



TOWN OF AGAWAM COMMUNITY PRESERVATION COMMITTEE



AGAWAM COMMUNITY PRESERVATION COMMITTEE

APPLICATION PACKET

The Agawam Community Preservation Act Committee [CPC] has prepared this packet for the benefit of prospective applicants. The packet includes information on eligibility, application submission requirements, and the CPC's review process. All applications are carefully reviewed before the Committee votes on which projects will be recommended to the City Council for funding.

Applicants should be aware that although many projects may be reviewed and recommendations forwarded to the City Council for appropriation in as little as two months, some proposals may require lengthy review.

The Community Preservation Act Committee (CPC) will consider applications for funding as they are received. The Committee meets on a monthly basis, the fourth Wednesday of each month, with exceptions.

Applicants are asked to read the entire application packet and any relevant City planning documents prior to submission.

Requests for further information may be directed to Jennifer Bonfiglio, CPA Administrator at (413)726-9742 or cpa@agawam.ma.us

COMMUNITY PRESERVATION ACT COMMITTEE MEMBERS

Henry Kozloski, Chair	Conservation Commission	hkozloski@agawam.ma.us
Louis Russo, Vice Chair	At-Large	lrusso@agawam.ma.us
Violet Baldwin	Planning Board	vbaldwin@agawam.ma.us
Richard Maggi	At-Large	rmaggi@agawam.ma.us
Raymond Moreau	At-Large	rmoreau@agawam.ma.us
Doreen Prouty	Recreation Commission	dprouty@agawam.ma.us
Vin Ronghi	Agawam Housing Authority	vronghi@agawam.ma.us
Ron Wieners	At-Large	rwieners@agawam.ma.us
David Cecchi	Historical Commission	dcecchi@agawam.ma.us

ELIGIBILITY FOR FUNDING

The Town is pleased to be able to offer Community Preservation Act (CPA) funds to applicants who propose projects that will benefit the Town in the following areas:

- the acquisition, creation and preservation of open space,
- the acquisition, preservation, rehabilitation and restoration of historic resources,
- the acquisition, creation, preservation and support of community housing,
- the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use and
- the rehabilitation or restoration of open space, and community housing that is acquired or created as provided in M.G.L. Chapter 44B, Section 5

All proposed projects must meet the requirements described in the Community Preservation Act M.G.L. 44B, as amended. (In particular, see section 5 for permitted CPA funding and section 2 for definitions.)

Copies are available online at <http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter44B> or through linking on the Agawam CPC home page <http://www.agawam.ma.us/cpa>. A summary of allowable uses under the law is also shown in the chart appended to this application packet.

Applicants are reminded that the use of CPA funds may not include maintenance of real or personal property or construction of a stadium, gymnasium or similar structure or the acquisition of artificial turf for athletic fields.

A real property interest that is purchased with monies from the CPA shall be bound by a permanent deed restriction that meets the requirements of MGL Chapter 184, sections 31 to 33 limiting the use of the interest to the purpose for which it was acquired.

At least one of the applicants for each project requesting CPA funding must fall in one of three categories:

- Town of Agawam department or division
- Organization legally registered in Massachusetts
- Individual proposing a CPA eligible project on property they own themselves

If you are interested in applying for CPA funding but do not fall into one of these categories, you will need to apply with a co-applicant that fits into one of these categories who will be able to manage the project finances.

Applicants must be able demonstrate a clear need for the use of public funds for their project. Funding can be provided to a private organization, but only when it is in the public interest of the town **within one of the categories mentioned above**. In order to safeguard that public interest, the committee will require a restriction to be recorded on the property in question to preserve the item of public interest which has been funded.

The Agawam (CPC) encourages applications that address as many of the following general criteria as possible:

- * Contribute to the preservation of Agawam's unique character
- * Enhance the quality of life for Agawam's residents
- * Serve one or more of the four CPA purposes
- * Save resources that would otherwise be threatened
- * Serve a currently under-served Town population
- * Demonstrate practicality and feasibility, and ability to implement within budget
- * Demonstrate a positive cost/benefit relationship
- * Leverage additional public and/or private funds
- * Preserve, enhance or better utilize existing Town resources
- * Receive endorsement by other Town committees and the Agawam public at large

PART ONE

SUBMISSION OF INITIAL ELIGIBILITY DETERMINATION & REVIEW PROCESS

Step 1. DETERMINE PROJECT ELIGIBILITY

Because of the complexities of the CPA law, the Community Preservation Committee (CPC) requires all applicants to submit a project eligibility form as the first step in the application process. No funding application will be accepted unless the Project Eligibility Determination Form has been submitted and approved. Applicants should refer to Appendix A; “Community Preservation Fund Allowable Use Table” BEFORE filling out the Project Eligibility Determination Form. This information comes from the Department of Revenue and contains the most up to-date information on both the definitions of the four CPA program areas (Open Space, Historical Preservation, Community Housing, and Recreation), and the allowed uses of CPA funds in the four areas. Project Eligibility Determination Forms may be submitted at any time. Please submit only one copy and email or deliver to:

Jennifer Bonfiglio, CPA Administrator
c/o Agawam Community Preservation Committee
36 Main Street
Agawam, MA 01001

cpa@agawam.ma.us

Step 2. REVIEW PROCESS

The CPA Administrator, Chair of the CPC or the Chair’s designee will review Project Eligibility Determination Forms. Applicants will be notified within twenty (20) days whether their project is eligible for CPA funds. ***No application will be considered for action by the CPC until it has been deemed complete.***

Applicants with questions may contact any member of the Community Preservation Committee. It is important to be aware that notification of eligibility does NOT necessarily mean the project will be funded. This will occur if the submission is deemed eligible and is placed on the CPA agenda during a scheduled monthly meeting.

The CPA Administrator may request input or recommendations from the Town Solicitor, other town officials, committees or boards and shall schedule a meeting or meetings and a site visit [if applicable] with the applicant.

Step 3. NOTIFICATION OF DETERMINATION

If your project has been determined ***Eligible***, please proceed with the formal application process to complete application form and submit to CPC for request of funds

If your project has been determined ***NOT Eligible***, you may request an appeal of the initial determination. To do so, you must file a narrative within 10 days of the determination date (date of email sent, mail postmark). The narrative **MUST** include specific language of the CPA Allowable uses when referring to your appeal justification.

Step 3. APPEAL PROCESS:

Submit Appeal narrative within 10 days (as noted above) to CPC Administrator. CPC Administrator may request additional guidance or opinion of Department of Revenue, CPA Coalition and/or the City Town Solicitor. There is no appeal process or challenge should and eligible project be declined funding by the CPC.

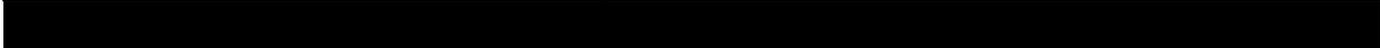


**AGAWAM, MASSACHUSETTS
COMMUNITY PRESERVATION COMMITTEE**

ELIGIBILITY DETERMINATION FORM

The purpose of this form is to make sure that all project applications applying for Community Preservation Act funding are eligible for funding. Please refer to Appendix-B in the Community Preservation Plan when filling out this form. This form must be approved in order for an application to be accepted.

Project Name:	
Applicant Name / Organization:	
Project Location:	
Contact Person:	
Mailing Address:	
Daytime phone #:	E-mail address:



<p>Please indicate (X) all categories that apply to this project (at least one). For more detailed information on these categories, refer to the “Community Preservation Act Funding Allowable Uses” appended to the end of the application.</p> <p>PROPERTY OWNERSHIP: Legal Property Owner of Record (if applicable):</p> <hr style="width: 30%; margin-left: 0;"/> <p>Is the owner the applicant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If No, does the applicant have site control or written consent of the property owner to submit an application? Town of Agawam must be co-applicant on all projects on City property.</p> <p style="padding-left: 20px;">If Yes, (Attach documentation)</p> <p style="padding-left: 20px;">If No, (Project will be deemed ineligible for this applicant)</p> <p>FOR HISTORIC RESOURCES PROJECTS:</p> <p>Is the resource in a Local Historic District and/or listed on the State Register of Historic Places? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p style="padding-left: 20px;">(you can check designation at mhc-macris.net)</p> <p>If no, has the Agawam Historical Commission made a determination that the resource is significant? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 15%;"></th> <th style="width: 15%;">Open Space</th> <th style="width: 15%;">Recreational Land</th> <th style="width: 15%;">Historic Resources</th> <th style="width: 15%;">Community Housing</th> </tr> </thead> <tbody> <tr> <td style="background-color: #cccccc;">Acquisition</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="background-color: #cccccc;">Creation</td> <td></td> <td></td> <td style="background-color: #cccccc;"></td> <td></td> </tr> <tr> <td style="background-color: #cccccc;">Preservation</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="background-color: #cccccc;">Support</td> <td colspan="3" style="background-color: #cccccc;"></td> <td></td> </tr> <tr> <td style="background-color: #cccccc;">Rehabilitation/Restoration</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Open Space	Recreational Land	Historic Resources	Community Housing	Acquisition					Creation					Preservation					Support					Rehabilitation/Restoration				
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PROJECT STATUS (What community need is this trying to address and what level of planning has already been undertaken to inform the proposed project?):

For CPC Use: Eligible Not Eligible Potentially Eligible More Information Needed

Primary Category: Open Space Historical Housing Recreation

Comments:

Date: _____ **Reviewer:** _____



**COMPLETE AND SUBMIT THE PROJECT ELIBILIBTY FORM!
DO NOT PROCEED UNTIL ELIGIBILTY HAS BEEN DETERMINED!**

Please direct any questions to:
Jennifer Bonfiglio, Community Preservation Act Administrator

cpa@agawam.ma.us

(413)726-9742

36 Main Street, Agawam, MA 01001

www.agawam.ma.us/cpa

Appendix A; Community Preservation Fund Allowable Use Table

Community Preservation Act Funding Allowable Uses				
	Open Space	Recreational Land	Historic Resources	Community Housing
	Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. Does not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the Somerville Historic Preservation Commission to be significant in the history, archeology, architecture or culture of the city or town.	Housing for low and moderate income individuals and families, including low or moderate income seniors. Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income.
Acquisition Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B.	Yes	Yes	Yes	Yes
Creation To bring into being or cause to exist. Seideman v. City of Newton, 452 Mass. 472 (2008).	Yes	Yes	No	Yes
Preservation Protect personal or real property from injury, harm or destruction.	Yes	Yes	Yes	Yes
Support Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable.	No	No	No	Yes , includes funding for Affordable Housing Trust Fund
Rehabilitation and Restoration Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties.	Yes , if acquired or created with CPA funds	Yes	Yes	Yes , if acquired or created with CPA funds

PART TWO

SUBMISSION OF APPLICATION & REVIEW PROCESS

Step 1. Application Instructions

- a. Applicants whose projects are deemed eligible for CPA funding will be invited to submit a full proposal. The completed funding application may be submitted at any time. Applicants must submit an electronic copy of the application and 2 paper copies to:

Jennifer Bonfiglio
c/o Agawam Community Preservation Committee
36 Main Street
Agawam, MA 01001
cpa@agawam.ma.us

- b. All applicants must complete the Community Preservation “Project Application Cover Sheet” and shall use the Submission Requirements Checklist to ensure all required materials are included in your application. All applications must be complete to be considered for action.
- c. The digital submission must include: 1) a single PDF file with all items included in the application and 2) high-resolution copies of all pictures.

Additional information:

- a. If the proposal involves City-owned land or structures, either the applicant or the co-applicant must be a City department. Community organizations need to establish a co-applicant relationship with the relevant City department for their project prior to submission.
- b. If CPA funds are used to acquire any real property interest or if historic resources funds are received to preserve, rehabilitate, or restore a building, a permanent restriction must be secured and approved by the appropriate state agency and filed at the Registry of Deeds upon approval. For more information, review the Community Preservation Coalition’s article on permanent restrictions. www.communitypreservationcoalition.org/restrictions
- c. The state’s procurement laws may apply to your project, so it is important to review the Community Preservation Coalition’s article on procurement and CPA projects. Please contact the CPA Administrator with any questions. www.communitypreservation.org/procurement
- d. All application materials may be posted on the City’s CPA website for public review. Applicants must notify the CPA Administrator if any information included in their submission is confidential and should be redacted.

Step 2. CPC Evaluation Of Applications & Public Comment

1. Application review: The CPC Administrator will review all project applications and evaluate them against the priorities established in its Community Preservation Plan. The CPC may request additional information from the applicant during this process.

2. Public meeting: The CPC will review submitted applications at a regularly scheduled meeting to gather public feedback on proposed projects. The CPA committee typically meets on the fourth Wednesday of each month at the Agawam Public Library. The meeting will be publicly posted. Applicants will also be informed of the details of the meeting in advance and will be required to give a brief presentation to the public on their proposed project and to respond to questions from the CPC. Members of the public may attend and speak at all meetings. Members of the public may attend and speak in favor or against a project at all meetings.

The Committee may request additional or more detailed information, and further clarifications to the submitted proposals and may require additional meetings. Application approval may not occur at the initial public meeting.

Step 3. Notification. The CPC will notify applicants of action taken at the conclusion of the meeting.

Step 4. Recommendation. Upon a positive recommendation, the CPC will submit to the City Council for approval.

The CPC may recommend:

- a. A project as proposed by the applicant
- b. A modified version of the project
- c. Partial funding or funding for only a portion or phase of the proposed project.

The CPC reserves the right to attach conditions, such as preservation guarantees, to its recommendations and to include any specifications the CPC deems appropriate to ensure CPA compliance and project performance. Please note it is the practice of the CPC to require all applicants who receive funding for the historical preservation or rehabilitation of a building to place a perpetual preservation restriction on the building as a condition of receiving CPA funding. The CPC also has the practice of requiring a public access agreement where relevant. All property acquired with CPA funds must be perpetually preserved for the purpose for which it was acquired.

Step 5: City Council Vote

The CPC will forward the recommendations to the City Council. The City Council takes a vote on each recommendation, normally at two successive Council meetings. You will be notified when the proposal is on the city council agenda for a vote. It is suggested that you attend this meeting to answer any questions. This meeting may occur approximately 30 days after the CPC vote. Members of the public may speak in favor of or against specific recommendations at the public session preceding each Council meeting.

Projects must receive approval from the City Council to receive funding from Agawam's Community Preservation Act Fund. The Council has the authority to approve a CPC-recommended project, approve the project at a reduced funding level, or reject the project.

Step 7: Award Grant Agreement, Disbursement and Monitoring of Funds

Upon City Council approval, the CPC will issue an award letter with information on the funding amount, conditions, project modification as voted by City Council (if any), CPC staff contact information, and guidelines for project execution. CPA funded projects must comply with all applicable State and municipal requirements. Project oversight, monitoring, and financial control are the responsibility of the CPA Administrator. When the project is completed, all unused funds will be returned to the Town of Agawam Community Preservation Fund. Questions in these areas should be directed to Jennifer Bonfiglio, Community Preservation Administrator, via email at CPA@agawam.ma.us, or by calling (413) 726-9742.

Non-City Organizations

The CPC, acting through the City, will execute a grant agreement along with the award letter to any non-City organization that is awarded CPA funds ("Grantee"). The grant agreement will govern the use and disbursement of the funds. It will be tailored to each project but will include the Standard CPA Grant Agreement General Conditions. The applicant will need to submit an up to date 501(c)(3) certification, and proof of insurance (as applicable) as attachments to the grant agreement. The City's CPA Administrator will monitor project progress and compliance and will coordinate disbursement of CPA Funds. The City will disburse funds to Grantees using either a phased disbursement system or a reimbursement system.

City Departments

The CPC will execute a Memorandum of Agreement (MOA) with each City department that is awarded CPA funds. The MOA will govern Departments' use of the funds. Projects receiving CPA funding shall credit this source of funding in promotional materials and, whenever appropriate, at the project location. All ground breaking and dedications must be submitted to the Agawam Community Preservation Committee and approved by the Agawam Town Council. The CPC will process all payment requisitions.

COMMUNITY PRESERVATION COMMITTEE SUBMISSION REQUIREMENTS CHECKLIST

Please check (✓) each item included in your submission, which should include the applicable items in the order listed below

GENERAL:

- Application Cover Page (form provided)
- Submission Requirements Checklist (this form)
- Narratives (prompts provided)
- Project timeline: a project schedule showing all major milestones (i.e., study, design, environmental, permitting, construction, etc.), including receipt of other funding sources

FINANCIAL:

- Budget Summary (form provided- construction projects must include cost for permanent CPA dedication sign)
- Itemized budget of all project costs, including the proposed source for each cost
- Proof of compliance with state procurement and prevailing wage laws
- Proof of secured funding (e.g., commitment letters or bank statements), if applicable

VISUAL:

- Map of the property location showing all features pertinent to the project, including current or future rapid transit stations
- Current dated photos of the project site (not more than 4 views per site); include digital copies

OWNERSHIP/OPERATION (NON-CITY):

- Documentation of site control or written consent of the property owner to undertake the project, if the owner is not the applicant
- City has signed on as a co-applicant for community projects proposed on City land.
- Certificates of Good Standing from the City and the State, if applicable
- 501(c)(3) certification, if operating as a non-profit
- Purchase and sale agreement or copy of current recorded deed, if applicable

COMMUNITY SUPPORT (RECOMMENDED):

- Letters of support from residents, community groups, other City boards, commissions, or departments, or from City, state, or federal officials

HISTORIC RESOURCES PROJECTS:

- Documentation that the project is listed on the State Register of Historic Places or a written determination from the Agawam Historic Preservation Commission that the resource is significant in the history, archeology, architecture, or culture of Agawam.
- Current dated photos documenting the condition of the property
- Reports or conditions assessments by a qualified professional describing the current condition of the property, if available

PLANS AND REPORTS (IF AVAILABLE; SUBMIT DIGITAL COPIES ONLY):

- Renderings, site plans, engineering plans, design and bidding plans, specifications, and any MAAB variance requests
- Applicable reports (e.g. 21E, historic structure report, appraisal, survey plans, feasibility studies)



**AGAWAM, MASSACHUSETTS
COMMUNITY PRESERVATION COMMITTEE**

APPLICATION COVER PAGE

I: Project Information

Project Name:

Project Location

Legal Property Owner of Record:

One Sentence Description of Project:

Please indicate (X) all categories that apply to this project (at least one).

	Open Space	Recreational Land	Historic Resources	Community Housing
Acquisition				
Creation				
Preservation				
Support				
Rehabilitation/ Restoration				

Estimated Start Date: _____

Estimated Completion Date: _____

CPA Funding Request: _____

Total Budget for Project: _____

II: Applicant Information

Applicant Name / Organization:

Co-Applicant Name / Organization:

Contact Person:

Mailing Address:

Daytime phone #:	Email:
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Project Manager:

III: Signatures

I (we) certify that all information provided in this entire submission is true and correct to the best of my (our) knowledge and that no information which might reasonably affect funding has been excluded. I (we) authorize the Community Preservation Act Committee and / or the Town of Agawam to obtain verification from any source provided.

Name (printed):		
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Name (printed)		
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**AGAWAM, MASSACHUSETTS
COMMUNITY PRESERVATION COMMITTEE**

BUDGET SUMMARY

Project Name:
Applicant:

Summary Of Project Costs						
Please include a complete itemized budget of all project expenses, including the proposed funding source for each expense, in your submission. <i>Budget needs to include cost of permanent CPA dedication sign if requesting construction funds.</i>						
Proposed Source		Expenses				
		Study	Soft Costs*	Acquisition	Construction**	Total
1	Agawam CPA					
2						
3						
4						
5						
6						
Total Project Costs						
*Soft costs include design, professional services, construction administration, permitting fees, closing costs, legal fees, etc.						
**Construction includes new construction, preservation, rehabilitation work, and / or accessibility related expenses						

Explanation of Funding Sources			
Please explain the status of each funding source (i.e. submitting application on X date, received award notification on X date, funds on hand, etc.). For sources where funding has been awarded or are on hand, please include documentation from the funding source (i.e. commitment letter, bank statement) in application packet.			
	Source	Secured? (Yes/No)	Status Funding Source
1			
2			
3			
4			
5			



AGAWAM, MASSACHUSETTS COMMUNITY PRESERVATION COMMITTEE

NARRATIVE PROMPTS

Please include in your submission concise narratives that respond to all relevant prompts in the order they appear below, using the headers provided below.

Project Description

1. Describe the project, including the project location and the property involved
2. Why is this project needed? How does it preserve and enhance the character of Agawam? How does the project benefit the public? What population(s) will it serve?
3. How does the project meet the general and category-specific priorities outlined in the Community Preservation Plan?

Measuring Success

1. What are the goals of this project?
2. How will the success of this project be measured? (There should be at least one measure of success for every stated goal.)

Financial

1. Describe all successful and unsuccessful attempts to secure funding and/or in-kind contributions, donations, or volunteer labor for the project. Describe any cost-saving measures to be implemented.
2. How was the total CPA funding request determined?
3. Will the project require funding over multiple years? If so, please provide annual funding requirements. (The CPC does not commit to funding projects over multiple years. If multiple years of funding is necessary, the applicant will need to submit a new application for funding each year).
4. How will the project be affected if it does not receive CPA funds or does not receive the full amount requested?

Project Management

1. Describe the applicant. Are they public, private non-profit, private for-profit, an individual, a partnership, or another type of entity? What is their history and background? Provide any additional relevant information.
2. If a community organization is applying with a government entity as a co-applicant, describe how the two organizations will work together, how finances will be managed, and how the work will be continued after the conclusion of CPA funding.
3. Demonstrate that the applicant has successfully completed projects of similar type and scale or has the ability to complete the project as proposed.

4. Identify and describe the roles of all known participants, including the project manager.
5. Describe the feasibility of the project and how it can be implemented within the timeline and budget included in this application.
6. Describe any known or potential barriers to the successful on-time commencement and completion of the project, including any permits or inspections required.
7. Describe any ongoing maintenance and programming required, and documentation to support who will be responsible for it.
8. Describe any permits, approvals, MAAB variance requests, or restrictions that are required for the project to go forward and the status for each.
9. Note if the applicant has previously received CPA funds and if so, a concise summary of the impact of the previous CPA project.

Historic Resources Rehabilitation Projects

1. Describe how the proposed project complies with the [U.S. Secretary of the Interior's Standards for Rehabilitation](#), as required by the CPA legislation under the definition of rehabilitation.
2. Describe how the applicant will ensure compliance with these standards as the project is ongoing, including an identification of who will make historic preservation determinations.

Accessibility Requirements

1. Describe how the proposed project complies with all ADA/MAAB Regulations.



AGAWAM, MASSACHUSETTS COMMUNITY PRESERVATION COMMITTEE

INFORMATION FOR PROJECTS PROPOSED ON PUBLIC PROPERTY

Proposing Community Projects on Public Property

The Community Preservation Committee requires that the Town of Agawam is a co-applicant on all projects proposed on Town property, including schoolyards and City leased property. A representative from the relevant Town department must sign onto the project's Eligibility Determination Form to confirm the Town is a co-applicant.

It is up to the discretion of the relevant Town department to agree to be a co-applicant on the proposed project. Town departments will make the determination of their participation on the project based on the alignment of the project with Town priorities and planning documents such as the Open Space and Recreation Plan, connections with already planned work, funding availability, and staff availability to serve as project partners. Please contact the relevant department as early in your idea generation process as possible.

The Community Preservation Committee also requires the relevant state institution sign on as an applicant for any projects on state land. If you are considering proposing a project on state owned land, please contact the relevant authority. A letter from the relevant governmental body confirming they are a co-applicant on the project must be submitted along with the Eligibility Determination Form.

Procurement Requirements for All Projects on Public Property

The Community Preservation Act requires that all projects implemented on public property, whether implemented by the Town or a community group, follow state procurement and prevailing wage laws. Community groups proposing to manage a project on Town property must have the capacity to follow these laws. More information is available in an [article on the CPA and procurement laws](#) from the Community Preservation Coalition and [summary charts](#) prepared by the Office of the Inspector General.



**AGAWAM, MASSACHUSETTS
COMMUNITY PRESERVATION COMMITTEE
ENSURING ACCESSIBILITY FOR ALL RESIDENTS**

General Accessibility Requirements for All Projects Intended for Public Use

Under the Americans with Disabilities Act (ADA), the Town is required to operate all of its activities, services and programs so that, “when viewed in their entirety, they are readily accessible to and usable by qualified individuals with disabilities.”

Any project intended for the public’s use that is built on Town property, any project built with Town funds, or any project where the Town is a co-applicant must comply with state and federal building codes regulating access for individuals with disabilities including the 2010 ADA Standards for Accessible Designs (28 CFR §35) by the United States Department of Justice, and the Massachusetts Architectural Access Board (MAAB) Regulations (See 521 C.M.R.), or the latest promulgated state and/or federal regulations. The resulting construction must meet all ADA/MAAB requirements and must provide equal access to individuals with disabilities.

Any construction, reconstruction, remodeling, alteration, or change of use of a building or facility that is open to the public will likely trigger this compliance obligation. Further, all new construction must fully comply. The Town and the State’s building inspectors must and will enforce the MAAB regulations which are outlined in a “specialized” section of the Massachusetts Building Code (see 780 C.M.R.).

Application of the ADA Standards is not required where it would be “technically infeasible.” Technical infeasibility is defined as having “little likelihood of being accomplished because existing structural conditions would require removing or altering a load-bearing member which is an essential part of the structural frame; or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.” If compliance is technically infeasible, the alteration must provide accessibility to the maximum extent feasible.

Please confer with your design professional or architect on whether to seek a variance from the MAAB for technical reasons. There is no procedure for seeking variances under the ADA. However, ADA Title II has some exemptions for inaccessible buildings constructed before the law went into effect (ie for historic resource projects). For questions or additional information, please contact the CPA Administrator Jennifer Bonfiglio at CPA@agawam.ma.us.