

**Town of Hawley, Massachusetts**  
**Minutes of a**  
**Selectboard / Board of Health / Zoning Board of Appeals Meeting**  
**In Person & via Zoom**  
**August 29, 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, Charlie MacLean, Lloyd Crawford, Wayne Lemoine,  
Randy Crochier; and via Zoom Jim Hawkins, Magnus Thorsson, and Leslie Clark

**The meeting was called to order at 7 p.m.** Warrants and minutes from a previous meeting were signed, along with a couple of forms, one appointing Will a special town official and the other approving the special permit for a shared driveway about which the board had ruled earlier. Then:

1. **The Selectboard, health inspector Randy Crochier, and building inspector Jim Hawkins talked with Magnus Thorsson about the property Thorsson co-owned on Middle Road.** Hussain began by saying that he understood that Magnus and company had a lot of agencies being thrown at them. He reiterated his concern that the structure on the Thorsson/Bourns/Sheldrick property was not a shed or campsite but rather a dwelling with solar panels, insulated windows, a stove and smokestack, and insulated windows. Yet it had no septic system, running water, or electrical permits. He noted that the building and health inspectors had been invited to discuss this.

Will referred to a letter from the building inspector from October 2022 listing things that would need to be done to bring the house up to code, particularly noting that the decks would need a building permit. He asked Magnus what had been done about this.

Magnus explained that the decks were not permanent structures; they were designed to be temporary, and so he hadn't gotten permits for them. He offered to show his plans for the decks to the board, noting again that they were temporary and non-conforming. Hussain expressed incredulity that the decks, which he opined were "impressive" in construction and would take significant work to dismantle, were temporary. Magnus said that his deck was near the road and that the posts weren't embedded in the ground; they stood on rock.

Hussain opined that there seemed to be some confusion about the meaning of the codes. He pointed out again that the structure was not an accessory structure, playhouse, or tool shed. Magnus said that the structure was there to keep camping gear dry and that the platforms and decks were intended to make the place level for eating and other activities.

He observed that he had been hoping to extend the season of the structure to do snowshoeing but offered to take out the stove and the smokestack if he needed to.

Hussain asked Randy whether a temporary house required a septic tank. Randy explained that even a temporary accommodation needed a septic system and a system for delivering potable water if used more than 14 days a year. He added that the structure in question would not qualify as a "tiny home"; that category of house had to be a residence with all the permits and accoutrements of a residence.

Hussain also asked Randy whether the fire chief would be required to approve of any home. Randy said that both the building inspector and the fire department would need to approve.

Randy also noted that although he had tried to get to the structure in question a while back, he had not been able to. Magnus offered to give Randy a tour of the site on September 8, when he would be in town to meet with his engineer, Marc Volk of Foresight Design.

Hussain asked whether a so-called tight tank would work for a septic system in this dwelling. Randy said that a tight tank could not be used for new construction. Hussain said that there were other alternative systems, and Magnus noted that the property had passed a perc test some years back, perhaps in 2012.

Hussain asked Jim Hawkins to summarize what he would need to approve of the structure. Jim said that he saw the place as a shed, not a tiny house, because it lacked the bathroom and kitchen area that would be required. Will asked Randy whether yjr sink and shower water would need to be handled in a specific way. Randy confirmed that all water, including sink and shower water, needed to be able to leach through a proper septic system.

Magnus said that he tended to heat rain water in a five-gallon bucket to use as a makeshift shower and asked whether that was allowed. Randy stated this would not qualify as potable water. Hussain noted that he didn't worry about people using a bucket of water to wash themselves on occasion. Likewise, someone spending a night at a shed on an impromptu basis was not a matter requiring enforcement. However, he felt that the evidence seemed to suggest the structure was being used as a part-time dwelling.

Magnus asked whether, if the owners stayed on the property fewer than 14 days a year, carried in water, carried out waste, and used rainwater for occasional handwashing and shower, they would conform to the rules. He added that they had been at the place fewer than 10 days in the current year.

Hussain expressed his view that the owners had more in mind for their property. While he indicated that he didn't want to fine the owners heavily over this, he expressed concern about the precedent allowing the status quo could set. He asked what would happen if the Board of Health bent the rules for this structure and then other landowners decided to do likewise.

Magnus said that he appreciated that position. He said that he had been attracted by the property because of its natural value and the local flora and fauna. He informed the group that his academic research was in the field of environmental sustainability. He added that he did hope to building a full home eventually and saw the current structure as a stepping stone along the way. Hussain asked about the timetable for this more permanent, permitted structure. Magnus replied that there was no specific timetable set but that he and his partners hoped to build, within the next three years. He explained that he and his wife both had full-time jobs in Rhode Island.

Lloyd chimed in as Conservation Commission chair to say that his group had issued a violation notice but added that he was hopeful that the meeting with the engineer in September would help Magnus meet the September 15 deadline set by the commission.

Charlie MacLean expressed frustration that he felt government officials were trying to get Mr. Thorson to admit to wrongdoing.

- 2. The group discussed the possibility of a shared conservation agent.** Lloyd explained that the town of Ashfield had called a Zoom meeting on this topic the following month. Randy, who was still present, said that he was in favor of this idea, both as a Selectman in his town and as an official at FRCOG. Lloyd said that guaranteeing work for a prospective shared conservation agent in Hawley would be tricky; the need for such a person varied widely from year to year. He said he hoped to pay Hawley's share of such an official from the fees for notices of intent the commission received, but he wasn't sure that the fees would provide enough money.

Will asked Tinky to share the meeting information with him, and Hussain said that he was sure that more information would be available after the multi-town meeting. Tinky was asked to place the conservation-agent idea on the agenda again in four weeks.

3. **Before Lloyd left, Tinky asked him to describe a poster about which he had been asking her**, which had been removed from the wall in the Town Office. No one knew where it was. Lloyd observed that if the poster wasn't found, it was no tragedy; it could be found online.
4. **The group discussed a proposed letter and resolution supporting legislation designed to help rural school districts.** Hussain explained that he had looked through the legislation and thought that although it wasn't perfect it had many good elements and would take schools in the right direction. He stipulated that he didn't like the bill's emphasis on regionalization but added that it did indicate at one point that regionalization might vary by area. He was also troubled by the way in which it separated vocational and agricultural schools from other schools, he noted. He supported the idea of holding a hearing on the bill, he said, and hoped that during the hearing rural residents and politicians would be given an opportunity to weigh in. He said that he supported the letter with minor changes (he had found a typo in the draft) and would be willing to support the resolution if, instead of asking legislators to pass the proposed legislation, it asked them to hear it, deliberate upon it, and move forward with it. The other Selectmen agreed to this language.
5. **Tinky shared the current website outline with the board and asked them to consider changes and additions.** She agreed upon their suggestion to add questions in the "how do I" section about how to obtain hunting and fishing licenses and how to find out when fishing and hunting season took place. Hussain offered to write something about these topics. Lloyd said that he thought the category "useful documents" was too vague and asked that it be changed to "town regulations and documents."
6. **Tinky shared information about upcoming bike races at Berkshire East in Charlemont**, which might touch on East Road in Hawley. Hussain asked her to let the organizers know that on October 28, one of the dates in question, many members of the Fire Department would be unavailable because they were training.

**In other business, Chris Tirone asked for permission to erect a dog pen** somewhere near the highway department building so that he as dog officer would have a place to put dogs he apprehended. Will suggested that he consult Gary Mitchell, who assented if the road crew could find a good place to put it. Lloyd said that the conservation commission would have no objection to the structure. The group agreed to let it be erected, but Will reminded Chris that he would have to weed whack inside it.

**Hussain asked Gary whether he was okay after a recent incident in which** the excavator had tipped over while he was driving it. He said he was a little black and blue but otherwise uninjured. He explained that he had got a little too close to the edge of the road and that the excavator had gone over the side. However, it had not been damaged.

**Chris expressed his concern about the proposed snow-plow route on East Road going to Labelle Road.** He said that the geography of the road might be tricky potentially leading to the truck sliding down East Road instead of successfully turning onto Labelle. Gary said that there were many tricky areas in Hawley and noted that he planned to spread gravel on the route. Virginia looked for a map of the proposed route. Hussain said that he did think there was a hill at the intersection. Gary said he might be able to think of a slightly different way to handle the route and reiterated his intention to use a lot of gravel.

**Gary brought up the transmission issue with the red truck**, saying that the dealer had said that the part MIGHT arrive in mid-November but was by no means certain. Will said that he had heard of a Ford 250 with a snow plow that might be available for \$67,000. Gary and Bob said that that model wasn't heavy enough.

Will asked Virginia how the town might pay for a new truck, which Gary and Bob estimated might cost close to \$100,000. Lloyd suggested that the Selectboard would have to call a Special Town Meeting. Virginia said that there was enough money in Chapter 90 funds for the purchase but that using that money for a truck made it unavailable for other projects. Bob suggested using the stabilization fund; Lloyd objected that this wasn't a long-term solution. Hussain opined that a capital purchase of this nature was appropriately addressed at a town meeting. Gary warned that putting an "after market" part on the truck needing repairs might not work, noting there had been many failures with these. The group decided to ask Gary to investigate the price of a new truck and asked Tinky to put the truck on the agenda for the next meeting.

There being no other business, the meeting was adjourned at 8:43 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

---

Williams Cosby

---

Hussain Hamdan

---

Robert MacLean