

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 26, 2024

Present: Will Cosby, Hussain Hamdan, Robert MacLean – Selectboard
Lloyd Crawford, Bob Taylor, Ashley Harrison, and Jerry McCarthy (with Will) – Conservation
Commission, plus Bob Taylor, who recused himself as an abutter
Greg Cox, ZBA alternate (for Bob MacLean, who was an abutter and couldn't vote)
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell, Chris Tirone, Marc Volk, Scott Purinton, Suzanne Crawford, Donna
Lemoine; and via Zoom Wayne Lemoine, Larry Dixon, Courtney Bourns, and Magnus
Thorsson

The meeting was called to order at 7:06 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.** Engineer Marc Volk noted that the changes discussed at the previous meeting had been implemented, and that the language in the driveway agreement had been altered to include maintenance of the common driveway. Marc estimated that the driveway alone would cost about \$85,000. He asked that the ZBA allow the owners to do the work in two stages, first putting in the lower part of the driveway (up to the turnaround near the Thorsson/Bourns home) and then the upper part. Marc said the new plan was dated February 21.

Lloyd said that from a conservation viewpoint, it would be best to have the first part of the driveway done as quickly as possible; he didn't want to see a continuing unpermitted driveway. He asked the owners whether they would commit to making sure the work was done as speedily as possible. Courtney Bourns said the owners would have to figure out their finances and asked what the group needed in order to issue a permit. Lloyd suggested that conditions should be attached, including asking the owners not to use the path as a driveway until the actual driveway was constructed. Hussain asked the owners to confirm that they had the financial ability to undertake the project. Will suggested that in order to follow Hawley's bylaws, the owners needed to state that they would meet the terms of the permit. He also noted that if the driveway work were split in two, it should be finished in no longer than three years from the current date. Courtney, Magnus, and Larry made that commitment. They also agreed that they had the financial resources to get the work done, provided it occurred in that three-year timeframe. There were no further questions from the ZBA.

Lloyd asked for questions from the Conservation Commission. Jerry McCarthy asked Lloyd to confirm the three-year deadline, which he did.

Will moved that the ZBA portion of the hearing close. Hussain seconded the motion.
Will moved that the ZBA agree that the current plan was in compliance with the bylaws.
Hussain seconded. All voted to agree and to close the hearing.

Lloyd asked whether the plans complied with the purposes of the first section of Hawley's protective bylaws. Hussain looked at the section and read aloud section 42.3. He moved that the permit be issued with the following conditions incorporated in a draft document the group had considered:

- (1) The revised design as submitted finally on February 26, 2024, shall be adhered to.
- (2) Any alteration shall be subject to approval by the Hawley Zoning Board of Appeals.
- (3) Work shall comply with standards set forth in Hawley's Curb Cut bylaw and permit issued by Gary Mitchell, Highway Superintendent.
- (4) Erosion control measures shall be implemented in accordance with Order of Conditions issued by the Hawley Conservation Commission relating to this work.
- (5) No building permit shall be issued, and no work on structures accessed by this driveway shall take place, until an inspection of the completed work by the ZBA confirms that work undertaken conforms to the above referenced plans.
- (6) All work pursuant to this special permit is to be completed within three years of the date hereof; all work within the area running 400 feet along the proposed driveway from the intersection with Middle Road is to be completed within one year of the date hereof.

Greg seconded the motion, and all voted in favor.

Will moved to close the Conservation Commission part of the hearing. Ashley seconded the motion, and all voted in favor.

Lloyd asked the group to consider the following draft findings.

1. As work commenced before this NOI was filed and no photographic evidence has been submitted to sustain that any portion of the project is a redevelopment project or maintenance of an existing way, the Hawley Conservation Commission finds that no portion of the proposed work is a redevelopment project or maintenance/reconstruction or a previously established driveway. Photographs included in the NOI listed as "Existing Conditions" represent existing conditions after initial unpermitted work that took place in the fall of 2022 which was subject to an enforcement order issued 8/3/23

Lloyd explained this didn't mean we couldn't do anything; it simply established baseline facts.

2. The project as described in the Notice of Intent qualifies as a limited project in accordance with 310CMR 10.53 (3) (e).

3. As per 310CMR 10.58(4) no more than 10 percent of lands within the 200-foot outer riparian zone of the riverfront area may be altered on property currently belonging to Thorsson/Bourns and Collins/Dixon.

4. Creating and maintaining two parking spaces at the bottom of the driveway is necessary for public safety by reducing the need for parking along Middle road during inclement weather.

He asked for comments.

Hussain said felt the conditions were reasonable and that the first point was very important. Will agreed it was important to have a finding that work had commenced before there was any record on the application. He asked whether two cars could fit at the bottom of the driveway and was told they couldn't currently but would be able to in the design. He asked about the requirement that no more than 10 percent of the roadway near the river be affected. Marc Volk said that the plan came in close to 10 percent of the combined properties but that in any case the "limited project" designation allowed one to overcome many regulations.

Will said he supported the limited-project designation. Lloyd said he thought the river was protected in the plans.

Will moved that these findings be accepted. Jerry seconded the motion, and all voted in favor.

Lloyd said he had drafted several conditions and shared them with the group.

He prefaced that all the following related to portions of the work occurring within the Riverfront Area:

Erosion control measures required by the 8/3/23 enforcement order and subsequently undertaken by the applicant during the summer and fall of 2023 shall continue to be monitored and maintained until the work described in the Notice of Intent has been completed.

Moved by Cosby, Seconded by McCarthy, all in favor.

2. No vehicular traffic, except for as needed to perform maintenance or construction of the driveway may take place until a Certificate of Compliance has been issued stating that the work on the driveway has been completed in accordance with plans submitted. This includes any work relating to the existing structure, its improvements, or improvements to the Collins lot.

At Jerry McCarthy's suggestion, this was amended to permit access to the two parking spaces at the foot of the driveway. With this amendment, the condition was moved by McCarthy, seconded by Cosby, and all voted in favor.

3. No certificate of Compliance will be issued until:

*The Hawley Conservation Commission has reviewed the Conservation restriction protecting Riverfront area from future development. A complete and accurate map of said restriction shall be furnished to the Commission before this review.

*The Conservation restriction and plan have been duly recorded at the Franklin County Registry of Deeds

*The outer edge of the Riverfront Area boundary has been permanently demarcated in the field with steel pins no less than 50 feet apart with markings indicating their purpose and located as per the plan included with the above mentioned Conservation Restriction. Jerry moved, Will seconded. **At Hussain's and Marc's suggestion the words "no less than" preceding "50 feet" were stricken. All voted in favor.**

Will asked if after the first 12 months, once they completed the turnaround, the owners could drive to the area above. Lloyd suggested getting a certificate of compliance (and work justifying this might be complete even before then). The Conservation Commission's mandate only covered the Riverfront area.

Bob Taylor, who had recused himself from voting on the Conservation Commission because he was an abutter, expressed ongoing concern about runoff. He asked who would be responsible if water from the driveway damaged the Chickley River. Lloyd noted that the Conservation Commission could issue an enforcement order if and when that happened. Hussain observed that it was impossible to attribute responsibility in advance of a hypothetical situation.

Will moved that the minutes from the previous meeting be approved. Ashley seconded the motion, and all voted in favor. At 8:05 the Conservation Commission adjourned, and the Selectboard meeting resumed.

2. **Next, Scott Purinton and Suzanne Crawford reported on the status of the Mohawk Trail Regional School district.** Scott summarized the budget. After explaining the concept of minimum contribution and discussing how assessments were apportioned, he explained that the Mohawk assessment was rising by \$39,000, but the Hawlemont one was falling by \$27,000. He noted some hurdles to come. Reimbursement from the state was about to go down. Moreover, several special-needs students would require expensive out-of-district placements; their education would cost the system about \$1 million. He outlined some of the strategies the district was pursuing, including not filling some positions that were open. Even with the cutbacks, however, Mohawk was adding programs and winning back some students previously lost to school choice and home schooling.

Suzanne observed that transportation was going up enormously. The district had saved some money by pooling with other districts to solicit bids, however.

Scott asked Lloyd, the chair of the Finance Committee, how the budget process within the town was going. Lloyd said that the committee planned to meet later that week. He noted that the town had benefitted from the special "millionaire's tax," not in terms of school funding but in terms of highway funding. Scott asked whether Lloyd thought the school budget would be a "speed bump" for the finance committee. Virginia said that the non-tech-school budget increases seemed reasonable, and Suzanne noted that tech-school transportation was going up enormously in cost.

Hussain asked Scott to be clearer about the budget increase, which had sounded as though it would be a \$12,000 increase between Mohawk and Hawlemont, although Virginia's figures only showed an increase of \$3800. Virginia suggested that her figures included both operating and capital budgets.

Scott discussed a new 911 system the schools were required to implement by state mandate. This had also cost money but would allow dispatchers to pinpoint the rooms from which calls came.

Will thanked both Scott and Suzanne for their hard work. Scott said the schools were using revolving accounts and school-choice funds to keep the assessments low, although this was concerning in the long term as these reserves were being spent down. He noted that the school system had been using pandemic-related funds for the past few years but that those funds were now gone. He predicted that the following year's budget should be okay but said he worried about future years. Suzanne said that it helped that the school system's business manager was astute and careful.

She passed out information about the months to come. Noting that the school budgets were still preliminary, she suggested that everyone needed to advocate now for better funding and support such endeavors as Natalie Blais and Jo Comerford's proposed rural-aid legislation.

She said she was happy to report that the solar panels at Mohawk were due to go live in about a month.

Tinky asked about the status of the proposed medical clinic at Mohawk. Scott and Suzanne said that that project was currently moving to another location; the medical providers had wanted a long-term lease, and the administration was unwilling to agree to letting so much space go for so long, particularly considering the school sustainability study now beginning.

Suzanne reported that the school system was reaching out to the families of students for discussions that would help assess progress and needs. The Mohawk School was also working on orientation activities for seventh graders.

She noted that the schools had several activities coming up, the first one being a celebration of learning on March 27 from 4 to 6 p.m.

The two provided a very brief overview of the sustainability study just getting underway for Mohawk and Hawlemont. "Everything's on the table," Scott said of ideas being considered.

Ashley Harrison told the group that she had taken her kids out of the Mohawk District and had been surprised that no one had ever asked her why. She said that the school district seemed obsessed with politics. Her children were now going to school in Chesterfield, she said, and might consider returning.

Suzanne thanked Ashley for the feedback. She said that she and Scott felt changes had been made. Hussain said he had heard about this as well; the concern was ongoing.

While he was at the meeting, Scott said, he had a question as moderator. He had received calls, he told the board, from townspeople concerned that the Selectboard had authorized the procurement of a new bucket loader without scheduling a special town meeting to consider the purchase. The board members explained that they had used Chapter 90 funds, which technically were not subject to appropriation. Hussain reiterated that he would prefer to go through town-meeting votes for future purchases. He told Scott that there were limited uses for which the state allowed Chapter 90 funds to be used, and that equipment was one of those. Even so, the board agreed that a special town meeting would be best for such purchases in future.

3. **The Selectmen considered the email Tinky had drafted to send to Natalie Blais (with other legislators in cc) to support John Sear's email about vocational-school transportation funding.** Hussain moved that the email be sent, Bob seconded, and all voted in favor. Hussain asked Tinky not to rewrite or correct any mistakes John had made in his letter if attributing the attachment to him but to instead label them with "[sic]."
4. **Gary reported that not a lot was new at the highway department.** Will asked how the new front loader was doing, and Gary was enthusiastic about it.

Will said that it was almost time to get FRCOG to help send out a request for bids for the Ashfield Road work. He also said that the group and Gary should work on planning highway work to come.

5. **Tinky asked about the Selectboard contribution to the Town Report.** Will suggested that Tinky draft something for the board's review. There was discussion about having the jail print the Town Report. Hussain expressed concern with doing this. Although the document was in the public record, he had reservations about asking prisoners to produce a document containing everyone's name, address, and property values. Will agreed. Consensus was to stick with the current vendor.

Lloyd asked to set aside a time to meet with Gary, Will, and Bob about the Ashfield Road grant. Tinky agreed to schedule this.

In other business, there was a survey from a university outside the State about roads and population density. The group was not inclined respond to this.

Georgette had provided a dish of nuts to the town office. All expressed appreciation.

Tinky shared information about a webinar by Senator Markey's Office on congressional earmarks; Hussain asked to be forwarded a copy of the email.

The Town had received a letter from the Director of OEMS about Adams Ambulance in response to its earlier letter. Hussain said there would be a hearing on March 13.

Tinky also shared a letter from a company in the eastern part of the state asking about regulations for establishing a cannabis dispensary in Hawley. She said she had shared it with the Planning Board. Hussain (though doubting it would be economically feasible in Hawley) and Will both thought this could potentially bring revenue. There was a brief side discussion about Hawley currently being a dry town. The board suggested that the person who had written come visit and share his proposal.

Hussain moved to enter Executive Session pursuant to the Open Meeting Law to discuss security-related matters, particularly in relation to IT issues, and to invite Tinky, Donna, and Virginia to remain. The Motion was seconded by Bob MacLean. Roll call vote: Will – YES, Hussain – YES Bob--YES, the group moved into Executive Session at 9:17 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean