

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in conjunction with the Conservation Commission
in person & via Zoom
February 13, 2024

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Lloyd Crawford, Bob Taylor, and Jerry McCarthy (with Will) – Conservation Commission
Greg Cox, ZBA alternate and fire chief
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, Marc Volk;
and via Zoom Jessica Collins, Larry Dixon, Courtney Bourns, and Magnus Thorsson

The meeting was called to order at 7 p.m. Warrants and minutes from a previous meeting were signed. Lloyd Crawford then convened the meeting of the Conservation Commission.

1. **The group considered the revised application for a common driveway on Middle Road.** Will read the relevant bylaw passage. Engineer Marc Volk went over the revised plans he had drawn up, explaining that he had met at the site with Lloyd and Greg. The plan delineated a driveway that led to private driveways for two houses. He noted that the driveway would include a fabric base and two layers of crushed stone. He showed on the map where new plantings were planned on the sides of the driveway to help avoid erosion. He also explained that the width of the driveway and some staging areas would make it safer for emergency vehicles. Greg, as fire chief, noted that it made the route for those vehicles much shorter.

Courtney Bourns, one of the landowners, said that the two pairs of owners had signed an agreement about the driveway and were waiting for their lawyer to file it properly. Marc added that the Conservation Commission could put conditions in the agreement about maintaining shrubbery if it wished to. He said that construction for the driveway was planned for the spring. Will asked whether the driveway went to the edge of the map Marc was displaying. Marc noted that it did and that he planned some plantings and a retaining wall near the bottom of the driveway.

Hussain asked whether the proposed deeded covenant was in the proposal. Marc said that it was in an earlier version and passed around copies for review. Hussain and Bob MacLean said it looked fine to them. Will asked about the cost of the driveway. Courtney and her husband Magnus reported that their contractor hadn't yet viewed the property but had given them a tentative estimate of \$80,000, which he had made high on purpose. Marc said he thought it was reasonable but that there was a lot of work to be done on the property.

Bob Taylor, an abutter, expressed his concern about water flowing down to the road. On the map, some water was drained to the road through a culvert while some ended up on Bob MacLean's property.

Bob MacLean said he was happy to have all the water drain to his property; that piece of land wasn't of use to him, he said, and in any case he hadn't seen a lot of run off to date. Marc said he could revise the plan to do this, and Lloyd noted that the Notice of Intent would probably have to be redone. After some discussion of the ways in which the driveway's construction might affect drainage, Marc said he would put in a basin at the bottom of the driveway that could drain to the MacLean property. Courtney offered to amend the maintenance agreement to include specific language about this change.

Will asked whether there were any new questions. Hussain observed that he had seen an error in the application, which said that the project would finish early in 2024; he presumed this should be 2025. Marc agreed to the change.

Lloyd said he felt a need to make sure the project would actually go forward and was concerned about the vagueness of the cost. Courtney said that she understood the group's desire for a more certain figure; she wanted that, too, she said. Marc promised to call the contractor and explain that a firm figure was needed for approval to be granted.

Will suggested continuing the hearing at the ZBA's next meeting on Monday, February 26, at 7:15 p.m. Courtney asked whether something could be approved in the meantime. Hussain stated the board was not going to issue a partial permit. Marc promised to amend the agreement to reflect the specifics of the design as discussed that evening. Lloyd noted that at the next meeting the ZBA would have to determine that the plan adhered to town bylaws. Hussain moved to continue the meeting until 7:15pm on February 26, Greg seconded the motion, and all voted in favor.

Lloyd requested that the Selectboard pause its meeting briefly so the Conservation Commission could wrap up its part of the evening. He suggested that the designer and owners had to keep in mind conservation restrictions and demarcate conserved land in their plan. He asked how the erosion-control measures in the plan looked to the other members. Jerry said he thought they looked good. Lloyd said he thought the commission could probably issue a permit if the ZBA were satisfied. He asked his fellow members whether they, too, could meet on the 26th. Jerry said he would be away but could possibly participate via Zoom. The group decided that it could always continue its meeting again that evening if it didn't get a quorum.

Courtney asked what still needed to be done. Lloyd said the final plans should be submitted, along with the curb cut application to Gary as highway superintendent. Gary said he was happy to sign and would do so promptly. Lloyd asked whether all commissioners were in favor of the continuance, and all agreed. He also handed out the minutes of the commission's previous meeting. He moved that they be approved, Bob Taylor seconded the motion, and all voted in favor.

Finally, Lloyd asked the group to look at a map of proposed utility work on Hunt Road involving the trimming of three trees and the moving of a pole. A question arose about whether new paperwork needed to be filed because of a minor pole relocation from the original plan; Lloyd did not feel it does but asked the Commission to clarify that.

Will asked whether the work was still within the right of way, and Lloyd said yes. Lloyd moved that the work be allowed, Will seconded, and all voted in favor. The Conservation Commission meeting adjourned.

- 2. Next, Tinky presented the MassWorks contract for Ashfield Road for a signature.** Hussain moved to authorize the chair to sign, Bob seconded the motion, and all voted in favor. Will signed the form and gave the second part of the form to Virginia to sign. Virginia noted that she needed an idea of the grant timeline and wanted to know whether the work would be done by a contractor or by Hawley's road crew. Will said that he proposed putting the project out for bidding via FRCOG; contract work would likely come to around \$700,000, the remaining money (the grant totaled \$1 million) would be used for administrative fees.

Virginia said she wanted to avoid grants' overlapping, especially in the current year when she would be working hard on property re-valuations for the town. Lloyd said that with luck the projects would NOT overlap but agreed that she might need outside help and that a separate meeting needed to be held to discuss how grants would be administered in town.

Speaking of grants, Hussain informed the group that the emergency-services team was applying for a FEMA grant to allow Hawley and Cummington to purchase new air packs for their two fire departments as the old ones were becoming obsolete and nearing the end of their useful lifespans. If they received the grant, they would have to supply a five-percent match (which he said would still be a very good deal for Hawley) and would have 24 months in which to use the money. Hussain suggested this match could come from stabilization. Virginia said she was already working to build a grant match into the next year's budget. Will said he supported the endeavor.

- 3. The Selectmen debated priorities for FRCOG's DLTA survey.** They decided that the town's priorities should be (1) a shared ambulance service, (2) help with grant administration; and (3) rural policy implementation.
- 4. Discussion turned to purchasing a new hot-water heater for the building.** Hussain explained that his contractor friend had looked at the bathroom. There was some flexibility with the location for a small tank, including under the sink or on the existing shelf. The water was pressurized so the heater did not need to be above the sink. Hussain did not recommend building another shelf. Piping would have to be purchased to hook it in, and the existing 220 power for the old heater would need to be safely decommissioned. Virginia asked whether placing the tank under the sink might interfere with access in the bathroom. She also confirmed that funds were available in the building-maintenance account. Hussain moved that the group authorize spending up to \$400 on the heater, Bob seconded the motion, and all voted in favor. Virginia said she would check to make sure that the town still had an account at Home Depot; Hussain said the store had been unwilling to accept the town's tax form without an account in the past.

5. **The group briefly touched on the broadband situation.** Will reported that the previous evening's meeting with the Charlemont Selectboard and Charlemont broadband czar Bob Handsaker had gone well; Charlemont was willing to help Hawley get broadband if Charlemont didn't incur any expenses as a result. Hussain noted that planning was in the very early stages; both Charlemont and Plainfield would need more details going forward if Hawley planned to enlist their help. Will agreed that there was a lot of work to do. For the moment, the status of Charter's application to wire Hawley was uncertain.
6. **Tinky brought up the Selectboard's contribution to the Town Report.** Will said he would get details to Tinky so she could write something up. He suggested that the report be dedicated to Alice Parker Pyle. Bob and Hussain endorsed the idea.
7. **A letter from John Sears asking the board to support Natalie Blais's proposed legislation about dirt roads was shared.** Hussain noted that it might make more sense to write to someone other than Natalie, who was already in favor of the legislation. Gary said that solving John's road problems wouldn't be easy. Tinky was asked to tell John that the board would write to Natalie to express its support.

John had also written about the plight of vocational-school transportation. Will asked Tinky to draft a version of John's letter for the Selectboard to sign at its next meeting.

In other business, Tinky asked who wanted to go to Paul Mark's upcoming "Beacon Hill in the Berkshires" event. Hussain was the only person who volunteered so Tinky said she would R.S.V.P. that he would represent the town.

The group discussed whether to renew its contract with Upper Pioneer Veterans' Services. Virginia verified that the town paid the group about \$1000 per year. Hussain and Chris (Hawley's representative to the service center) both favored keeping the existing relationship, which had worked well and relieved the town of having to take on these obligations. Hussain moved to authorize Will to sign the renewal, Bob seconded, and all voted in favor.

Virginia brought up the Chapter 90 reimbursement for the purchase of the new front loader. She said she was concerned about the most recent request for King Corner funds as the previous request had yet to be fulfilled by the DER. Lloyd said he would check on this issue.

Tinky noted that two people wanted to talk to the Selectboard in March: Jake Eberwein from the Mohawk/Hawlemont sustainability study (tentatively scheduled for March 12), and Bob Ide, the new community representative from National Grid (for March 26). Hussain asked Tinky to tell Jake that the group would like any questions submitted a week in advance.

There being no other business, the meeting was adjourned at 9:27 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean