



City Council AGENDA

Tuesday, February 18, 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 – **February 3, 2025**
- E. DECLARATION OF COUNCIL PRESIDENT
- F. PRESENTATION OF RESOLUTIONS
 - 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)
- 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 powers 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
 - 3) **ZC-2025-1** - Petition for Zone Change by Calabrese Construction, LLC for property located at 27Walnut 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 (Referred to Legislative Committee) - Public Hearing Date set for March 17, 2025
- I. OLD BUSINESS

J. NEW BUSINESS

- 1) **TR-2025-15** - A Resolution accepting a Community Planning grant (\$135,000.00) from the Massachusetts Executive Office of Housing and Livable Communities to the Town of Agawam pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored by Mayor Johnson)
- 2) **TR-2025-16** - A Resolution confirming the reappointment of Douglas E. Reed, 10 Shelley Lane, Feeding Hills to the Agawam License Commission for a term expiring January 1, 2028 (Sponsored by Mayor Johnson)
- 3) **TR-2025-17** - A Resolution accepting a donation in the of One Hundred (\$100.00) Dollars in memory of Sylvia Deliso to the Town of Agawam Cultural Council pursuant to Massachusetts General Laws Chapter 44, Section 53A (Sponsored Mayor Johnson)
- 4) **TR-2025-18** - A Resolution accepting a grant in the amount of Twenty-Four Thousand Nine Hundred (\$24,900.00) Dollars from the Commonwealth of Massachusetts Cultural Council (Sponsored by Mayor Johnson)
- 5) **TO-2025-3** - City Council Voucher (\$1340.20) for MMA Trade Show/Connect 351
- 6) **TOR-2025-3** - An Ordinance to amend Chapter 180 of the Code of the City of Agawam regarding Battery Energy Storage Systems (Two Readings Required) – Refer to Planning Board and Legislative Committee – Suggest a Public Hearing Date of April 7, 2025
- 7) **TOR-2025-4** - An Ordinance to add Chapter 73 to the Code of the City of Agawam regarding outdoor dining (Two readings required)

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 February 3, 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 – September 16, 2024

Motion to approve made all around and seconded by Councilor Valego. Voice vote unanimous approving the minutes.

Item E. Declaration of Council President

Council President Sandlin welcomed Mayor Johnson to provide an update on the High School project. He talked about the first early bids which include the site laydown on the Phase 1 site which is where the first phase is to be constructed. Along with this early bid will be the electrical components, generators, and items with the longest lead times; geothermal well drilling which is approximately 165 wells. The site laydown will be done during April vacation. After that the second early bid will include excavation and foundation with the third early bid expected in late summer/early fall for active construction. The team is meeting with the Planning Board at their first March meeting for site plan approval as a courtesy. They are planning on having an abutters meeting so they can get an idea of what to expect. They expect to lose about one hundred parking spaces with the first site laydown. Councilor Bitzas was happy to see the project moving forward at a good pace. He asked about safety with windows etc. Mayor Johnson stated that there is a safety consultant on board from the start putting cameras wherever allowed with state of the art safety measured in place throughout the school. Councilor Bitzas asked if the doors would automatically close in case of an emergency. Mayor Johnson confirmed that the doors will lock and close as required by MSBA. Councilor Borgatti asked about correcting the lost parking spots. Mayor Johnson said there would be no additional onsite parking. He stated that principals walk the parking lot daily and confirmed there were 30-40 empty spots so realistically only 50-60 spots would be lost. The school won't issue new permits for those spots but it is the price of progress and they did their best to minimize impacts. Mayor Johnson provided additional information on the schematics of the school. He showed where the athletic fields will be located and discussed which teams would be impacted this spring. Mayor Johnson provided quite a bit of information for everyone and Council President Sandlin thanked him for attending and for keeping the Council updated.



Item 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)**

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

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

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)**

Motion to approve by Councilor Mercadante and seconded by Councilor Smith.

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

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)**

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

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

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)**

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

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

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)**

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

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

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)**

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

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

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)**

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

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

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, 2030 (Sponsored by Mayor Johnson)**

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

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

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**

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

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

Item G. Elections

None.

Item 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 powers and penalties (Sponsored by Mayor Johnson) (Two Readings Required) (Refer to Legislative Committee) - Public Hearing Date set for March 3, 2025**

The Public Hearing Date is set for March 3rd.

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**

The Public Hearing Date is set for March 3rd.

Item I. Old Business

None.

Item 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)**

Next Agenda.

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**

Officially referred to the Planning Board and Legislative Committee. Council President Sandlin set the Public Hearing for March 17th.

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

Councilor Mercadante reported that the solar light near the High School and Curran Jones is not working during school hours. Councilor Borgatti thanked the Mayor for the recent tour of the new police station. He noted the delays and said it was supposed to be done back in August. Mayor Johnson stated that the major reason was supply chain issues notably the generator and electronic switch gear as well as a number of issues with subs. He stated we are all frustrated by the inability to get subs and get supply chain issues. He said this is why with the High School project, we are putting in for electrical lead time pieces. Councilor Borgatti thanked the Mayor for his transparency. Council President Sandlin asked for a moment of silence for the two plane crash victims and their families and asked for everyone to keep them in their plans. She also thanked the Mayor for the information he provided this evening.

Item M. Adjournment

Motion to adjourn moved by Councilor Rossi and seconded by Councilor Bitzas. Meeting was adjourned at 7:47pm.

APPROVED

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 2nd DAY OF February, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, Solicitor

original: Clerk
Mayor
Council
Law
Auditor
Procurement
Treasurer

APPROVED

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 2nd DAY OF February, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, Solicitor

original: Clerk
Mayor
Council
Law
Auditor
Procurement
Treasurer
DPW

APPROVED

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 2nd day of February, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, Solicitor

Original: Clerk
Mayor
Council
Law
Auditor
Procurement
Treasurer
Sr. Ctr

APPROVED

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 2nd day of February, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Cappucci
Christopher S. Cappucci, Solicitor

Original: Clerk
Mayor
Council
Law
Auditor
Procurement
Treasurer
Sr. Ctr

APPROVED

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 3rd DAY OF February, 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
Council
Mayor
Law
Health
Auditor
Treasurer
Procurement

APPROVED

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 3rd DAY OF February, 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
Housing

APPROVED

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 3rd DAY OF February, 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
Housing

APPROVED

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 3rd day of February, 2025

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin
Rosemary Sandlin, Council President

APPROVED AS TO FORM AND LEGALITY

Christopher S. Capucci
Christopher S. Capucci, Solicitor

Original: Clerk
Mayor
Council
Law
CPA

**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

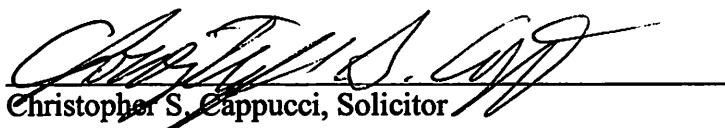
NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53A to accept this grant from the Massachusetts Executive Office of Public Safety and Security and the Department of Fire Services in the amount of Thirteen Thousand Six Hundred Forty-Five 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

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 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 with 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 stories of the building of compliant ceiling height pursuant to the state building code, including basements, lofts and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units, but excluding: crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the Gross Floor Area of the largest Principal Dwelling shall be used for determining the maximum size of the Accessory Dwelling Unit.

Lot: An area of land with definite boundaries that is used, or available for use, as the site of a structure or structures, regardless of whether the site conforms to the requirements of zoning.

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.

Principal Dwelling: A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height that contains one Dwelling Unit and is, or will be, 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 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 (½) 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.
 - j. Any Accessory Dwelling Unit constructed in the Floodplain District as set forth in §180-68 shall require a special permit granted pursuant to §180-71.
- 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: February 3, 2025

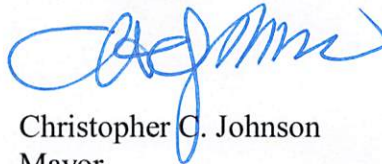
Attached please find an updated version of TOR-2025-2 which is an ordinance to add Article XXIV entitled "Accessory Dwelling Units".

The state finalized the regulations dealing with the new ADU law (copy attached). The new regulations changed some of the definitions. The updated ordinance reflects the following changes:

- updated definition for Gross Floor Area;
- updated definition for Lot;
- updated definition for Modular Dwelling Unit;
- updated definition for Principal Dwelling;
- updated definition for Site Plan Review; and
- addition of §180-177 1 j dealing with building in the Floodplain District.

Please do not hesitate to contact me with any questions.

Very truly yours,



Christopher C. Johnson
Mayor



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.

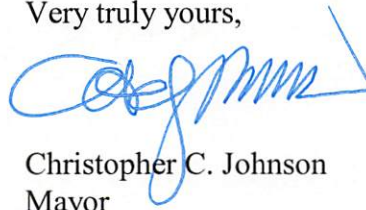
Agawam City Council

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,



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: Data Collection

71.01: Statement of Purpose

(1) St. 2024, c. 150, § 8 amends M.G.L. c. 40A, § 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 St. 2024, c. 150, § 8 to promulgate 760 CMR 71.00 that establish rules, standards and limitations that will assist Municipalities and landowners in the administration of St. 2024, c. 150, § 8.

(2) St. 2024, c. 150, § 8 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. St. 2024, c. 150, § 8 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, and imposes protections on ADUs through M.G.L. c. 40A, § 3, the Dover Amendment. The Act balances protection for these ADUs by authorizing municipalities to impose reasonable regulations on the creation and use of ADUs. St. 2024, c. 150, § 8, 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, § 3, para. 11, pursuant to St. 2024, c. 150, § 8. Nothing in 760 CMR 71.00 is intended to supersede state health and safety laws and regulations, such as, but not limited to the Building Code, Fire Code, M.G.L. c. 111, § 189A: Massachusetts Lead Law, or any federal laws.

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:

- (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 Building Code for safe egress;
- (b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) 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 as defined in section 1 of chapter 64G; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

Bus Station. A location serving as a point of embarkation for any bus operated by a Transit Authority.

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 general ordinances or by-laws, 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 with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00.

Gross Floor Area (GFA). The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there

are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

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.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

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.

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

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

Prohibited Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. Short-term rental, as defined in M.G.L. c. 64G, § 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 or by Special Permit.

Site Plan Review. A process established by local ordinance or by-law by which a Municipal board or authority may review and impose 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, § 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, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

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

Unreasonable Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

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 current, or future, use or occupancy of the Protected Use ADU to individuals or households based upon the characteristics of, or relations between, the occupants, such as but not limited to, income, age, familial relationship, enrollment in an educational institution, or that limits the number of occupants beyond what is required by applicable state code.

Zoning. Ordinances and by-laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within 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) and 760 CMR 71.03(6), 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.

(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 a Protected Use ADU if all portions of its 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 a Protected Use ADU if any portion of its 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:
 - a. Result in complete nullification of the use or development of a Protected Use ADU;
 - b. Impose excessive costs on the use or development of a Protected Use ADU without significantly advancing the Municipality's legitimate interest; or
 - c. Substantially diminish or interfere with the use or development of a Protected Use ADU without appreciably advancing the Municipality's legitimate interest.

(b) Municipalities shall apply the analysis articulated in 760 CMR 71.03(3)(a) to establish and apply reasonable Zoning or general ordinances or by-laws, or Municipal regulations for Protected Use ADUs, but in no case shall a restriction or regulation be found reasonable where it exceeds the limitations, or is inconsistent with provisions, described below, as applicable:

1. Design Standards. Any Design Standard that:
 - a. 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
 - b. 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 standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single-family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

3. Utilities, Safety, and Emergency Access. Any requirement concerning utilities, safety and emergency access that is more restrictive than is permitted by state requirements, including under the Fire Code. A Municipality may not require a separate utility connection, such as water, sewer, electric, provided that a separate connection may be required by a Municipal or regional utility, investor-owned utility; by state law; by a local, regional, or state board or commission; or by court order.

4. Environmental Regulation. Any regulation for the protection of public health, safety, welfare and the environment pursuant to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, 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. Site Plan Review concerning the Protected Use ADU that is not clear and objective or imposes terms and conditions that are unreasonable or inconsistent with an as-of-right process as defined in M.G.L. c. 40A, § 1A.

6. Impact Analysis, Studies, and Fees. Any requirement for any impact analysis, study, report, or impact fee 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 Building Code.

8. Historic Districts. Municipalities 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, or Principal Dwelling, in the Single-family Residential Zoning District; provided, however, that such standards are not unreasonable pursuant to 760 CMR 71.03(3)(a).

9. Pre-existing Nonconforming Structures. A Municipality may not prohibit the development of a Protected Use ADU in an existing structure or Principal Dwelling, or Lot due to nonconformance, that could be used for, or converted into, a Protected Use ADU in conformance with the Building Code, 760 CMR 71.00, and state law.

(c) Short-term Rentals. Municipalities may establish restrictions and prohibitions on the Short-term Rental of Protected Use ADUs pursuant to M.G.L. c. 64G.

(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), if a Municipality chooses to allow additional ADUs on the same Lot as a Protected use ADU in a Single-family Residential Zoning District, Zoning shall require a Special Permit for the use of land or structures for the additional ADUs.

(6) Floodplain and Aquifer Protection Overlay Districts. Municipalities may require a Special Permit for development of a Protected Use ADU in a floodplain or aquifer protection overlay if required for the Principal Dwelling, provided that the Special Permit is based on clear, objective, and non-discretionary criteria.

(7) Nothing in these regulations is intended to prevent a Municipality from adopting more permissive Zoning, or general ordinances or by-laws, or Municipal regulations than would be allowed under 760 CMR 71.03.

(8) Address Assignment. All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

71.04: Data Collection

To assist EOHLC in the administration of M.G.L. c. 40A, § 3, para 11, Municipalities shall keep a record of each ADU permit applied for, approved, denied, and issued a certificate of occupancy, with information about the address, square footage, type (attached, detached, or internal), estimated value of construction, and whether the unit required any variances or a Special Permit. Municipalities shall make this record available to EOHLC upon request.

REGULATORY AUTHORITY

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

**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

**A RESOLUTION ACCEPTING A COMMUNITY PLANNING GRANT
FROM THE MASSACHUSETTS EXECUTIVE OFFICE OF
HOUSING AND LIVABLE COMMUNITIES 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 Housing and Livable Communities has awarded the Town of Agawam a grant in the amount of One Hundred Thirty Five Thousand (\$135,000.00) Dollars from the Community Planning Grant Program; and

WHEREAS, this grant was targeted for the Downtown Revitalization Public Engagement and Implementation Plan (Project) which includes the Ramah Circle – Walnut Street Extension area within the Morgan-Sullivan Bridge corridor connecting West Springfield and Agawam and extending throughout this mixed use area; and

WHEREAS, the Downtown Revitalization Public Engagement and Implementation Plan will create a strategic redevelopment framework to realize the community's needs and desires to transform the area's vast number of vacant and underutilized parcels into a vibrant mixed-use commercial, industrial and retail district with potential opportunities for additional affordable housing and regional connections, combining ongoing flood resiliency and stormwater upgrades; and

WHEREAS, the Project will utilize and build upon recent projects, such as the 2017 Walnut Street Extension Streetscape Project; the 2021 Stormwater Master Plan; the 2023 Ramah Circle and Downtown Drainage Study; the 2024 Housing Production Plan; and the 2024 Asset Management Plan for Water, Sewer, and Stormwater; and

WHEREAS, it is in the best interests of the Town of Agawam to accept said grant from the Massachusetts Executive Office of Housing and Livable Communities Community Planning Grant Program; and

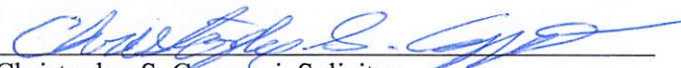
NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, Section 53A to accept this grant from the Massachusetts Executive Office of Housing and Livable Communities Community Planning Grant Program in the amount of One Hundred Thirty Five Thousand (\$135,000.00) 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
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Via email: mayor@agawam.ma.us

October 10, 2024

The Honorable Mayor Christopher C. Johnson
Town of Agawam
36 Main Street
Agawam, MA 01001

RE: Application: Agawam 1432

Dear Mayor Johnson:

Congratulations on the Town of Agawam's successful application to the FY25 Round of the Community One Stop for Growth. On behalf of the Healey-Driscoll Administration, I am pleased to inform you that a grant in the amount of **\$135,000.00** from the **Community Planning Grant Program** has been approved to support the Downtown Plan-Engagement and Implementation Project.

If this project is located in an MBTA Community, please note that a contract will not be executed if the community is noncompliant with Section 3A of M.G.L. Chapter 40A as determined by EOHLC.

The Community Planning Grant Program will start contracting after January 1, 2025. We will send an Adobe Sign contract (must be e-signed) to the municipal CEO and project contact identified in your application, and an invitation to an online training related to grant administration and contract guidance. For any questions, please contact McKenzie Bell, Senior Community Grants Coordinator, at McKenzie.Bell@mass.gov.

Please be advised that this letter does not constitute an agreement or contract with the Executive Office of Housing and Livable Communities (EOHLC) or the Commonwealth of Massachusetts, and the grant award is not final until the organization has executed a contract with EOHLC. You should not proceed with any grant activities until a contract is in place.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward M. Augustus, Jr.".

Edward M. Augustus, Jr.
Secretary, EOHLC

COMMONWEALTH OF MASSACHUSETTS | STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller, the Executive Office for Administration and Finance, and the Operational Services Division 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](#), 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 forms at macomptroller.org/forms or mass.gov/lists/osd-forms.

CONTRACTOR INFORMATION			COMMONWEALTH INFORMATION		
Contractor Legal Name Town of Agawam		d/b/a	Department Executive Office of Housing and Livable Communities		MMARS Code OCD
Legal Address 36 Main Street Agawam MA 01001 As entered on Form W-9 or Form W-4			Contract Manager Name Julissa Tavaréz		Business Mailing Address 100 Cambridge Street Boston, MA 02118
Contract Manager Name Jennifer Bonfiglio			Billing Address If Different		
Phone 413-726-9520	Email jbonfiglio@agawam.ma.us	Fax	Phone 617 573 1407	Email julissa.tavarez@mass.gov	Fax
Vendor Code VC6000191692			MMARS Doc ID(s) SCOD321025330000273		
Vendor Code Address ID AD 001 e.g. "AD001". Note: The Address ID must be set up for Electronic Funds Transfer (EFT) payments.			RFR/Procurement or Other ID Number HLCOneStop2025		
NEW CONTRACT			CONTRACT AMENDMENT		
Procurement or Exception Type (Check one option only) ☐ Statewide Contract (OSD or an OSD-designated department.) ☐ Collective Purchase (Attach OSD approval, scope, and budget.) ☒ Department Procurement - Includes all Grants 815 CMR 2.00 . (Attach Solicitation Notice or RFR, and Response or other procurement supporting documentation.) ☐ Emergency Contract (Attach justification for emergency, scope, and budget.) ☐ Contract Employee (Attach Employee Status Form, scope, and budget.) ☐ Interim Contract with new Contractor (Attach justification for Interim Contract and updated scope/budget.) ☐ Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope, and budget.)			Current Contract End Date PRIOR to Amendment Amendment Amount Or Enter "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 with Current Contractor (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/budget.)		
TERMS AND CONDITIONS					
The Standard Contract Form Instructions and Contractor Certifications and the following document are incorporated by reference into this Contract and are legally binding (Check ONE option): ☒ Commonwealth Terms and Conditions ☐ Commonwealth Terms and Conditions for Human and Social Services ☐ 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 . ☐ 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.) ☒ Maximum Obligation Contract. Total maximum obligation for total duration of this contract (or new total if contract is being amended): \$135,000.00					
PROMPT PAYMENT DISCOUNTS (PPD)					
Commonwealth payments are issued through Electronic Funds Transfer (EFT) 45 days from invoice receipt. See Prompt Pay Discounts Policy . Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within: 10 days % PPD. 15 days % PPD. 20 days % PPD. 30 days % PPD. If PPD percentages are left blank, identify reason: ☐ Statutory/legal ☐ Ready Payments (M.G.L. c. 29, § 23A) ☒ Agree to standard 45-day cycle ☐ Only initial payment					
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. FY25 Community Planning Grant Program - Downtown Plan - Engagement and Implementation. See Attachment B for more details.					
SUPPLIER DIVERSITY PROGRAM (SDP) PLAN					
Does the Supplier Diversity Program apply? ☐ YES If YES, the Contractor's annual SDP commitment for this Contract is ☒ NO If NO, and the department is an Executive Department, enter the appropriate exemption: grant program					
ANTICIPATED START DATE (Complete ONE option only.)					
The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: ☒ 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date. ☐ 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. ☐ 3. were incurred as of , 20 , 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 June 30 , 20 26 , 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 Signature and date must be captured at time of signature.			AUTHORIZING SIGNATURE FOR THE COMMONWEALTH Signature and date must be captured at time of signature.		
Signature <i>Christopher Johnson</i>		Date Jan 31, 2025	Signature <i>Caroline Kluchman</i>		Date Feb 2, 2025
Print Name Christopher Johnson		Print Title Mayor	Print Name Caroline "Chris" Kluchman		Print Title Director, Livable Communities Division

TR-2025-16

**A RESOLUTION CONFIRMING THE REAPPOINTMENT OF
DOUGLAS E. REED OF 10 SHELLEY LANE, FEEDING HILLS, MA
TO THE AGAWAM LICENSE COMMISSION
FOR A TERM EXPIRING JANUARY 1, 2028**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the appointment of Douglas E. Reed of 10 Shelley Lane, Feeding Hills, Massachusetts on the Agawam License Commission expired on January 1, 2025; and

WHEREAS, the Mayor has reappointed Douglas E. Reed of 10 Shelley Lane, Feeding Hills, Massachusetts to the Agawam License Commission to a term expiring January 1, 2028; and

NOW THEREFORE, the Agawam City Council hereby resolves to confirm the reappointment of Douglas E. Reed of 10 Shelley Lane, Feeding Hills, Massachusetts to the Agawam License Commission to a term expiring January 1, 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

TR-2025-17

**A RESOLUTION ACCEPTING A DONATION IN THE AMOUNT OF ONE HUNDRED
(\$100.00) DOLLARS IN MEMORY OF SYLVIA DELISO TO
THE TOWN OF AGAWAM CULTURAL COUNCIL PURSUANT TO
MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 53A**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, Sylvia Deliso was a member of the Agawam Cultural Council for many years; and

WHEREAS, Sylvia recently passed away and a donation of One Hundred (\$100.00) Dollars was made in her memory; and

WHEREAS, the Agawam Cultural Council wishes to accept this donation which is earmarked for a future cultural event; 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 Hundred (\$100.00) Dollars to the Agawam Cultural Council in memory of Sylvia Deliso.

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

Barbara Bard

From: Les Tingley
Sent: Tuesday, February 4, 2025 1:11 PM
To: Barbara Bard
Subject: ACC Donation

Hi Barbara,

We received another Cultural Council donation from Jane Devlin who sent us a check for \$100 in the name of Sylvia Deliso who passed in January. I believe Sylvia was a former member of the Cultural Council.

Les Tingley

Agawam Media – Cable Access Manager

Agawam Cultural Council – Chairman

Town of Agawam Massachusetts

413-726-9740

Confidentiality/Public Record Statement

Under Massachusetts Law, any email created or received by an employee of The Town of Agawam is considered a public record. All email correspondence is subject to the requirements of M.G.L. Chapter 66. This email may contain confidential and privileged material for the sole use of the intended recipient. Any review or distribution by others is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.

City of Agawam.

**A RESOLUTION ACCEPTING A GRANT IN THE AMOUNT OF
TWENTY-FOUR THOUSAND NINE HUNDRED (\$24,900.00) DOLLARS FROM THE
COMMONWEALTH OF MASSACHUSETTS CULTURAL COUNCIL**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, the Agawam Cultural Council participated in the Massachusetts Cultural Council Program; and

WHEREAS, the Town of Agawam Cultural Council has been approved for a local Cultural Council Allocation Grant from the Mass Cultural Council in the amount of Twenty-Four Thousand Nine Hundred (\$24,900.00) Dollars; and

WHEREAS, the Agawam Cultural Council will use this grant for creating and supporting cultural events in our town; and

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

NOW THEREFORE, the Agawam City Council hereby resolves pursuant to Massachusetts General Laws Chapter 44, §53A to accept a grant from the Massachusetts Cultural Council in the amount of Twenty-Four Thousand Nine Hundred (\$24,900.00) Dollars to the Agawam Cultural Council.

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



February 04, 2025

Dear Christopher C. Johnson,

Thank you for your participation in the Mass Cultural Council's Local Cultural Council Program. We are pleased to inform you that Town of Agawam for Agawam Cultural Council has been approved for a Local Cultural Council Allocation grant of \$24,900 (FY25-LC-LCC-2012) from the Mass Cultural Council.

Thanks to vigorous advocacy from the cultural sector, the Legislature once again showed strong, bipartisan support for the Mass Cultural Council, and its programs and services in the FY25 state budget. This allows us to continue to support Massachusetts' dynamic artists and creative individuals, communities, cultural organizations, schools, and creative youth development across the Commonwealth.

Below you will find a contract package that contains award instructions and reporting requirements. Please review these documents carefully and **sign the document electronically within 14 days of the date on this letter**. This will help us process your grant as quickly as possible. For questions about the contract, please contact Marc Sulmonte at 617-858-2823 or marc.sulmonte@mass.gov.

Culture is ultimately about you. You play an integral role in creating and supporting a cultural life in Massachusetts that is vital, accessible, and thriving. Thank you for all that you do to elevate our rich cultural life in Massachusetts.

A handwritten signature in black ink that reads 'Marc Carroll'.

Marc Carroll
Chair

A handwritten signature in black ink that reads 'Michael J. Bobbitt'.

Michael. J. Bobbitt
Executive Director

TO-2025-3

VOUCHER – AGAWAM CITY COUNCIL

Reimbursements for MMA Trade Show January, 2025
For Councilors Bitzas, Russo and Smus

#11112-52390	George Bitzas	\$ 581.27
	Anthony Russo	\$ 487.71
	Peter Smus	\$ 271.22

TOTAL REIMBURSEMENT \$1,340.20

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

**AN ORDINANCE TO AMEND CHAPTER 180
OF THE CODE OF THE CITY OF AGAWAM REGARDING
BATTERY ENERGY STORAGE SYSTEMS**

(Sponsored by Christopher C. Johnson, Mayor)

WHEREAS, a battery energy storage system (BESS) is an electrochemical device that charges or collects energy and then discharges that energy at a later time to provide electricity when needed; and

WHEREAS, ten years ago the Commonwealth launched the Energy Storage Initiative (ESI) which aims to make the Commonwealth a national leader in the emerging energy storage market; and

WHEREAS, battery energy storage systems have broad flexibility with small systems available for homeowners and small businesses, distributed generative facilities that are medium in size and scale that connect to the grid, and larger utility grade grid connected BESS with much larger storage capacity; and

WHEREAS, Agawam has no zoning ordinance that deals with battery energy storage systems and given the potential for the installation of new BESS, it is important for Agawam to adopt an ordinance to regulate the installation and use of battery energy storage systems; and

WHEREAS, it is in the best interest of the City of Agawam to amend Chapter 180 by adding Article XXIII entitled “Battery Energy Storage Systems” which adds §180-164 to §180-173 to the Code of the City of Agawam to provide local guidance regarding the installation and use of BESS in Agawam; and

NOW THEREFORE, the Agawam City Council hereby amends Chapter 180 of the Code of the City of Agawam by adding Article XXIII entitled “Battery Energy Storage Systems” 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 XXIII Battery Energy Storage Systems

§180-164 Purpose.

The purpose of this Article is to promote the reasonable regulation of the installation and use of battery energy storage systems, with the following objectives: (i) to provide a regulatory scheme for the location, construction and operation of battery energy storage systems consistent with best practices and safety protocols; (ii) to ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems and to mitigate any potential impacts on abutting and nearby properties; and (iii) to mitigate the impacts of battery energy storage systems on environmental resources such as agricultural lands, forests, wildlife, wetlands and other natural resources.

This Article shall be construed to be consistent with state law, including but not limited to the provisions of Massachusetts General Laws Chapter 40A, Section 3, and state regulations, including but not limited to the provisions of the State Building Code, State Fire Code and State Electrical Code. In the event of any conflict between the provisions of this section and the provisions of state law or regulations, the state law and regulations shall prevail.

§180-165 Definitions.

As used in this Article, the following terms shall have the meanings indicated. Terms that are not defined herein or elsewhere in this Article shall be as defined by the National Fire Protection Association (NFPA), if applicable.

ANSI: American National Standards Institute.

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

Battery Energy Storage System (BESS): Electrochemical devices that charge, or collect, energy from the grid or a generation facility, store that energy, and then discharge that energy at a later time to provide electricity or other grid services.

BESS Management System: An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

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

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

Dedicated-Use Building: A building that is built for the primary intention of housing battery energy storage system equipment, and complies with the following:

1. The building's only use is battery energy storage, energy generation, and other electrical grid related operations.
2. No other occupancy types are permitted in the building.
3. Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test and repair the battery energy storage system and other energy systems.
4. Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage systems, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

NFPA: National Fire Protection Association.

This Article: Article XXIII of the Code of the Town of Agawam.

UL: Underwriters Laboratory

§180-166 Applicability.

1. The requirements of this Article shall apply to battery energy storage systems permitted by site plan review, special permit or building permit, installed, decommissioned or modified after the effective date of this Article.
2. Battery energy storage systems that are paired with a building integrated solar energy system are allowable as an accessory use in all zoning districts, provided they comply with the provisions of §180-167 hereof.
2. Battery energy storage systems that are subject to this Article shall be classified as either a Tier 1, Tier 2 or Tier 3 Battery Energy Storage System as follows:
 - a. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 500 KWh.
 - b. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 500 KWh and less than or equal to 50 MWh.
 - c. Tier 3 Battery Energy Storage Systems have an aggregate energy capacity greater than 50MWh.

§180-167 General Requirements.

1. All permits required by state codes, including but not limited to building permit, an electrical permit, and a fire department permit shall be required for installation of all battery energy storage systems.
2. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (a) contain or are otherwise associated with a battery energy storage system; and (b) are subject to the requirements of the State Building Code, shall be designed, erected, and installed in accordance with all applicable provisions of the State Building Code, the State Fire Code, and the State Electrical Code. All battery energy storage systems shall comply with the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time.
3. Energy storage system capacities, including array capacity and separation, are limited to the thresholds contained in the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time.
4. Any battery energy storage system constructed in the Floodplain District as set forth in §180-68 shall require a special permit granted pursuant to §180-71.
5. Any application to construct a Tier 2 or Tier 3 battery energy storage system where the energy storage units are located within two hundred fifty (250) feet of a sensitive noise receptor may be required to include an acoustic study in order to ensure that any increase in sound complies with Massachusetts DEP requirements.

§180-168 Permitting Requirements for Tier 1 Battery Energy Storage Systems.

Tier 1 Battery Energy Storage Systems are allowed by right in all zoning districts, subject to applicable provisions of the State Building Code, the State Electrical Code, the State Fire Code, and other applicable codes, and such provisions of this Article as are applicable.

§180-169 Permitting Requirements for Tier 2 and Tier 3 Battery Energy Storage Systems.

Tier 2 and Tier 3 Battery Energy Storage Systems are allowed by right in any Industrial zone subject to applicable provisions of the State Building Code, the State Electrical Code, the State Fire Code, and other applicable codes, and subject to site plan review as outlined in §180-13 of the Code of the Town of Agawam and such provisions of this Article as are applicable. Tier 2 Battery Energy Storage Systems are allowed by right in the Agricultural zone subject to applicable provisions of the State Building Code, the State Electrical Code, the State Fire Code, and other applicable codes, and subject to site plan review as outlined in §180-13 of the Code of the Town of Agawam and such provisions of this Article as are applicable. Tier 3 Battery Energy Storage Systems are allowed in the Agricultural zone subject to the issuance of a special permit as outlined in §180-11 of the Code of the Town of Agawam and subject to applicable provisions of the State Building Code, the State Electrical Code, the State Fire Code, and other applicable codes, and subject to site plan review as outlined in §180-13 of the Code of the Town of Agawam and such

provisions of this Article as are applicable. No Tier 2 or Tier 3 Battery Energy Storage System shall be constructed or installed in any Residential or Business zone, except for access or utility interconnection. Tier 1, Tier 2 and Tier 3 BESS shall comply with the applicable requirements set forth in this Article, as well as the Code of the Town of Agawam. The following requirements apply to all BESS subject to this Article, except where it is specifically noted to apply only to Tier 2 or Tier 3 BESS:

1. **Utility Lines and Electrical Circuitry.** All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles.
2. **Signage.** Signage shall comply with the requirements of Article XIII of Chapter 180 of the Code of the Town of Agawam and the following additional requirements; in the event of a conflict between the provisions of Article XIII and this Section, the requirements of this Section shall prevail.
 - a) The signage shall be in compliance with ANSI requirements and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and twenty-four (24) hour emergency contact information, including reach-back phone number.
 - b) As required by the state electrical code, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
 - c) Signage compliant with ANSI requirements shall be provided on doors to rooms, entrances to BESS facilities, and on BESS outdoor containers.
3. **Lighting.** Lighting systems shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
4. **Vegetation and tree-cutting.** Areas within ten (10) feet on each side of Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.
6. **Setbacks.** Tier 2 Battery Energy Storage Systems shall be set back a minimum of fifty (50) feet from all side, rear, and front lot lines; Tier 3 BESS shall be set back a minimum of one hundred (100) feet from side, rear, and front lot lines that abut or are across a street from residential zoning districts or existing single, two-family,

or multi-family structures. The minimum setback areas shall include a buffer area at least fifteen (15) feet wide along all property lines. Access drives and parking are allowed in the setback areas, but shall not intrude into the required buffer areas except where necessary to provide access or egress to the property. In addition, a minimum of ten (10) feet must be maintained between BESS components and all buildings, stored combustible materials, hazardous materials, high-piled storage, personnel means of egress, and other exposure hazards not associated with electrical grid infrastructure.

7. **Dimensional.** Tier 2 and Tier 3 Battery Energy Storage Systems shall comply with the dimensional limitations for principal structures of the underlying zoning district as provided in Table of Dimension Regulations (See 180 Attachment 4, Appendix B to Chapter 180 of the Code of the Town of Agawam, unless otherwise provided in this Article).
8. **Fencing Requirements.** Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a minimum eight (8) foot high fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building. Said fence may be placed within any minimum setback area. Security barriers, fences, landscaping and other enclosures must not inhibit required air flow to or exhaust from the BESS and components. The NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time, requires specialty safety systems to be provided based on the BESS chemistry and installed location.
9. **Screening and Visibility.** Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping or other screening methods that will harmonize with the character of the property and surrounding area. Such features may not inhibit required air flow to or exhaust from the BESS and components and must comply with the setbacks established in paragraph 6 above.
10. **Batteries.** Failed battery cells and modules shall not be stored on the site and shall be removed no later than thirty (30) days after deemed failed by the BESS operator or cell/module manufacturer. The operator shall notify the Agawam Fire Chief in advance if the type of battery or batteries used onsite is to be changed.
11. **Decommissioning Plan.** The applicant for Tier 2 and Tier 3 BESS shall submit with its application a decommissioning plan for the BESS to be implemented upon abandonment and/or in conjunction with removal of the facility. The owner or operator of the BESS shall notify the Building Commissioner in writing at least twenty (20) days prior to when a BESS will be decommissioned. Decommissioning of an abandoned or discontinued BESS shall be completed within six (6) months after the facility ceases operation. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
 - b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
 - c. The anticipated life of the battery energy storage system;
 - d. The estimated decommissioning costs and how said estimate was determined;
 - e. The method of ensuring that funds will be available for decommissioning and restoration;
 - f. The method by which the decommissioning cost will be kept current;
 - g. The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
 - h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
12. **Decommissioning Bond.** The owner and/or operator of a Tier 2 or Tier 3 BESS shall continuously maintain a bond or other surety acceptable to the Town, in a form approved by the Mayor, for the removal of the battery energy storage system, in an amount to be determined by the Town, for the period of the life of the facility. All costs of the financial security shall be borne by the applicant.
13. **Proof of Liability Insurance.** The applicant for a Tier 2 or Tier 3 BESS or the property owner shall provide evidence of commercially liability insurance in an amount and type generally acceptable in the industry and approved by the Mayor prior to the issuance of a building permit, and shall continue such insurance in effect until such facility has been decommissioned, removed and the site restored in accordance with this Article.

§180-170 Site plan application.

For Tier 2 and Tier 3 Battery Energy Storage Systems, the site plan application shall include the following information, in addition to that required by §180-13 of the Code of the Town of Agawam:

1. A one-line or three-line electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all state electrical code compliant disconnects and over current devices.
2. A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
3. Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
4. Large-scale fire test data, evaluation information, and calculations, and modeling data. For any of the following, UL fire test data must be made available to the Town for review: BESS systems with a capacity of greater than 50kWh - BESS systems with spacing between arrays of less than three (3) feet.
5. Commissioning Plan. The system installer or commissioning agent shall prepare a commissioning plan prior to the start of commissioning. Such plan shall be compliant with the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time, and document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in applicable state codes. Where commissioning is required by the building code, battery energy storage system commissioning shall be conducted by a Massachusetts Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required by applicable state codes shall be provided to Zoning Enforcement Officer prior to final inspection and approval and maintained at an approved on-site location.
6. Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with state codes, including documentation that BESS components comply with the safety standards set forth in §180-172.
7. Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth state codes and the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time. Maintenance provisions will be driven by manufacturer requirements for the specific listed system.

8. Depending on the location of the BESS in relation to and its interaction with the electrical grid, interconnection will be completed per the State Electrical Code. System interconnections into utility grids shall be in accordance with the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time. An accessible disconnect is required per the State Electrical Code.
9. Prior to the issuance of the building permit, engineering documents must be signed and sealed by a Massachusetts Licensed Professional Engineer.
10. Emergency Operations Plan. An Emergency Operations Plan compliant with the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time, is required. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. For so long as the BESS is operational, the operator shall provide the Fire Department, Police Department, Building Commissioner, and Mayor's office with contact information for personnel that can be reached twenty-four (24) hours per day every day, and this contact information shall be updated by the operator whenever there is a change in the information. The operator shall also be required to have an official representative be present onsite not later than two hours after notification by the Fire Chief, Police Chief, or their designee. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
 - a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
 - b. Procedures for inspection and testing of associated alarms, interlocks, and controls, including time intervals for inspection and testing.
 - c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
 - d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.

- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for safe disposal of battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

§180-171 Ownership Changes.

If the owner of a Tier 2 or Tier 3 battery energy storage system changes or the owner of the property changes, the site plan approval and special permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Commissioner and the Mayor of such change in ownership or operator within fourteen (14) days of the ownership change. A new owner or operator must provide such notification to the Building Commissioner and the Mayor in writing.

§180-172 Safety.

- 1. System Certification. Battery energy storage systems and equipment shall be certified by a Nationally Recognized Testing Laboratory to UL standards for battery energy storage systems and equipment or approved equivalent, with subcomponents meeting each of the following standards as applicable:
 - a. UL standards for batteries for use in stationary, vehicle auxiliary power and light electric rail applications;
 - b. UL standard for lithium batteries;
 - c. UL standards for inverters and power converters;
 - d. certified under the applicable electrical, building, and fire prevention codes as required; and
 - e. alternatively, field evaluation by an approved testing laboratory for compliance with UL (or approved equivalent) and applicable codes, regulations and safety standards may be used to meet system certification requirements.

2. **Site Access.** Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.
3. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with the NFPA Standard for the Installation of Stationary Energy Storage Systems, as amended from time to time.

§180-173 Abandonment.

The battery energy storage system shall be considered abandoned when it ceases to operate consistently for more than one (1) year. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Agawam may, after compliance with any applicable state and federal constitutional requirements, enter the property and utilize the available bond and/or security for the removal of a BESS and restoration of the site in accordance with the decommissioning plan.



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-2025-3 (Battery Energy Storage Systems)
Date: February 13, 2025

Attached please find TOR-2025-3 which is an ordinance to add Article XXIII entitled "Battery Energy Storage Systems" which adds §180-164 to §180-173 to the Code of the City of Agawam regarding Battery Energy Storage Systems (BESS) in Agawam.

Battery storage is a technology that allows for the storage of energy for later use. A battery energy storage system (BESS) is an electrochemical device that charges or collects energy and then discharges that energy at a later time to provide electricity when needed. The battery energy storage system's (BESS) essential function is to capture the energy from different sources and store it in rechargeable batteries for later use. Often combined with renewable energy sources to accumulate renewable energy during an off-peak time and then use the energy when needed at peak time. This helps to reduce costs and establish benefits for the user.

BESS have broad flexibility with small systems available for homeowners and small businesses, distributed generative facilities that are medium in size and scale that connect to the grid, and larger utility grade grid connected BESS with much larger storage capacity.

Ten years ago the Commonwealth launched the Energy Storage Initiative (ESI) which aims to make the Commonwealth a national leader in the emerging energy storage market. The ESI proclaims that energy storage is a significant strategic opportunity for Massachusetts. It can improve grid operations, reduce energy costs, provide backup power through storms, and benefit the local economy. The Energy Storage Initiative aims to make the Commonwealth a national leader in the emerging energy storage market requiring a 1,000 Megawatt hour (MWh) energy storage target to be achieved by December 31, 2025.

The goal of the ESI is to advance the energy storage segment of the Massachusetts clean energy industry by:

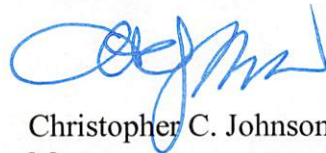
- attracting, supporting and promoting storage companies in Massachusetts;
- accelerating the development of early commercial storage technologies;
- expanding markets for storage technologies, and valuing storage benefits to clean energy integration, grid reliability, system wide efficiency, and peak demand reduction; and

- recommending and developing policies, regulations and programs that help achieve those objectives.

Agawam has been approached by several developers seeking to potentially install battery energy storage systems in our community. One developer has recently submitted and received site plan approval for a distributed generative facility to be installed on Silver Street. In anticipation of the potential demand, I began researching and drafting an ordinance to regulate the installation and use of battery energy storage systems in Agawam. The draft ordinance represents our best efforts to reasonably regulation BESS in our community.

Please do not hesitate to contact me with any questions.

Very truly yours,



Christopher C. Johnson
Mayor

MASSACHUSETTS ENERGY STORAGE FACTSHEET

The energy storage market in Massachusetts is rapidly expanding. This factsheet provides basic information on the local energy storage market and consumer opportunities. Additionally, it covers specific monetizable services available, the process of interconnecting assets to the power grid, energy costs by utility, and the evolving regulatory landscape. Additional information and resources regarding energy storage are available on the [MassCEC](#) and [DOER](#) websites.

ENERGY STORAGE OPPORTUNITIES

Because energy storage resources can act as generators, loads, and transmission-type assets, there are many ways to realize their economic benefits in Massachusetts. Table 1 shows a high-level breakdown of key entities that can generate revenue, realize cost savings, or otherwise realize their organizational goals through the development and operation of energy storage assets. Other benefits, including increased reliability and resiliency, are currently non-monetizable in Massachusetts.

TABLE 1. OVERVIEW OF KEY ENTITIES, THEIR ROLES, AND EXAMPLES OF BENEFITS FROM IMPLEMENTING ENERGY STORAGE ASSETS

ENTITY	ROLE	TYPES OF BENEFITS AND GOALS
Customer	System Site, Service Agreements	Provide backup power, retail bill reduction through demand charge reduction and/or time of use (TOU), host-site payment, and wholesale market exposure for commercial and industrial (C&I) buildings
Utility	Programs, Incentives, Data, Interconnection	Receive grid support services, defer investment of distribution and transmission equipment ¹
Independent System Operator New England (ISO-NE)	Wholesale Market Integration	Increase system reliability, improve economic efficiency of wholesale market
Distributed Energy Resource Management System (DERMS) Operator	ISO/Utility Interface	Manage assets and resources to deliver contracts services
Asset Developer	Project Development, Permitting, Interconnection, Financing	Realize financial return on capital investment
Retail Energy Supplier	Manage customer electricity supply options	Profitably deliver energy services to customers

¹Investment deferral for distribution and transmission equipment ultimately saves money for customers who would have been charged fees to cover the utility's capital expenses.

Energy storage systems can be implemented on varying scales and in different locations with a range of possible use cases and dispatch operations. Energy storage systems are either installed behind a retail customer's meter (i.e., customer-side or behind-the-meter, BTM) or interconnected directly into distribution and transmission infrastructure (i.e., in-front-of-meter, IFOM). Multiple manufacturers are responsible for energy storage system's components, but often a single entity—called the original equipment manufacturer (OEM)—will be responsible for the maintenance of hardware controls. Depending on the ownership model, another, separate entity will often specify the dispatch control strategy. This can be a facility manager, an energy service company, a distribution utility, the ISO, or another wholesale market participant, such as a merchant generator. It is also possible for a third-party aggregator to dispatch a portfolio of BTM energy storage systems in a coordinated dispatch strategy to provide grid services. This aggregator would be responsible for handling financial transactions between the market or purchasing entity and its customers. End-use customers can also use energy storage systems to provide emergency back-up power for islanding microgrids and critical facilities, with similar relationships with a third party for operations and maintenance (O&M) and control.

MASSACHUSETTS INITIATIVES ON ENERGY STORAGE

Massachusetts launched the **Energy Storage Initiative** (ESI) in 2015 under Governor Baker to “evaluate and demonstrate the benefits of deploying energy storage technologies in Massachusetts.” As part of the ESI, the State of Charge report was published in 2016 as a comprehensive document designed to

analyze the storage industry, evaluate market opportunities, and investigate potential policies and programs to support the development of energy storage.

Since the publication of **State of Charge**, Massachusetts has established an **energy storage target** directing its electric delivery companies to procure at least 200 megawatt hours (MWh) by January 1, 2020.

Other programs currently under operation include these:

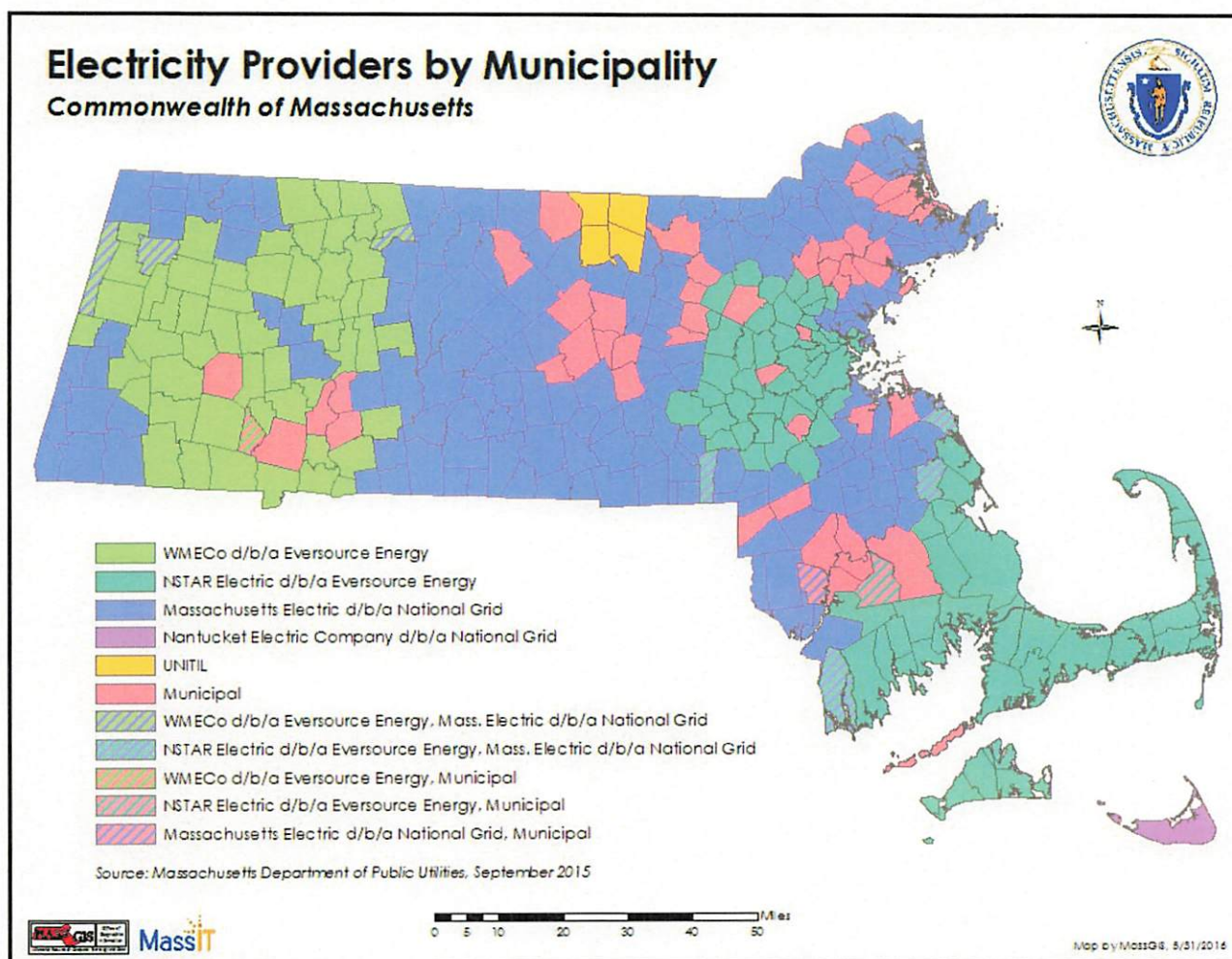
- **Advancing Commonwealth Energy Storage** (ACES): A series of grants for energy storage demonstration programs, with recipients announced in December 2017
- **Solar Massachusetts Renewable Target** (SMART): Incentives for incorporating energy storage into solar PV projects

There are also several initiatives currently in development further covered in the *Shifts in the Regulatory Landscape* section below.

THE MASSACHUSETTS POWER GRID

Massachusetts is served by five investor-owned electric utilities, as well as 41 municipal utilities, dispersed throughout the state. The investor-owned utilities (IOUs) regularly assume legal pseudonyms and are said to be doing business as (d/b/a) their respective holding companies: Eversource, National Grid, and Unitil. Figure 1 and Table 2 outline the location and size of these electric power distribution companies.

FIGURE 1. MASSACHUSETTS ELECTRICITY PROVIDERS BY MUNICIPALITY (2015)



ISO-NE is the regional transmission organization, which also serves Connecticut, Maine, New Hampshire, Rhode Island, and Vermont. The ISO structure enables a connection to New York and Canada, through which electricity can be traded with these markets. Further information on the structure of ISO-NE is included on their [maps and diagrams webpage](#).

TABLE 2. SUMMARY OF MASSACHUSETTS INVESTOR-OWNED UTILITIES' CUSTOMER COUNTS AND TOTAL 2017 ENERGY SALES

UTILITY	RESIDENTIAL CUSTOMERS	COMMERCIAL CUSTOMERS	INDUSTRIAL CUSTOMERS	MWH SALES
Fitchburg Gas and Electric (d/b/a Unitil)	25,299	4,301	28	435,410
Massachusetts Electric Co (d/b/a National Grid)	1,154,508	158,129	3,965	19,903,988
Nantucket Electric Co (d/b/a National Grid)	11,761	1,626	5	155,380
Western Massachusetts Electric Co (d/b/a Eversource)	192,609	21,779	823	3,441,445
NSTAR Electric Co (d/b/a Eversource)	1,030,322	175,614	1,527	20,444,344

MONETIZABLE SERVICES

There are a number of monetizable services available to entities installing energy storage in Massachusetts. Table 3 outlines the current and expected monetizable services, including type of service, resource owner, compensation mechanism and price, constraints and relevant regulations, and links to more information. The table also indicates if the system is located BTM or IFOM as the location often informs the kinds of services a system can provide. In general, BTM storage resources can perform the same functions as IFOM resources, though IFOM resources cannot provide BTM services. Some systems can value stack, or provide more than one of these services, which is discussed further in Value Stacking Considerations.

Not included in the table, **non-wires alternatives (NWA)** represent an emerging area for energy storage in Massachusetts, though the financial benefits are recognized indirectly. Utilities use storage as part of a NWA to defer distribution upgrades, saving ratepayers money from forgone distribution upgrade cost recovery. These storage resources can also be sited either BTM or IFOM. White papers by the **Solar Energy Industries Association** and the **Smart Electric Power Alliance** document several examples of NWA projects in United States that rely extensively on energy storage resources. It is also possible to stack other value streams on an NWA project.

Manuals outlining the procedures for market participant responsibilities related to ISO-NE's markets can be found here: <https://www.iso-ne.com/participate/rules-procedures/manuals/>

TABLE 3. EXISTING AND EXPECTED MONETIZABLE SERVICES FOR ENERGY STORAGE IN MASSACHUSETTS

SERVICE	STORAGE LOCATION	PROJECT TYPE AND RESOURCE OWNER	COMPENSATION MECHANISM AND PRICING	CONSTRAINTS AND RELEVANT REGULATIONS	LINKS TO FURTHER INFORMATION
Solar Massachusetts Renewable Target (SMART)	BTM/IFOM	Facility owner or project developer owns the storage system	Coupling of energy storage with distributed solar PV enables an "adder" for compensation for electricity generated. This ranges from \$0.025- 0.076/kWh based on ratio of storage capacity to solar capacity	Accompanying solar PV systems must not exceed 5 MW, must be installed at same time, limited space for subscribing for adder	http://masmartsolar.com/
Customer Demand Charge Management	BTM	Facility owner or project developer owns the storage system	Customer savings from demand charges on utility bills	Bill savings generally encompasses only commercial and industrial customers with larger loads (>250-300 kW) as this requires interval metering and is best for "peaky" loads.	Refer to Massachusetts Electric Rates and Tariffs for demand charges
Utility Demand Response	BTM	Facility owner or project developer owns the storage system and dispatches the system in accordance with program requirements.	Customer payment based on specific program requirements. The 2019-2021 Massachusetts Three Year Energy Efficiency Plan will expand funding for energy storage through Active Demand Response programs.	May require additional metering; program participation could conflict with wholesale market participation	http://ma-eeac.org/plans-updates/ https://www.nationalgridus.com/MA-Business/Energy-Saving-Programs/ConnectedSolutions

SERVICE	STORAGE LOCATION	PROJECT TYPE AND RESOURCE OWNER	COMPENSATION MECHANISM AND PRICING	CONSTRAINTS AND RELEVANT REGULATIONS	LINKS TO FURTHER INFORMATION
ISO-NE Demand Response: Price Responsive Demand (PRD)	BTM	Storage owner offers storage system as a demand response asset (DRA) that is mapped to a demand response resource (DRR) that participates in the full range of wholesale electricity markets: energy, real-time reserves, and capacity	Payments for energy and reserves based on economic dispatch. DRRs that are Active Demand Capacity Resources (ADCR) receive wholesale market capacity payments comparable to that of generating resources. PRD enables over-performing, energy-only resources in the Forward Capacity Market (FCM) to receive up to \$2,000/MWh of additional revenue during scarcity conditions, scheduled to increase to \$5,455/MWh	Minimum DRR and ADCR size is 100 kW with aggregation allowed. ADCR must offer requirement in energy market, performance measurement at retail delivery point Required 5-minute real-time telemetry, may not be co-located with other DRA or wholesale market generator at same location. Seasonal audit duration 1 hour, claimed capability audit duration 2 hours	https://www.iso-ne.com/markets-operations/markets/demand-resources https://www.iso-ne.com/static-assets/documents/2017/04/20170411-webinar-energy-storage.pdf
ISO-NE Forward Capacity Market (FCM)	BTM/IFOM	Storage owner offers storage system as a generator or active demand capacity resource (ADCR) three years in advance of the delivery year. Capacity resources have must offer obligation in energy market.	The capacity market is based on a two-settlement system also known as Pay-for-Performance (PFP). Capacity resources receive a base payment based on the primary auction clearing price. The second settlement is based on performance relative to the resource's capacity supply obligation during reserve deficiencies (capacity scarcity conditions). Resources can receive a performance bonus or a penalty based on their performance. Energy only resources can also earn a performance bonus under PFP. Capacity pricing from the latest auction year (2021-22) was \$4.63kW-month.	Minimum resource size for generators resource or ADCR size is 100 kW with aggregation allowed for ADCRs. ADCR performance measurement, telemetry and auditing is based on DRR performance (see above). Capacity resources undergo project monitoring until commercialization is demonstrated. Financial assurance is required as security that project will be built.	https://www.iso-ne.com/markets-operations/markets/forward-capacity-market/ https://www.iso-ne.com/about/key-stats/markets/#fcaresults https://www.iso-ne.com/static-assets/documents/2018/06/2018-06-14-egoc-a4.0-iso-ne-fcm-pay-for-performance.pdf
Energy Supply Arbitrage	BTM	Facility owner or third party owns and operates the storage resource	Compensation recognized as savings from buying/charging at a lower cost than when selling/discharging, which may result in decreased electricity bills	Requires energy contract with variable pricing	Refer to Massachusetts Electric Rates and Tariffs for time of use rates
ISO-NE Installed Capacity (ICAP) Tag Management	BTM	Facility owner or third party owns and operates the storage resource	Avoided capacity charges of ~\$4.50 - 5.50/kW/month	Capacity charge must be explicit on bill, must not be profiled class customer, requires interval metering	See Installed capacity tags information for National Grid https://www1.nationalgridus.com/InformationAndForms-MA-RES
ISO-NE Frequency Regulation	BTM/IFOM	The project developer is the resource owner	Receive payment from ISO-NE Two clearing prices for capacity and service mileage. Regulation Capacity Offer (\$/MW, not to exceed \$100/MW) and Regulation Service Offer (\$/MW, not to exceed \$10/MW)	Extremely small market in NE: less than 100 MW of daily procurement, oversupplied Sometimes zero dollar offer priced regulation capacity, which may not clear economically Resource must be dispatched by ISO-NE	https://www.iso-ne.com/markets-operations/markets/regulation-market M-REG - https://www.iso-ne.com/participate/rules-procedures/manuals/

SERVICE	STORAGE LOCATION	PROJECT TYPE AND RESOURCE OWNER	COMPENSATION MECHANISM AND PRICING	CONSTRAINTS AND RELEVANT REGULATIONS	LINKS TO FURTHER INFORMATION
ISO-NE Forward Reserves	BTM/IFOM	The project developer is the resource owner	Receive payment from ISO-NE Forward Reserve Market (FRM) has two competitive reserve actions: one for summer reserve (Jun - Sep) and one for winter (Oct - May); payment calculated in \$/MW-month Real-time reserve pricing is designed to offset lost opportunity costs for reserve capacity instead of production and compensate for on-line/fast start when system is short on reserves	Reserve market co-optimized with energy market, requires minimum duration of two hours (ISO-NE Tariff MR 1 Section III.1.5.1.3.j)	https://www.iso-ne.com/markets-operations/markets/reserves
ISO-NE Voltage Support	IFOM	The project developer is the resource owner	Resources are compensated for providing voltage support services and qualifying resources may receive capacity compensation	Very small market: \$1.13/kVAR-yr, about \$20MM/year for 8089 MVAR	https://www.iso-ne.com/participate/rules-procedures/generator-nongenerator-var-capability/
Emergency Islanding/ Backup Power	BTM	Facility owner or project developer own the storage system	Non-monetary compensation: Value is in increased resiliency and energy security in the event of an outage	Resource could also be eligible for other values, such as energy arbitrage, demand shifting, or demand response during non-emergency times	https://www.energy.gov/oe/activities/technology-development/grid-modernization-and-smart-grid/role-microgrids-helping
Eversource Variable Peak Pricing	BTM	Facility owner also owns and operates the storage system	savings in the form of less-expensive electricity at off-peak times On-peak prices are set on a daily basis	Customers must receive service under a time of use rate and have a meter that can measure and record on-peak usage on a daily basis	https://www.eversource.com/clp/vpp/vppqa.aspx

Value Stacking Considerations

Value stacking of multiple revenue streams requires consideration of the following:

- Location of the facility relative to the metering interconnection
- Operational requirements of the service delivered and/or savings achieved
- Relative value of the that service or savings.

Value streams can be broken down into two categories: **revenue** and **avoided costs** (shown in Table 4). Revenue streams are values for which the system owner receives payment, while avoided cost streams are those for which usual costs or bills are not incurred due to the specified system service.

TABLE 4. VALUE STREAMS BROKEN DOWN BY REVENUE AND AVOIDED COSTS

REVENUE	AVOIDED COST
• Energy/Reserves • Ancillary Service (Regulation) • Capacity • State Incentives (SMART, Net Metering) • Investment Tax Credits (Federal, State and Local) • NWA • Transmission Services	• Demand Charge Management • Peak Energy • ICAP Tag • Regional Network Service • Emergency Power/ Resiliency

The economics of developing storage facilities often require multiple value streams to provide financial benefits. However, it may be difficult to realize multiple value streams depending on the purpose and configuration of the storage. For a storage system with the capability to deliver certain services, the various sets of services may only be combined under the following constraint levels:

- **Mutually Exclusive:** Storage asset may only serve different, mutually exclusive services
- **Only Stackable Across Time:** Storage asset may perform multiple services, but at different times
- **Stackable Simultaneously:** Storage asset may perform multiple services at the same time

Details of operational requirements, risks, and value propositions should go into any economic model built to justify investment. Energy storage cannot perform all available services at the same time, or within a particular time window (e.g., hour or day). This will restrict what services can be provided and affect the

monetary value calculus for the system. An example of the value proposition for multiple value stacks in storage is discussed in a recent publication by [Lazard](#).

Energy and Demand Costs by Utility and Service Class

Billing rate schedules and tariffs vary by utility, customer, and service type. Rates vary based on type of customer and application. **Fixed volumetric rates and charges** are the same regardless of when energy is consumed, while **time-of-use rates** vary based on peak and off-peak times established by the utility based on demand. **Demand charges** are additional fees based on peak power usage during a billing period, charged in cost per KW. Current examples for commercial or commercial time-of-use customers are shown in Table 5. For comprehensive lists of rates and tariffs for Massachusetts utilities, see the following links:

- [Massachusetts Electric Rates and Tariffs](#)
- [Eversource](#)
- [Unitil](#)
- [National Grid](#)

TABLE 5. EXAMPLES OF COMMERCIAL CUSTOMER RATES

UTILITY	SERVICE CLASS	CHARACTERISTIC	COST
National Grid (Nantucket Electric)	G-3 (Time of Use)	Fixed Customer Charge	\$223.00
		Demand Charge	\$5.76
		Peak kWh - Summer	\$0.05376
		Off Peak kWh - Summer	\$0.04776
		Peak kWh - Winter	\$0.05168
		Off Peak kWh - Winter	\$0.04568
National Grid (Mass Electric)	G-3 (Time of Use)	Fixed Customer Charge	\$223.00
		Demand Charge	\$5.76
		Peak kWh	\$0.04466
		Off Peak kWh	\$0.03866
Eversource	G-3 (General Service, Boston)	Fixed Customer Charge	\$250.00
		Demand - Summer	\$24.09
		Demand - Winter	\$17.92
		kWh	\$0.01953

Note: kWh charges reflect total delivery charge

Microgrids

Another opportunity for energy storage is in microgrid applications. Microgrids can be characterized as groups of loads and distributed energy resources that can operate connected to the grid or independently in “island mode.” In addition to furthering the integration of renewable resources to the energy system, battery storage within the microgrid context provides resilience in the face of grid outages. Storage resources can deliver fast response power supply to critical loads during grid outages, and can continue to supply power for longer durations when coupled with solar PV and other onsite generators.

To support resilience and microgrids, Massachusetts developed the **Community Clean Energy Resiliency Initiative** and **Community Microgrids Program** to finance projects related to clean energy, with an emphasis on resilience throughout the Commonwealth. Additionally, the Municipal Vulnerability Preparedness (MVP) program provides grant funding to municipalities for planning and implementing climate resiliency projects. Energy storage projects may be

eligible to receive funding through the Redesign and Retrofit component of the **MVP Action Grant**. For more about opportunities in this area, visit the MassCEC **microgrids** and **energy resilience** websites.

INTERCONNECTING STORAGE RESOURCES

Interconnection of distributed energy resources in Massachusetts involves the system owner, utility, local inspectors, and project contractor. Written approval from utilities is required in the form of an Interconnection Service Agreement and Authorization to Connect. These processes apply to systems connected to investor-owned utilities (IOUs). **Municipal utilities** are not subject to the same regulations, but may have their own requirements on a municipality-by-municipality basis.

As summarized in Table 6, there are three interconnection review paths: simplified, expedited, and standard. As an inverter-based technology, energy storage is evaluated by interconnection location, system size and other characteristics to determine which path can be utilized for a given interconnection application.

TABLE 6. MASSACHUSETTS INTERCONNECTION REVIEW PATHS

	SIMPLIFIED	EXPEDITED	STANDARD
Project Type	Inverter-based technologies served by radial systems, 15 kW or less 1-Phase or up to 25 kW 3-Phase	Inverter-based systems greater than 15 kW 1-Phase or greater than 25 kW 3-Phase and other systems of all sizes that are served by radial systems and meet other requirements	All projects not eligible for simplified or expedited review, including all systems on networks
Typical Projects	Rural residential systems	Rural commercial or industrial systems	Uncertified large projects, unusually complex projects, or projects of any size located on networks
Total Maximum Days of Review Time, Without Delays	15 Add additional 5 days for projects that fail Screen #5 (must be single-phase or all 3-phase)	40 - 60	125-150 If substation modifications are needed, add 20 days. If necessary system modifications are likely to cost over \$200,000 in electric power system upgrades, add 45 days
Application Fee	Fixed Fee (\$0-\$28 per application)	\$4.50/kW (\$300 minimum, \$7,500 maximum)	\$4.50/kW (\$300 minimum, \$7,500 maximum)

Source: **Massachusetts Interconnection Project Review Paths**

The application process time starts on the date that the interconnection application is deemed complete and ends on the date the interconnection agreement is sent. This varies by project and distributed energy resource type. For all resources, this process has taken 25 days or less for 50% of applications. For the only energy storage interconnection request processed to date in Massachusetts, the process took less than 25 days. A running list of interconnection requests is available on the [MA Distributed Generation and Interconnection website](#), supported by the Massachusetts Department of Energy Resources and U.S. Department of Energy .

The detailed requirements vary by utility and can be viewed at the following links:

- [National Grid Standards for Interconnection of Distributed Generation](#)
- [Unitil Standards for Interconnection of Distributed Generation](#)
- [Eversource Standards for Interconnection of Distributed Generation](#)

Interconnection and ISO-NE

The interconnection process for ISO-NE is defined in the [Open Access Transmission Tariff](#) (OATT) and is integrated with the [Forward Capacity Market](#) rules as of 2009 to establish Capacity Network Resource Capability. ISO-NE requires interconnection studies to make a determination of “no significant adverse impact” from the addition of new storage resources. An interconnection agreement for energy only, without capacity rights, is also permitted. All generators connecting to the bulk power system must follow one or more interconnection processes administered by ISO-NE each beginning with

the [I.3.9 requirements in the OATT](#). In general, projects greater than 5 MW will require more substantial information and time for review. The ISO has the right to recover costs for the study process in the form of a fee, which is described in the OATT. Regional transmission planning that includes the Network Capacity Interconnection Standard should follow ISO planning procedures, [available online](#).

Relevant documents (available on the [OATT Website](#)) include the following:

- **Schedule 22: Large Generator Interconnection Procedures (LGIP):** provides terms and conditions for interconnecting large generating facilities (>20 MW) to the administered transmission system.
- **Schedule 23: Small Generator Interconnection Procedures (SGIP):** provides terms and conditions for interconnecting small generating facilities (20 MW or less) to the administered transmissions system.
- **Schedule 25: Elective Transmission Upgrade Interconnection Procedures (ETU IP):** provides terms and conditions for interconnecting other transmission facilities to the administered transmissions systems that are not a Generator Interconnection Related Upgrade, a Regional Transmission Upgrade, or a Market Efficiency Transmission Upgrade.

Additional Interconnection Resources

Additional resources on interconnection in Massachusetts and New England are available at the following links:

- [Distributed Generation and Interconnection in Massachusetts](#)

- [ISO New England Interconnection Planning Procedure for Generation and Elective Transmission Upgrades](#)
- [MassCEC Energy Storage Safety](#)

SHIFTS IN THE REGULATORY LANDSCAPE

As energy storage continues to evolve, nationwide and in Massachusetts, regulatory requirements and opportunities for energy storage will also develop. Some examples of upcoming changes for energy storage in Massachusetts are detailed below.

ISO-NE Activities

FERC Order 841

FERC Order 841, set to become effective December 3, 2019, is designed to remove barriers to the participation of electric storage resources in wholesale markets. This expands the opportunities for energy storage to participate in wholesale energy and capacity markets and to provide ancillary services including frequency regulation. Prior to Order 841, ISO-NE had market structures in place that enabled energy storage participation, but these were largely designed for binary storage technologies like pumped hydro, as opposed to continuous storage facilities like batteries. ISO-NE also had rules in place to allow alternative technology regulation resources (ATRRs) but had not developed clearer rules about bidding, scheduling and dispatch for continuous storage resources that co-optimize multiple services delivered coincidentally. Compliance under FERC Order 841 by ISO-NE will require changes to Market Rule 1 to do the following:

- Lower the minimum size requirement for electric storage facilities (ESFs) to 0.1 MW

and to allow energy storage resources to set price in ISO administered markets

- Ensure all storage technologies are eligible under the ESF participation model addressing registration, market facing administration, and ISO dispatch
- Expand the existing binary storage facility rules to all storage technologies through the newly defined Continuous Storage Facilities (CSF)

Read More: [ISO-NE FERC Order 841 Compliance Filing](#) or the [ISO-NE Energy Storage Device Project Page](#)

Energy Storage Device Project

The ISO-NE [Energy Storage Device \(ESD\) Project](#), targeted to launch in April 2019, will enable grid-scale energy storage assets (5 MW or larger) to perform in various markets, without requiring major changes to software and processes. Registration as an ESD allows for simultaneous asset registration as the following:

- Alternative technology regulation resource (ATRR)
- Non-regulation capable generator
- Dispatchable-asset-related demand (DARD) asset

Thus, energy storage resources classified as ESDs can continue to operate as a dispatchable energy market resource, while also serving fully in the regulation market. Classification as a DARD excludes the resources from paying transmission or ancillary service fees, making consumption and production costs lower-risk for the storage device. For complete definitions and technical requirements for generators, ATRRs, and DARDs, refer to Operating Procedure 14 (OP-14): [ISO Operating Procedures](#).

An overview of registering assets with ISO-NE can be found here: [Asset Registration](#).

Massachusetts Activities

Clean Peak Energy Standard

The [Massachusetts Clean Peak Standard](#) is the product of “An Act to Advance Clean Energy” signed into law in August 2018. The program will be designed to incentivize technologies that can supply clean electricity or reduce demand during seasonal peak demand periods. The Clean Peak Standard is still under development, with the 2019 minimum standard percentage requirement set to 0%. The Clean Peak Standard is anticipated to further incentivize the use of energy storage, which can discharge stored electricity to reduce electrical demand during peak times defined by DOER.

TOR-2025-4

**AN ORDINANCE TO ADD CHAPTER 73
TO THE CODE OF THE CITY OF AGAWAM REGARDING
OUTDOOR DINING**

(Sponsored by Councilor George Bitzas and Councilor Anthony Russo)

WHEREAS, during the COVID-19 pandemic the Commonwealth of Massachusetts relaxed state laws and regulations regarding outdoor dining; and

WHEREAS, outdoor dining or table service includes providing food and beverage service on a sidewalk, patio, deck, lawn, parking area or other outdoor spaces such as under awnings, table umbrellas, tents and other similar structures; and

WHEREAS, Agawam has no ordinance that deals with regulating outdoor dining; and

WHEREAS, it is in the best interest of the City of Agawam to add Chapter 73 which adds §73-1 to §73-7 to the Code of the City of Agawam to provide guidance and regulation regarding outdoor dining in Agawam; and

NOW THEREFORE, the Agawam City Council hereby amends the Code of the City of Agawam by adding Chapter 73 “Outdoor Dining” 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

Chapter 73 Outdoor Dining

§ 73-1 Purpose/eligible outdoor areas.

A. Purpose: The intent of this Article is to facilitate outdoor dining to allow restaurants, cafes, fast-food outlets, coffee shops, and other similar places of public accommodation offering food and beverages, including alcoholic beverages, ("Establishments") for on-premises consumption to serve food and beverages safely in outdoor settings for the period from April 1 to October 31.

B. Eligible outdoor areas: Establishments may utilize private property, including on their own property or on a neighboring property (with permission from the other property owner) and the use of off-street parking spaces, and public right-of-ways. The term "public right-of-ways" shall include sidewalks, public parking lots and any other public areas. Smoking and animals, other than service animals, are prohibited in all outdoor dining areas. Outdoor dining areas must not block entrances, exits, fire lanes, fire hydrants, sprinkler connections or handicap access ramps.

C. Use of public right of ways shall require permission of the Mayor and City Council. No Establishment shall obtain any property right in the continued private commercial use of any public right-of-ways granted herein.

D. Outdoor dining areas are subject to applicable provisions of the state building code, the state electrical code, the state plumbing code, the state fire code, and other applicable codes, and such provisions of this Article as are applicable.

§ 73-2. Permit required; fee; purpose.

A. Establishments seeking to use eligible outdoor areas to serve food and beverages shall annually apply for and obtain a permit to be issued by the License Commission. Any permit application shall be sent to the Health Department, Building Inspector, Superintendent of Public Works, Police Department and the Fire Department for comment. No outdoor food preparation is allowed except by specific authorization of the Health Department.

B. The permit application shall include a description and diagram of the area where service will be provided, which shall include the number and type of tables, chairs, umbrellas, heat lamps, lighting and any barriers, railings or other temporary dividers to be used.

C. Applicants seeking to use public right-of-ways shall also provide a certificate of insurance for general liability coverage in an amount not less than one million (\$1,000,000.00) dollars naming the Town of Agawam as an additional insured.

D. An application fee of one hundred (\$100.00) dollars for a permit shall be paid at the time of filing for either a new or renewal permit.

E. The License Commission shall grant or deny the permit no later than thirty (30) days from the date the application is received by the License Commission and, if no determination is made within that period by the License Commission, the permit shall be deemed to be denied. The License Commission may impose reasonable conditions of approval upon the grant of any permit hereunder. If an establishment seeks to serve alcoholic beverages as a component of outdoor dining, it must submit a separate application for a change in the description of the licensed premises with the License Commission pursuant to the provisions of Massachusetts General Laws.

F. The License Commission may deny a permit only upon a finding that it would be detrimental to the public interest to have outdoor dining at the location applied for. In making such a determination, the License Commission may consider the following factors, among others:

- (1) objections and/or concerns received from Health Department, Building Inspector, Superintendent of Public Works, Police Department or Fire Department;
- (2) previous licensing, health or public safety complaints against the applicant;
- (3) the health and cleanliness of the establishment;
- (4) excessive noise complaints or concerns; and
- (5) violations of any other laws, rules, or regulations.

G. The License Commission shall have the authority to deny, revoke or suspend the permit upon finding that any provision of this Article, including the factors enumerated in subsection (F) above, or any condition of approval will be or has been violated. The License Commission shall give notice of any such action to the permit holder in writing stating the action taken and the reason therefore. The action may be effective immediately, but the applicant or permit holder may make a written request for a final hearing before the License Commission, which shall render a final decision concerning the permit.

H. For permits involving areas including public right-of-ways, the Superintendent of Public Works, after notice to the permit holder and the License Commission, may suspend the permit temporarily if the public interest requires use of the public right-of-way for a public event, construction, repair, or any other purpose.

§ 73-3. Furnishings.

A. Only movable tables, chairs, umbrellas and heat lamps shall be placed on any public right-of-way area. Awnings over public right-of-way areas may be used; however, no permanent roof or shelter over the public right-of-way area shall be erected. Barriers, railings or other temporary dividers may be used to designate the area where service will be provided.

B. Establishments which are licensed to serve alcohol within the establishment's public right-of-way seating area, must be separated from any pedestrian walk space with a non-movable system of enclosure, such as decorative fencing with removable bollards. Establishments using public right-of-way areas that do not serve alcohol do not need this non-movable system of enclosure.

C. No equipment which would amplify sound, including but not limited to: live music, music over speakers, radio, television and/or loudspeaker call systems shall be allowed, except with express permission of the License Commission.

D. Should the permit holder not utilize the public right-of-way area as authorized for a period of forty-eight (48) hours or more, all the tables, equipment and materials shall be removed therefrom, including the period from November 1 to March 31.

§ 73-4. Refuse storage.

No trash, garbage or refuse disposal shall be permitted to be maintained in any outdoor dining area at any time. Outdoor dining areas and all things placed there shall at all times be maintained in a clean and orderly condition. Outdoor dining areas must be cleaned daily, including adjacent public right-of-way areas.

§ 73-5. Hours of operation.

The License Commission shall have the authority to set reasonable hours of operation for outdoor dining. In no event shall outdoor dining be allowed prior to 7:00 A.M. or after 10:00 P.M.

§ 73-6. Parking.

There shall be no further requirement for the provision of parking spaces by any establishment due to the maintenance of an approved outdoor dining area.

§ 73-7. Pedestrian access.

Adequate room for passage by pedestrians on the remaining area of the sidewalk shall be provided at all times. Food service establishments which are not located on a sidewalk of at least four feet in width or for which no sidewalk exists on a public way may be allowed to obtain a permit for outdoor dining upon a finding by the License Commission that the establishment of an outdoor dining area, as shown on the description and diagram of the area where service will be provided, will not impede the passage of pedestrian traffic and where public safety would not be jeopardized.



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-2025-4 (Outdoor Dining)
Date: February 13, 2025

Attached please find TOR-2025-4 which is an ordinance to add Chapter 73 entitled “Outdoor Dining” which adds §73-1 to §73-7 to the Code of the City of Agawam. The ordinance is sponsored by Councilors Bitzas and Russo.

During the COVID-19 pandemic, the Commonwealth of Massachusetts relaxed state laws and regulations regarding outdoor dining to accommodate the social distancing requirements. Those pandemic era changes have come to an end. Outdoor dining or table service includes providing food and/or beverage service on a sidewalk, patio, deck, lawn, parking area or other outdoor spaces such as under awnings, table umbrellas, tents and other similar structures.

The proposed ordinance defines the eligible areas where outdoor dining may occur. It establishes a simple straight forward process to apply for an annual permit to engage in outdoor dining. It sets the annual permit fee at \$100.00 and it gives the License Commission the authority to grant the permits. Please be reminded that most of our dining establishments have liquor licenses. In order for them to serve alcohol at an outdoor area, they must submit a separate application for a change in the description of their licensed premises with the License Commission pursuant to the provisions of Massachusetts General Laws Chapter 40A, §3B.

By granting the License Commission the authority to grant the outdoor dining permits, it simplifies the process for any dining establishment. The License Commission will be required to send each permit application to the Health Department, Building Inspector, Superintendent of Public Works, Police Department and the Fire Department for comment. The License Commission shall have 30 days to grant or deny each permit application.

The permits will be for the period commencing on April 1st each year and ending on October 31st each year. The License Commission may limit the hours of operation for outdoor dining at any establishment, but in no event will outdoor dining be permitted before 7:00 A.M. or after 10:00 P.M.

The criteria upon which the License Commission shall base its decision are as follows:

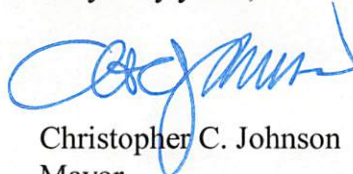
- (1) objections and/or concerns received from Health Department, Building Inspector, Superintendent of Public Works, Police Department or Fire Department;

- (2) previous licensing, health or public safety complaints against the applicant;
- (3) the health and cleanliness of the establishment;
- (4) excessive noise complaints or concerns; and
- (5) violations of any other laws, rules, or regulations.

The draft ordinance represents our best efforts to reasonably regulate outdoor dining in Agawam.

Please do not hesitate to contact me with any questions.

Very truly yours,



Christopher C. Johnson
Mayor