter 40A of the General Laws. Under this legislation, there are certain procedural steps

\textsuperscript{12}(Acts of 1920 Chapter 603)

\textsuperscript{13}(Acts of 1924 Chapter 488)

\textsuperscript{14}Inspector of Buildings of Lowell v Stoklosa 250 Mass. 52, 145 (1924); Spector v Building Inspector of Milton 250 Mass. 63, 68 (1924); Brett v Building Commissioner of Brookline 250 Mass. 73, 76 (1924).
which must be taken by the municipality in setting up the by-laws or ordinances, and of course the by-law or ordinance must contain certain provisions. In the case of towns, the by-law is subject to the approval of the Attorney General of the Commonwealth. Chapter 40A of the General Laws was enacted by Chapters 368 and 551 of the Acts of 1954, and became effective on August 1, 1954.

Chapter 40A replaced the previously existing zoning enabling legislation which was contained in Sections 25-30B of Chapter 40 of the General Laws, and is a completely revised and up-to-date version of the original legislation. Today over 215 separate municipal jurisdictions in the Commonwealth have zoning ordinances or by-laws. Although this represents only about two-thirds of the total number of municipalities in Massachusetts, it includes over 93 per cent of the population of the State. The unzoned communities now consist mostly of the small rural villages in the State which do not yet contain those factors of modern living which require strict regulations. With the increased spread of urban areas, however, even these once remote communities are being placed in a position in which they must soon adopt local regulations if they are to preserve their character.

The Division of Planning of the Massachusetts Department of Commerce acts as a clearing house for the 351 towns and cities of the Commonwealth in matters relating to planning and zoning. The division has prepared a number of pamphlets and other publications to aid the local communities in developing good zoning laws.
It is now time to turn to the development of the zoning ordinance in the city of Holyoke. The next section is divided into three parts which deal in turn with each of the zoning ordinances which have been in effect in Holyoke.

HOLYOKE ZONING

FIRST ORDINANCE

Central Holyoke, as we have noted in our brief history, was a completely engineered city, laid out on paper before it was settled and developed as an industrial community. The Hadley Falls Company and its successor, the Holyoke Water Power Company, owned most of the land included within the bend of the river, and through regulations on the sale of this land exercised an early form of zoning. While it is difficult to prove that they did in fact do this, officials of the Holyoke Water Power Company today do agree that very probably the originators did attempt to regulate in this way. Early maps of the area and the present layout of existing buildings would also tend to support this theory. Generally speaking, the industrial sites were confined to the area along the river bank and along the canals. Above this area was a band of commercial activity, and above that began the residential areas. There were, of course, mixed land uses with some overlap from each into the other areas. The early land sale agreements of the Holyoke Water Power Company and of its predecessor, the Hadley Falls Company, do contain certain restrictions on the use of the land. For example, a deed
granted to Lewis P. Bosworth dated March 29, 1849, contains the following provision:

"That the outside walls of all buildings erected in the premises fronting on Maple Street shall be constructed of brick or stone, and that no tavern or hotel, store, livery stable, fyre or furnace shall ever be erected or placed on the premises; and that no building or part of any building therein shall ever be used or occupied for the sale of spiritous liquors".15

The restriction that "the outside walls of all buildings erected be constructed of brick or stone" was a common one which can be found in a majority of the deeds of both companies.16 Deeds granted as late as 1916 on Suffolk and Linden Streets contain restrictions that nothing more than a two-family dwelling house could ever be constructed on the lots.17

It was not until 1921 or shortly after the first enabling legislation was passed that zoning became recognized in Holyoke, as a potential legal aid for the city to use to regulate its growth and development. The Holyoke Chamber of Commerce first proposed the idea of instituting a zoning ordinance in the city when it became apparent that the residential areas would soon "be invaded by undesirable structures."18 After discussion of the idea among the members of the Chamber, some

15Deed Book of the Hadley Falls Co., p. 32.

16Rumor is that the directors of the HWP Co. had a financial interest in a brick kiln.

17Holyoke Transcript July 8, 1922.

facts concerning zoning were drawn up by the Executive Director of the Chamber of Commerce and introduced into the Board of Aldermen by Alderman Frank Taylor. At the first meeting in 1922, a study order was accepted by the Board, and Aldermen O'Connell, Taylor, and Hurley with the City Solicitor and the City Engineer were appointed to the committee to take up the zoning proposition. The City Engineer was named in order to give the committee engineering information, and the City Solicitor to advise on the legality of the steps taken. At a meeting of the Board on February 7, 1922, the aldermen went on record as disapproving any plan to bring into the city outside professional consultants to do the zoning, feeling that local people could do the job as well as anyone. On April 18, 1922, an aldermanic order was introduced, dividing the city into two zones: "A", a restricted area for residence only, and "B", an unrestricted area. At the aldermanic meeting of May 17th a public hearing on the measure was set for June 20, 1922.

The Transcript reported on June 21st that "At the public hearing held on the measure all present were recorded in favor, although some objected to the sections as they were drawn." The order was returned to the Ordinance Committee so they might attempt to put into the order the comments of the

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19 Holyoke Transcript January 18, 1922.
20 Holyoke Transcript February 8, 1922.
21 Holyoke Transcript April 19, 1922.
people who spoke at the public hearing.\textsuperscript{22} On July 15th, a formal meeting of all interested parties was held in the Alder-dermanic Chamber in an attempt to iron out the differences between the parties.\textsuperscript{23}

At the first meeting of the full board following the summer recess, the revised ordinance proposal as drawn by the City Solicitor was returned to the Ordinance Committee for reconsideration.\textsuperscript{24} At the meeting of October 17, the committee gave a favorable report on the measure, and a new public hearing was set for November 21. The public hearing held November 21 resulted in the ordinance being returned to the Ordinance Committee for further study when the proposal was strenuously objected to by Urban Flemming of the Central Labor Union as catering to the "silk stocking crowd."\textsuperscript{25}

Meeting for the first time on January 16, 1923, the new Board referred the ordinance proposal on zoning to its ordinance committee for approval. Other action of the Board of Aldermen prevented the zoning question from rising again until the meeting of June 20th, when the date of August 7, 1923 was set for a third public hearing. About ten persons attended the hearing held that night. Conrad Hemond, Executive Director of the Chamber of Commerce, Nathan P. Avery, former Mayor of Holyoke and prominent local attorney, spoke

\begin{itemize}
\item[\textsuperscript{22}] Holyoke Transcript June 21, 1922.
\item[\textsuperscript{23}] Holyoke Transcript July 16, 1922.
\item[\textsuperscript{24}] Holyoke Transcript September 20, 1922.
\item[\textsuperscript{25}] Holyoke Transcript November 22, 1922.
\end{itemize}
in favor of the ordinance. No one was recorded in opposition. On September 4th the Board of Aldermen passed the ordinance through its first reading. On September 18, 1923 the Transcript reported:

"The new zoning ordinance which creates a restricted building area one-half mile west and 100 feet east of Northampton Street in the Highlands district, and includes the greater part of the Elmwood district, was made part of the City Ordinances at last night's meeting of the Board of Aldermen. After about one and one-half years of patient effort on the part of the Ordinance Committee, including several public hearings in which the matter was argued pro and con, the ordinance was enrolled and ordained by unanimous vote."

Alderman Frank Taylor, the sponsor of the original motion, took time to thank the members of the Board, and particularly the members of the Ordinance Committee, for their patient effort over the 18 months that the ordinance was under consideration.

Commenting editorially, the Transcript stated:

"At last a zoning ordinance! It may not be perfect, but it is an expression of the purpose of Holyoke to see to it that there is a little regulation on the kind of buildings that shall be erected in the residential section of the city."

This ordinance, designed as a "stop gap", to be in effect

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26 Holyoke Transcript August 8, 1923.
27 Holyoke Transcript September 5, 1923.
28 Holyoke Transcript September 19, 1923.
29 Holyoke Transcript September 19, 1923.
30 Holyoke Transcript September 19, 1923.
only until such time as a comprehensive zoning ordinance could be adopted, was to last until 1942 before the ordinance was finally revised. The story of the struggle to have accepted even as simple an ordinance as this one illustrates the strength of the opposition in the 1920's to any kind of regulation of the property rights of individuals. The concept of zoning was a new one, and the citizens accepted it reluctantly.

This initial step was designed to check the growth of commercial development along Northampton Street, which had been the site of some of the city's finest homes since the earliest days of its settlement. That it did not effectively stop commercial growth can clearly be seen today. Part of this area now is commonly referred to as "gasoline alley" by the local citizens. Public pressure was too strong to enable those sincerely interested in a strict zoning ordinance to zone effectively even that small area.

The period from 1923 to 1942 saw several attempts to draw up a forceful zoning ordinance, but the apathy of a majority of the Holyoke citizenry prevented it. In 1927 the only change to this ordinance came about when at the meeting of October 18, 1927, the Board accepted and passed through its first reading an amendment to increase the size of the residential area by "inclusion of a large section of land in outlying districts."\textsuperscript{31}

\textsuperscript{31} Holyoke Transcript-Telegram October 19, 1927.
SECOND ORDINANCE

Holyoke's first Planning Board was established in 1913 under Mayor John H. Woods. It consisted of the Mayor and President of the Board of Aldermen as ex officio members and three citizens appointed by the Mayor and confirmed by the Board of Aldermen. This board was authorized to make its own rules; to hold such hearings as might be deemed necessary; and to employ such assistants as authorized by the Board of Aldermen. Its duties, as described in the ordinance, were "To make careful studies of the resources, possibilities and needs of the city, particularly with reference to conditions injurious to the public health or otherwise injurious in and about rented buildings; and to make plans for the development of the municipality with special reference to the housing of its people."32

For many years the work of this board was hampered by the fact that its jurisdiction overlapped that of the Board of Survey, with the result that little or nothing was done by either board. In June of 1940 the Board of Aldermen combined the Board of Survey and the Planning Board, and the new board met for the first time on August 8, 1940. Using Works Progress Administration funds, the old Planning Board had sponsored a land-use survey of the city in 1939; and under another W.P.A. project a series of block maps of the city had been prepared. These studies were completed in 1940, and the reorganized

Planning Board stated in its 1940 report: "We believe a real approach to the planning problem in Holyoke has been actually started." 33

During the year 1941 the Planning Board, with the help of its planning consultant, drew up a completely new and comprehensive zoning ordinance, and held a series of public hearings in order to obtain public support for their proposals. The original zoning ordinance which had created two zones in the city: one exclusively for residences and the other open for any use, was scrapped completely, and an entirely new start was made. 34 The proposed ordinance as drawn by the Planning Board contained eight separate classifications. There were three residential districts which, generally speaking, can be classified as "A": single family; "B": two-family, and "C": multi-family=unit dwelling districts. It created one agricultural district in which was permitted any use permitted in Residence A, B, or C, in addition to what would be more commonly accepted as agricultural purposes.

The ordinance created one commercial district, stating it was "To provide service for a neighborhood and to act as a buffer between residence districts and more intense business use." It also allowed 33 specific types of retail business as well as any use permitted in any of the three residence districts or in the agricultural district.

33 Report of Planning Board. Municipal Register, City of Holyoke 1940.

34 Report of Planning Board. Municipal Register, City of Holyoke 1941.
The ordinance provided for two business districts: Business "A", in which was permitted any use allowed in any of the foregoing, as well as a filling station or public garage or "any retail business, service or public utility not involving manufacture on the premises except for products which are to be sold at retail by the manufacturer to the consumer and....that not more than four operators shall be employed." Business "B" allowed all of that, and as long as no more than fifty workers were employed, "Fabricating, manufacturing, converting, altering, finishing, or assembling; wholesale sale, storage, and warehousing." Under the industrial category set up by the ordinance any industrial use "not injurious, obnoxious, or offensive by reason of the emission of odour, fumes, dust, smoke, vibration, noise or other cause" was permitted so long as it did not fall into any of the 42 uses which required a special permit from the Board of Aldermen.

When the ordinance had been drawn up in final form, the Planning Board erected in the corridor of the City Hall the map which set forth the various districts, so that the citizens could at their leisure become acquainted with the proposals. At the public hearing set for July 17 only three persons other than the board members appeared. A new public hearing was held on July 31, and the Transcript-Telegram for that date carried a story urging anyone who wished to

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35 Holyoke Transcript-Telegram July 18, 1941.
make suggestions concerning the proposed ordinance to appear. A large crowd did attend the second hearing, held in an informal manner in the Aldermanic Chamber. The Board members received a number of suggestions and recommendations from the citizens present and answered numerous questions.36

In order to ensure a maximum amount of public support for the proposed ordinance, the Planning Board embarked on a program to arouse public opinion in favor of such a measure. During the months that the ordinance was under discussion by the Aldermen, the Board members brought to the attention of the local newspaper each new land-use which would be in violation of the proposed ordinance. The newspaper ran these stories with a comment attributed to the Planning Board that "were the ordinance currently in effect this use would not be permitted."37

On February 3, 1942, the Holyoke Planning Board presented to the aldermen their final copy of the proposed zoning ordinance. It was introduced by Alderman Francis B. Woods and referred to the Ordinance Committee for study.

At the regular meeting of the Board of Aldermen on July 7, 1942, the aldermen, before recessing for the summer months, took up the zoning question and with a unanimous vote passed it through the steps required by the city charter, i.e. its first and second readings, passage to be enrolled and passage

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36 Holyoke Transcript-Telegram August 1, 1941

37 Interview with John E. Driscoll, for 18 years a member of the Planning Board, and a long-time chairman.
to be ordained. Two aldermen remarked that they had received their copies of the ordinance too late to study. However, they voted for the ordinance without further comment.  

PRESENT ORDINANCE

As the Nation entered the final months of World War Two, citizens at the local level began to take steps to bring about the readjustment of their communities from a war-time to a peace-time economy. In Holyoke the Planning Board began early in 1945 to plan a revision of the existing Zoning Ordinance which would more effectively meet the challenge of the predicted post-war building boom. The proposed changes were discussed by the Planning Board with their Planning Consultant, who presented the Board with his recommendations at the meeting of June 19, 1945.  

On October 9, 1945, "Motion made by J. Driscoll that the amended Zoning Ordinance be put into proper form and submitted to the Board of Aldermen with a recommendation for passage was unanimously approved and referred to the City Solicitor." It was later reported that the ordinance was in the hands of the Ordinance Committee of the Board of Aldermen. Apparently the proposed ordinance was bottled up in committee, as the next mention of the revision of the ordinance does not appear

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38 Holyoke Transcript-Telegram July 8, 1942.
39 Minutes Holyoke Planning Board June 19, 1945.
40 Minutes Holyoke Planning Board October 9, 1945.
41 Minutes Holyoke Planning Board November 29, 1945.
until April 10, 1946, at which time the Planning Board members met with the Aldermanic Ordinance Committee relative to that subject. The minutes of the Planning Board meeting of May 1, 1946 carry this resolve: "The Board should take further steps to see that the amended zoning ordinance is passed by the Aldermen." Although no mention is made in their official record, it seems apparent that at least some informal inquiry was made by the members of the Board, as the record for June 4, 1946 states simply that "A discussion of the present status of the proposed changes in the Zoning Ordinance took place." At this point there is a gap in the continuity of the action on the measure. The next mention of the change is not made until August 12, 1947, at which time the Board noted: "The general revision of the Zoning Ordinance would be checked to see that it conforms to the new law, and we should then complete that work." At the meeting of October 21, 1947, the Board assigned to Mr. Saunders, then Planning Consultant, the task of re-drawing the proposed ordinance; and to Mr. Campbell, a part-time draftsman-engineer for the Board, the task of completing the map to accompany the ordinance. At the next meeting, held on November 17, changes were made in the proposed zoning ordinance, and it was agreed to hold further

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42 Minutes Holyoke Planning Board April 10, 1946.
43 Minutes Holyoke Planning Board May 1, 1946.
44 Minutes Holyoke Planning Board May 1, 1946.
45 Minutes Holyoke Planning Board August 12, 1947.
46 Minutes Holyoke Planning Board October 21, 1947.
discussions at the next meeting. When the Planning Board met for the last time in 1947, they discussed their budget request for 1948, and feeling certain that the new zoning ordinance would come up that year, asked that an amount be put into their budget to cover advertising in the newspaper concerning the new zoning ordinance; and for printing the revised ordinance. The chairman passed out copies of the proposed ordinance as it stood on that date, with instructions for each member to review it in the interval preceding their next meeting.

As the new year began the Planning Board was still engaged in what must have become a routine pastime, and the record reads: "Went over zoning ordinance to get it into shape", the members apparently having all done their homework. The amendments to the zoning law were received from M. O. Saunders on February 17, and "The Board went over the entire printed copy", and with a few changes approved it. The ordinance to amend the zoning ordinance as again corrected by Mr. Saunders was read through and approved, and a motion that it be adopted and that a public hearing be held on it was carried unanimously on March 4, 1948.

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47 Minutes Holyoke Planning Board November 17, 1947.
48 Minutes Holyoke Planning Board December 16, 1947.
49 Minutes Holyoke Planning Board January 13, 1948.
50 Minutes Holyoke Planning Board February 17, 1948.
51 Minutes Holyoke Planning Board March 4, 1948.
March 30th the Board voted to publish the entire ordinance in the Holyoke Transcript-Telegram on April 5, 1948; and to hold a public hearing on the proposed ordinance on April 15. The Transcript-Telegram in an article published on April 15, 1948 noted the importance of the topic up for discussion that evening, and urged all local citizens to attend the hearing.

On April 16, the Transcript-Telegram reported that "About 25 persons attended the public hearing conducted by the Planning Board at its office last night." The minutes of the Planning Board indicate that only five people present objected to the ordinance as drawn, and these mainly for personal reasons. On April 21 the Board met to act on the recommendations and objections brought out at the public hearing, and several minor changes were made. At the meeting of May 6, 1948, the members of the Planning Board, being in unanimous agreement on the proposed ordinance, moved to have it forwarded to the City Clerk for introduction into the Board of Aldermen. At the Aldermanic meeting of May 17, the communication from the Planning Board (a copy of the proposed revision of the zoning ordinance) was received and referred to the

52 Minutes Holyoke Planning Board March 30, 1948.
53 Holyoke Transcript-Telegram April 15, 1948.
54 Holyoke Transcript-Telegram April 16, 1948.
55 Minutes Holyoke Planning Board April 15, 1948.
56 Minutes Holyoke Planning Board April 21, 1948.
57 Minutes Holyoke Planning Board May 6, 1948.
Ordinance Committee for study.

During the next few months the Aldermanic Ordinance Committee worked on the proposal, and on December 14, 1948 Mr. John Driscoll, Planning Board Secretary, reported to the other members that the Ordinance Committee had made some changes in it. Mr. Saunders, the consultant, explained to the Board members that the Aldermen are privileged to make such changes as they deem advisable so long as the changes are within the scope of the hearing held by the Planning Board.58

On February 15, 1949 the Ordinance was reported back to the full Board of Aldermen by the Ordinance Committee. The Aldermen then voted to return the Ordinance to the committee for further study. Some time later in the meeting of the same evening, the Board voted to reconsider its earlier action and passed the amended Zoning Ordinance unanimously.59

The zoning ordinance passed that night became effective March 15, 1949, and with amendments is the ordinance presently in force in Holyoke. Despite all the delays and revisions that went into this version of the ordinance, it was not so very different from the one passed in 1942. It differs mainly in that ten districts were established in place of the eight which had existed formerly. The two new districts were "Residence A-1": a single-family residence district with slightly

58 Minutes Holyoke Planning Board December 14, 1948.
59 Minutes Holyoke Board of Aldermen February 15, 1949.
smaller lot size than were required in "Residence A"; and "Residence B-1", which created a zone for garden-type apartments. The ordinance was also rewritten in general, with some of its sections changed in part and others changed completely.

During the eleven years in which the present zoning ordinance has been in effect in Holyoke, the Board of Aldermen has amended it a total of 33 times. Of these amendments, 31 have been changes in the zoning map, concerning specific pieces of property; and only two amendments have changed the Ordinance itself. Both of these amendments have come in the past year.

On January 20, 1959 the Board of Aldermen passed an amendment to the Zoning Ordinance which allowed the following in the "Residence C" districts: "Medical Clinics, operated, conducted and supervised by physicians and dentists."

The only other change in the ordinance was a more substantial one passed on June 16, 1959. This second amendment established an eleventh district in the city, called an Industrial Park Zone. The passage of this amendment was the culmination of a long struggle on the part of many local people to attract new industry to Holyoke through the medium of this up-to-date zoning practice.
CHAPTER IV

THOSE CONCERNED WITH ZONING

GOVERNMENT AGENCIES

It is necessary here to make some mention of the various governmental bodies which in one way or another concern themselves with the administration and enforcement of the zoning ordinance. Under the provisions of Holyoke's City Charter, and of its zoning ordinance, the following governmental units may be considered to be the most significant for our purpose. This should not, however, be deemed an all inclusive listing, since under varying circumstances a case could be made for the listing of several other boards and officials of the city government. Nevertheless those cited are the most important of the municipal officials concerned with the zoning question.

MAYOR:

The charter of the City of Holyoke states:

"The executive powers of the city shall be vested solely in the mayor, and may be executed by him either personally or through the several officers or boards of the city in their departments, under his general supervision and control."^1

^1Title 4 Sec. 25 Charter, City of Holyoke
"The mayor shall have the sole power of appointment to all the municipal offices established by or under the act."  

It is through this power of appointment that the mayor holds his most important influence over the zoning ordinance. It is the mayor who appoints all the personnel entrusted with the interpretation and enforcement of the zoning ordinance, and by this authorization it is possible for him to determine the general policies which the various bodies will follow.

There is a second, though more rarely used, means by which the mayor may influence zoning decisions, and that is through his exercise of the veto power.

"Every ordinance, order, resolution or vote of the Board of Aldermen, except such as relates to its own internal affairs, to its officers or employees, shall be presented to the mayor."

The mayor's influence on zoning is however a relatively minor one. Guiding the zoning administration by appointments is a slow process requiring great patience and long political life. Since the terms are on a staggered basis, it is a slow process to obtain the majority necessary to influence the various officers and boards, and the mayor himself may be out of office before control is possible. The Mayor's veto power is even less likely to be used in affecting zoning questions. Under all but the most unusual circumstances the Planning Board reports its recommendations on a given

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2Title 4 Sec. 26 Charter, City of Holyoke

3Title 4 Sec. 24 Charter, City of Holyoke
question to the Board of Aldermen. The aldermen, then, after a public hearing of their own, usually adopt the recommendation of the Planning Board and send it to the Mayor for final approval. For the mayor to veto a measure with this kind of backing he would have to be unusually bold and possess exceedingly strong beliefs upon the question at hand.

During the entire period the zoning ordinance has been in effect in Holyoke, only one instance of this kind has occurred, (a veto) and this will be discussed in another section of the study. The major importance of the veto power lies not in the actual likelihood of its use but in the fact that it does exist and might be used.

**BOARD OF ALDERMEN:**

Of all the municipal bodies in Holyoke, the Board of Aldermen exerts the most significant control over the zoning ordinance, just as they exercise final control over all other ordinances which come before the municipal government. The aldermen may at any time act upon the zoning ordinance in two ways: 1) They may initiate amendments to it. 2) They may accept or reject the reports of the Planning Board. In the first instance they may act on the ordinance itself (but not the zoning map) and by amendment change, delete, or add to it. This procedure is very rare since the members of the Board of Aldermen are not well enough acquainted with the provisions of the ordinance to enable them to make significant contributions toward the weakening or strengthening of it, and in municipal politics zoning is not a factor of
sufficient bulk to cause them to consider by themselves the various needs of the community through changes in the ordinance.

Far and away the most important influence the Board of Aldermen has over the zoning ordinance is by its actions upon the reports and recommendations of the Planning Board. Generally speaking all actions relating to the zoning ordinance in Holyoke are first discussed by the Planning Board and are then referred to the Board of Aldermen for final determination. The aldermen are free to act upon each consideration as they see fit, regardless of the recommendations of the Planning Board. In all but the rarest of cases the final action of the Board of Aldermen is in accordance with the recommendations of the Planning Board. This is not required of them, but is the general policy which they have followed.

Under the rules adopted by the Board the procedure for passage of an amendment to the zoning ordinance usually follows these steps:

1. Introduction into the Board of Aldermen.
2. Referral to the Planning Board.
3. Consideration by the Planning Board on its merits.
4. Public hearing by the Planning Board on the matter.
5. Reconsideration by the Planning Board.
6. Final determination of the Planning Board and referral to the Board of Aldermen with recommendations for action.
7. Receipt by the Board of Aldermen and referral to the Committee on Ordinances.
8. Consideration by Ordinance Committee on its merits.
10. Reconsideration by the Ordinance Committee on the measure.
11. Report on the measure by the Committee on Ordinances to the full Board.
12. Action by the Board of Aldermen on the measure.
13. Referral to the Mayor for approval.
During the time that the matter is under consideration by the Aldermen, various pressure groups may try to influence their final decision. When the pressure groups strongly oppose the recommendations of the Planning Board, the Aldermen may choose to side with this manifestation of public opinion rather than adopt the less popular recommendations of the Planning Board. Unfortunately, good planning and zoning are not always popular with certain vociferous minorities, and delays and distortions of needed changes often result.

**PLANNING BOARD:**

Holyoke's Planning Board was organized in 1940 under Chapter 211 of the Acts of 1936. This legislation has since been recodified as Sec. 81 A-81GG of Chapter 41 of the General Laws. Section 81 C provides that the Planning Board:

"Shall from time to time make careful studies and when necessary prepare plans of the resources, possibilities and needs of the city or town, and upon the completion of any such study shall submit to the City Council or Selectmen a report thereon with its recommendations."

Holyoke has never had a Master Plan. A contract for the development of such a plan was awarded to a private consultant in the fall of 1957 but to date no part of that plan has been formally submitted to the Planning Board for its approval.

One of the duties of the Planning Board is to prepare and to keep up to date the municipal zoning ordinance. The authority of the Planning Board is limited to recommending

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policy to the Board of Aldermen. Although the aldermen are not bound to accept the recommendations of the Planning Board, as stated previously it is only in isolated cases that they ever reverse such findings.

Chapter 28 Sec. XIII, 6 of Holyoke's Ordinances sets forth the following in regard to the power of the Planning Board:

"No zone as indicated on the Building Zone Map...shall be changed until after the Planning Board has held a public hearing thereon after due notice given, and has submitted a final report with recommendations to the Board of Aldermen. This chapter or any zone indicated on the Building Zone Map shall not be changed by the adoption of another ordinance until after the Board of Aldermen has held a public hearing thereon, at which all interested persons shall be given an opportunity to be heard."5

The Planning Board is composed of five members appointed by the Mayor for overlapping terms. Most of the members of the board have been reappointed by other than the mayors who originally appointed them. The present Board is made up of one real estate dealer, one construction company president, two business executives, and one bank official---giving the Board a balanced spread of interests.

**INSPECTOR OF BUILDINGS:**

The Inspector of Buildings is charged with the day to day enforcement of the zoning ordinance in Holyoke, as is the Building Inspector under nearly all other zoning ordinances.

5Revised Ordinances of the City of Holyoke, Mass., 1948 Chap. 28, Section XIV, 6.
In this connection the Holyoke Ordinance reads:

"The Inspector of Buildings and Board of Health shall refuse to grant a permit for the construction or alteration of any building or plumbing therein if the building as constructed or altered would be in violation of any of the provisions of this chapter."\(^6^\)

The ordinance further details the procedural steps necessary to obtain a building permit:

"All applications for building permits made in conformity with the provisions of the Building Ordinance of the City of Holyoke shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimension, radii and angle of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this chapter."\(^7^\)

The plans and other data required under this section enable the Inspector of Buildings to ascertain if the proposed construction conforms to the provisions of the zoning ordinance. When the Inspector of Buildings finds that the plans are in his judgment in conformity with the ordinance, he issues the building permit. If he is not satisfied that the plans conform, then he will refuse to issue the permit. When the Inspector of Buildings refuses to issue a building permit, the aggrieved party may file an appeal with the Board of Appeals. He may, however, file such an appeal only if he does so within a specified time limit (a reasonable

\(^6\) Ibid., Section XIV 1 A.

\(^7\) Ibid., Section XIV 2.
time), and if his appeal is based upon certain particulars of the zoning ordinance. The approval of building permits by the Inspector of Buildings represents the only control the city has over the observance of the zoning ordinance. Certain types of violations are difficult to detect and the city has no one assigned to detection of these violations. The other duties of the Inspector of Buildings are too time consuming to expect him to be able to assume full responsibility for that function.

**THE BOARD OF APPEALS:**

The Board of Appeals is an administrative board with quasi-judicial powers governing the responsibility of applying the zoning ordinance in special and exceptional cases. The Zoning Enabling Act of the Commonwealth of Massachusetts requires "Every zoning ordinance or by law provide for a Board of Appeals." The statute specified the duties of such a board shall be as follows:

"1. To hear and decide appeals by any person aggrieved by reason of his inability to obtain a permit from any administrative official, or by any officer or board of the city or town, or by any person aggrieved by any order or decision of the Inspector of Buildings.

2. To hear and decide applications for special permits for exceptions to the zoning ordinance.

3. To authorize upon appeal or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land, or to an existing building thereon, a variance from the terms of the applicable zoning ordinance or by-law where, owing to
conditions especially affecting such parcel or such building, but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, but not otherwise."

The enabling act further sets forth the procedure to be followed by the Board of Appeals in any case arising before it:

"Any appeal to the Board of Appeals must be taken within a reasonable time. The appellant must file with the Board of Appeals and with the officer or board whose decision he is appealing a notice of appeal specifying his reasons. The officer or board concerned is then required to transmit to the Board of Appeals all documents and papers relating to that decision. The Board of Appeals is then required to fix a reasonable time for the hearing and to give public notice of it in an official publication or in a newspaper of general circulation in the city or town. The petitioner and the owners of all property deemed to be affected by the appeal must be notified by mail. Any person, entitled to notice or not, his agent or attorney, may appear at the hearing."  

Chapter 40 A further sets forth the rules to be followed in conducting the business of a Board of Appeals meeting:

"Meetings of the Board are to be held at

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the call of the Chairman. The chairman or Acting Chairman may administer oaths, summon witnesses and call for the production of papers. All hearings are required to be open to the public. Decisions of the Board are to be made in a reasonable time. The Board is required to keep a record of its proceedings showing the vote of each member, or members absent or failing to vote, and clearly setting forth the reasons for its decisions and other appeal actions. Copies of the proceedings shall be immediately filed in the office of the city or town clerk and are a public record. The Board is required to send a notice of its decision to all interested parties, to the Planning Board, and to every person present at the hearing who requests that a copy of the decision be sent to him.

The concurring vote of all the members is required when the Board of Appeals consists of four or less members. If the Board is composed of more than four members, it is necessary that all but one concur to reverse the decision or to decide in favor of the appellant.10

In exercising its power the Board of Appeals may reverse or affirm or may modify in whole or in part the decision or order involved; or may make such decision or order as it deems advisable, with all the powers of the officer from whom the appeal is taken.

The Board of Appeals in Holyoke is organized under the provisions of Chapter 40 A of the General Laws.

PRIVATE GROUPS

The physical form of the city emerges from the initiative and enterprise of many people acting individually and

in groups. We have discussed in the previous section the public officials who are concerned with the zoning ordinance and now we must make some reference to those segments of the general public which in one way or another are concerned with the zoning ordinance.

The groups which we will consider here are the following: (1) the real estate dealers and developers, (2) industrial development groups, and (3) other special interest groups.

REAL ESTATE DEALERS AND DEVELOPERS

The real estate dealers and developers are, because of the very nature of their business, probably the best informed of any segment of the general public regarding the laws of zoning. In the course of their daily activity it is necessary for them to be aware of the regulations and restrictions which are put on the use of land because of the affect they can have on land sales. Almost always they do their best to stay within the letter of the law and they do not make a practice of violating the zoning ordinance. Unfortunately, however, it is sometimes true that their familiarity extends to a point where they become concerned with finding loopholes in the law in order that they might realize a profit on land which they own or contemplate purchasing.

A careful study of the changes made on the zoning map over a period of time will show that in many cases, although the petition for change was filed by a private citizen, there was in the background a real estate dealer master-minding the
campaign. This is difficult to prove, but it can be inferred from the action which transpires. When, for example, two adjoining home owners in a residential section petition for a change of zone and immediately following the approval of the change, the homes are sold, razed, and construction of a specific business property started, there is a sound basis on which to draw the conclusion that they were advised by an "expert".

The special knowledge which the real estate interests possess and the very nature of their business is a strong force for good or evil in the community. If they are public spirited enough to put their own private interests behind what they know to be the ultimate good of the entire community, they can do much to help the city reach its goals. These men are, however, only human and they do occasionally allow their private interests to dominate what they know to be the ultimate good of the entire community. Their occasional transgressions may seem minor; but they may have serious effects on the long range development of the community.

INDUSTRIAL DEVELOPMENT GROUPS

Industrial developers are often apt to be so concerned with the development of new areas for industrial expansion that they neglect to consider what other possible uses these areas might be put to. That is, they look at an area and determine in their minds that it is suitable for industry, but they do not ask whether this is the best possible use
for the area. They are so preoccupied and concerned with the idea of industrial growth that they assume it is the best possible use in any place where the nature of the land and its location make it suitable for that use. In addition to convincing themselves that industrial expansion is the ultimate goal for a community, they have been able to convince a large body of the general public that they are correct in this position. Their public relations people have been so effective it has become a truism.

Holyoke has a "non-profit" private corporation which has done much to develop the city as a desirable place for industry and it has worked hard to bring new industry into the city to replace the textile and paper manufacturers which have left. This is the Regional business Development Corporation which was described on page 30.

The Regional Business Development Corporation has recently purchased a tract of land consisting of approximately sixty acres for the purpose of an industrial park development. This land, the former site of the city farm, is located in the southwestern section of the city near the West Springfield boundary. The land was considered by the corporation to be valuable for this purpose because it lay along the projected path of new Route 91 and was adjacent to the tracks of the New York, New Haven & Hartford Railroad. The Regional Business Development Corporation petitioned the city for a change of zone on the land in 1956. Since that time the state and federal governments have refused to sanction an interchange at this location and the entire path of
Route 91 through the city has been reopened. The city has recently approved the construction of an access road into this area (at public expense) with the hope that this will cause the federal and state governments to look with more favor on the plan.

This whole project which has been put through the local government by the Regional Business Development Corporation has been viewed with alarm by some people. The initial sale of this land by the city was contested by some as a sale of a valuable public asset to a special interest group for private profit. The idea of putting this land to industrial use was also opposed as it is one of the few remaining desirable areas of the city for the development of single family residences. Nevertheless, the sale was consummated; the zone change was made; and now an additional public expense is being incurred for the construction of the access road to serve this proposed industrial area. The road itself will alter considerably the zoning in the area through which it will pass. Much of this area has only recently been rezoned for residence and now with an access road to an industrial park cutting through, it is less desirable for such use. Consequently, several of the owners of property which abut the proposed road location have already petitioned for a change to industrial park zoning for their land. Without commenting on whether or not this is a change for good or evil, it does serve to illustrate how the industrial development interests can affect the zoning in a community.
The Holyoke Water Power Company must also be mentioned in this section. While the company is represented on the board of the Regional Business Development Corporation, it also acts individually as an industrial developer. The Holyoke Water Power Company still owns large tracts of land throughout the city and many of the old mill buildings along the canals and the river. Because most of their holdings are in areas that are zoned for industrial use, they do not often become involved in zone change petitions. However, there is one case worth mentioning at this time regarding the Water Power Company and zoning. For many years one of the notable landmarks in Holyoke was the Flagg Estate on Northampton Street in the Highlands section of the city. This fine home was a reproduction of an English castle and was known as Kennilworth Castle. In 1958, the Water Power Company purchased this estate and announced their intention of demolishing the structure and of erecting a new company office building on the site. The public outcry was immediate and the Water Power Company was forced to pull back. The "Castle" was razed, but to date no zone change petition has been filed to permit the erecting of an office on the grounds. It is only fair to assume, however, that the company is merely waiting for a more propitious time to do so.

OTHER GROUPS:

The Holyoke Chamber of Commerce was instrumental in bringing about the first zoning ordinance in Holyoke, as we have seen in our history. During the twenty years that that
first ordinance was in effect, the chamber constantly agitated for the adoption of a complete ordinance. With the adoption of a comprehensive zoning ordinance in 1942, the chamber's interest in zoning waned, and their attention was diverted to other areas. In recent years, the chamber has not put its influence behind a drive for a new zoning ordinance or the development of a master plan, but has instead concerned itself with piecemeal projects relating to zoning. They have been instrumental in the development of off-street parking areas in the downtown section of the city and have been active most recently in an attempt to interest the city in developing a shopping mall for the main street of the city.

From time to time, special groups arise — usually, to protest some action of the municipality as regards the zoning ordinance. An example would be the Elmwood Heights Improvement League which was formed to combat a series of zone changes affecting a parcel of land in the Elmwood section of the city. This organization will be discussed at length in the case study which follows.

The Holyoke Taxpayers Association also has acted in the area of zoning by making its position known regarding some of the various petitions which have appeared before the Planning Board. Their influence in this area has not been great but they represent a potential force which must be recognized.

We have attempted to describe in this chapter how certain provisions of the zoning ordinance may be acted upon by
various public and private pressure groups and the intent of the ordinance either changed or nullified the result. Shakespeare says that "all the world's a stage and all the people players" so perhaps the best way to illustrate what has been said here is to give a real life experience: the next chapter does just that.
CHAPTER V

CASE STUDY OF A ZONE CHANGE REQUEST

From the time of its initial development as a planned industrial community until the period following World War Two, Holyoke's physical growth was largely confined to an area lying within a 1 ½ mile radius of its City Hall. That this was true was not due to a lack of desirable sites for home construction in the outlying sections, but was the net result of the early policies of the city's land developers. During the years that Holyoke boomed in population, developers built multi-storied apartment blocks throughout the city. This made it possible for most Holyokers to live close to work, to shopping facilities, to church, and to schools. Several sections of the city developed into exclusive residential areas, consisting of single and two-family residence homes; but by and large the great majority of the people lived either within walking distance or trolleying distance of their work, in the multi-unit dwellings.

World War One saw Holyoke's first housing shortage, and immediately following the Armistice new sections were opened in what was then "countryside". Most of the homes built in this period were single or two-family dwellings.

Long before the financial crash of 1929, Holyoke began to feel the hot breath of the oncoming event. As the
population began to decline in the 1920's, the amount of housing available soon exceeded the demand. This had the effect of decreasing rents and throwing a tremendous amount of property back on the banks. Under these circumstances new residential building in Holyoke came almost to a standstill.

In the period immediately following World War Two, the cessation of hostilities, the release of goods and services for civilian use, and the sudden return of thousands of veterans to civilian life created an unprecedented demand for new housing throughout the United States. In Holyoke, one returnee, Joseph R. Mayer, decided to do something to meet the demand created by these forces. He proposed to open up for home development one area of the city which had hitherto been a predominantly agricultural section.

By 1946 many of Holyoke's early dwellings were in a sad state of disrepair. As we have seen from the Federal Housing Census figures, most of the Holyoke dwelling units were built before 1919, consequently they lacked many of the features which the new families were demanding. Furthermore, the Federal Government, through the "G. I. Bill of Rights", was making it easy for the returned servicemen to purchase homes of their own. Confident that a market then existed in Holyoke for single-family residences, Mayer proceeded to subdivide several tracts of land in the southwestern section of the city, close to the already developed "Elmwood" district.

In the fifteen years since World War Two, Mayer has had a hand in the development of more than 350 homesites in the
same general area. In addition to the subdivisions which he has actually opened, the fact that other developers have also built subdivisions there can be partly attributed to him, since it was largely through his efforts that the city took the necessary steps to serve the area with natural gas, water, and both storm and sanitary sewers.

Mr. Mayer announced his candidacy for election to the Board of Aldermen, as one of the fourteen at-large-members, in the fall of 1953. Running on his record as a builder and developer, he finished twelfth in a field of 29 candidates.\(^1\)

In November of 1955 Mayer filed for re-election to the Board; this time, as a candidate for the post of Alderman from Ward 3. Running in a field of three candidates, he easily won the right to represent the ward in which his subdivisions were located.

The state elections in the fall of 1956 found Mayer in the arena as the Republican candidate for state representative from Wards 3 and 6. He was, however, defeated by the Democratic incumbent.

The following year, 1957, again a municipal election year, Mayer filed for re-election to the Aldermanic Board as an alderman-at-large. In a field of eight candidates, Mayer finished fifth, just out of the running.

Mayer returned to the political scene in the fall of

\(^1\)In this same election the Holyoke voters adopted a charter amendment which changed the makeup of the Board from 21 members (14 at-large and one from each of the seven wards) to 11 members (4 at-large and one from each of the seven wards.
1959, again as a candidate for one of the at-large positions. This time he ran third in a field of eight candidates and was returned to the Board.

Bray Park, one of the latest of Mayer's subdivisions, is located closer to the older developed sections of the Elmwood district than all but one of his previous subdivisions. It consists of some 50-60 potential home-sites with perhaps ten developed to date. From the time of Mayer's original purchase of the land down to the present day, it has been a battle ground of zoning. This Chapter is an attempt to describe what has happened there.

Elmwood Heights is a Mayer subdivision located on a series of gentle elevations adjacent to the Elmwood district of the city. It is a pleasant area of upper middle class homes with approximately half of its 125 homesites developed. Its location, where it fronts on Westfield Road, is directly opposite the Bray Park subdivision. On January 29, 1957, 45 of the male residents of the area met and officially organized the Elmwood Heights Improvement League. The idea of a formal organization of the residents had been discussed by groups of neighbors for several months, and this was the culmination of their talks. Their goals were to press for the improvement of facilities for the area and to attempt to retain the residential character of their neighborhood.

Although the Elmwood Heights Improvement League has other stated objectives, its most active work to date, and the reason for its being, embody a series of zone change

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2Holyoke Transcript-Telegram January 30, 1957.
petitions affecting the Bray Park subdivision. A spokesman for the group says the reaction against any change was spontaneous. "Mayer, when he opened up the area, told us he would do everything within his power to keep the area strictly residential, and when he himself was the one to petition for the change we were pretty well disgusted with him."

The League currently has 45 member families out of a total of 55 or 60 eligible for membership. Regular meetings are held on the third Wednesday of each month, but present plans call for a change "as things are now pretty quiet and there is no sense meeting just to look at one another."

The area in which Mr. Mayer has done his developing was described on the revised zoning map of the City of Holyoke as "Agricultural". This fact has caused difficulties for the Planning Board, the Board of Aldermen, and the developers of the region. This is a case study of one of the zone change requests affecting one subdivision of Mr. Joseph R. Mayer in that area. It is not at all a typical case, but it is an interesting one.

On Friday, August 17, 1956 the following article appeared in the Holyoke Transcript-Telegram:

"WOULD CHANGE ELMWOOD ZONING TO PUT UP STORE.

A grocery store in Elmwood, on the northeast corner of Michigan Avenue and Westfield Road, is reported to be the next move of Joseph R. Mayer, developer of several housing areas in the southwestern section of the city.

Alderman Mayer, who has been a constant foe of


4 Ibid.
commercialization of his residential area, is rumored to be the interested party behind the store, and has been sounding out residents, stressing the convenience of a nearby market.

A zoning change would be necessary to build a store—an aldermanic action preceded by public hearings.5

Early in November, 1956, Mayer filed with the City Clerk the zone change request which the Transcript had predicted he would seek.

"WESTFIELD ROAD ZONING CHANGE SOUGHT BY MAYER

A change of zone from Residence to Business is sought for land off Westfield Road in a petition filed in the City Clerk's office by Alderman Joseph R. Mayer.

Land in question is the former Bray property off the south side of Westfield Road opposite Elmwood Heights.

Alderman Mayer, who has been a consistent foe of commercialization of the residential section of the city, is the interested party behind the petition. He has indicated he would like to build a store on the land.6

Mayer's request was actually for a change from Agricultural to Commercial A on the property—a distinction which would limit the extent of business activity which might be carried on.

A public hearing was held by the Planning Board on the zone change request December 20, 1956. At that time "strong opposition to the proposed business development of about ten acres of land off the south side of Westfield Road opposite Elmwood Heights was recorded by residents of the general

5Holyoke Transcript-Telegram, August 17, 1956.

6Holyoke Transcript-Telegram, November 15, 1956.
area.

.... between 50 and 75 residents of the area.... argued for the maintenance of the residential character of the area, opposed the business idea, and expressed fear against such things as liquor licenses for drive-in theatres."

Meeting January 28, 1957, the Planning Board took up the zone change request, and with one member voting for the change, voted 4 to 1 to recommend to the Board of Aldermen the petition be denied. The Board of Aldermen received the recommendation of the Planning Board February 5, 1957, and voted to give the communication leave to withdraw. This was done at the request of Alderman Mayer, who stated that the recommendation was not legal, since the Planning Board had not presented its recommendation within the time limit prescribed by law.

On April 2, 1957, the petition was again discussed by the Aldermen and tabled until their next regular meeting. On April 16, the Board received a communication from the petitioners (Joseph R. Mayer and his wife) requesting that the petition be given leave to withdraw. The Board voted to receive the communication and allowed the matter to rest there. No action was taken by them on the petition itself.

On February 4, 1958, a new petition for a change of zone on this same land was referred to the Planning Board by the Board of Aldermen. In the year that had elapsed since the Planning Board had seen the request, Mr. Mayer had had the

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7 Holyoke Transcript-Telegram November 15, 1956.
8 Holyoke Planning Board Minutes of Meeting, January 28, 1957.
land subdivided. The petition at this time requested a change of zone from Residence A-1 and Agricultural on Lots 5, 6, 7, and 8 in Bray Park, to Business A. The Planning Board received the petition from the Board of Aldermen on February 4, 1958, and on February 13, 1958 scheduled a public hearing on the petition for February 25, 1958. The public hearing resulted in almost the same opposition as was encountered previously, with the one difference that at this public hearing a letter was recorded from all the direct abutters stating that they favored such a change. The opposition was led by the Elmwood Heights Improvement League.

The Planning Board voted unanimously to recommend to the Aldermen that the petition be denied, and on February 26 sent that recommendation to the Board of Aldermen, who received it on March 4, 1958 and referred it to their Ordinance Committee for study.

The Ordinance Committee in their report to the full Board on May 20, 1958, recommended that the petition for Business A on Lots 5, 6, 7, 8 in Bray Park be denied. The Board accepted the recommendation of the sub-committee and this order was killed.

On September 19, 1958 the Planning Board, acting on their own and without a specific request from anyone to do so, approved and sent to the Board of Aldermen a request for change of zone from Agricultural to Residence A-1 for three separate subdivisions known as Kane Farm, Sunset Manor, and Bray Park. The Board of Aldermen received the recommendation
from the Planning Board on October 7, 1958 and tabled the communication until the next regular meeting, October 21. On that date the Board of Aldermen, doubting the legality of the action of the Planning Board's initiating such a petition, referred the matter to the City Solicitor, for his legal opinion. Because the proposal was loosely drawn and did not contain all of the information essential to a legal description, the Solicitor was not able to conform to the Aldermanic request. It would have been necessary for the Solicitor to search out in the Registry of Deeds the boundary description of each piece of property covered by the proposal; and the Solicitor, not having the time to so so, filed the request, and allowed time to pass.

At an Ordinance Committee meeting on November 4, 1959, the committee reached back into its files and pulled out that part of this Planning Board request which dealt with the Bray Park Subdivision.

The committee on that night approved and sent to the City Solicitor, to be drawn up in legal form, the petition for zone change requested by the Planning Board, with alterations: The Ordinance Committee amended the original order from all "Residence" to one which included a section as "Business A". Even the newspaper seems to have missed the significance of the action as they reported on the Committee's doings in this way:

"At a meeting of the Ordinance Committee.... the Committee approved and sent to the City Solicitor a petition for zone change for land owned by Joseph R. Mayer. The petition
changed the affected area from all Agricultural to Residential, and two to Business zones."

In an explanatory note the Transcript went on: "Mayer is one of the City's prominent home builders and developers."\(^9\)

The City Solicitor drew up the Aldermanic order into two separate ordinances: the first to provide that Lots 1 through 5 and 33 through 37 be changed from Agriculture to Business A; the second ordinance to change Lots 5 through 32 and 38 through 56 to Residence A-1.

On November 17, 1959 the full board met for the first time after this meeting of the Ordinance Committee. The Transcript-Telegram reported that "over 100 persons attended the meeting to voice protest to the proposed change."\(^{10}\) When the report and recommendation of the Ordinance Committee were introduced, Alderman Daniel Dibble rose quickly to question the right of the Ordinance Committee to change the petition as approved by the Planning Board. Alderman Joseph Gavin, Chairman of the Ordinance Committee, stated: "The Ordinance Committee saw fit to change the petition in part, to include business. We have that authority." Alderman Beaudry, also a member of the Ordinance Committee, noted that the City Solicitor had approved the action of the Ordinance Committee by drawing up the ordinance in the manner in which they had approved it. Even the Transcript seemed a little lost on the

\(^9\) Transcript-Telegram November 5, 1959.

\(^{10}\) Transcript-Telegram November 18, 1959.
point as they began to confuse the zone change petitions. They stated in the article concerning the meeting "The petition itself had been in the Ordinance Committee almost one full year." \(^\text{11}\)

Because of the question created by the action of the Ordinance Committee, and due to the pressure resulting from the size of the gallery, the Board of Aldermen voted to return that part of the petition which created the business zones to the Ordinance Committee, in order that the Committee could hold another public hearing---this one specifically relating to the business zoning. The public hearing was set for the night of December 14.

The second ordinance was passed unanimously, changing those lots in Bray Park numbered 5 through 32 and 38 through 56 from Agricultural to Residence A-1.

Meeting for their first regular session of the month on December 1, 1959, the Board voted passage of a zone change for business in the Bray Park subdivision by a vote of 9--1, one member being absent due to illness, and Alderman Daniel Dibble voting against the passage. This was the zone change request originally filed by Mayer in November, 1956, requesting that the land in question be rezoned from "Agricultural" to "Commercial". Because a public hearing had been scheduled on the subject of a zone change on this property, the opposition to the change did not attend this aldermanic meeting. They were not aware of this older petition's existence and were confident that nothing further could be done prior to

\(^{11}\) Transcript-Telegram November 18, 1959.
the hearing. Although the Transcript-Telegram felt that the action was not legal, commenting: "The order was originally filed in January 1957 (the time the report was received from the Planning Board), and since no action was taken on it before the Board in office at that time went out, the order died. The Board of Aldermen is not a continuing body."\textsuperscript{12} Mayor Samuel Resnic declared: "I won't sign that!"\textsuperscript{13}

The public hearing on the zone change petition which the aldermen had amended, was held on December 14, 1959 in the Aldermanic Chamber. A large gallery of over 100 persons was in attendance, but they were greeted by only one member of the three-member Ordinance Committee. It was pointed out by Alderman Dubois that Alderman Gavin, committee chairman, had been called to Boston on business, and that Alderman Beaudry could not leave his store on that night. A further complication arose because the hearing was scheduled for a date ante-dating the legally required 21 days after the first legal notice was given. Nevertheless a hearing was held and the objectors forcefully presented their views on the matter.

On December 15, 1959 the Aldermen met and took up a lengthy agenda. Because this was the last regularly scheduled meeting of the Board for the year, a number of transfers of money from one account to another was necessary so that the various city departments could continue to function. These

\textsuperscript{12} Holyoke Transcript-Telegram December 2, 1959.

\textsuperscript{13} Holyoke Transcript-Telegram December 2, 1959.
and other routine matters constituted the agenda for the evening, in addition to the question of the Mayor's veto of the Mayer zone change. The zoning veto was listed near the top of the Aldermanic agenda, but as the solons approached it a motion was made and carried that it be dropped to the bottom of the night's program. It was close to 11 P.M. when the Aldermen reached the bottom of the file, and at that time a motion was made and carried that the Board recess until Friday night, the 18th of December. As the vote was announced and the Board stood in recess, one member of the large gallery which had waited patiently for three or four hours rose and shouted: "Thank you, Mr. Dunn!" Dunn, the Alderman from Ward 3 where the land in question is located, had been elected to represent the Ward when Mayer ran as an at-large candidate. He was immediately surrounded by others who proceeded to let him feel the wrath of an outraged citizenry, and it was with some difficulty that he managed to get out of the Chamber and into the City Messenger's office where he sought refuge.

Alderman Joseph Gavin, in an interview with the Holyoke Transcript-Telegram, stated that the zone change petition on which the public hearing was held December 14 was dead. "We just let it drop" he said. Joseph R. Mayer also was interviewed and was quoted as saying he would not press the petition further if the Board voted to override the Mayor's veto.14

14 Holyoke Transcript-Telegram December 16, 1959.
The meeting of Friday night, December 18, was not held, as only five of the eleven Aldermen showed up—one less than a quorum. A large crowd of close to 100 interested persons was in attendance, but their trip downtown was in vain. Aldermanic President Douglas Ferguson continued the recess until Monday evening, December 21.\(^5\)

The recessed meeting held on the 21st again was honored by the presence of only five Aldermen. Four of the five had come also to the Friday meeting. Aldermanic President Douglas Ferguson ordered a police cruiser despatched to search the city in an attempt to round up the missing Aldermen and bring them in to the meeting. The search proved fruitless—leading Alderman Daniel Dibble to ask: "Why not recess until January 5? It is obvious that the Board has no interest in the matter and will not vote unless they are sure they can have things their own way." The tax paying spectators, again disappointed by the failure of the Board to meet, were irate, and one home owner was quoted as saying: "This is one helluva way to run a city." Because of the Christmas holidays, the recess was continued until December 29.\(^6\)

For the third consecutive time, on December 29 the Aldermen met and failed to achieve a quorum. Ralph Chouinard, Attorney for the Elmwood Heights Improvement League, made this statement to the Transcript-Telegram:

\(^5\)Holyoke Transcript-Telegram December 19, 1959.

\(^6\)Holyoke Transcript-Telegram December 22, 1959.
"There have been so many procedural irregularities attending the zone change that I am confident the Superior Court would declare the ordinance invalid if presented." 17

The meeting was continued in recess until the following night, December 30, 1959.

During the two weeks that the Board had been in recess there had been considerable speculation in the city regarding the fate of the matters on which the Board had already voted. Whether or not these items would have been null and void became a question of purely academic interest when six members of the Board were present on the night of December 30. The veto message of Mayor Resnic was read into the record. The veto was based on the following points:

1. No public hearing was held on the commercial zoning section.

2. Measure did not have approval of City Solicitor.

3. Measure was three years old and petitioner had asked it be given leave to withdraw.

4. Manner of passage was not within the intent of the zoning ordinance.

5. Entire proceedings were not in the public interest. 18

Since only six Aldermen were present and a total of eight votes was needed to override the Mayor's veto, it was obvious the veto would hold. However, three members did vote to override the veto and the remaining three voted to

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17 Holyoke Transcript-Telegram December 30, 1959.

18 City Records Holyoke City Clerk's Office.
sustain.

Bray Park is, as of this writing, zoned partially Residence A-1 and partially Agriculture. Lots 1-5 and 33-37 which would have been changed to Business A or Commercial A if either of Mayer's proposed zone changes had gone through remained in the Agriculture category following the failure of their passage. Mayer currently operates a tree nursery and landscape-gardening business on those lots which have remained under the agricultural zoning.

At the second meeting of the Board of Aldermen in January of 1960, Alderman Mayer filed a proposal which would amend the zoning ordinance of the city as it pertains to the permitted uses in agricultural districts by the addition of the following provision:

"Buildings having public sanitary facilities for the sale of farm products and combination dairy bar and sandwich shoppe."19

This petition was referred by the Board of Aldermen to the Planning Board on January 17. The Planning Board discussed the proposed amendment on March 29 after having their professional consultant study the proposal in the interim. The consultant's report was a strongly worded statement of professional disapproval of the proposed amendment. The Planning Board scheduled a public hearing on the matter for April 25, 1960. No one appeared at the hearing to speak in favor of the proposed change. Five members of the Elmwood

19 Petition filed in records of Holyoke Planning Board.
Heights Improvement League did appear for the purpose of speaking in opposition to it. Spokesman for the opposition was William Sullivan, President of the E.H.I.L. Sullivan spoke at length on the running fight which his organization had been carrying on with Joseph Mayer "ever since 1956". He told the Planning Board members that the homeowners in the area had been assured by Mayer, when they purchased their homes, that he would do all in his power to keep the area strictly residential. Sullivan said that he was sure that Mayer only wanted the zone change so that he could operate such a dairy bar sandwich shop on his agriculturally zoned property in Bray Park. He said that he believed the proposal would, if accepted, do the entire city harm and benefit only Mr. Mayer. The Planning Board members voted unanimously to recommend to the Aldermen that this petition be denied.

The Board of Aldermen received the report and recommendation from the Planning Board on May 2, 1960 and referred the question to their ordinance committee for study. The proposed change has lain dormant in the files of the ordinance committee since that time.

Although the zone change activity seems to have lain dormant for some time, it is still a sleeping tiger. The petition for change to Business A for which the public hearing was held on December 14, 1959 is still in the files of the ordinance committee and could be brought out for a vote at any time. This is also true for the petition to amend the
zoning ordinance by addition of the section to permit a dairy bar-sandwich shoppe to operate in agricultural districts. Mr. Mayer has stated that when he feels he has the necessary votes on the Board to assure passage of either of these proposals he will bring it out of the committee and pass it through the board. Any such passage would, of course, still be subject to approval by the Mayor and if vetoed by him subject to a second vote by the board with the attendant public pressure which would probably result.
CHAPTER VI

CONCLUSION

Zoning, as we have previously stated, is the basic tool of the planner without which competent planning cannot be done. The record established by the zoning laws in the city of Holyoke seems to indicate that the future of that community is in serious jeopardy. The ordinances which have been in effect there over the past forty years have not been sufficiently well-written to stand up against the pressures they were required to face.

We have described in this report how the city of Holyoke was originally laid out and planned as an industrial community and how, with the passage of time and a lack of adequate controls, the land use pattern became so mixed that today in many areas of the city it is blurred beyond recognition.

We have pointed out that because of the nature of the land surface within the boundaries of Holyoke, the city is presently developed to 90 per cent of its physical capacity. It should be obvious that before any intensive land use is assigned to these remaining parcels a master plan for the whole city should be developed which integrates the rehabilitation of the older sections of the city in with the development of these as yet undeveloped areas.
The inordinate length of time required to pass each of the several ordinances which have been in effect in Holyoke serves to illustrate how completely the responsible officials failed in obtaining public support for their proposals. The first ordinance took some 21 months to pass and it was a very simple ordinance intended only as a "stop gap". The second ordinance which was to replace the first with a comprehensive code took some 20 years to arrive on the scene and an additional 18 months for passage. The present ordinance, which really is only an extension and revision of the second, required 44 months of study and change to be adopted. Obviously, this illustrates a serious failure on the part of the local officials, in each of these cases, to make the public aware of their purpose and of the dire need for such controls in the city.

We have pointed out that in the ten years which the present ordinance has been in effect, only two changes have been made in the ordinance itself, but more than thirty changes have been made on the zoning map. These changes in the zoning map represent, in most part, the furtherance or continuation of the mixed land use policy which plagues the city today. Mixed land uses are not economically sound. The land occupied by dwellings in an industrial zone is removed from its highest and best use and the possibilities for industrial improvement or expansion are diminished. The consolidation of industry, with the transportation and circulation patterns necessary for efficient operation, is made difficult, or impossible, and the families living in such
dwellings are subject to an inferior environment.

We have described how the only control the municipality has over the enforcement of the ordinance is through the issuance of building permits by the Inspector of Buildings. The possibility exists for private citizens to complain to the Planning Board about violations of the ordinance, but such complaints are too rare to be considered as a serious force. The result is that in marginal areas violations exist and go unnoticed or are ignored by the responsible officials.

The case study in zoning which we have used here illustrates the most significant failure in the entire complex which has caused the zoning in this city to go awry; it is a serious indictment of the caliber of people who are elected by the citizens to represent them. It is a general indictment of nine of the eleven members of the Board of Aldermen of 1957-59 for voting for the passage of a second zone change after public opinion had forced them to call a zone change hearing on the first. It is a specific indictment of one alderman in particular for pressing for the passage of an ordinance for his own personal gain when it was obviously against the will of the people. The failure of the Board to meet for three successive meetings further illustrates how contemptuous this body was of the feelings of the public. With this kind of representation on the legislative council of the city, the citizens of Holyoke are fortunate indeed that more serious consequences have not been their fate. The long run goals of the city of Holyoke are often shunted aside by
this body in order that individuals may benefit for pleasure and profit.

We have pointed out how the Planning Board has failed to meet its responsibilities by neglecting the most important study of all-the comprehensive or Master Plan for the city's development. The fact that the Planning Consultant has been engaged in this work since the fall of 1957 does not necessarily mean that it has been a detailed and exhaustive study, but, rather that a great deal of the material in the report will be obsolete before it is ever released. It has further meant that many more non-conforming uses are to be found in the plans than would have been present if the plans had been more swiftly executed. The Board has further failed to integrate its efforts with those of other public groups. The Holyoke Housing Authority has just completed a low-rent housing development smack in the middle of the industrial section of the city - an area which the Master Plan will call for as completely industrial. There has been some coordination between the Planning Board and the Holyoke Redevelopment Authority, but this did not come about until both consultant groups independently developed Master Plans for the city. A needless and senseless overlap of work.

RECOMMENDATIONS

Any new zoning law in Holyoke must recognize the failures of the existing and past ordinances which have been in effect here, and recognizing them must make provision to avoid them.
A new zoning law should first make it extremely difficult for any individual citizen to petition the Planning Board for a change of zone. The responsibility for changes in the zoning map should rest with the Planning Board; they are in a position to recognize when the existing code is inadequate and in the best position to determine where, how, and when any needed changes should be made. The zone change mechanism should be so constructed that while individuals might come to the Planning Board with their ideas, formal action and consideration could only come through the initiative of the Board itself.

A new zoning law should change the structure of the Planning Board and the relationship it has with its professional staff. Much greater reliance should be placed on the opinions and recommendations of the professionally-trained planner. The professional planner is far better equipped to look at the total picture of the city and is less bound by established concepts of the community than the politically-appointed Board. The staff should be required to sell its ideas to the Planning Board, but the Planning Board should have less of a role in determining the particular details of the program.

A new zoning law to be effective would have to recognize what all the others have failed to do and that is that good zoning is not always popular with the vociferous minorities. Some individuals are always required to suffer so that the greatest good can come about for the greatest number.
In drawing up an ordinance and in securing its passage, if a majority of the Planning Board is convinced it is the best possible product for the community, less attention should be paid to individual criticism. The responsible officials should look at the ordinance as a whole and not get bogged down with the specifics. The officials who are responsible for zoning should realize the major failure in the past has been the lack of a sales effort on their part to convince the public of the inherent values of planning and zoning. The Planning Board should embark on a definite program of public relations to improve their image and that of the general concepts which they hold. Among the programs which could be considered are these: a speaking program which would take the members of the Planning Board before as many groups as would be willing to listen, a program of citizen education which would begin in the school system through a program integrated with the civics classes, publication of segments of the Master Plan in attractive brochure form and mailed to each home along with their gas and electricity bill, a series of news releases on the subject of the Master Plan so released that maximum effect could be obtained, a series of public meetings at which the Master Plan could be outlined and the importance of strict enforcement of the zoning ordinance explained to show how important a relationship it has towards the community's future.

Finally, the effective zoning ordinance will place a full-time public official in charge of the enforcement of the
provisions of the ordinance. It should be this official's sole duty. He would pass on all applications for building permits as they relate to the zoning ordinance and have the responsibility of spot checking in the field to see that no violations exist.

Zoning is a vital part of the machinery necessary in the urban environment in which the majority of Americans now live, but it can fail through abuse, misuse, or resistance to needed change, as we have tried to show. Urban development implies a continuing responsibility for all forces to work together and interdependently towards common goals. The government can supply the needed standards through the law, but it is the responsibility of everyone to accept them and to strive to attain these goals. The degree with which the community works together towards these goals will be reflected in the type of community in which its citizens will live.
APPENDIX A

CITY OF HOLYOKE

AN ORDINANCE ESTABLISHING CERTAIN BUILDING DISTRICTS

Section 1. The City of Holyoke is hereby divided into zones or districts to be known as Zones A and B. Zone A shall comprise all property within the following bounds: from the point of intersection of the southerly line extended of the property of the Elmwood Cemetery Association and the center line of Northampton Street; thence running easterly along the southerly line of the Elmwood Cemetery Association extended to a point, said point being 100 feet easterly of the intersection of the southerly line extended of the Elmwood Cemetery Association and the center line of Brown Avenue extended; thence running northerly 100 feet from and parallel to the center line of Brown Avenue to a point, said point being the intersection of the last described line and a line running parallel to and 100 feet southerly of South Street; thence running westerly 100 feet from and parallel to South Street to a point 100 feet easterly of the easterly side of Northampton Street; thence northerly along a line drawn 100 feet from and parallel to Northampton Street to the center line of St. James Avenue; thence westerly along the center line of St. James Avenue extended to a point 100 feet west
of the westerly side of Northampton Street; thence southerly along a line 100 feet from and parallel to the westerly side of Northampton Street to the northerly line of the William F. Whiting property; thence easterly along the northerly line of the William F. Whiting property to the center line of Northampton Street; thence northerly along the center line of Northampton Street to the point of beginning. Zone A shall also comprise all property within the following bounds: from a point in the center line of Northampton Street; thence easterly along the center line of Beacon Avenue to a point a distance of 100 feet from the easterly side of Northampton Street; thence northerly along a line drawn 100 feet from and parallel to the easterly side of Northampton Street to the center line of Allyn Street; thence easterly along the center line of Allyn Street and extended to the center line of Taylor Street; thence northerly along the center line of Taylor Street to a point 1350 feet north of the center line of Lincoln Street; thence easterly along a line drawn at a right angle to the center line of Taylor Street as above described to the westerly side of the Connecticut River; thence northerly along the westerly bank of the Connecticut River to the point of intersection with the northerly line of the Flagg property; thence westerly along the northerly line of the Flagg property extended to a point 880 yards west of the westerly side of Northampton Street; thence along a line drawn 880 yards from and parallel to the westerly side of Northampton Street to the point of intersection of the above described line and the
northerly line extended of the property of Susanah Pickup; thence southerly along the center line of Northampton Street to the center line of Beacon Avenue, the point of beginning. Zone B shall comprise all the area not included in Zone A.

Section 2. No parcel of land lying in Zone A which at the time this ordinance goes into effect is not devoted to any business or industry other than farming, truck-gardening, growing of trees, shrubs, vines or plants, and the raising of animals, or upon which is not located a building or buildings, each housing five or more families, or upon which is not located a building or buildings each three or more stories in height, shall hereafter be used therefor, and no permit shall be issued for the erection or conversion or alteration of any building for or to such use on any such parcel.

Section 3. This ordinance shall not apply to any parcel or parcels of land now owned, leased, or otherwise used, or which may be hereafter owned, leased, or otherwise used, by any religious, educational, hospital body, institution or society, and the building regulations herebefore provided, shall not be applicable to any building or buildings proposed to be erected, altered, converted, or maintained in connection with or incidental to any religious, educational or hospital purposes.

Section 4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
Section 5. This ordinance shall take effect upon its passage.

APPROVED September 19, 1923
APPENDIX B

CITY OF HOLYOKE

In the Year One Thousand Nine Hundred and Forty-two.

AN ORDINANCE

Relative to the Parking of Vehicles on the West Side of Chestnut Street and Elm Street

Be it ordained by the Board of Aldermen of the City of Holyoke, as follows.

SECTION 1. No vehicle of any description shall be allowed to park on the west side of Chestnut Street and Elm Street, from Appleton Street to Hampshire Street.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. Any person violating this ordinance shall be subject to the penalty prescribed in “An Ordinance Establishing Rules and Regulations for the Use of Vehicles,” approved October 4, 1933.

SECTION 4. This Ordinance shall take effect upon its passage.

Approved July 10, 1942.
CITY OF HOLYOKE

In the Year One Thousand Nine Hundred and Forty-two.

AN ORDINANCE

to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into districts and regulating the use and construction of buildings and premises with a view to encouraging the most appropriate use of land in the city.

Be it ordained by the Board of Aldermen, of the City of Holyoke, as follows.

SECTION 1. DISTRICTS

For the purposes of this Ordinance, the City of Holyoke is divided, into eight classes of districts as shown on the Municipal Zoning Map of the City of Holyoke dated December 31, 1941, which accompanies and is declared to be a part of this Ordinance:

1. Residence "A" Districts.
2. Residence "B" Districts.
3. Residence "C" Districts.
4. Agricultural Districts.
8. Industrial Districts.

SECTION II. RESIDENCE "A" DISTRICT USES

In a Residence "A" District no building shall be erected or altered, and no building or premises shall be used for any purpose except:

1. Detached one-family dwelling.
2. Real estate signs not over twelve (12) square feet in area, advertising the sale, rental or lease of the premises on which they are maintained, and not referring to other premises.

3. The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence, provided there is no display visible from the street except an announcement sign as described in Paragraph 11.

4. Professional offices in private residences.

5. Churches and other places of worship including parish houses and Sunday school buildings.


7. Municipal recreational uses.

8. Municipal buildings and properties such as fire and police stations, and water supply plant not including a service station or outside storage of supplies in connection with municipal service.

9. Airports and buildings accessory thereto, providing such buildings are located not less than one hundred (100) feet from the exterior lines of the plot on which the building is located.

10. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith.

11. Small announcement or professional signs, not over two (2) square feet in area.

12. Accessory uses customarily incident to any use permitted herein, provided that such accessory uses shall not include any activity commonly conducted for gain or any private way or walk giving access to such activity.
SECTION III. RESIDENCE "B" DISTRICT USES

In a Residence "B" District no building shall be erected or altered and no building or premises may be used for any purpose except:

1. Any use permitted in a Residence "A" district.

2. A dwelling, detached, for one or two families, or a pair of semi-detached dwellings for two families, provided that both halves of a pair of semi-detached dwellings are erected at the same time, and provided that there shall be not more than one family in each half of such a pair.

3. Customary home occupations, carried on by a resident occupant, with the assistance of not more than two employees regularly engaged; provided that for each resident family not more than the equivalent of the floor area of one story is devoted to such uses, and provided that there be no display of products or services visible from the street except for an announcement sign as described in Paragraph II.

Such home occupations shall not be carried on in an accessory building.

4. Membership clubs, lodges with approval of Board of Appeals; social, recreational and community center organizations, and grounds for games or sports not including enterprises, a chief activity of which is carried on primarily for gain.

5. Dormitories, hospitals or sanitariums not primarily for contagious diseases nor for the care of epileptics or drug or liquor patients; charitable institutions which are not correctional institutions, nor primarily for the care of the insane or feebleminded; and provided such buildings be located not less than one hundred (100) feet from the exterior lines of the plot on which the institution is located; also isolation, drug and epileptic hospitals, correctional institutions, and asylums for the mentally diseased, provided they be in any
part not less than two hundred (200) feet from the exterior lines of the plot on which the institution is located.

6. Cemeteries adjacent to or in extension of existing cemeteries.

Section IV. Residence "C" District Uses

In a Residence "C" District no building shall be erected or altered and no building or premises shall be used for any purpose except:

1. Any use permitted in a Residence "A" or "B" District.

2. A building for three or more families, detached, semi-detached or between party walls.

3. Hotels, boarding houses, lodging houses and dormitories, provided there is no display of flashing electric signs, and provided that a public restaurant or dining room shall be allowed only as an accessory use in such building.

Section V. Agricultural District Uses

In an Agricultural District no building shall be erected or altered, and no building or premises shall be used for any purpose except:

1. Any use permitted in a Residence "A", "B", or "C" District.

2. Farms, dairies, nurseries, truck gardens, greenhouses, and natural ice harvesting activities;

3. Buildings or shelters for the sale of farm products, provided that a major portion of the products are raised on the premises.

4. Forests, wood lots, wood working mills and machinery.

Section VI. Commercial "A" District Uses

The main object of a Commercial "A" District shall be
to provide service for a neighborhood and act as a buffer between residence districts and more intense business uses.

In a Commercial "A" District, no building shall be erected or altered and no building or premises shall be used for any purpose except:


2. Open-air parking, provided there is no sale of gasoline, oil, or any petroleum products connected therewith. Filling stations, so-called, for the sale of petroleum products, shall not be permitted.

3. Any of the following purposes:

<table>
<thead>
<tr>
<th>Antique Store</th>
<th>Hotel</th>
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<tr>
<td>Art Shop or Gallery</td>
<td>Jewelry Store</td>
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<tr>
<td>Assembly Hall, Private Bank</td>
<td>Millinery Shop</td>
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<tr>
<td>Books and Stationery Shop</td>
<td>Musical Instruments and Sheet Music Store</td>
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<td>Beauty Parlor</td>
<td>News Stand</td>
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<td>Camera Shop</td>
<td>Office Building</td>
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<td>Dancing School</td>
<td>Optical Goods and Optician</td>
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<td>Dressmaking Establishment</td>
<td>Parking Lot</td>
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<td>Drug Store</td>
<td>Professional Offices</td>
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<tr>
<td>Dry Goods Store</td>
<td>Real Estate Offices</td>
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<tr>
<td>Electric Goods Store</td>
<td>Rubber Goods Store</td>
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<td>Florist Shop</td>
<td>Shoe Store</td>
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<tr>
<td>Furniture Store</td>
<td>Sporting Goods Store</td>
</tr>
<tr>
<td>Gift Shop</td>
<td>Tailor Shop</td>
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<tr>
<td>Hairdressing Establishment</td>
<td>Undertaking Establishment</td>
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<tr>
<td>Hardware Store</td>
<td>Wearing Apparel Store</td>
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</table>

Section VII. Business "A" District Uses

In a Business "A" District no building shall be erected or altered and no building or premises shall be used for any
purposes injurious, obnoxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, or noise or other cause or for any purpose except:


2. Filling station or public garage when located, designed and operated in accordance with provisions of law.

3. Retail business, service or public utility not involving manufacture on the premises except for products the major portion of which are to be sold at retail by the manufacturer to the consumer and provided further that not more than four operatives shall be employed in such manufacture;

4. Sign advertising goods or services offered by an occupant of the premises for sale, hire, or use.

Section VIII. Business "B" District Uses

In a Business "B" District no building shall be erected or altered and no building or premises shall be used for any purpose injurious, obnoxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, noise, or other cause for any purpose except:


2. Fabricating, manufacturing, converting, altering, finishing or assembling, wholesale sale, storage, and warehousing if conducted within buildings of fireproof construction as defined in the Holyoke Building Ordinance and if no more than fifty (50) workers are engaged in any such use.

Section IX. Industrial District Uses

In any Industrial District, no building shall be erected or altered and no building or premises shall be used for any purposes injurious, obnoxious or offensive to a neighborhood
by reason of the emission of odor, fumes, dust, smoke, vibrations, or noise or other cause or for any purpose except:


2. Any industrial use for any purpose not injurious, obnoxious or offensive by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause;

3. Any of the following specified purposes provided approval is granted by the Board of Aldermen after a duly advertised public hearing:

Abattoir.
Ammonia, Chlorine or bleaching powder manufacture.
Asphalt manufacture or refining.
Celluloid Manufacture (except in isolated, fire-resistant buildings).
Coal tar products manufacture.
Creosote manufacture.
Distillation of coal, wood or bones.
Explosives or fireworks manufacture.
Fat rendering.
Fertilizer manufacture or potash refining.
Glue or size manufacture or processes involving recovery from fish or animal offal.
Gypsum, cement, plaster or plaster of Paris manufacture.
Incineration, reduction of or dumping of offal, garbage, or refuse on a commercial basis, except where controlled by the municipality.
Junk yards and junk storage.
Linoleum manufacture.
Petroleum refining.
Pyroxylin plastic manufacture or the manufacture of articles therefrom.
Radium extraction.
Rubber, caoutchouc or gutta percha manufacture from crude or scrap material.
Sewage disposal plant, except where controlled by the municipality.
Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
Tar distillation.
Tar roofing manufacture.

SECTION X. GENERAL PROVISIONS

1. Continuation of Non-conforming Uses.—No building or other structure nor any premises shall be used, erected or altered, except in conformity with the provisions of this Ordinance provided, however, that this Ordinance shall not apply to the use of buildings, structures or premises existing prior to the date of the enactment of this Ordinance.

When a non-conforming use has been used for a more restricted use than it was prior to the enactment of this Ordinance for a period of one year, it shall not be re-established, and future use shall be in conformity with this Ordinance.

2. Existing Buildings and Permits.—Nothing in this act shall prevent the substantial restoration within twelve months and continuance of use of a building which has been damaged by fire, explosion, flood, riot, act of the public enemy or accident of any kind to such an extent that the estimated cost of such restoration does not exceed three quarters of the fair value of the building based on replacement cost immediately prior to such damage. In the case of a building not conforming in use or in bulk to the regulations for the district in which it is located, and so damaged to a greater extent, the Board of Appeals, after public hearing, may authorize the Inspector of Buildings to grant a variance permitting the restoration and continuance of use where neither will be detrimental or injurious to the character of the neighborhood.

3. Unsafe Buildings.—Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of
any building or wall declared unsafe by the Inspector of Buildings.

4. Access for Fire Apparatus.—No building to be occupied in any part for residential purposes shall be constructed on any lot or part of any lot, unless such lot or part thereof has a frontage of not less than twenty (20) feet in its least width on a public street or on an open and unoccupied private way leading to a public street.

5. Projections and Encroachments in Yards.—Except as hereinafter specified, yards and courts required by this Ordinance shall be open and unobstructed to the sky. Cornices, leaders, belt courses, sills and similar ornamental features may project not more than six (6) inches over any yard.

6. Location of Automobile Services.—No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses shall hereafter be erected or placed within twenty-five (25) feet of any residence district, unless the space so used is entirely enclosed, on the sides facing the street and residence zone, within masonry or concrete walls and a roof without openings of any kind, except windows or sky-lights having metal frames and fixed metal sash, glazed with wire glass. No driveway or door to such premises shall be in any part within twenty-five (25) feet of any residence district.

No such premises shall have at the street line any entrance or exit for motor vehicles within a radius of one hundred (100) feet of any entrance or exit at the street line of any public or private school, public library, church, playground or institution for the sick or dependent, or for children under sixteen years of age, if such entrances or exits are on the same street or an intersecting street.

7. Private Garages and Stables.—In Residence "A", "B", and "C" Districts private garages or stables are al-
owed provided that no business, service, or industry connected directly or indirectly with motor vehicles is carried on therein and provided that in Residence "A" space is provided for not more than one motor vehicle for each twenty-five hundred (2,500) square feet of lot area; in Residence "B" space is provided for not more than one motor vehicle for each twelve hundred and fifty (1,250) square feet of lot area; and in Residence "C" space is provided for not more than one motor vehicle for each one thousand (1,000) square feet of lot area except that two vehicles are permitted in any case. In a Residence "B" or "C" District not more than one such vehicle may be a commercial vehicle of not more than one and one-half ton load capacity. Space may be leased for one such commercial vehicle. Farm buildings shall be exempt from the provisions of this section.

Section XI. Height Regulations

1. Residence "A" and "B" District Heights.—In a Resident "A" or "B" District no building shall be erected or altered to exceed two and one-half stories or thirty-five (35) feet in height.

2. Residence "C", Commercial "A", and Business "A" District Heights.—In a Residence "C", Commercial "A" or Business "A" District no building shall be erected or altered to exceed four (4) stories or fifty feet in height.

3. Agricultural District Heights.—There shall be no height restriction in Agricultural Districts.

4. Business "B" and Industrial District Heights.—In a Business "B" or Industrial District no building shall be erected or altered to a height in excess of that prescribed by the Building Ordinance of the City of Holyoke.

5. Height Exemptions.—The provisions of this Ordinance governing the height of building in all districts shall not apply to parapets, pent houses, cupolas, belfries, chim-
neys, flag and radio poles, gas-holders, grain elevators, water towers, nor to bulkheads, hose towers, elevator enclosures, water tanks, scenery lofts, or scenery towers, silos, farm buildings, nor to churches, municipal or institutional buildings.

Section XII. Area Regulations

1. Front Yards.—In Residence "A", "B", and "C" Districts no story, enclosed porch, or parts of any building, except the outside steps, shall be erected nearer to the street line on which it faces than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot, on the same side of the street, and within the same block and district. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of a directly opposite lot, shall govern.

Where the alignment of a building is not controlled by the preceding paragraph no part of any building except open porches shall extend closer to the street line than as follows:

(a) Residence "A" Districts twenty-five (25) feet.
(b) Residence "B" Districts twenty (20) feet.
(c) Residence "C" Districts ten (10) feet.

In no case need the setback distance required in this section exceed thirty (30) feet.

In Residence "A" and "B" Districts open porches may extend to within fifteen (15) feet of the street line and on corner lots a building may extend to within fifteen (15) feet of the side street line, and its open porches to within ten (10) feet of such street line. A second story, unenclosed porch may project as far as a ground story porch.

In an Agricultural District no building or road-side stand shall be erected or placed within twenty (20) feet of a street line, and no building of accessory use or farm or poul-
try farm building other than a dwelling and attached garage, or roadside stand shall be built within sixty (60) feet of a street line.

In a Commercial "A" District no part of any business building shall be erected or altered so as to be nearer than (10) feet to the street line on any street on which it faces. No part of any such building shall be erected to a height in excess of two times the distance such part sets back from the center line of the widest street on which it faces. A residence building shall set back as required in a Residence "C" District.

No setback is required for a business building in a Business or Industrial District provided that no part of any such building shall be erected to a height in excess of two times the distance such part sets back from the center line of the widest street on which it faces for a Business "A" District; two and one-quarter times for a Business "B" District and no setback of any kind required in an Industrial District.

2. SIDE YARDS.—There shall be a side yard between a building and its side lot lines unless otherwise specified, and it shall have the following dimensions:

(a) Residence "A" Districts.—At least one-sixth as wide as it is long for a two story and attic building, and one-eighth as wide as it is long for a one story projection, and except for accessory buildings shall be at least six (6) feet wide;

(b) Residence "B" Districts.—One-eighth as wide as it is long for a two-story and attic building and one-twelfth as wide as it is long, for a one-story building or a one-story projection and except for accessory buildings shall be at least five (5) feet wide.

If no rooms depend primarily for light and ventilation on windows or doors opening on one side of a house, one side yard may be omitted entirely, and one side of a house built
along one lot line, provided that both halves of a pair of semi-detached houses are built at the same time, and provided the remaining side yard on the same lot shall have double the minimum width prescribed for one side yard in the preceding paragraph;

(c) *Residence "C" Districts.*—One-sixth as wide as it is long for a four-story building, one-eighth for three stories, one-twelfth for two stories, and one-sixteenth for a one-story building or one-story projection therefrom, and except for accessory buildings shall be at least five (5) feet wide;

(d) *Commercial "A", Business "A", and Industrial Districts.*—No side yard is required for a business building, but if a side yard is provided in place of a required court, it shall conform to the requirements in Section XII, 4, below, for an outer court on the lot line. For a residence building side yards shall comply with the requirements of *Residence "C" Districts.*

There shall be no side yard restrictions in an *Agricultural District.*

On a corner lot in any district the distance from the the street line to any garage or stable shall be not less than the setback required for the principal buildings.

No part of any garage or stable, situated within sixty-five (65) feet of any street line on which the adjoining lot faces, shall extend within ten (10) feet of any lot line, intersecting such street on which it serves as a side lot line to any adjoining lot located in any residence district.

3. *Rear Yards.*—In a *Residence "A" or "B" District* there shall be behind every building, except a one-story building of accessory use, a yard having a minimum depth of one-quarter of the depth of the lot or thirty (30) feet, whichever
is less. In a Residence "C" District there shall be behind every dwelling a yard having a minimum depth of one-sixth of the depth of the lot or twenty (20) feet, whichever is the less. In a Commercial "A", Business "A," or "Business B" District there shall be behind every building a yard having a minimum depth of one-sixth of the depth of the lot or twenty (20) feet, whichever is the less, except that no rear yard shall be required within fifty (50) feet of any street line and except where a building runs through the block from street to street. No rear yard is required behind a non-residence building in an Industrial Zone.

A residence building in a Commercial, Business or Industrial District shall have a rear yard complying with Residents "C" District requirements.

4. Courts—Where any part of an upper story of a non-residence building is used for offices or studios that are not adequately lighted from the street, side yard or rear yard, there shall be a court starting not more than fifty (50) feet back from the main front wall. Where any part of a story is used for living or sleeping rooms that are not adequately lighted from the street, side yard or rear yard, such court shall be required starting not more than thirty-five (35) feet back from the main front wall or in any case starting not more than two rooms in depth from the main front wall.

A court on a lot line shall be not less than five (5) feet deep, and shall be in minimum width at least four times as wide as it is deep for a four-story building, three times for three stories, two times for two stories or a one-story building or one-story projection therefrom. Such court shall start below the level of the window sills of the lowest story it is required to serve. An outer court shall not be less than ten (10) feet wide.

An inner court shall be at least one-third as wide as it is high measured from the sills of the lowest windows served by it to the average level of the tops of the enclosing walls and
shall always be at least twice as long as it is wide or of an
equivalent area but in no case less than ten (10) feet wide.

No cornice or belt course shall project more than six (6)
inches into any court.

5. Corner Clearance.—Between the lines of streets in-
tersecting at an angle of less than one hundred and thirty-
five (135) degrees and a line joining points on such lines ten
(10) feet distant from that point of intersection no building
or structure may be erected and no vegetation may be main-
tained between a height of three and one-half feet and a height
of eight (8) feet above the plane through their curb grades.

6. Appurtenant Open Space.—No yard or other open
space required for a building by this Ordinance shall during
the existence of such a building be occupied or counted as an
open space for another building.

7. Projections.—Nothing herein shall prevent the pro-
jection of steps, stoops not exceeding thirty (30) square feet
in area, eaves, cornices, window sills, or belt courses into any
required yard.

8. Lot Sizes.—No building, except one-story buildings
of accessory use, shall be erected in a Residence "A" District
on a lot containing less than eleven thousand two hundred and
fifty (11,250) square feet or less than ninety (90) feet wide, and
in a Residence "B" District on a lot containing less than
six thousand (6000) square feet or less than sixty (60) feet
wide, the lot width in each case to be measured through that
part of the building to be erected where the lot is narrowest;
provided that one building may be erected on any lot which,
at the time this Ordinance is adopted, either is separately
owned or contains five thousand (5,000) square feet, is fifty
(50) feet wide and is shown on a recorded plan of lots. In a
Residence "A", or "B" District not more than thirty-five
per cent of the area of any lot shall be occupied by a building
or buildings.
SECTION XIII. ADMINISTRATION

1. Enforcement: (a) It shall be the duty of the Inspector of Buildings and the Police Department to enforce the provisions of this Ordinance. The Inspector of Buildings and Board of Health shall refuse to grant a permit for the construction or alteration of any building or plumbing therein if the building as constructed or altered would be in violation of any of the provisions of this Ordinance; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which would be in violation of any of the provisions of this Ordinance.

(b) Where this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon height of buildings or requires larger yards or other spaces than are imposed or required by existing Ordinances or by regulations or permits, or by any restrictions, assessments, covenants, or agreements, the provisions of this Ordinance shall control.

2. Filing Plat Plan.—Unless otherwise ordered by the Inspector of Buildings, all applications for building permits made in conformity with the provisions of the Building Ordinance of the City of Holyoke shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans when approved by the Inspector of Buildings shall be returned to the owner.

3. Pending Applications for Building Permits.—Nothing herein contained shall affect any permit issued before a notice of a hearing before the Planning Board on the question of enactment or amendment hereof is first given, provided
that construction work under any such permit is commenced within six months after its issue.

4. Certificate of Occupancy.—No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Inspector of Buildings stating that the building or the proposed use thereof complies with the provisions of this Ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within two (2) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this Ordinance. A record of all certificates shall be kept on file in the office of the Inspector of Buildings, and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected.

5. Board of Appeals.—

(a) The Board of Appeals shall be the Board of Appeals appointed by the Mayor under an order dated June, 1940 providing for such a Board under Section 30 of Chapter 40 of the General Laws as amended.

(b) Appeals to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings.

Such appeals shall be taken within a reasonable time as provided by the rules of the Board, by filing with the Inspector of Buildings and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Inspector of Buildings shall forthwith transmit to the Board all the papers con-
stituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for the hearing of any appeal or other matter referred to it or petitions for variance, and give public notice thereof in an official publication or a newspaper of general circulation, in the City of Holyoke, and also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

6. **Penalty.**—Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than twenty dollars ($20) for each offense. Each day that willful violation continues shall constitute a separate offense.

7. **Changes on the Building Zone Map.**—No zone as indicated on the Building Zone Map—which is a part of this Ordinance—shall be changed until after the Planning Board has held a public hearing thereon after due notice given, and has submitted a final report with recommendations to the Board of Aldermen. This Ordinance or any zone indicated on the Building Zone Map shall not be changed by the adoption of another ordinance until after the Board of Aldermen has held a public hearing thereon, at which all interested persons shall be given an opportunity to be heard. At least twenty (20) days’ notice of the time and place of such hearing before the Board of Aldermen shall be published in a newspaper of general circulation in the City of Holyoke.

Such notice shall be in a form drafted by the City Clerk and he shall cause a copy thereof to be sent by registered mail to the owners of interest in land in the rear of, on either side of, and directly across the street from the property affected by
such proposed change at least seven (7) days before the time fixed for such hearing.

The Board of Assessors, at the request of the City Clerk or Planning Board, shall supply the City Clerk or Planning Board with the names and addresses of all persons and corporations, which, according to the records of the Board of Assessors, are the owners of interest in land in the rear of, on either side of, and directly across the street from the property affected by such changes.

8. **Repeal.**—All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

9. ** Validity.**—The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

10. **In Effect.**—This Ordinance shall take effect thirty (30) days from and after its passage.

Approved July 13, 1942.
Revised Ordinances

of the

City of Holyoke, Massachusetts

1948

Chapter 28

• ZONING •

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SECTION I. DISTRICTS; ZONING MAP

"For the purpose of this Chapter, the city of Holyoke is divided into ten (10) classes of districts as shown on the Municipal Zoning Map of the City of Holyoke, date April 1, 1948, and is declared to be a part of this Chapter.

1. Residence "A" Districts.
2. Residence "A-1" Districts.
3. Residence "B" Districts.
4. Residence "B-1" Districts. (Garden Apartments)
5. Residence "C" Districts.
6. Agricultural Districts.
10. Industrial Districts.

SECTION II. RESIDENCE "A" DISTRICT USES

In a Residence "A" District no building shall be erected or altered, and no building or premises shall be used for any purpose except:

1. Detached one-family dwelling.
2. Real estate signs not over twelve (12) square feet in area, advertising the sale, rental or lease of the premises on which they are maintained, and not referring to other premises.
3. The renting of rooms or the furnishing of a table board in a dwelling occupied as a private residence, provided there is no display visible from the street except an announcement sign as described in Paragraph 11.
4. Professional offices in private residences.
5. Churches and other places of worship including parish houses and Sunday school buildings.
7. Municipal recreational uses.
8. Municipal buildings and properties such as fire and police stations, and water supply plant not including a service station or outside storage of supplies in connection with municipal service.
9. Airports and buildings accessory thereto, providing such buildings are located not less than one hundred (100) feet from the exterior lines of the plot on which the building is located.
10. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith.
11. Small announcement or professional signs, not over two (2) square feet in area.
12. Accessory uses customarily incident to any use permitted herein, provided that such accessory uses shall not include any activity commonly conducted for gain or any private way or walk giving access to such activity.

SECTION III. RESIDENCE "B" DISTRICT USES

In a Residence "B" District no building shall be erected or altered and no building or premises may be used for any purpose except:

1. Any use permitted in a Residence "A" District.
2. A dwelling, detached, for one or two families, or a pair of semi-detached dwellings for two families, provided that both halves of a pair of semi-detached dwellings are erected at the same time, and provided that there shall be not more than one family in each half of such a pair.
3. Customary home occupations, carried on by a resident occupant, with the assistance of not more than two employees regularly engaged; provided that for each resident family not more than the equivalent of the floor area of one story is devoted to such uses, and provided that there be no display of products or services visible from the street except for an announcement sign as described in Paragraph 11.
4. Such home occupations shall not be carried on in an accessory building.
5. Membership clubs, lodges with approval of Board of Appeals; social, recreational and community center organizations, and grounds for games or sports not including enterprises, a chief activity of which is carried on primarily for gain.
6. Cemeteries adjacent to or in extension of existing cemeteries.

SECTION IV. RESIDENCE "B-1" DISTRICT USES

(Garden Apartments)

"In any Residence 'B-1' District no building shall be erected or altered, and no building or premises shall be used for any purpose except:

1. Any use permitted in a Residence "A," "A-1" or "B" District.
2. A building for three or more families, detached, semi-detached, or between party walls.

SECTION V. RESIDENCE "C" DISTRICT USES

In a Residence "C" District no building shall be erected or altered and no building or premises shall be used for any purpose except:

1. Any use permitted in a Residence "A," "A-1" or "B" District.
2. A building, for three or more families, detached, semi-detached or between party walls.
3. Hotels, boarding houses, lodging houses and dormitories, provided there is no display of flashing electric signs, and provided that a public restaurant or dining room shall be allowed only as an accessory use in such building.

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SECTION VI. AGRICULTURAL DISTRICT USES

In an Agricultural District no building shall be erected or altered, and no building or premises shall be used for any purpose except:


2. Farms, dairies, nurseries, truck gardens, greenhouses, and natural ice harvesting activities.

3. Buildings or shelters for the sale of farm products, provided that a major portion of the products are raised on the premises.

4. Forests, wood lots, temporary and portable wood working mills and machinery.

5. The removal of sand or gravel for sale or other commercial purpose shall be so carried out that the resulting grade of the pit shall be that of the nearest adjacent established street.

SECTION VII. COMMERCIAL "A" DISTRICT USES

The main object of a Commercial "A" District shall be to provide service for a neighborhood and act as a buffer between residence districts and more intense business uses.

In a Commercial "A" District, no building shall be erected or altered and no building or premises shall be used for any purpose except:


2. Open-air parking, provided there is no sale of gasoline, oil, or any petroleum products connected therewith. Filling stations, so-called, for the sale of petroleum products, shall not be permitted.

3. Any of the following purposes:
   - Antique Store
   - Art Shop or Gallery
   - Assembly Hall, Private
   - Bank
   - Books and Stationery Shop
   - Beauty Parlor
   - Camera Shop
   - Dancing School
   - Dressmaking Establishment
   - Drug Store
   - Dry Goods Store
   - Electric Goods Store
   - Florist Shop
   - Furniture Store
   - Gift Shop
   - Grocery Store
   - Hairdressing Establishment
   - Hardware Store
   - Hotel
   - Jewelry Store
   - Market
   - Millinery Shop
   - Musical Instruments and Sheet Music Store
   - News Stand
   - Office Building
   - Optical Goods and Optician
   - Parking Lot
   - Professional Offices
   - Real Estate Offices
   - Restaurants, Alcoholic Beverages prohibited
   - Rubber Goods Store
   - Shoe Store
   - Sporting Goods Store
   - Tailor Shop
   - Undertaking Establishment
   - Wearing Apparel

SECTION VIII. BUSINESS "A" DISTRICT USES

In a Business "A" District no building shall be erected or altered and no building or premises shall be used for any purposes injurious, obnoxious, or offensive to a neighborhood by reason of the emission of odors, fumes, dust, smoke, vibration, or noise or other cause or for any purpose except:


2. Filling station or public garage when located, designed and operated in accordance with provisions of law.

3. Retail business, service or public utility not involving manufacture on the premises except for products the major portion of which are to be sold at retail by the manufacturer to the consumer and provided further that not more than four operatives shall be employed in such manufacture.

4. Sign advertising goods or services offered by an occupant of the premises for sale, hire, or use.

SECTION IX. BUSINESS "B" DISTRICT USES

In a Business "B" District no building shall be erected or altered and no building or premises shall be used for any purpose injurious, obnoxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration, noise, or other cause for any purpose except:


2. Fabricating, manufacturing, converting, altering, finishing or assembling, wholesale sale, storage, and warehousing if conducted within building fireproof construction as defined in the Holyoke Building Ordinance and if no more than fifty (50) workers are engaged in any such use.

SECTION X. INDUSTRIAL DISTRICT USES

In any Industrial District, no building shall be erected or altered and no building or premises shall be used for any purposes injurious, obnoxious or offensive to a neighborhood by reason of the emission of odors, fumes, dust, smoke, vibrations, or noise or other cause or for any purpose except:


2. Any industrial use for any purpose not injurious, obnoxious or offensive by reason of the emission of odor, fumes, dust, smoke, vibration, noise or other cause;

3. Any of the following specified purposes provided approval is granted by the Board of Aldermen after a duly advertised public hearing:
   - Abbatoir
   - Ammonia, Chlorine or bleaching powder manufacture
   - Asphalt manufacture or refining
   - Celluloid Manufacture (except in isolated, fire-resisting buildings)
   - Coal tar products manufacture
   - Concrete mixing plants
   - Creosote manufacture
   - Distillation of coal, wood or bones
   - Explosives or fireworks manufacture
   - Fat rendering
   - Fertilizer manufacture or potash refining
   - Glue or size manufacture or processes involving recovery from fish or animal offal
   - Gypsum, cement, plaster or plaster of Paris manufacture
   - Incineration, reduction of or dumping of offal, garbage, or refuse on a commercial basis, except where controlled by the municipality
   - Junk yards and junk storage
   - Linoleum manufacture
   - Petroleum refining
   - Pyroxylin plastic manufacture or the manufacture of articles therefrom
   - Radium extraction
   - Rubber, caoutchouc or gutta percha manufacture from crude or scrap material
   - Sewage disposal plant, except where controlled by the municipality
   - Sulphurous, sulphuric, nitric or hydrochloric acid manufacture
   - Tar distillation
   - Tar roofing manufacture
SECTION XI. GENERAL PROVISIONS

1. Buildings, etc., to Conform to Regulations; Non-conforming Uses.—No building or other structure nor any premises shall be used, erected or altered, except in conformity with the provisions of this Chapter provided, however, that this Chapter shall not apply to the use of buildings, structures or premises existing prior to the date of the enactment of this Chapter.

When a non-conforming use has been used for a more restricted use than it was prior to the enactment of this Chapter for a period of one year, it shall not be re-established, and future use shall be in conformity with this Chapter.

2. Restoration and Continuing Use of Buildings Damaged by fire, etc.—Nothing in this Chapter shall prevent the substantial restoration within twelve months and continuance of use of a building which has been damaged by fire, explosion, flood, riot, act of the public enemy or accident of any kind to such an extent that the estimated cost of such restoration does not exceed three quarters of the fair value of the building based on replacement cost immediately prior to such damage. In the case of a building not conforming in use or in bulk to the regulations for the district in which it is located, and so damaged to a greater extent, the Board of Appeals, after public hearing, may authorize the Inspector of Buildings to grant a variance permitting the restoration and continuance of use where neither will be detrimental or injurious to the character of the neighborhood.

3. Restoring Buildings to Safe Condition. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any building or wall declared unsafe by the Inspector of Buildings.

4. Frontage of Lots Used for Residential Purposes.—No building to be occupied in any part for residential purposes shall be constructed on any lot or part of any lot, unless such lot or part thereof has a frontage of not less than twenty (20) feet in its least width on a public street or on an open and unoccupied private way leading to a public street.

5. Projection and Encroachments in Yards.—Except as hereinafter specified, yards and courts required by this Chapter shall be open and unobstructed to the sky. Corners, eaves, sills and similar ornamental features may project not more than six (6) inches over any yard.

6. Location of Automobile Services.—No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station, nor any of their appurtenances or accessory uses shall hereafter be erected or placed within twenty-five (25) feet of any residence district, unless the space so used is entirely enclosed, on the sides facing the street and residence zone, within masonry or concrete walls and a roof without openings of any kind, except windows or sky-lights having metal frames and fixed metal sash, glazed with wire glass. No driveway or door to premises shall be in any part within twenty-five (25) feet of any residence district.

No such premises shall have at the street line any entrance or exit for motor vehicles within a radius of one hundred (100) feet of any entrance or exit at the street line of any public or private school, public library, church, playground or institution to the sick or dependent, or for children under sixteen years of age, if such entrance or exit are on the same street or an intersecting street.

7. Private Garages and Stables.—In Residence “A,” “A-1,” “B,” “B-1” and “C” Districts private garages and stables are allowed provided that no business, service, or industry connected directly or indirectly with motor vehicles is carried on therein and provided that in Residence “A” space is provided for not more than one motor vehicle for each twenty-five hundred (2,500) square feet of lot area; in Residence “A-1” space is provided for not more than one motor vehicle for each twelve hundred and fifty (1,250) square feet of lot area; in Residence “B-1” Districts space shall be provided on the tract for at least one car for each two family unit built; and in Residence “C” space is provided for not more than one motor vehicle for each one thousand (1,000) square feet of lot area except that two vehicles are permitted in any case. In a Residence “B,” “B-1,” or “C” District not more than one such vehicle may be a commercial vehicle of not more than one and one-half ton load capacity. Space may be leased for one such commercial vehicle. Farm buildings shall be exempt from the provisions of this section.

8. Dumping By the Municipality.—Dumping by the municipality shall be allowed in any zone, but only under the control of the Board of Public Works, and only if controlled with sanitary fill.

SECTION XII. HEIGHT REGULATIONS

1. Residence “A,” “A-1” and “B” District Heights.—In a residence “A,” “A-1” or “B” District no building shall be erected or altered to exceed two and one-half stories or thirty-five (35) feet in height.

2. Residence “B-1” Heights.—In a Residence “B-1” District, no building shall be erected or altered to exceed three stories or forty (40) feet in height.

3. Residence “C,” Commercial “A,” and Business “A” District Heights.—In a Residence “C,” Commercial “A” or Business “A” District no building shall be erected or altered to exceed four (4) stories or fifty feet in height.

4. Agricultural District Heights.—There shall be no height restrictions for farm buildings in Agricultural Districts. Dwellings shall conform to Sec. 12, Subdivision 1 requirements for Residence “B” Districts.

5. Business “B” and Industrial District Heights.—In a Business “B” or Industrial District no building shall be erected or altered to a height in excess of that prescribed by the Building Ordinance of the City of Holyoke.

6. Height Exemptions.—The provisions of this Chapter governing the height of buildings in all districts shall not apply to parapets, pent houses, cupolas, bell towers, chimneys, bay and radius windows, gas-holders, grain elevators, water towers, nor to bulkheads, hose towers, elevator enclosures, water tanks, scenery lots, or scenery towers, silos, farm buildings, nor to churches, municipal or institutional buildings.

SECTION XIII. AREA REGULATIONS

1. FRONT YARDS.—In Residence “A,” “A-1,” “B,” “B-1” and “C” Districts no story, enclosed porch, or parts of any building, except the outside steps, shall be erected nearer to the street line on which it faces than the average alignment of the corresponding stories or parts of existing buildings within two hundred (200) feet on each side of the lot, on the same side of the street, and within the same block and district. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within two hundred (200) feet on each side of a directly opposite lot, shall govern.

Where the alignment of a building is not controlled by the preceding paragraph no part of any...
building except open porches shall extend closer to the street line than as follows:

(a) Residence "A" Districts twenty-five (25) feet.
(b) Residence "A-1" Districts twenty-five (25) feet.
(c) Residence "B" and "B-1" Districts twenty (20) feet.
(d) Residence "C" Districts ten (10) feet.
(e) Agricultural Districts twenty-five (25) feet.

In no case need the setback distance required in this section exceed thirty (30) feet.

In Residence "A," "A-1," and "B" Districts open porches may extend to within fifteen (15) feet of the street line and on corner lots a building may extend to within fifteen (15) feet of the side street line. A second story, unenclosed porch may project as far as a ground story unenclosed porch.

In an Agricultural District no building or roadside stand shall be erected or placed within twenty-five (25) feet of a street line, and no building of accessory use or farm or poultry farm building other than a dwelling and attached garage, or roadside stand shall be built within sixty (60) feet of a street line.

In a Commercial "A" District no part of any business building or other structure shall be erected or altered so as to be nearer to the street line of the street on which it faces than is permitted for dwellings in the most restricted residence district which abuts such Commercial "A" District on either side. For a residence building the setback shall comply with the setback requirements of the least restricted district which abuts such Commercial "A" District on either side.

No setback is required for a business building in a Business or Industrial District provided that no part of any such building shall be erected to a height in excess of two times the distance such part sets back from the center line of the widest street on which it faces for a Business "A" District; two and one quarter times for a Business "B" District and no setback of any kind required in an Industrial District.

2. SIDE YARDS.—There shall be a side yard between a principal building and its side lot lines unless otherwise specified, and it shall have the following dimensions:

(a) Residence "A," "A-1," Districts.—At least one-sixth as wide as it is long for a two-story and attic building, and one-eighth as wide as it is long for a one-story projection, and except for accessory buildings shall be at least six (6) feet wide.

(b) Residence "B" and Agricultural Districts.—One eighth as wide as it is long for a two-story and attic building and one-twelfth as wide as it is long for a one-story building or a one-story projection and except for accessory buildings shall be at least five (5) feet wide.

If no rooms depend primarily for light and ventilation on windows or doors opening on one side of a house, one side yard may be omitted entirely, and one side of a house built along one lot line, provided that both halves of a pair of semi-detached houses are built at the same time, and provided the remaining side yard on the same lot shall have double the minimum width prescribed for one side yard in the preceding paragraph.

(c) Residence "B-1" and "C" Districts.—One-sixth as wide as it is long for a four-story building, one-eighth for three stories, one-twelfth for two stories, and one-sixteenth for a one-story building or one-story projection therefrom, and except for accessory buildings shall be at least five (5) feet wide.

(d) In a Commercial "A" District there shall be a side yard between a business building and any side lot line. It shall comply with the side yard requirements of the most restricted residence district which abuts such Commercial "A" District on either side. For a residence building it shall comply with the side yard requirements of the least restricted residence district which abuts such Commercial "A" District on either side.

(e) Business "A," "B" and Industrial Districts.—No side yard is required for a business building, but if a side yard is provided in place of a required setback, it shall conform to the requirements in Section XIII 4, below, for an outer court on the lot line. For a residence building the side yard shall comply with the requirements of Residence "C" Districts.

No part of any garage or stable, not otherwise provided for, shall be located closer than three (3) feet to any side lot line. On a corner lot in any district the distance from the street line to any garage or stable shall be not less than the setback required for the principal buildings.

No part of any garage or stable shall be located within fifty-two (65) feet of any street line on which the adjoining lot faces, shall extend within ten (10) feet of any lot line, intersecting such street on which it serves as a side lot to any adjoining lot located in any residence district.

3. REAR YARDS.—In a Residence "A," "A-1," "B" or Agricultural District there shall be behind every building, except a one-story building of accessory use, a yard having a minimum depth of one-quarter of the depth of the lot or thirty (30) feet, whichever is less. In a Residence "B-1" or "C" District there shall be behind every dwelling a yard having a minimum depth of one-sixth of the depth of the lot or twenty (20) feet, whichever is the less. In a Commercial "A" District there shall be a rear yard between a business building and any rear lot line. It shall comply with the rear yard requirements of the most restricted residence district which abuts such Commercial "A" District on either side. For a residence building it shall comply with the rear yard requirements of the least restricted residence district which abuts such Commercial "A" District on either side. In a Business "A" or Business "B" District there shall be behind every building a yard having a minimum depth of one-sixth of the depth of the lot or twenty (20) feet, whichever is the less, except that no rear yard shall be required within fifty (50) feet of any street line and except where a building rises through the block from street to street. No rear yard is required behind a non-residence building in an Industrial Zone.

A residence building in a Business or Industrial District shall have a rear yard complying with Residence "C" District requirements.

Accessory buildings not over one story or seventeen (17) feet in height may be placed within three (3) feet of the rear lot line.

4. COURTS.—Where any part of any upper story of a non-residence building is used for offices or studios that are not adequately lighted from the street, side yard or rear yard, there shall be a court starting not more than fifty (50) feet back from the main front wall.

Where any part of a story is used for living or sleeping rooms that are not adequately lighted from the street side yard or rear yard, such court shall be required starting not more than five to fifteen (15) (35) feet back from the main front wall or in any case starting not more than two rooms in depth from the main front wall.

A court on a lot line shall be not less than five (5) feet deep, and shall be a minimum width at least four times as wide as it is deep for a four-story building, three times for three stories, two times for two stories or a one-story building or one-story pro-
section therefrom. Such court shall start below the level of the window sills of the lowest story it is required to serve. An outer court shall not be less than ten (10) feet wide.

An inner court shall be at least one-third as wide as it is high measured from the sills of the lowest windows served by it to the average level of the tops of the enclosing walls and shall always be at least twice as long as it is wide, or of an equivalent area but in no case less than ten (10) feet wide.

No cornice or belt course shall project more than six (6) inches into any court.

5. CORNER CLEARANCE.—Between the lines of streets intersecting at an angle of less than one hundred and thirty (135) degrees and a line joining points on such lines at an angle of forty (40) degrees from that point of intersection no building or structure may be erected and no vegetation may be maintained between a height of three and one-half feet and a height of eight (8) feet above the plane through their curb grades.

6. APPURTENANT OPEN SPACE.—No yard or other open space required for a building by this Ordinance shall be used for the existence of such a building occupied or counted as an open space for another building.

7. PROJECTIONS.—Nothing herein shall prevent the projection of steps, stoops not exceeding thirty (30) square feet in area, eaves, cornices, window sills, or belt courses into any required yard.

8. LOT SIZES.—No building, except one-story buildings of accessory use, shall be erected in a Residence "A" District on a lot containing less than seven thousand two hundred and twenty-five hundred (7,225) square feet nor less than ninety (90) feet wide; and in a Residence "A-1" District on a lot containing less than nine thousand three hundred and seventy-five (9,375) square feet nor less than seventy-five (75) feet wide; and in a Residence "B" District on a lot containing less than six thousand (6,000) square feet nor less than sixty (60) feet wide; and in a Residence "B-1" District no residential units for three or more families shall be erected or altered on tracts of land comprising less than two acres, and the number of family units shall be limited to one unit for each twenty-five hundred (2,500) feet of lot area exclusive of streets; and in an Agricultural District on a lot containing less than nine thousand three hundred and seventy-five (9,375) square feet nor less than seventy-five (75) feet wide, the lot width in each case to be measured through the part of the building to be erected where the lot is narrowest (provided that one building may be erected on any lot which, at the time this Ordinance is adopted, either is separately owned or contains five thousand (5,000) square feet, is fifty (50) feet wide, and is shown on a recorded plan of lots.) In a Residence "A", "A-1" or "B" District not more than thirty-five percent of the area of any lot shall be occupied by a building or buildings.

SECTION XIV. ADMINISTRATION

1. Enforcement of Chapter; Provisions of Chapter to Control:

(a) It shall be the duty of the Inspector of Buildings and the Police Department to enforce the provisions of this Chapter. The Inspector of Buildings and Board of Health shall refuse to grant a permit for the construction or alteration of any building or plumbing therein if the building as constructed or altered would be in violation of any of the provisions of this Chapter; and state and municipal officers shall refuse any permit or license for a new use of a building, structure or land which would be in violation of any of the provisions of this Chapter.

(b) Where this Chapter imposes a greater restriction upon the use of buildings or premises, or upon height of buildings or requires larger yards or other spaces than are imposed or required by existing Ordnances or by regulations or permits, or by any restrictions, covenants, or agreements, the provisions of this Chapter shall control.

2. Filing Plat Plan.—Unless otherwise ordered by the Inspector of Buildings, all applications for building permits made in conformity with the provisions of the Building Ordinance of the City of Holyoke shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions, radii and angles of the lot to be built upon, the exact size and location on the lot of the building and accessory building to be erected and such other information as may be necessary to determine and provide for the enforcement of this Chapter. One copy of such plans when approved by the Inspector of Buildings shall be returned to the owner.

3. Pending Applications for Building Permits.—Nothing herein contained shall affect any permit issued before a notice of a hearing before the Planning Board on the question of amendment of this Ordinance or any other amendment hereof is first given, provided that construction work under any such permit is commenced within six months after its issue.

4. Certificate of Occupancy.—No land shall be used or occupied and no building hereby constructed or altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the Inspector of Buildings stating that the building or the proposed use thereof complies with the provisions of this Chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within two (2) days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this Chapter. A record of all certificates shall be kept on file in the office of the Inspector of Buildings, and copies shall be furnished, on request, to any persons having a proprietary or tenancy interest in the building affected.

5. Board of Appeals; Appeals by Persons Aggrieved by Action of Inspector of Buildings:

(a) The Board of Appeals shall be the Board of Appeals appointed by the Mayor under an order dated June, 1940, providing for such a Board under Section 30 of Chapter 40 of the General Laws as amended.

(b) Appeals to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings.

Such appeals shall be taken within a reasonable time as provided by the rules of the Board, by filing with the Inspector of Buildings and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Inspector of Buildings shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for the hearing of any appeal or other matter referred to it or petitions for variance, and give public notice thereof in an official publication or a newspaper of general circulation, in the City of Holyoke, and also send notice by mail, postage prepaid, to the petitioner and to the owner or owners of property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.
6. Amendments; Changes on the Building Zone Map.—No zone as indicated on the Building Zone Map—which is a part of this Chapter—shall be changed until after the Planning Board has held a public hearing thereon after due notice given, and has submitted a final report with recommendations to the Board of Aldermen. This Chapter or any zone indicated on the Building Zone Map shall not be changed until after the Planning Board has held a public hearing thereon after due notice given, and has submitted a final report with recommendations to the Board of Aldermen. This Chapter or any zone indicated on the Building Zone Map shall not be changed by the adoption of another ordinance until after the Board of Aldermen has held a public hearing thereon, at which all interested persons shall be given an opportunity to be heard. At least twenty (20) days notice of the time and place of such hearing before the Board of Aldermen shall be published in a newspaper of general circulation in the City of Holyoke.

Notice of a change in the map shall be in a form drafted by the City Clerk and he shall cause a copy thereof to be sent by mail, postage prepaid, to the owners of interest in land in the rear of, on either side of, and directly across the street from the property affected by such proposed change at least seven (7) days before the time fixed for such hearing.

The Board of Assessors, at the request of the City Clerk or Planning Board, shall supply the City Clerk or Planning Board with the names and addresses of all persons and corporations, which, according to the records of the Board of Assessors, are the owners of interest in land in the rear of, on either side of, and directly across the street from the property affected by such changes.

7. Penalty.—Any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than twenty dollars ($20) for each offense. Each day that willful violation continues shall constitute a separate offense.

8. Repeal.—All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

9. Validity.—The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

10. In Effect.—This Ordinance shall take effect thirty (30) days from and after its passage.

Approved February 15, 1949.
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