

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
In Person & via Conference Call
August 15, 2023

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Lloyd Crawford, ZBA alternate
Tinky Weisblat, Gal Friday
Virginia Gabert, Treasurer and Financial Administrator, with Benjamin Gabert
Gary Mitchell, Chris Tirone, Georgette deFriesse, Charlie MacLean, Scott Purinton,
Ashley Harrison, Lloyd Crawford, Suzanne Crawford;
and via Zoom Matt Puntin, Courtney Bourns, and Leslie Clark

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

1. **The group talked with Matt Putin of SK Design about improvements on East Road to accompany the proposed common driveway at Berkshire East.** Matt said that he planned to apply for a separate permit from the Conservation Commission. Lloyd Crawford asked whether a memorandum of understanding was needed for Berkshire East to work on a town road. He said the new culvert should be installed near the end of the process after the other work had occurred, to which SK Design agreed. He also said the driveway couldn't start until a permit was issued for the road. Tinky asked whether it would be okay for the Selectboard to sign off on a permit at its next session at the end of the month; everyone agreed to this. Lloyd noted that the Conservation Commission would meet once paperwork was in hand, and Tinky agreed to get the paperwork.
2. **Suzanne Crawford and Scott Purinton updated the board on news from the Mohawk Trail Regional School District.** Scott noted that the school district and the teachers' union had recently signed a three-year contract and that the school was in good shape for the present financially. There was also good news on the transportation front; the year's state budget was set to reimburse the district for 90 percent of transportation costs, and rural-school aid had more than doubled. Suzanne added that the state was also adding to vocational-school reimbursement and adding more funds for special education.

She brought up proposed legislation from Senator Jo Comerford and Representative Natalie Blais about increasing the long-term fiscal health of rural school districts. She shared a sample letter in support of the legislation from school-committee chair Martha Thurber for the board to edit and sign. Hussain said he needed to look at the actual legislation before signing a letter. Suzanne observed that the letter could certainly wait until the next Selectboard meeting. She also suggested that the Selectboard look at a draft resolution about the legislation, which Tinky promised to send to board members. Hussain expressed the board's appreciation for the work of the school committee members and of Natalie Blais.

Scott added one more piece of news, explaining that Baystate Health was thinking of opening a clinic at the school to provide additional health care to the West County area. He said that it would be entirely separate from the school, with its own entrance. He noted that the building was under-utilized and that the clinic would pay rent. The idea was in its early stages; an agreement wouldn't be signed until the spring of 2024, with an opening perhaps a year later.

Virginia asked whether the problem that had forced the Academy at Charlemont to move out of Hawlemont School might be relevant here. Scott said he would inquire and would share more information as he received it. Hussain observed that with the dearth of health care providers in the area, the clinic idea was certainly welcome.

3. **The group talked with road boss Gary Mitchell about road issues.** Gary noted that the town was still waiting for a pole to be moved by National Grid at the intersection of Route 8A and Sears Road; work could not begin on the culvert there until the pole was moved. Will reminded the group that because of emergency work elsewhere in the county Davenport Trucking was holding off on Hawley work until September anyway.

Will informed the group that he had just applied for a grant from the federal Department of Transportation for culvert engineering, design, and permitting; he said that it would help jump start two culverts. The town might be eligible to apply for a total of three grants focused on paving, gravel, and fabric from a federal rural and tribal area grant program.

He said that the bridge on Route 8A at Savoy Road now had only one lane with signage but that actual work might not happen there until 2028. Georgette said that in the newspaper she had read that the town was requesting traffic lights. Hussain and Will explained that the newspaper article was written in an early planning stage, that lights so close to houses might prove very disruptive to families and didn't seem necessary. Will added that Gary hadn't seen any skid marks on the road so drivers seemed to be observing the signs.

Tinky asked about the possibility of an overlay. Hussain and Will explained that the overlays they had seen so far were too small and were not made of appropriate materials.

Will reminded everyone that the transmission module for the red truck was still waiting to be replaced and that Gary was currently driving his own vehicles.

4. **The group talked via Zoom with Courtney Bourns about the Thorsson/Bourns/Sheldrick property on Middle Road.** Hussain distributed copies of a photo he had taken of the structure there at the last site visit, and Tinky shared a letter Courtney had sent to the Conservation Commission. Lloyd noted that the Conservation Commission had agreed on some measures they wanted the property owners to take in the short and long terms and that progress was being made. Courtney noted that she had received drawings that day from a civil engineer and hoped to have a plan finished by September 15. Lloyd said he wanted the Zoning Board of Appeals to be comfortable with the erosion-control measures and told Courtney that on a temporary basis anything she and her co-owners could do would be great.

Hussain said he wanted to bring up a board-of-health issue. He stated that although the board had believed the structure on the property was a shed of sorts, when he looked at it, it appeared to be a dwelling, with insulated windows and solar panels. He said he just didn't see this building as exempt from Title V and the Building Code; it looked to him like a human habitation.

Courtney stated that the building inspector had come twice to inspect the building and had said it didn't need any special permit application because it was under 200 square feet. She explained that she and the co-owners used the place as a campsite. Someone suggested that the building inspector had said that a permit would be required for the decks. A memorandum from the inspector was circulated during the meeting.

Hussain protested that even though the place was not a permanent residence it still might need septic, water, and electrical inspection. He asked how the property was assessed. Virginia said that she would look (she later came up with an assessment of 198 square feet) and reminded the board that there were other properties in Hawley without water or plumbing.

Courtney told the board that the owners used a rain barrel to collect some water and brought in water to drink; they also removed all solid waste. She added that if the weather were bad or if they had squeamish guests, they booked a hotel room. She noted that the building inspector had seen the small parlor stove inside the house but that he had asked them to remove a mattress they had been storing there; they had complied, she said.

She said she had read the town bylaws and hadn't seen anything about Title V. Hussain explained that it was part of the state sanitary code. She said they would be happy to do whatever was needed.

Will and Hussain said that perhaps the health agent should inspect the house. Virginia noted that it could be overwhelming to have all these agencies involved and suggested that the Board of Health come up with a list of questions and requests.

Hussain said that the owners should have sought the proper permits from the health agent in the beginning. He also observed that Magnus Thorson had become hesitant to allow the site visit to go farther at exactly the location at which the house came into view from the driveway. Courtney reiterated that she had been told on two occasions that no permits were needed for a building under 200 square feet.

Lloyd suggested that the board ask the building inspector and health agent to issue a report.

Lloyd asked Courtney whether the building inspector and health agent would be allowed to visit the house. She said she would prefer to have them come when an owner was there but would allow it in any case. Tinky was asked to reach out to the inspectors and then contact Courtney.

The board thanked Courtney.

There being no other business, the meeting was adjourned at 8:12 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean