



City Council AGENDA

Monday, February 3, 2025 - 7:00 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

- A. ROLL CALL
- B. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE
- C. CITIZEN'S SPEAK TIME
- D. MINUTES
 - 1) Regular Council Meeting – **January 21, 2025**
- E. DECLARATION OF COUNCIL PRESIDENT
- F. PRESENTATION OF RESOLUTIONS
 - 1) **TR-2025-5** - A Resolution accepting a grant **(\$3,888.81)** from the United States Department of Justice and the Commonwealth of Massachusetts Executive Office of Public Safety and Security to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
 - 2) **TR-2025-6** - A Resolution accepting a grant **(\$15,600.00)** from the Commonwealth of Massachusetts Department of Environmental Protection to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
 - 3) **TR-2025-7** - A Resolution accepting a donation in the amount of Five Hundred **(\$500.00)** Dollars from Specialty Bolt and Screw, Inc. to the Agawam Senior Center pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
 - 4) **TR-2025-8** - A Resolution accepting a donation in the amount of One Thousand Five Hundred **(\$1,500.00)** Dollars from Yasmin Adham to the Agawam Senior Center pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
 - 5) **TR-2025-9** - A Resolution confirming the reappointment of **Mary Lee Bertrand**, 926 North West Street, Feeding Hills to the Agawam Board of Health for a term expiring the first Monday in February, 2028 (Sponsored by Mayor Johnson)

- 6) **TR-2025-10** - A Resolution accepting a grant **(\$20,000.00)** from the Commonwealth of Massachusetts State Historical Records Advisory Board to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
- 7) **TR-2025-11** - A Resolution confirming the reappointment of **Paul A. Jenney**, 367 North Westfield Street, Feeding Hills to the Agawam Housing Committee to a term expiring on October 1 2027 (Sponsored by Mayor Johnson)
- 8) **TR-2025-12** - A Resolution confirming the reappointment of **Lori Stickles**, 85 Anvil Street, Feeding Hills to the Agawam Housing Authority to a term expiring the second Monday in January, 2028 (Sponsored by Mayor Johnson)
- 9) **TR-2025-13** - A Resolution confirming the reappointment of **Lori Stickles**, 85 Anvil Street, Feeding Hills, Ma. to the Community Preservation Act Committee to a term expiring April 30, 2028

G. ELECTIONS

H. PUBLIC HEARINGS

- 1) **TOR-2025-1 (PH-2025-1)** - An Ordinance to amend Chapter 180 of the Code of the City of Agawam regarding zoning enforcement powerls and penalties (Sponsored by Mayor Johnson) (Two Readings Required) (Refer to Legislative Committee) - **Public Hearing Date set for March 3, 2025**
- 2) **TOR-2025-2 (PH-2025-2)** - An Ordinance to amend Chapter 180 of the Code of the City of Agawam regarding Accessory Dwelling Units (Sponsored by Mayor Johnson) (Two Readings Required) (Refer to Legislative Committee) - **Public Hearing Date set for March 3, 2025**

I. OLD BUSINESS

J. NEW BUSINESS

- 1) **TR-2025-14** - A Resolution accepting a Grant from the Massachusetts Executive Office of Public Safety and Security and the Department of Fire Services to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
- 2) **ZC-2025-1** - Petition for Zone Change by Calabrese Construction, LLC for property located at 27 Walnut Street; 0 High Street and 17 High Street (Assessor Parcel IDS: J17-1-1; J17-1-3 and J17-1-5) from the Business A and Industrial A district to the Residence B District – **Refer to Planning Board for Public Hearing – Refer to Legislative Committee – Suggest a Public Hearing Date of March 17, 2025**

K. ANY OTHER MATTER THAT MAY LEGALLY COME BEFORE THE CITY COUNCIL

L. ADJOURNMENT

Please note that this meeting can be viewed live on Channel 15 (standard definition) or Channel 1074 (high definition) and will also be live-streamed on the town's website (www.agawam.ma.us)

REGULAR MEETING OF THE AGAWAM CITY COUNCIL

Minutes dated January 21, 2025

Council President Sandlin called the meeting to order at 7:00pm at the Agawam Senior Center Veterans Hall.

Item A. Roll Call

ROLL CALL – 11 PRESENT, 0 ABSENT

Roll Call was taken with the following Councilors present: Edward Borgatti, George, Bitzas, Thomas Hendrickson, Dino Mercadante, Robert Rossi, Anthony Russo, Rosemary Sandlin, Gerald Smith, Peter Smus, Anthony Suffriti, and Maria Valego. With eleven present, there was a quorum.

Item B. Moment of Silence and the Pledge of Allegiance.

There was a moment of silence followed by the Pledge of Allegiance.

Item C. Citizen's Speak Time

None.

Item D. Minutes

1. Regular Council Meeting – January 3, 2025

Motion to approve made by Councilor Smith and seconded by Councilor Suffriti. Voice vote unanimous approving the minutes.

Item E. Declaration of Council President

None.

Item F. Presentation of Resolutions

1. TR-2025-1 - A Resolution confirming the reappointment of Michael Cleavall, 411 Garden Street, Agawam to the Agawam Planning Board to a term expiring on January 1, 2030 (Sponsored by Mayor Johnson)

Motion to approve made by Council Vice President Russo and seconded by Councilor Valego.

The vote was **11 YES, 0 NO** approving the item.

2. TR-2025-2 - A Resolution confirming the reappointment of Dean Godek, 24 Cedar Knoll Drive, Feeding Hills to the Agawam Golf Commission to a term expiring on December 31, 2027 (Sponsored by Mayor Johnson)

Motion to approve made by Councilor Mercadante and seconded by Councilor Bitzas.

The vote was **11 YES, 0 NO** approving the item.

3. **TR-2025-3 - A Resolution accepting a donation in the amount of Five Thousand (\$5000.00) Dollars from the Town of Agawam Special Police Division to the Whiting Street/Thomas Pyne Funds (Sponsored by Mayor Johnson)**

Motion to approve made by Councilor Smith and seconded by Council Vice President Russo.

The vote was **11 YES, 0 NO** approving the item.

4. **TR-2025-4 - A Resolution accepting a donation in the amount of Five Hundred (\$500.00) Dollars from the Town of Agawam Special Police Division to the Town of Agawam Cultural Council (Sponsored by Mayor Johnson)**

Motion to approve made by Councilor Smith and seconded by Councilor Smus.

The vote was **11 YES, 0 NO** approving the item.

Item G. Elections

1. **TE-2025-5 - Election of a regular member of the Zoning Board of Appeals with a term expiring January 1, 2028**

Council Vice President Russo placed the name of Aldo Mancini into nomination. Motion to close was moved by Councilor Mercadante and seconded.

The vote was **11 YES, 0 NO** for **Aldo Mancini**. Council President Sandlin congratulated Aldo Mancini and thanked him for his service.

Item H. Public Hearings

None.

Item I. Old Business

1. **TO-2025-1 - An Order granting or renewing a Class 2 Dealer's LICENSE to Balfour Motors, 1801 Main Street, Agawam (Clerk) (Referred to Administrative Committee)**

Motion to approve made by Councilor Rossi and seconded by Council Vice President Russo. As Chair of the Administrative Committee, Councilor Rossi provided the report stating that the Committee found no issues or concerns with the application and sent a positive recommendation to the Full Council by a vote of 5 Yes, 0 No.

The vote was **11 YES, 0 NO** approving the item.

2. **TO-2025-2 - An Order granting or renewing a Class 2 Dealer's LICENSE to Paul J. LaPointe d/b/a The Car Connection, 820 Springfield Street, Agawam (Clerk) (Referred to Administrative Committee)**

Motion to approve made by Councilor Smith and seconded by Councilor Valego. As Chair of the Administrative Committee, Councilor Rossi provided the report stating that the Committee found no issues or concerns with the application and sent a positive recommendation to the Full Council by a vote of 5 Yes, 0 No.

The vote was **11 YES, 0 NO** approving the item.

Item J. New Business

1. **TR-2025-5 - A Resolution accepting a grant (\$3,888.81) from the United States Department of Justice and the Commonwealth of Massachusetts Executive Office of Public Safety and Security to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)**

Next Agenda.

2. **TR-2025-6 - A Resolution accepting a grant (\$15,600.00) from the Commonwealth of Massachusetts Department of Environmental Protection to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)**

Next Agenda.

3. **TR-2025-7 - A Resolution accepting a donation in the amount of Five Hundred (\$500.00) Dollars from Specialty Bolt and Screw, Inc. to the Agawam Senior Center pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)**

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4. **TR-2025-8 - A Resolution accepting a donation in the amount of One Thousand Five Hundred (\$1,500.00) Dollars from Yasmin Adham to the Agawam Senior Center pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)**

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5. **TR-2025-9 - A Resolution confirming the reappointment of Mary Lee Bertrand, 926 North West Street, Feeding Hills to the Agawam Board of Health for a term expiring the first Monday in February, 2028 (Sponsored by Mayor Johnson)**

Next Agenda.

6. **TR-2025-10 - A Resolution accepting a grant (\$20,000.00) from the Commonwealth Of Massachusetts State Historical Records Advisory Board to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)**

Next Agenda.

7. **TR-2025-11 - A Resolution confirming the reappointment of Paul A. Jenney, 367 North Westfield Street, Feeding Hills to the Agawam Housing Committee to a term expiring on October 1 2027 (Sponsored by Mayor Johnson)**

Next Agenda.

8. **TR-2025-12 - A Resolution confirming the reappointment of Lori Stickles, 85 Anvil Street, Feeding Hills to the Agawam Housing Authority to a term expiring the second Monday in January, 2028 (Sponsored by Mayor Johnson)**

Next Agenda.

9. **TR-2025-13 - A Resolution confirming the reappointment of Lori Stickles, 85 Anvil Street, Feeding Hills, Ma. to the Community Preservation Act Committee to a term expiring April 30, 2028**

Next Agenda.

10. **TOR-2025-1 - An Ordinance to amend Chapter 180 of the Code of the city of Agawam regarding zoning enforcement powers and penalties (Sponsored by Mayor Johnson) (Two Readings Required) – Refer to Planning Board – Refer to Legislative Committee – Suggest a Public Hearing Date of March 3, 2025**

Council President Sandlin officially referred the item to the Planning Board as well as the Legislative Committee. She set the Public Hearing for March 3rd.

11. **TOR-2025-2 - An Ordinance to amend Chapter 180 of the Code of the City of Agawam regarding Accessory Dwelling Units (Sponsored by Mayor Johnson) (Two Readings Required) – Refer to Planning Board – Refer to Legislative Committee – Suggest a Public Hearing Date of March 3, 2025**

Council President Sandlin officially referred the item to the Planning Board as well as the Legislative Committee. She set the Public Hearing for March 3rd.

Item L. Any other matter that may legally come before the City Council

Councilor Suffriti hoped everyone stayed warm and also wished a Happy Birthday to Council “Mom”. Councilor Rossi also wished Barbara a Happy Birthday. He also noted that plowing was poor on his street during the past storm. Council Vice President also wished a Happy Birthday to Barbara. He also noticed that the flashing warning lights at the train tracks were not working and asked for an update. Councilor Smus also wished Council Mom a Happy Birthday. Councilor Borgatti said that there is a High School project website with continuous updates. The website is agawamhsproject.com and a Happy Birthday to Barb as well. Councilor Valego wished Barb a Happy Birthday as well. Council President Sandlin thanked everyone for their support in voting her back in and wished Barbara a Happy Birthday,

Item M. Adjournment

Motion to adjourn made by Councilor Mercadante and seconded by Councilor Suffriti. Meeting was adjourned at 7:18pm.

APPROVED

TR-2025-1

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
MICHAEL CLEAVALL OF 411 GARDEN STREET, AGAWAM, MA
TO THE AGAWAM PLANNING BOARD
TO A TERM EXPIRING ON JANUARY 1, 2030

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Michael Cleavall of 411 Garden Street, Agawam, Massachusetts on the Agawam Planning Board expired on January 1, 2025; and

WHEREAS, the Mayor has reappointed Michael Cleavall of 411 Garden Street, Agawam, Massachusetts to the Agawam Planning Board to a term expiring January 1, 2030; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Michael Cleavall of 411 Garden Street, Agawam, Massachusetts to the Agawam Planning Board to a term expiring January 1, 2030.

DATED THIS 21st DAY OF January, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher Cappucci, City Solicitor

Original: Clerk
Mayor
Council
Planning
Board

APPROVED

TR-2025-2

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
DEAN GODEK OF 24 CEDAR KNOLL DRIVE, FEEDING HILLS, MA
TO THE AGAWAM GOLF COMMISSION
TO A TERM EXPIRING ON DECEMBER 31, 2027

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Dean Godek of 24 Cedar Knoll Drive, Feeding Hills, Massachusetts on the Agawam Golf Commission expired on December 31, 2024; and

WHEREAS, the Mayor has reappointed Dean Godek of 24 Cedar Knoll Drive, Feeding Hills, Massachusetts to the Agawam Golf Commission to a term expiring December 31, 2027; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Dean Godek of 24 Cedar Knoll Drive, Feeding Hills, Massachusetts to the Agawam Golf Commission to a term expiring December 31, 2027.

DATED THIS 21st DAY OF January, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher Cappucci, City Solicitor

Original: Clerk
Mayor
Council
Law
Golf
Auditor

APPROVED

TR-2025-3

A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF FIVE
THOUSAND (\$5,000.00) DOLLARS FROM THE
TOWN OF AGAWAM SPECIAL POLICE DIVISION TO THE
WHITING STREET/THOMAS PYNE FUNDS

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Whiting Street Fund and Thomas Pyne Fund are two funds that were first established in 1875 and 1894 respectively to provide relief and comfort to the "worthy poor" residents of the Town of Agawam; and

WHEREAS, both funds are administered in the Town of Agawam by a three (3) person Board of Commissioners; and

WHEREAS, the Board of Commissioners are appointed by the Mayor and confirmed by the City Council to consider and vote on applications that meet the terms of eligibility for the funds; and

WHEREAS, the Town of Agawam Special Police Division has made a generous donation in the amount of Five Thousand (\$5,000.00) Dollars to the Whiting Street/Thomas Pyne Funds; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said donation to the Whiting Street/Thomas Pyne Funds; and

NOW THEREFORE, the Agawam City Council resolves, pursuant to Massachusetts General Laws Chapter 44, Section 53A, to accept the donation from the Town of Agawam Special Police Division in the amount of Five Thousand (\$5,000.00) Dollars to the Whiting Street/Thomas Pyne Funds.

DATED THIS 21st DAY OF January, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, City Solicitor

Original: Clerk
Mayor
Council
Law
APD
Auditor
Treasurer

APPROVED

TR-2025-4

A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF
FIVE HUNDRED (\$500.00) DOLLARS FROM THE
TOWN OF AGAWAM SPECIAL POLICE DIVISION TO THE
TOWN OF AGAWAM CULTURAL COUNCIL

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Agawam Cultural Council received a donation in the amount of Five Hundred (\$500.00) Dollars from the Town of Agawam Special Police Division; and

WHEREAS, the Agawam Cultural Council wants to earmark the donation to sponsor events for young adults with developmental disabilities; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said donation to the Agawam Cultural Council; and

NOW THEREFORE, the Agawam City Council resolves, pursuant to Massachusetts General Laws Chapter 44, Section 53A, to accept the donation from the Town of Agawam Special Police Division in the amount of Five Hundred (\$500.00) Dollars to the Agawam Cultural Council.

DATED THIS 21st DAY OF January, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, City Solicitor

Original: Clerk
Mayor
Law
Council
APD
Auditor
Treasurer
Cultural

Class 2 Dealer licenses were also approved TO-2025-1 and TO-2025-2

**A RESOLUTION ACCEPTING A GRANT FROM THE UNITED STATES
DEPARTMENT OF JUSTICE AND THE COMMONWEALTH OF
MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND
SECURITY TO THE TOWN OF AGAWAM PURSUANT TO MASSACHUSETTS
GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Bulletproof Vest Partnership (BVP) Program was created by the Bulletproof Vest Partnership Grant Act of 1998; and

WHEREAS, the Bulletproof Vest Partnership (BVP) Program is part of the Bureau of Justice Assistance which is a part of the United States Department of Justice; and

WHEREAS, the Commonwealth of Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research administers the Bulletproof Vest Partnership (BVP) Program; and

WHEREAS, the Agawam Police Department applied for and was awarded a grant from the Bulletproof Vest Partnership Program (BVP); and

WHEREAS, the grant is in the amount of Three Thousand Eight Hundred Eighty-eight and 81/100 (\$3,888.81) Dollars which is a grant up to fifty (50%) percent of the total purchase cost; and

WHEREAS, the Agawam Police Department will use the funds for the purchase of bulletproof vests; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant; and

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53A to accept this grant from Commonwealth of Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research in the amount of Three Thousand Eight Hundred Eighty-eight and 81/100 (\$3,888.81) Dollars.

DATED THIS ____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, Solicitor

COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the Standard Contract Form Instructions and Contractor Certifications, the Commonwealth Terms and Conditions for Human and Social Services or the Commonwealth IT Terms and Conditions which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.mass.gov/ctrforms>. Forms are also posted at OSD Forms: <https://www.mass.gov/osdforms>.

CONTRACTOR LEGAL NAME: Town of Agawam (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety and Security MMARS Department Code: EPS	
Legal Address: (W-8, W-4): 38 Main Street Agawam, MA 01001		Business Mailing Address: 10 Park Plaza, Suite 3720A, Boston, MA, 02116	
Contract Manager: Anthony Grasso	Phone: 413-786-4767	Billing Address (if different):	
E-Mail: agrasso@agawam.ma.us	Fax: 413-786-4821	Contract Manager: Corine Pryme	Phone: (617) 725-3322
Contractor Vendor Code: VC6000191692		E-Mail: corine.pryme@mass.gov	Fax: (617) 725-0260
Vendor Code Address ID (e.g. "AD001"): AD001 (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s):	
		RFR/Procurement or Other ID Number: COMMBUYS BD-22-1044-EPS11-10440-71531	
<u>X</u> NEW CONTRACT PROCUREMENT OR EXCEPTION TYPE: (Check one option only) ☐ Statowide Contract (OSD or an OSD-designated Department) ☐ Collective Purchase (Attach OSD approval, scope, budget) ☒ Department Procurement (Includes all Grants - 815 CMR 2.00) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) ☐ Emergency Contract (Attach justification for emergency, scope, budget) ☐ Contract Employee (Attach Employment Status Form, scope, budget) ☐ Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		<u> </u> CONTRACT AMENDMENT Enter Current Contract End Date <u>Prior</u> to Amendment: ____ 20 ____ Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) ☐ Amendment to Date, Scope or Budget (Attach updated scope and budget) ☐ Interim Contract (Attach justification for Interim Contract and updated scope/budget) ☐ Contract Employee (Attach any updates to scope or budget) ☐ Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <u>X</u> Commonwealth Terms and Conditions <u> </u> Commonwealth Terms and Conditions For Human and Social Services <u> </u> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <u>X</u> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <u> </u> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or new total if Contract is being amended). \$ _____.			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from Invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days <u> </u> % PPD; Payment issued within 15 days <u> </u> % PPD; Payment issued within 20 days <u> </u> % PPD; Payment issued within 30 days <u> </u> % PPD. If PPD percentages are left blank, identify reason: <u>X</u> agree to standard 45 day cycle <u> </u> statutory/legal or Ready Payments (M.G.L. c. 29, § 23A); <u> </u> only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) Grant funds from the Bulletproof Vest Grant Program - Administered by Executive Office of Public Safety and Security- Office of Grants and Research.			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <u> </u> 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. <u> </u> 2. may be incurred as of ____ 20 ____, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date. <u>X</u> 3. were incurred as of <u>3/1/2022</u> , a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>2/28/2027</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>11/25/2024</u> (Signature and Date Must Be Captured At Time of Signature) Print Name: <u>Christopher C. Johnson</u> Print Title: <u>Mayor</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>11/25/2024</u> (Signature and Date Must Be Captured At Time of Signature) Print Name: <u>Kevin J. Stanton</u> Print Title: <u>Executive Director</u>	

**A RESOLUTION ACCEPTING A GRANT FROM THE COMMONWEALTH OF
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
TO THE TOWN OF AGAWAM PURSUANT TO
MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Massachusetts Department of Environmental Protection (Mass DEP) has awarded the Town of Agawam Recycling Dividends Program funds under the Sustainable Materials Recovery Program; and

WHEREAS, the Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by Mass DEP; and

WHEREAS, the Town of Agawam has earned 12 points and will receive Fifteen Thousand Six Hundred (\$15,600.00) Dollars; and

WHEREAS, the RDP Payments shall be expended on allowable activities and programs to enhance the performance of waste reduction programs in the Town of Agawam; and

WHEREAS, it is in the best interest of the Town of Agawam to accept said grant; and

NOW THEREFORE BE IT RESOLVED, that the Agawam City Council pursuant to Massachusetts General Laws Chapter 44 Section 53A accepts a grant in the amount of Fifteen Thousand Six Hundred (\$15,600.00) Dollars from the Commonwealth of Massachusetts Department of Environmental Protection to enhance the performance of waste reduction programs in the Town of Agawam.

DATED THIS ____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, Solicitor



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

December 17, 2024

Christopher Johnson
Mayor
Town of Agawam
36 Main Street
Agawam, MA 01001

Dear Mayor Johnson:

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the Town of Agawam Recycling Dividends Program funds under the Sustainable Materials Recovery Program. The Town of Agawam has earned 12 points and will receive \$15,600.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. This year, we are awarding more than \$4 million in SMRP funding to 285 municipalities and regional groups.

Recycling programs play a vital role in limiting our dependence on landfills and incinerators, reducing greenhouse gas emissions, and supporting economic activity in the Commonwealth. Recycling Dividend Program funds foster investment in local programs including recycling equipment, organics diversion, outreach and education, pilot programs, school recycling, toxics reduction, and more. Please refer to the [RDP Approved Expenses List](#) for more information. MassDEP has invested in developing nationally recognized tools to assist municipalities with reducing recycling contamination and improving public awareness of smart recycling practices. We encourage you to utilize the [Recycling IQ Kit](#) and [Recycle Smart MA](#) website and to consult with your MassDEP [Municipal Assistance Coordinator](#) for assistance in implementing these best practices.

To accept your grant award, please sign and return the attached RDP Contract via email to Cathy Doodnauth at Cathy.Doodnauth@mass.gov before **February 15, 2025**. After we receive your signed RDP contract, funds will be sent to your community. The receipt of grant funds is contingent upon the grantee being able to certify that it will comply with the Massachusetts General Laws, including G.L. c. 40A, § 3A, the MBTA Communities Act. Compliance with the MBTA Communities Act is determined by the Executive Office of Housing and Livable Communities.

Should you have any questions, please email Rachel Smith at Rachel.Smith@mass.gov. Thank you for your continued commitment to recycling and waste reduction in Massachusetts.

Sincerely,

Bonnie Heiple, Commissioner

TR-2025-7

**A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF
FIVE HUNDRED (\$500.00) DOLLARS FROM SPECIALTY BOLT AND SCREW, INC.
TO THE AGAWAM SENIOR CENTER PURSUANT TO
MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Agawam Senior Center received a check in the amount of Five Hundred (\$500.00) Dollars from Specialty Bolt and Screw, Inc.; and

WHEREAS, the Agawam Senior Center accepted the donation which was earmarked for the Snowflake Spectacular; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said donation; and

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53(a) to accept a donation in the amount of Five Hundred (\$500.00) Dollars from Specialty Bolt and Screw, Inc. to be used by the Agawam Senior Center.

Dated this _____ day of _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, Solicitor

AGAWAM COUNCIL ON AGING
And
SENIOR CENTER

954 MAIN STREET
AGAWAM, MASSACHUSETTS 01001-3128

TELEPHONE (413) 821-0604/5
FAX (413) 789-4092

January 9, 2025

Mayor Christopher Johnson
36 Main St.
Agawam, MA 01001

Dear Mayor Johnson:

Please accept the generous donation from Specialty Bolt and Screw Inc. in the amount of \$500.00 to be placed in the Council on Aging Gift Account 23810.

On behalf of the Senior Center we are very thankful Specialty Bolt and Screw Inc. made a monetary donation to support our Snowflake Spectacular which was held at the Senior Center on December 18, 2024. It is because of the generosity of local business owners our Seniors are able to enjoy the special touches during activities and entertainment which the general budget couldn't possibly fund.

If you have any questions, please do not hesitate to contact me directly. Thank you.

Respectfully Submitted,



Cindy Sullivan
Director COA/Senior Center

Cc:City Solicitor Cappucci

TR-2025-8

**A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF
ONE THOUSAND FIVE HUNDRED (\$1,500.00) DOLLARS FROM YASMIN ADHAM
TO THE AGAWAM SENIOR CENTER PURSUANT TO
MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Agawam Senior Center received a check in the amount of One Thousand Five Hundred (\$1,500.00) Dollars from Yasmin Adham; and

WHEREAS, the Agawam Senior Center accepted the donation which is earmarked for various events for the Agawam Senior Center throughout the year; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said donation; and

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53(a) to accept a donation in the amount of One Thousand Five Hundred (\$1,500.00) Dollars from Yasmin Adham to be used by the Agawam Senior Center.

Dated this _____ day of _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, Solicitor

AGAWAM COUNCIL ON AGING
And
SENIOR CENTER

954 MAIN STREET
AGAWAM, MASSACHUSETTS 01001-3128

TELEPHONE (413) 821-0604/5
FAX (413) 789-4092

January 9, 2025

Mayor Christopher Johnson
36 Main St.
Agawam, MA 01001

Dear Mayor Johnson:

Please accept the generous donation from Yasmin Adham in the amount of \$1500.00 to be placed in the Council on Aging Gift Account 23810.

On behalf of the Senior Center we are very thankful that Ms. Adham has chosen to contribute to the Senior Center in such a generous manner.

If you have any questions, please do not hesitate to contact me directly. Thank you.

Respectfully Submitted,



Cindy Sullivan
Director COA/Senior Center

Cc:City Solicitor Cappucci

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AGAWAM COUNCIL ON AGING
GIFT ACCOUNT
AGAWAM SENIOR CENTER
954 MAIN ST
AGAWAM MA 01001-2531



DATE	DESCRIPTION	TYPE	AMOUNT
12/30/24	CHECK ISSUED	CHK	1500.00
12/30/24	GIFT FROM YASMIN ADHAM		
12/30/24	MAIL		
	CHECK ISSUED		****1500.00



ACCOUNT NUMBER ABCK-4078-9540

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER



American Enterprise Investment Services, Inc. • Member FINRA/SIPC
An affiliate of Ameriprise Financial Services, Inc.

CHECK NUMBER
9687643

Wells Fargo Bank, N.A.

56-382/412

DATE: 12/30/24

Pay: ****One Thousand Five Hundred and 00/100 Dollars

To the Order of:

\$*****1500.00

AGAWAM COUNCIL ON AGING
GIFT ACCOUNT
AGAWAM SENIOR CENTER
954 MAIN ST
AGAWAM MA 01001

VOID AFTER 180 DAYS

Walter S. Berman

TR-2025-9

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
MARY LEE BERTRAND OF 926 NORTH WEST STREET, FEEDING HILLS, MA
TO THE AGAWAM BOARD OF HEALTH
FOR A TERM EXPIRING THE FIRST MONDAY IN FEBRUARY, 2028**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Mary Lee Bertrand of 926 North West Street, Feeding Hills, Massachusetts on the Agawam Board of Health expires the first Monday in February 2025; and

WHEREAS, the Mayor has reappointed Mary Lee Bertrand of 926 North West Street, Feeding Hills, Massachusetts to the Agawam Board of Health to a term expiring the first Monday in February, 2028; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Mary Lee Bertrand of 926 North West Street, Feeding Hills, Massachusetts to the Agawam Board of Health to a term expiring the first Monday in February, 2028.

DATED THIS ____ DAY OF _____, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, City Solicitor

January 7, 2025

Dear Mayor Johnson,

This is to inform you that I am still interested in being a member of the Board of Health in Agawam, MA. I have enjoyed being a member and hope that I will be allowed to continue.

Thank you,

Mary Lee Bertrand

Mary Lee Bertrand

APPROVED
cej

AGAWAM MAYOR'S OFFICE
2025 JAN 10 PM 12:27

**A RESOLUTION ACCEPTING A GRANT FROM THE COMMONWEALTH OF
MASSACHUSETTS STATE HISTORICAL RECORDS ADVISORY BOARD
TO THE TOWN OF AGAWAM PURSUANT TO MASSACHUSETTS
GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Massachusetts State Historical Records Advisory Board (MA SHRAB) provides matching grants to preserve objects, sites and collections of documents that are significant to the history and experiences of military veterans in the Commonwealth of Massachusetts; and

WHEREAS, municipalities and non-profit organizations may apply for matching funds for the renovation, rehabilitation, preservation or enhancement of objects including existing markers, memorials, monuments and plaques significant to the commemoration of veterans of any military engagement; and

WHEREAS, this grant program is offered through support from the Office of the Secretary of the Commonwealth and the Massachusetts General Court, and activities of the MA SHRAB are also supported by the National Historical Publications and Records Commission (NHPRC); and

WHEREAS, the Agawam Veterans Council applied for and was awarded a grant from the Massachusetts State Historical Records Advisory Board (MA SHRAB); and

WHEREAS, the grant is in the amount of Twenty Thousand (\$20,000.00) Dollars which represents up to fifty (50%) percent of the total project cost; and

WHEREAS, the Agawam Veterans Council will use the grant funds for the purchase and installation of a foundation for of a War on Terrorism Monument; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant from the Massachusetts State Historical Records Advisory Board; and

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53A to accept this grant from the Massachusetts State Historical Records Advisory Board in the amount of Twenty Thousand (\$20,000.00) Dollars for the purchase and installation of a foundation for of a War on Terrorism Monument.

DATED THIS ____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Archives Division

Christopher Johnson, Mayor
Town of Agawam
36 Main Street
Agawam, MA 01001

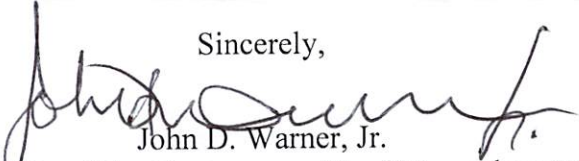
Dear Mayor Johnson:

January 6, 2025

I want to offer you and the Town of Agawam my congratulations on behalf of Secretary of State William F. Galvin, the Massachusetts General Court and the State Historical Records Advisory Board. The Board recently approved \$20,000.00 to fund your application to the Veterans' Heritage Grant Program.

The Board requests a Project Status Report, including any photographs and media accounts of the project by the end of the calendar year. Thank you for your interest in the Veterans' Heritage Grant Program and for your efforts to preserve the history of our Commonwealth's veterans.

Sincerely,


John D. Warner, Jr.
Archivist of the Commonwealth of Massachusetts

TR-2025-11

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
PAUL A. JENNEY OF 367 NORTH WESTFIELD STREET, FEEDING HILLS, MA
TO THE AGAWAM HOUSING COMMITTEE
TO A TERM EXPIRING ON OCTOBER 1, 2027**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Paul A. Jenney of 367 North Westfield Street, Feeding Hills, Massachusetts on the Agawam Housing Committee expired on October 1, 2024; and

WHEREAS, the Mayor has reappointed Paul A. Jenney of 367 North Westfield Street, Feeding Hills, Massachusetts to the Agawam Housing Committee to a term expiring October 1, 2027; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Paul A. Jenney of 367 North Westfield Street, Feeding Hills, Massachusetts to the Agawam Housing Committee to a term expiring October 1, 2027.

DATED THIS _____ DAY OF _____, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, City Solicitor

Mayor Christopher Johnson
Town of Agawam
36 Main Street
Agawam MA 01101

APPROVED
CJ

VIA EMAIL

Dear Mayor Johnson,

Please accept this email as my wish to be re-appointed to the Agawam Housing Committee. Sorry it took so long but a crisis at home, the death of Michelle's grandfather and her mental health and all the paperwork that ensued being his legal guardian and conservator let alone the holidays.

Given the housing crisis locally, let alone statewide and nationally, it's imperative for everyone to work together, local, state and federal governments, lenders, developers, Realtors and landlords (who bear a disproportionate amount of negativity both in the press and the state legislature with onerous new regulations which will only impede development) to alleviate this issue.

It's not a problem a few years in the making, or only COVID, but decades in the making and hopefully we can put forth some new ideas to creatively add more housing and more affordable housing to Agawam.

Cordially,

Paul A. Jenney

TR-2025-12

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
LORI STICKLES OF 85 ANVIL STREET,
FEEDING HILLS, MA TO THE AGAWAM HOUSING AUTHORITY
TO A TERM EXPIRING THE SECOND MONDAY IN JANUARY 2030**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Lori Stickles of 85 Anvil Street, Feeding Hills, Massachusetts on the Agawam Housing Authority expired on January 13, 2025; and

WHEREAS, the Mayor has reappointed Lori Stickles of 85 Anvil Street, Feeding Hills, Massachusetts to the Agawam Housing Authority to a term expiring the second Monday in January 2030; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Lori Stickles of 85 Anvil Street, Feeding Hills, Massachusetts to the Agawam Housing Authority to a term expiring the second Monday in January 2030.

DATED THIS _____ **DAY OF** _____, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, City Solicitor

AGAWAM HOUSING AUTHORITY

66 Meadowbrook Manor
Agawam, MA 01001-3128
(413) 786-1297 • Fax (413) 789-6218
www.agawamhousing.org
Maureen M. Cayer
Executive Director

January 14, 2025

Mayor Christopher Johnson
36 Main Street
Agawam, MA 01001

Re: Agawam Housing Authority Mayoral Appointee

Mr. Mayor,

Please consider reappointing Lori Stickles to the Board of Commissioners to the Agawam Housing Authority. Mrs. Stickles' current Board appointment expired on January 13, 2025.

Thank you,



Maureen M. Cayer
Executive Director

APPROVED
ef

TR-2025-13

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF LORI STICKLES, 85 ANVIL STREET, FEEDING HILLS, MA. TO THE COMMUNITY PRESERVATION ACT COMMITTEE TO A TERM EXPIRING APRIL 30, 2028

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, Vincenzo Ronghi resigned as the Agawam Housing Authority representative on the Agawam Community Preservation Act Committee; and

WHEREAS, Lori Stickles, 85 Anvil Street, Feeding Hills, MA wishes to be appointed; and

WHEREAS, the appointment of Lori Stickles was voted on and confirmed by the Housing Authority; and

NOW, THEREFORE, THE AGAWAM CITY COUNCIL hereby resolves to confirm the appointment of Lori Stickles, 85 Anvil Street, Feeding Hills, MA to the Agawam Community Preservation Act Committee for a term expiring April 30, 2028.

Dated this _____ **day of** _____, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, Council President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

AGAWAM HOUSING AUTHORITY

66 Meadowbrook Manor
Agawam, MA 01001-3128
(413) 786-1297 • Fax (413) 789-6218
www.agawamhousing.org
Maureen M. Cayer
Executive Director

January 14, 2025

Mayor Christopher Johnson
36 Main Street
Agawam, MA 01001

Re: Agawam Housing Authority Mayoral Appointee

Mr. Mayor,

Please consider reappointing Lori Stickles to the Board of Commissioners to the Agawam Housing Authority. Mrs. Stickles' current Board appointment expired on January 13, 2025.

Thank you,



Maureen M. Cayer
Executive Director

APPROVED
ef

**AN ORDINANCE TO AMEND CHAPTER 180
OF THE CODE OF THE CITY OF AGAWAM REGARDING
ZONING ENFORCEMENT POWERS AND PENALTIES**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, Section 180-15 to Section 180-16.1 of the Code of the City of Agawam sets forth the zoning enforcement powers of the Inspector of Buildings and the non-criminal enforcement penalties; and

WHEREAS, the Zoning Advisory Committee recommends the proposed amendment and the City Council has the authority to enact the proposed amendment the Code of the City of Agawam; and

WHEREAS, Section 180-16.1 of the Code of the City of Agawam sets the non-criminal enforcement penalties and was last updated in 2005; and

WHEREAS, the Inspector of Buildings wants to expand the enforcement powers and increase the non-criminal enforcement penalties to improve zoning enforcement efforts; and

WHEREAS, the proposed amendment to Section 180-15 to Section 180-16.1 of the Code of the City of Agawam expands non-criminal enforcement to include conditions of a permit or special permit granted under the zoning code or under any decision rendered by the Zoning Board of Appeals or the Planning Board; and it further provides that unpaid fines shall be subject to the municipal charges lien law (M.G.L. c. 40 §58) which allows the town to lien the property involved and ultimately add unpaid liens to the real estate tax bill for collection; and

WHEREAS, it is in the best interest of the City of Agawam to amend Section 180-15 to Section 180-16.1 of the Code of the City of Agawam to enhance the zoning enforcement powers of the Inspector of Buildings and to increase the non-criminal enforcement penalties; and

NOW THEREFORE, the Agawam City Council hereby amends the Code of the City of Agawam Chapter 180, Section 180-15 to Section 180-16.1 by deleting those sections in their entirety and inserting in place thereof the following:

§180-15. Enforcement. The provisions of this Chapter shall be enforced by the Inspector of Buildings, and no permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Chapter. Whenever any permit or license is refused because of some provision of this Chapter, the reason therefor shall be clearly stated in writing and kept on file.

§180-16. Judicial Enforcement Penalties. Complaints for enforcement of this Chapter brought to Superior Court or Housing Court shall carry a penalty of three hundred (\$300.00) dollars for each violation. Each day such violation continues shall be deemed a separate offense.

§180-16.1. Noncriminal Enforcement. In addition to the procedures for enforcement as described above, the provisions of this Chapter, the conditions of a permit or special permit granted under this Chapter, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Chapter shall be enforced by the Inspector of Buildings, by noncriminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, §21D, as amended from time to time. The fine for any violation disposed of through this procedure shall be one hundred (\$100.00) dollars for the first offense; two hundred (\$200.00) dollars for the second offense; and three hundred (\$300.00) dollars for the third and each subsequent offense. Each day such violation continues shall be deemed a separate offense. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to Massachusetts General Laws Chapter 40, §58, as amended from time to time.

DATED THIS _____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor



Town of Agawam

Christopher C. Johnson, Mayor
36 Main Street
Agawam, MA 01001
Telephone: 413-786-0400 | 413-786-4525

Memorandum

To: Agawam City Council
From: Christopher C. Johnson, Mayor
Re: TOR-2025-1 (Zoning Enforcement)
Date: January 16, 2025

Attached please find TOR-2025-1 which is an ordinance to amend §180-15 to §180-16.1 of the Code of the City of Agawam to update and expand zoning enforcement powers and to increase non-criminal enforcement penalties.

The proposed amendment does the following:

- expands non-criminal enforcement to include conditions of a permit or special permit granted under the zoning code or under any decision rendered by the Zoning Board of Appeals or the Planning Board;
- increases the fines for non-criminal enforcement from \$25/\$50/\$100 for first, second and third and subsequent offenses to \$100/\$200/\$300 for first, second and third and subsequent offenses; and
- provides that unpaid fines shall be subject to the municipal charges lien law which is M.G.L. c. 40 §58 (copy attached) which allows the town to lien the property involved and ultimately add unpaid liens to the real estate tax bill for collection.

I have also attached a spreadsheet showing fines in surrounding cities and towns for your information. Please do not hesitate to contact me with any questions.

Very truly yours,

Christopher C. Johnson
Mayor

M.G.L. c. 40 § 58. Any city or town may impose a lien on real property located within the city or town for any local charge or fee that has not been paid by the due date, said lien shall be known as the "municipal charges lien"; provided, that a separate vote at a town meeting, or by a city or town council is taken for each type of charge or fee.

A municipal charges lien authorized under this section shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and by the name of the person assessed for the charge or fee in the registry of deeds of the county or district where the land subject to the lien lies.

If a charge or fee which is secured by a municipal charges lien remains unpaid when the assessors are preparing a real estate tax list and warrant to be committed under section fifty-three of chapter fifty-nine, the board or officer in charge of the collection of the municipal charge or fee, or the town collector of taxes, if applicable under section thirty-eight A of chapter forty-one, shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the collector of taxes as part of such tax.

If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien under this section may be discharged by filing a certificate from the tax collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under this section shall be borne by the owner of the property.

Comparison of Surrounding Communities

Community	Judicial Enforcement	Non-Criminal 1st Offense	Non- Criminal 2nd Offense	Non-Criminal 3rd Offense	Non-Criminal 4th + Offense
Agawam	\$300	\$100	\$200	\$300	\$300
West Springfield	\$300	\$25	\$50	\$100	\$200
East Longmeadow	\$300	\$100	\$200	\$300	\$300
Longmeadow	\$100	\$100	\$100	\$100	\$100
Southwick	\$300	\$300	\$300	\$300	\$300
Springfield	\$100 to \$300	\$100	\$300	\$300	\$300
Chicopee	\$200	\$200	\$200	\$200	\$200
Westfield	\$100 to \$300	\$100	\$300	\$300	\$300

**AN ORDINANCE TO AMEND CHAPTER 180
OF THE CODE OF THE CITY OF AGAWAM REGARDING
ACCESSORY DWELLING UNITS**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, on August 6, 2024, Governor Healey signed the Affordable Homes Act into law (Chapter 150 of the Acts of 2024); and

WHEREAS, Section 8 of the Affordable Homes Act amends the statewide Zoning Act to allow accessory dwelling units up to nine hundred (900) square feet to be built by right in single-family zoning districts in every community in Massachusetts; and

WHEREAS, the new law on accessory dwelling units supersedes existing local zoning ordinances and is effective on February 2, 2025, after which zoning provisions that are inconsistent with the new accessory dwelling unit law become unenforceable; and

WHEREAS, Agawam has no zoning ordinance that deals with accessory dwelling units, and given the potential for the construction or installation of new accessory dwelling units, it is important for Agawam to adopt an ordinance to guide the construction and installation of accessory dwelling units; and

WHEREAS, the Zoning Advisory Committee recommends the proposed amendment and the City Council has the authority to enact the proposed amendment the Code of the City of Agawam; and

WHEREAS, it is in the best interest of the City of Agawam to amend Chapter 180 by adding Article XXIV entitled "Accessory Dwelling Units" which adds §180-174 to §180-178 to the Code of the City of Agawam to provide local guidance regarding the construction and/or installation of accessory dwelling units in Agawam; and

NOW THEREFORE, the Agawam City Council hereby amends the Chapter 180 of the Code of the City of Agawam by adding Article XXIV entitled "Accessory Dwelling Units" which is attached hereto and incorporated herein by reference.

DATED THIS ____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

ARTICLE XXIV Accessory Dwelling Units

§180-174 Purpose and Intent.

The purpose of this Article is to provide a fair process for the safe and orderly construction and installation of Accessory Dwelling Units that can be integrated onto existing Lots which contain a Single Family Residential Dwelling within any zoning district where Single Family Residential Dwellings are permitted or allowed as of right.

§180-175 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (b) is not larger in Gross Floor Area than one half (½) the Gross Floor Area of the Principal Dwelling or nine hundred (900) square feet, whichever is smaller; and (c) is held in common ownership as the Principal Dwelling on the Lot.

Dwelling Unit: A single housing unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Gross Floor Area: The sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

Lot: An area of land with definite boundaries that is used, or available for use, as the site of a building, or buildings.

Modular Dwelling Unit: A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Modular Dwelling Unit shall not include a manufactured home, such as those defined under Massachusetts General Laws Chapter 140, Section 32Q, as amended from time to time.

Principal Dwelling: A structure, regardless of whether it conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height that contains one Dwelling Unit and is located on the same Lot as an Accessory Dwelling Unit.

Short-term Rental: Short-term rental, as defined in Massachusetts General Laws Chapter 64G, Section 1, as amended from time to time.

Single Family Residential Dwelling: A structure on a Lot containing not more than one Dwelling Unit.

Site Plan Review: The process by which the Inspector of Buildings reviews a submitted site plan along with a building permit application to construct or install an Accessory Dwelling Unit and impose reasonable terms and conditions on, the appearance and layout of the proposed Accessory Dwelling Unit prior to the issuance of a building permit.

Special Permit: A permit issued by the Board of Appeals as the special permit granting authority pursuant to Massachusetts General Laws Chapter 40A, Section 9, and §180-11 of the Code of the Town of Agawam, both as amended from time to time.

§180-176 Procedural Requirements.

1. **Site Plan Review for Accessory Dwelling Units:** An application for a building permit for the construction or installation of an Accessory Dwelling Unit as described herein shall include a site plan prepared by a Massachusetts Registered Land Surveyor.
2. **Procedure:** The applicant shall file an electronic copy plus two (2) hard copies of the site plan with the Inspector of Buildings. The Inspector of Buildings shall review and act upon the building permit application and site plan, including adding such conditions as may be deemed reasonable and appropriate, within thirty (30) days of its receipt, and shall notify the applicant of his/her decision. The decision of the Inspector of Buildings shall be in writing. An application for a building permit for the construction or installation of an Accessory Dwelling Unit shall not be deemed complete until such site plan is submitted.
3. **Site Plan Contents:** All site plans shall be prepared to scale on standard sheets of 24 inches by 36 inches to show with reasonable accuracy the following information, in addition to that information required in §180-4: uses and structures proposed for a parcel of land as required by the zoning regulations, including lot lines, streets, building sites, buildings, landscape features, traffic circulation, parking, drainage, utilities, topography and lighting within the parcel. The site plan shall include descriptions of the means of access and egress for the proposed Accessory Dwelling Unit.
4. **Appeal:** Any decision by the Inspector of Buildings on an application for a building permit with the accompanying site plan, for the construction or installation of an Accessory Dwelling Unit shall be subject to the right of appeal to the Board of Appeals.
5. **Special Permits:** A special permit as set forth in §180-11 shall be required for any application with accompanying site plan that seeks to construct two (2) or more Accessory Dwelling Units on any Lot that contains a Single Family Dwelling Unit.

§180-177 Use and Dimensional Regulations.

1. **Requirements:** The Inspector of Buildings may approve a building permit application with accompanying site plan authorizing the construction or installation of an Accessory Dwelling Unit on a Lot with an existing Single Family Residential Dwelling only when the following conditions are met:
 - a. The Accessory Dwelling Unit shall be a separate Dwelling Unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation;
 - b. Only one Accessory Dwelling Unit may be constructed or installed on a Lot with an existing Single Family Dwelling Unit, unless a Special Permit has been granted pursuant to §180-176;
 - c. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall comply with all height regulations, setback requirements, side and rear yard requirements and lot coverage restrictions for the zoning district where the Lot is located;
 - d. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall provide for a minimum of one (1) parking space for the Accessory Dwelling Unit;
 - e. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall provide for a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the State Building Code for safe egress;
 - f. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall show the gross floor area of the Principal Dwelling and the gross floor area of the proposed Accessory Dwelling Unit. The gross floor area of the proposed Accessory Dwelling Unit shall not be greater than nine hundred (900) square feet or one-half ($\frac{1}{2}$) of the gross floor area of the Principal Dwelling unit, whichever is smaller;
 - g. In order to encourage the development of Accessory Dwelling Units for the disabled and for those with limited mobility, reasonable deviation from the stated conditions may be allowed, within the sole discretion of the Inspector of Buildings, where necessary to install features that facilitate access and mobility for disabled persons;
 - h. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall comply with the State Building Code, Title V of the State Sanitary Code, and all applicable federal, state and municipal laws and/or regulations; and

- i. Any building permit application with accompanying site plan for an Accessory Dwelling Unit shall comply with the provisions of the Massachusetts Stretch Energy Code for residential properties, as amended from time to time.
2. Prohibited Use of Accessory Dwelling Units: No Accessory Dwelling Unit shall be used for business, commercial, retail or industrial purposes. In addition, no Accessory Dwelling Unit shall be used as a Short-term Rental.
3. Common Ownership with Principal Dwelling: All Accessory Dwelling Units shall be held in common ownership with the owner of the Principal Dwelling on the same Lot.

§180-178 Administration and Enforcement.

It shall be the duty of the Inspector of Buildings to administer and enforce the provisions of this Article. No Accessory Dwelling Unit shall be occupied until a certificate of completion or a certificate of occupancy has been issued by the Inspector of Buildings.



Town of Agawam

Christopher C. Johnson, Mayor
36 Main Street
Agawam, MA 01001
Telephone: 413-786-0400 | 413-786-4525

Memorandum

To: Agawam City Council
From: Christopher C. Johnson, Mayor
Re: TOR-2025-2 (Accessory Dwelling Units)
Date: January 16, 2025

Attached please find TOR-2025-2 which is an ordinance to add Article XXIV entitled "Accessory Dwelling Units" which adds §180-174 to §180-178 of the Code of the City of Agawam to provide local guidance regarding the construction and installation of accessory dwelling units in Agawam.

On August 6, 2024, Governor Healey signed the Affordable Homes Act into law (Chapter 150 of the Acts of 2024). Section 8 of the Affordable Homes Act amends the statewide Zoning Act to allow accessory dwelling units (ADU) up to nine hundred (900) square feet to be built by right in single-family zoning districts in every community in Massachusetts. The new law on accessory dwelling units supersedes existing local zoning ordinances/by-laws in every community in Massachusetts. The new law is effective Sunday, February 2, 2025. After Sunday, February 2, 2025, zoning provisions that are inconsistent with the new ADU law become unenforceable.

The state law provides that an ADU must: maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; be either no larger than half the gross floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller; meet applicable municipal restrictions, including, but not limited to, size restrictions and/or prohibitions on short-term rental.

The Commonwealth of Massachusetts Executive Office of Housing and Livable Communities published a set of draft regulations dealing with the new ADU law (copy attached). Agawam has no zoning ordinance that deals with accessory dwelling units. Given the potential for the construction and/or installation of new accessory dwelling units, it is important for Agawam to adopt an ordinance to guide the construction and installation of ADU's.

Agawam City Council

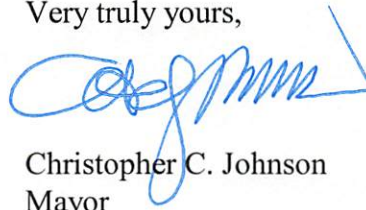
January 16, 2025

Page Two

The proposed zoning amendment represents our best effort to establish a local ordinance to deal with accessory dwelling units that is consistent with the draft state regulations. Obviously, if the state amends the draft regulations, amendments may need to be made to our local ordinance. The proposed ordinance was reviewed and recommended by the Zoning Review Committee.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. Johnson", with a stylized flourish extending from the end.

Christopher C. Johnson
Mayor

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

Section

- 71.01: Statement of Purpose
- 71.02: Definitions
- 71.03: Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts
- 71.04: Annual Updates

71.01: Statement of Purpose

- (1) *St. 2024, c. 150, s. 8* (the Act) amended M.G.L. c. 40A, s. 3 to encourage the production of accessory dwelling units throughout the Commonwealth with the goal of increasing the production of housing to address statewide, local, and individual housing needs for households of all income levels and at all stages of life.

The Executive Office of Housing and Livable Communities is the regulatory agency that is authorized by the Act to promulgate 760 CMR 71.00 and accompanying guidelines that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of the Act.

- (2) The Act and 760 CMR 71.00 seek to balance municipal interests in regulating the use and construction of ADUs while empowering property owners to add much needed housing stock to address the Commonwealth's housing needs. The Act establishes that in certain circumstances the use of land or structures for ADUs are protected from zoning restrictions by providing that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single ADU, or the rental thereof, in a single-family residential zoning district. The Act balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. The Act, however, explicitly prohibits municipalities from imposing requirements on protected accessory dwelling units that require owner-occupancy of either the ADU or the principal dwelling and imposes limitations on Municipal parking requirements.
- (3) 760 CMR 71.00 establishes definitions, standards, and limitations to assist in the local administration of M.G.L. c. 40A, s. 3, para. 11, pursuant to *St. 2024, c. 150, s. 8*. This regulation may be further supplemented by guidelines issued by EOHLC.

71.02: Definitions

Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in Gross Floor Area than 1/2 the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and (iii) is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on Short-term Rental; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority. For routes that allow flag stop locations where passengers may signal for a bus to stop at any point along its designated route, the entire route shall be considered a Bus Station.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Design Standards. Clear, measurable and objective provisions of Zoning, or regulations, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Ferry Terminal. The location where passengers embark and disembark from a ferry service.

Gross Floor Area. The sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhands and similar features.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law, as the case may be.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a building, or buildings.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Modular Dwelling Unit shall not include a manufactured home, such as those defined under M.G.L. c. 140, s. 32Q.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning restrictions and Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2), and as may be further provided for in EOHLC guidelines.

Protected Use ADU. An attached or detached Accessory Dwelling Unit that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and no other Accessory Dwelling Unit is located on said Lot and which is protected from Prohibited Regulations and Unreasonable Regulations pursuant to M.G.L. c. 40A, s. 3, para. 11 and 760 CMR 71.00.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, s. 1.

Single-Family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-Family Residential Zoning District. Any Zoning District where Single-Family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single-Family Residential Dwellings are allowed as of right, by special permit, variance, waiver, or other zoning relief or discretionary zoning approval.

Site Plan Review. A clear and objective process established by local ordinance or by-law by which a Municipal board or authority may review and impose reasonable terms and conditions on, the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, s. 9.

Subway Station. Any of the stops along the Massachusetts Bay Transportation Authority Red Line, Green Line, Orange Line, Silver Line, or Blue Line, including any extensions or additions to such lines.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, s. 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, s. 3 or M.G.L., c. 161B, s. 14.

Transit Station. A Subway Station, Commuter Rail Station, Ferry Terminal, or Bus Station.

Unreasonable Regulation. Zoning restrictions and Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3)(b) and as may be further provided for in EOHLC guidelines.

Use and Occupancy Restrictions. A Zoning restriction, Municipal regulation, covenant, agreement, or a condition in a deed, zoning approval or other requirement imposed by the Municipality that limits the use or occupancy of the Protected Use ADU to individuals or households at a specified income or age, or that imposes conditions that limit future use or occupancy of a Protected Use ADU based on income or age or, that imposes any similar use and occupancy restriction as may be further provided for in EOHLC guidelines.

Zoning. Ordinances and by-laws, adopted by Municipalities pursuant to M.G.L. c. 40A to regulate the use of land, buildings and structures, including base, underlying, and overlay zoning.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, are subject to use requirements that are generally uniform throughout the area.

71.03: Regulation of Protected Use ADUs in Single-Family Residential Zoning Districts

(1) Municipalities shall not prohibit, impose a Prohibited Regulation or Unreasonable Regulation, or, except as provided under 760 CMR 71.03(5), require a special permit, waiver, variance or other zoning relief or discretionary zoning approval for the use of land or structures for a Protected Use ADU, including the rental thereof, in a Single-Family Residential Zoning District; provided that Municipalities may reasonably regulate a Protected Use ADU, subject to the limitations under 760 CMR 71.03(2) to 760 CMR 71.03(5), inclusive.

(2) **Prohibited Regulation.** A Municipality shall not subject the use of land or structures on a Lot for a Protected Use ADU to any of the following:

(a) **Owner-Occupancy Requirements.** A requirement that either the Protected Use ADU or the Principal Dwelling be owner occupied.

(b) **Minimum Parking Requirements.** A requirement of, as applicable:

1. More than one additional on-street or off-street parking space for each Protected Use ADU on a Lot if all portions of such Lot are located outside a 0.5-mile radius of a Transit Station; or
 2. Any additional on-street or off-street parking space for each Protected Use ADU on a Lot if any portion of such Lot is located within a 0.5-mile radius of a Transit Station.
- (c) Use and Occupancy Restrictions. A requirement that a Protected Use ADU be subject to a Use and Occupancy Restriction.
- (d) Unit Caps & Density. Any limit, quota or other restriction on the number of Protected Use ADUs that may be permitted, constructed, or leased within a Municipality or Zoning District. Protected Use ADUs shall not be counted in any density calculations.
- (e) Relationship to Principal Dwelling. A requirement that a Protected Use ADU be attached to or detached from the Principal Dwelling.
- (3) Unreasonable Regulation.
- (a) A Municipality may reasonably regulate and restrict Protected Use ADUs provided that any restriction or regulation imposed by a Municipality shall be unreasonable if the regulation or restriction, when applicable to a Protected Use ADU:
1. Does not serve a legitimate municipal interest sought to be achieved by local zoning;
 2. Serves a legitimate municipal interest sought to be achieved by local zoning but its application to a Protected Use ADU does not rationally relate to the legitimate municipal interest; or
 3. Serves a legitimate municipal interest sought to be achieved by local zoning and its application to a Protected Use ADU rationally relates to the interest, but compliance with the regulation or restriction will:
 - i. Result in complete nullification of the use or development of a Protected Use ADU;
 - ii. Impose excessive costs on the use or development of a Protected Use ADU without significant gain in advancing the municipality's legitimate interest; or
 - iii. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the municipality's legitimate interest.
- (b) For the purposes of 760 CMR 71.03(3), the following restrictions and regulations shall be considered unreasonable when applicable to a Protected Use ADU:
1. Design Standards. Any Design Standard that (i) would not be applied to a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located or (ii) is so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.
 2. Dimensional Standards. Any requirement concerning dimensional setbacks, lot size, lot coverage, open space, and the bulk and height of structures that are more restrictive than

what is required for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than state requirements.
4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to Title 5, 310 CMR 15.000 that is more restrictive than is required for a Single-Family Residential Dwelling in the Zoning District in which the Protected Use ADU is located.
5. Site Plan Review. Any requirement under Site Plan Review concerning the Protected Use ADU that is more restrictive than those applied to the Principal Dwelling.
6. Impact Analysis and Studies. Any requirement under Zoning or Site Plan Review for any impact analysis, study, or report that is not required for the development of a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.
7. Modular Dwelling Units. Any requirement that prohibits, regulates or restricts a Modular Dwelling Unit from being used as a Protected Use ADU that is more restrictive than the Massachusetts state building code.
8. Short-term Rentals. Any restrictions or prohibitions on Short-Term Rentals that are not consistent with M.G.L. c. 64G.

(c) Notwithstanding 760 CMR 71.03(b)1. and 760 CMR 71.03(b)2., a Municipality may establish Design Standards and dimensional standards for Protected Use ADUs located in an Historic District that are more restrictive or different from what is required for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District; provided, however, that such standards are not so restrictive, excessive, burdensome, or arbitrary that it prohibits, renders infeasible, or unreasonably increases the costs of the use or construction of a Protected Use ADU.

(d) EOHLC may clarify and provide examples of what constitutes Unreasonable Regulations through guidelines.

- (4) Enforceability of Restrictions and Regulations on Pre-Existing ADUs. A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760 CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.
- (5) Special Permits for Multiple ADUs on the Same Lot. Notwithstanding 760 CMR 71.03(1), Zoning shall require a Special Permit in a Single-Family Residential Zoning District for the use of land or structures for an ADU, or rental thereof, on a Lot on which a Protected Use ADU is already located.

71.04: Annual Updates

- (1) Data Collection. To assist EOHLC in the administration of M.G.L c. 40A, s. 3, para 11, Municipalities shall collect and maintain, at a minimum, the following data related to their permitting of ADUs, in a format specified by EOHLC:

- (a) The number of approved ADU permit applications, separately tabulated for attached and detached ADUs;
 - (b) The number of denied ADU permit applications;
 - (c) The number of occupancy permits issued for any ADU; and
 - (d) Other data or information as may be further provided for in EOHLC guidelines.
- (2) **Annual Report.** To assist EOHLC in the administration of M.G.L. c. 40A, s. 3, para 11, Municipalities shall annually submit a report to EOHLC not later than March 31 containing the data collected under 760 CMR 71.04(1) during the prior calendar year. Said report shall be filed on a form as prescribed by EOHLC and shall contain all data as required therein.

REGULATORY AUTHORITY

760 CMR 71.00: M.G.L. c. 40A, s.3, para. 11; St. 2024, c. 150, s. 8.

**A RESOLUTION ACCEPTING A GRANT FROM THE
MASSACHUSETTS EXECUTIVE OFFICE OF PUBLIC SAFETY AND
SECURITY AND THE DEPARTMENT OF FIRE SERVICES TO THE
TOWN OF AGAWAM PURSUANT TO MASSACHUSETTS
GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Massachusetts Executive Office of Public Safety and Security and the Department of Fire Services has awarded the Town of Agawam Fire Department a grant in the amount of Thirteen Thousand Six Hundred Forty-Five and 99/100 (\$13,645.99) Dollars; and

WHEREAS, this grant program is offered to provide reimbursement to fire departments for the purchase of essential firefighter turnout gear, hoses, nozzles, communications equipment, hand tools, and more; and

WHEREAS, this grant program is focused on those items that help fire departments meet current National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) standards; and

WHEREAS, the Agawam Fire Department intends to utilize the grant funds for the purchase/replacement of boots, (structural); coats (structural); hoods (Nomex or PBI); pants and suspenders (structural); and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant from the Massachusetts Executive Office of Public Safety and Security and the Department of Fire Services; and

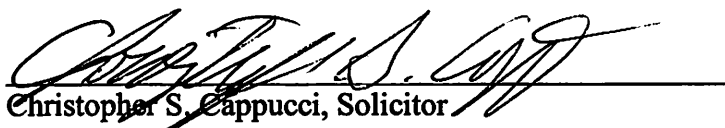
NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53A to accept this grant from the Massachusetts Executive Office of Public Safety and Security and the Department of Fire Services in the amount of Thirteen Thousand Six Hundred Forty-Five and 99/100 (\$13,645.99) Dollars.

DATED THIS ____ DAY OF _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY


Christopher S. Cappucci, Solicitor



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

January 17, 2025

Chief Alan Sirois
Town of Agawam
800 Main Street
Agawam, MA 01001

Dear Chief Sirois,

Congratulations! I am pleased to inform you that the Executive Office of Public Safety and Security and the Department of Fire Services (DFS) has awarded the Town of Agawam Fire Department \$13,645.99 in State Fiscal Year 2025 funding for the Firefighter Safety Equipment Grant Program.

With each new challenge, the fire service in Massachusetts demonstrates its ability to adapt, overcome, and continue providing the excellent level of services that the citizens of the Commonwealth have come to expect. Please know how thankful I am for this, and how grateful I am to be able to provide your department with this important equipment.

The Healey-Driscoll Administration is committed to supporting local fire departments and working with communities to come into compliance with the MBTA Communities Law, which is an essential component of our efforts to make housing more affordable. Due to the recent Supreme Judicial Court ruling, all communities have additional time to come into compliance with the MBTA Communities Law, so no community is being denied a fire safety grant for not being in compliance at this time. Compliance will be taken into consideration for future grant rounds, as it will be for all discretionary grant programs.

The contract, terms and conditions, and other documents for this program will be provided to you by DFS. Please contact Tim Moore at DFS with any questions about this award at 978-567-3721 or Timothy.Moore@mass.gov for contract terms, conditions, and other award documents.
Sincerely,

Handwritten signature of Maura T. Healey in blue ink.

GOVERNOR MAURA T. HEALEY

Handwritten signature of Kimberley Driscoll in blue ink.

LT. GOVERNOR KIMBERLEY DRISCOLL

CC: Deputy Chief Frank Matuszczak

**PETITION FOR ZONE CHANGE BY CALABRESE CONSTRUCTION, LLC
FOR PROPERTY LOCATED AT
27 WALNUT STREET; 0 HIGH STREET; 0 OLD RIVER and 17 HIGH STREET
(ASSESSOR PARCEL IDS: J17-1-1; J17-1-3 and J17-1-5)
FROM THE BUSINESS A AND INDUSTRIAL A DISTRICT
TO THE RESIDENCE B DISTRICT**

WHEREAS, Calabrese Construction, LLC is the owner of the parcels of land located at 27 Walnut Street; 0 High Street; 0 Old River and 17 High Street (Assessor Parcel IDs: J17-1-1; J17-1-3 and J17-1-5) (the “Parcels”); and

WHEREAS, Calabrese Construction, LLC (the “Petitioner”) submitted a Petition to change the zoning on the Parcels on January 23, 2025; and

WHEREAS, the Parcels are currently partially in the Business A District and partially in the Industrial A District; and

WHEREAS, the Petitioner desires to change the zoning of the Parcels from the Business A and Industrial A District to the Residence B District; and

WHEREAS, the Petitioner indicates in its Petition that “*The purpose of the proposed Zoning Map Amendment is to better facilitate the future proposed construction of a residential development with associated site improvements.*”; and

WHEREAS, the Petitioner further indicates in its Petition that the zone change “*will be desirable and without substantial detriment to the public good*”; and

NOW THEREFORE, the Agawam City Council hereby resolves to change the zoning of the Parcels of land located at 27 Walnut Street; 0 High Street; 0 Old River and 17 High Street (Assessor Parcel IDs: J17-1-1; J17-1-3 and J17-1-5) from the Business A and Industrial A District to the Residence B District.

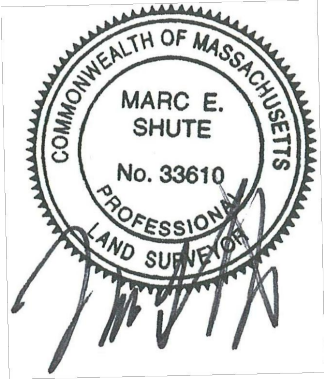
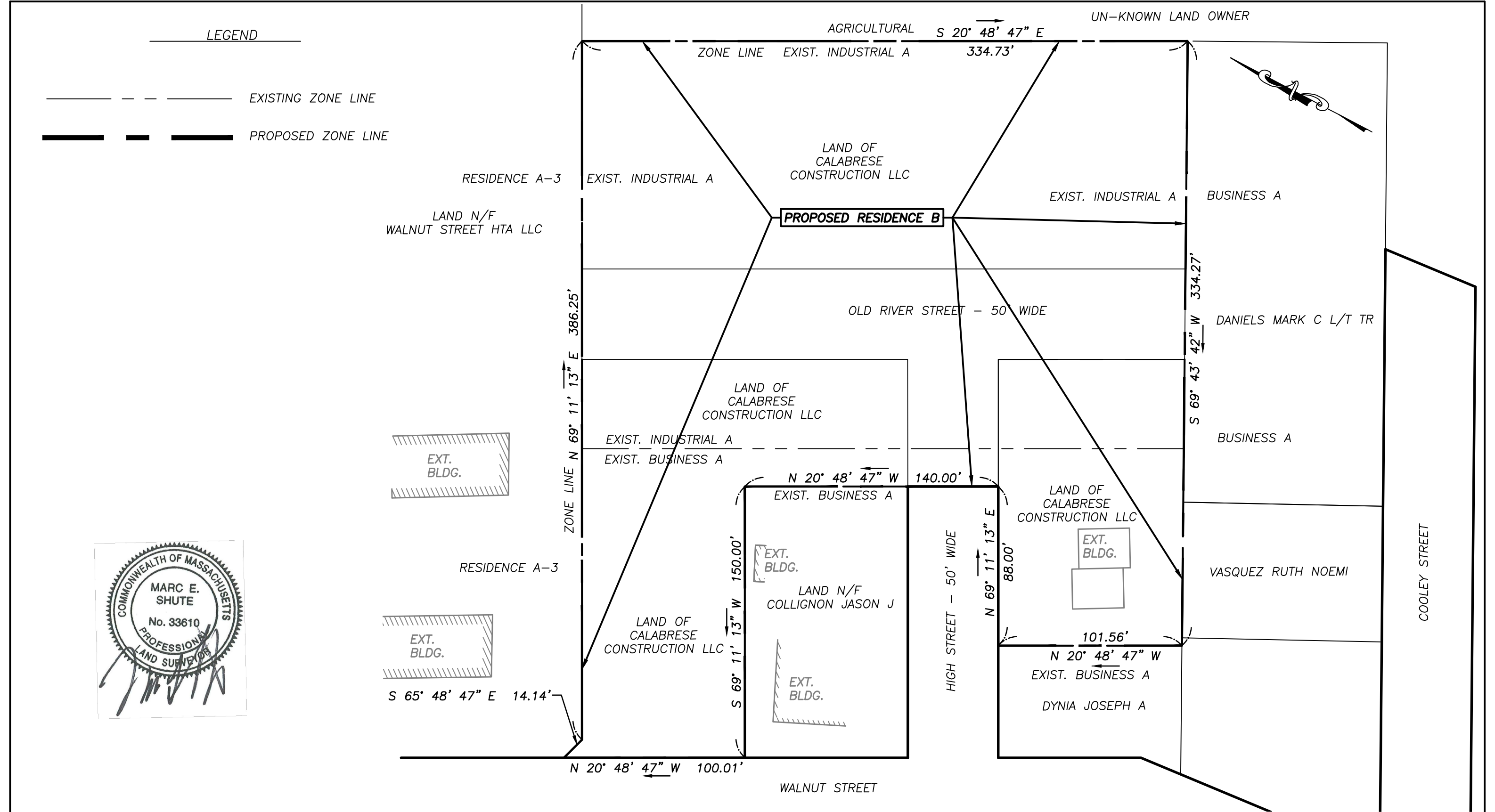
Dated this _____ day of _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

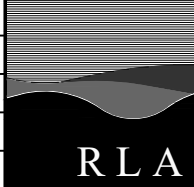
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci, Solicitor



REVISION:	DATE:
SCALE: 1" = 50'	DATE: 1-17-2025
JOB NO.: 220627	



R LEVESQUE ASSOCIATES, INC

Landscape Architects · Civil Engineers · Land Surveys · Environmental Consultants

40 School Street · P.O. Box 640 · Westfield, MA 01086
ph: 413.568.0985 fax: 413.568.0986 rland.com

PLAN FOR PROPOSED ZONE CHANGE

27 WALNUT STREET AND OLD RIVER STREET

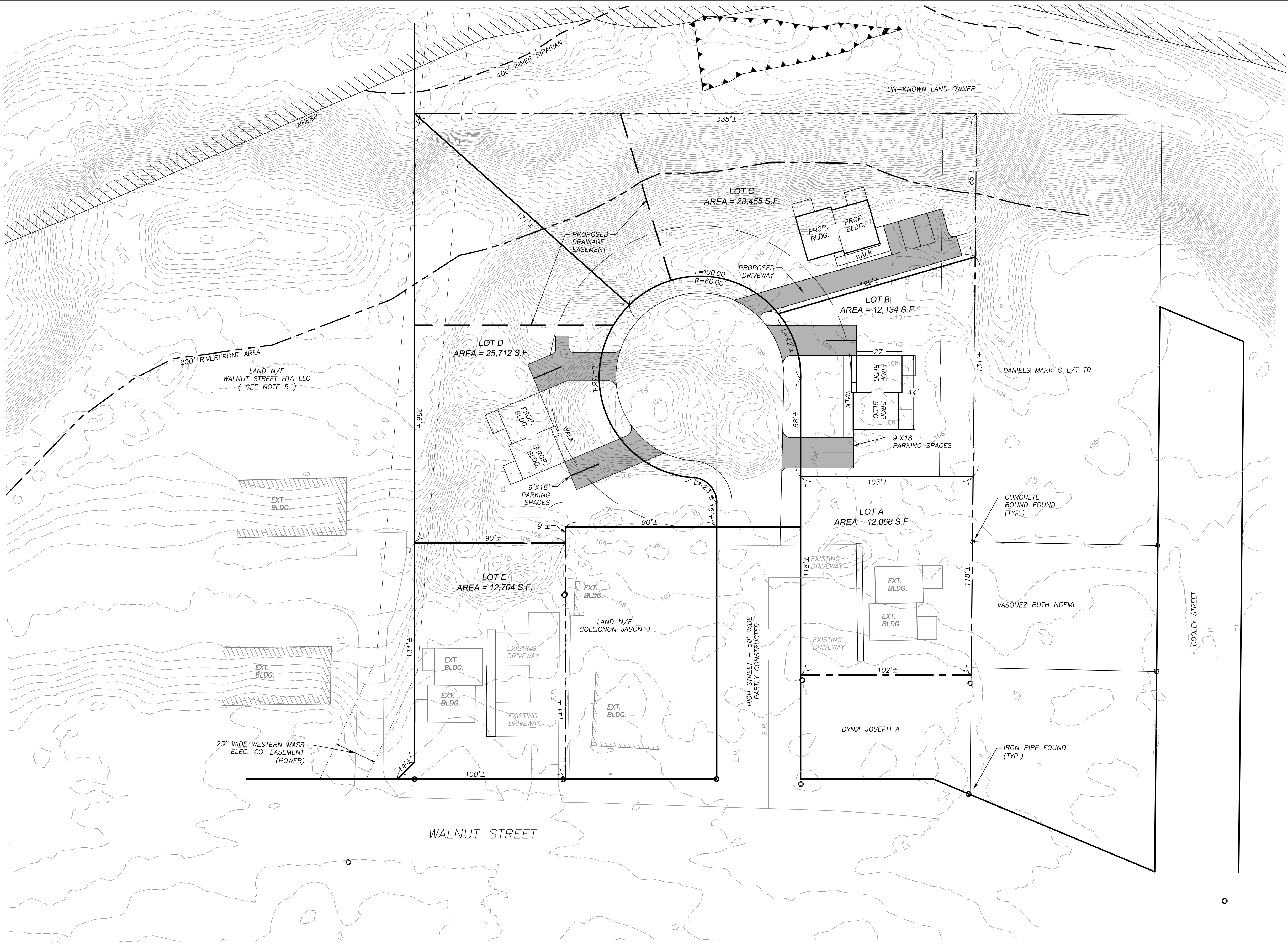
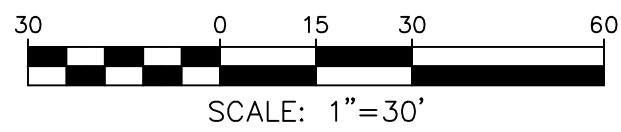
FOR

CALABRESE CONSTRUCTION LLC

DRAWING#

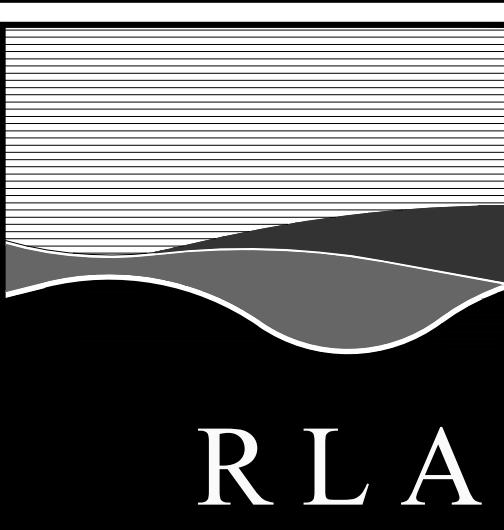
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S:\Projects\2022\220627 - Calabrese - 0 Old River St, Agawam, MA\05 Civil 3D\220627 - 12-10-24 Layout Sketch 2.dwg



NOTES

1. THE RECORD OWNER OF THE SUBJECT PARCEL IS CALABRESE CONSTRUCTION LLC. SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK 22388 PAGE 42.
2. THE PROPERTY LINES SHOWN HEREON ARE BASED UPON A PLAN TITLED, "PROPERTY PLAN FOR HELEN E. GEOFFRION," PREPARED BY C.E. ANDERSON ASSOCIATES, DATED APRIL 1985. SEE HAMPDEN COUNTY REGISTRY OF DEEDS BOOK OF PLANS 224 PAGE 18. ALSO SEE PLAN BOOK 215 PAGE 106
3. THE SUBJECT PROPERTIES SHOWN HEREON MAY BE SUBJECT TO RIGHTS AND EASEMENTS AS CONTAINED IN THE VARIOUS DEEDS OF RECORD DESCRIBING SAID PROPERTIES. THE LOCATION AND EXTENT OF ANY SUCH RIGHTS AND EASEMENTS IS NOT THE SUBJECT OF THIS PLAN.
4. ADJACENT PROPERTY LINES AND ABUTTERS SHOWN HEREON ARE REFERENCED FROM THE TOWN OF AGAWAM GIS MAPPING.
5. LAND OWNED BY CALABRESE CONSTRUCTION LLC TO BE COMBINED WITH LAND OF WALNUT STREET HTA LLC TO FORM ONE CONTIGUOUS PARCEL



R LEVESQUE ASSOCIATES INC

Landscape Architects
Civil Engineers - Land Surveyors
Environmental Consultants

ph: 413.568.0985 fax: 413.568.0986

40 School Street
Westfield, MA 01085
rlaland.com

CONCEPTUAL LAYOUT

O Old River Street
Agawam, MA
Map J17 Parcel I-3

draft

PREPARED FOR:

Chuck Calabrese
Calabrese Construction, LLC
7 Brewster Road
West Springfield, MA.

ISSUANCE DATE: 12-10-2024

REVISIONS:	DATE:

DRAFTED BY: l.o.

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SCALE: As Noted

RLA PROJ. NUMBER: 220627

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Sketch	-