

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
In Person & via Conference Call
August 1, 2023

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Lloyd Crawford, ZBA alternate
Tinky Weisblat, Gal Friday
Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, Georgette deFriesse Donna Lemoine, Wayne Lemoine,
Magnus Thorsson, Bob Taylor, and via Zoom Peter Beck and Ken Bertsch

The meeting was called to order at 7:01 p.m. Warrants and minutes from a previous meeting were signed. Then:

1. **The group discussed the work needed on the northbound lane of Route 8A at Savoy Road,** which had been deemed critically deficient by the state. Will explained that a plan was in place, and that signage and barrels were coming soon from the DOT. He explained that northbound traffic would be told to yield.

While he was on the topic of roadwork, Will moved on to discuss delays with the Sears Road Culvert project. He explained that National Grid hadn't yet performed the necessary pole relocation to let the project continue. That was scheduled to occur, he said, during the week of August 7. Meanwhile, both the arrival of the culvert and any involvement with Davenport Trucking were being delayed until early September because of dire storm-related damage elsewhere in the area. He estimated that work would now begin around the first week of September and if the weather cooperated would last for seven to 10 days. Will expressed his gratitude to Tedd White, who had said that traffic could go over his driveway; this would enable both traffic lanes to be fixed at once.

In other highway news, Gary noted that the road crew had been working on gravel maintenance; there was concern that beavers had been filling culverts.

2. **The ZBA spoke with Magnus Thorsson about the property he co-owned on Middle Road.** Bob MacLean, an abutter, recused himself so Lloyd Crawford stepped in as ZBA alternate.

Will began by reading from the bylaws about erosion control, noting that no slopes in excess of a 25-percent grade were allowed. A waiver could only be granted if the landowners demonstrated that they were protecting the area adequately. Will said that in his opinion the maps submitted by Magnus and his co-owners were inadequate, particularly the first map, which seemed to be a GIS map.

Magnus explained the he was trying to understand the accusations about the land. He pointed to the second map, which showed both the old farm road and a shortcut previously created for logging. He said that he had been under the impression that they could use the existing road, that Scott had moved and maintained the road he (Magnus) was using as a driveway.

Hussain asked Magnus to walk the board through his plans. Lloyd noted that the Conservation Commission had asked for information by October 20 and had only just received word, months later. He moved that the owners be found in violation of the zoning bylaw because of the slope of their driveway. Will seconded the motion.

Hussain said that he believed that Magnus should be able to speak. Magnus read to the board the owners' note to the Conservation Commission. (See attachment.) He noted that he saw no evidence of siltation on the property. He further asked Lloyd to confirm that the owners had been in frequent touch with the Conservation Commission. Lloyd observed that the owners had had time to act before the snowfall (which was what Magnus had said delayed them) but he acknowledged that the owners had been in touch with him. Lloyd said the matter would be further discussed at the Conservation Commission meeting two days later.

Magnus noted that he and his co-owners had put in conservation seed mix to contain run off and that a double-silt barrier had been put up. He further explained that they were consulting with Emily Stockton to figure out how to complete the project to the satisfaction of the ZBA and the Conservation Commission. He added that he had been in touch with George Rice about working on the site.

Hussain asked Magnus whether he was disputing the contention that the grade of his driveway was in excess of 25 percent. Magnus protested that he was not an engineer and had been working to hire professionals. Hussain observed that the evidence seemed sufficient to determine a violation. Magnus asked whether it was truly necessary to issue another violation when the owners were hard at work on the project. Will called the vote, and after Bob Taylor, an abutter, asked about the possible impact of an increase in water through the old cattle pass, all voted in favor.

Lloyd told Magnus that he had been urging a coordinated solution to the problem, one that would address the curb-cut bylaw, the 25-plus-percent slope issue, and the question of wetlands. He reminded Magnus that everyone wanted to see the erosion under control. He noted that George Rice was a good operator but not an engineer. Hussain agreed that the board would like to see a plan drawn before any work was done. Magnus told the group that Emily Stockton had agreed to help the owners find an engineer, but she was unfortunately tied up until October.

The board agreed that seeing the terrain would be helpful and asked whether the Zoning Board and the Conservation Commission could walk through the property. Magnus said that he was reluctant to allow this as he was aware that another town official had already trespassed. He volunteered to walk the property with the groups. Lloyd asked about setting up a time to do this. Will urged Magnus to get an engineer sooner than October. Magnus asked for advice about engineering firms; the board said they couldn't recommend one but urged him to do a little research.

Bob Taylor reiterated his concern about water coming down Magnus's driveway onto his land, especially if the driveway was paved. Lloyd said that any solution should keep that issue in mind, and Magnus protested that he wasn't planning to pave the driveway.

The board agreed to discuss this issue at its next meeting, after the Conservation Commission meeting. The group also agreed to meet Magnus on the property the following morning at 8 a.m.

The board asked Gary whether he had any concerns as road boss; Gary said he was only concerned with what he could see from the road. Tinky was instructed to put the matter on the agenda for the next meeting, on August 15, after the site visit.

3. **The group discussed appointments for the current fiscal year.** Tinky explained that she had been working on the website for much of the week so she didn't have a full list of appointments for the board to sign. She said she would check orally with them about the open positions and give them the list to sign at the next meeting. She did present a list of public-safety appointments to sign, prepared by Hussain. The only new member on the list was Scott Kugler, a firefighter and first responder. Hussain noted that Scott should be commended for his quick response to a recent diesel spill.
4. **Hussain described the situation of the Mohawk Area Public Health Coalition,** which had been discussed at a recent public-health meeting he had attended. The FRCOG had been running MAPHCO, apparently, but the coalition wanted to split off on his own. Its status was currently in flux, and Hussain didn't think the flux was helpful. No action could be taken by the Selectmen at present on this, however.
5. **Tinky brought up the issue of the town-owned books in storage at Hussain's house.** Hussain estimated that perhaps 10 or fewer of these volumes needed to be preserved. He reiterated his point from the last meeting: if the books left his house, he didn't want them back. Will suggested that the Erving Paper Mill would take books for pulp. Hussain said he would be happy to take the books to the mill; he just wanted clear guidance. He offered to prepare an inventory and suggested that the issue be revisited at the next meeting.
6. **Tinky briefly reported on the status of the website revamp.** She said that the web designer, Bill Tuman, was hoping for a soft launch around September 1. The website could be tinkered with after that, but it would be up and running. She asked whether the Chickley River documents should be preserved on the new site. Hussain suggested that the audio recording of a meeting on the topic (which was long and acrimonious and in any case had been summarized in writing) could be dispensed with; he noted that all the documents could be put on a drive and given to the Town Clerk for her records. Meanwhile, the board asked Tinky to encourage Bill to get the new site up as quickly as possible.
7. **Tinky also relayed the suggestion of a resident that the Ashfield trash bags, which were cumbersome and not very strong, be replaced with a sticker** or something else that could be put on trash bags. Virginia advised Tinky to talk to Paul McLatchy, the town administrator in Ashfield; Virginia said she knew Ashfield was exploring alternatives. She noted that Plainfield sold punch cards to be punched at the dump.

There being no other business, the meeting was adjourned at 8:26 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean