

**Town of Hawley, Massachusetts**  
**Minutes of a**  
**Zoning Board of Appeals/Selectboard Meeting**  
**In Person & via Conference Call**  
**July 25, 2023**

Present: Will Cosby, Hussain Hamdan, Bob MacLean – ZBA/Selectboard  
Lloyd Crawford – ZBA alternate  
Tinky Weisblat, Gal Friday  
Jim Scalise, Greg Cox, Kimberly Orzechowski, Alan Spooner, Christine Spooner, Scott Purinton,  
And via Zoom Courtney Bourns, Chris Sheldrick, and Jessica Collins

**The meeting was called to order at 7:01 p.m.**

- The ZBA held a hearing about the proposed common driveway on East Road with engineer Jim Scalise, a civil engineer from the SK Design Group.** Jim explained that the property had formerly been given the go-ahead by the Conservation Commission. Those plans had fallen through so his group was trying again. He said that the property was affected by the river Protection Act, which had led them in a slightly different direction. He noted that the most viable way to sell the three lots in question seemed to be by constructing a common driveway. He explained that Berkshire East, the landowners, had people willing to purchase the three lots in question if the driveway could be approved. He added that he would be willing to abide by any conditions the ZBA imposed. He said that his group had already been asked to make some changes; the plans submitted included reconstructing the roadside swale and increasing the size of the culvert. He noted that the suggested common driveway would be 20 feet wide and 300 feet long. The plan also included parking space for vehicles that pulled off the road.

Bob expressed his concern about the ditch at the side of the road; Jim explained that it would be reshaped and reinforced. Gary noted that East Road needed gravel. Jim said that the ZBA could impose reconstructing the ditch as a condition. Bob said that trees along the road would need cutting; Alan Spooner said that this had already been done.

Hussain wondered aloud whether the bridge leading to the site could handle the construction equipment coming in. Jim said perhaps they could find an alternate route. He added that the ZBA could impose another condition requiring that the designers and builders observe the bridge rating or (if it was insufficient) find an alternate route. Christine asked what material would be used for the driveway surface; she was told gravel and crushed rock.

Jim added that the plan would reroute some of the uphill water. Christine said she didn't want it in her yard. She asked how long construction of the driveway would take; she stated that she worked at home. Jim said that the process should take about three weeks, with at least one week of very loud noise.

Will asked about the schedule for the house construction; Jim replied that this was not his department. He noted that the area closest to the Spooner property would not have a house on it. He pointed to a buffer zone on the map to protect neighbors.

Will said he wanted to make sure individual driveway water didn't overwhelm the common driveway. Lloyd said that it would be helpful to have one plan for all three driveways. Hussain noted that the width of the driveway looked good.

Lloyd asked why lots 1, 3, and 4 had never been built upon; he said they had received permits in the past. Jim said they hadn't sold. Kimberly asked Gary how far the road crew plowed in that area; Gary noted that it plowed all the way to Berkshire East so the road by the new houses would be covered.

Hussain and Greg Cox suggested finding some way for emergency vehicles, especially large fire trucks, to turn around. He suggested creating a turn-around area at the top of the common driveway. He also discussed erecting a sign listing all three house numbers at the entrance to the common driveway. Jim noted that it would be possible to widen the Y of the road into a turn-around area.

Greg asked about the distance between lots 6 and 7 and the common driveway; he was told that this was 400 feet. The group discussed the issue of getting rid of snow; Jim said snow storage had to be near the houses. He also explained that the turn-around area could be calculated with software.

The group agreed on the following conditions for the project:

"The applicant is responsible to replace the roadside swale along the north side of East Road for approximately 300 feet from the new driveway entrance to the new 36" culvert. The applicant is to show resource areas and jurisdictional waters. The work may include road resurfacing. The improvements shall be reviewed and approved of by the Department of Public Works (DPW) superintendent.

"The existing 24" culvert shall be replaced with a 36" culvert as illustrated on the project plans. Protection of the shallow culverts is the responsibility of the developer.

"The applicant is responsible to install a turn-around area at the "Y" on the drawing large enough for emergency vehicles including a fire truck. The turn-around area must be approved by the fire chief.

"All individual driveways shall be constructed in general accordance with the final approved plan. The driveways may be adjusted at the house locations to accommodate house design and utilities.

"All heavy construction vehicles associated with the project improvements shall adhere to the existing load rating for the bridge leading to the site or find an alternate route. The alternate route will likely require protection of shallow culverts. Any and all protective measures for access shall be reviewed with the DPW superintendent.

"All offsite improvements including but not limited to the culvert replacement and swale improvements shall be completed prior to issuance of a Certificate of Occupancy on any of the proposed houses. The DPW superintendent will determine if improvements were completed satisfactorily and in accordance with the project plans."

Hussain moved to close the public hearing. Bob seconded, and all voted in favor. Hussain then moved to permit the plan to go ahead, subject to the conditions noted. Bob seconded the motion, and all voted in favor.

- 2. The board moved on to the Thorsson/Bourns/Sheldrick property on Middle Road.** Bob, an abutter, recused himself; Lloyd filled in in his position as ZBA alternate. Will asked Courtney Bourns and Chris Sheldrick, who were present via Zoom, for an update. Courtney explained that they had engaged wetlands scientist Ward Smith, who had flagged the wetlands on the property, and had had someone from Green River Survey survey the road. The owners were almost ready to file a Notice of Intent. Chris said that the three were open to advice so if anything in the site plan presented a problem, they would like to be notified. Lloyd noted that the owners needed a design to include in the NOI. Will reminded them that a year-round driveway, if that was what they were building, should have some kind of surface and be able to handle water. Lloyd told them they need to figure out whether they could do that. He added that a shared driveway with neighbors might be in their interest.

Courtney said that their intent was to stabilize the road to their campsite and to do no damage to the environment. Lloyd reminded them that they had been asked to delineate the wetlands in the fall; Courtney said they had just completed that task.

Lloyd noted that the Conservation Commission's part in this issue would be dealt with on August 3. Courtney said she had a plan to give to the boards. Lloyd asked for as much information as possible.

Greg Cox spoke up on behalf of the fire department. He presented a written report (see addendum) on his visit earlier that day to the Middle Road property. He said that he had found substantial erosion, reminding the group that the point of bylaws was to avoid problems before any construction took place. He said that he recommended water bars at a minimum (this would be required even for a logging road) but that if the problems couldn't be adequately addressed the cabin should be moved or torn down as emergency vehicles simply could not get to it. Greg also stated it would be impossible to get a fire truck or ambulance to the property. This would complicate medical calls and if a fire occurred, it would be a total loss.

Hussain asked how the dirt path leading to the camp site had been constructed with no review; did they do it on their own or hire someone? Chris said the owners had hired someone named Lenny, later identified more specifically to be Leonard Roberts. Will said the hillside needed immediate attention, and Hussain explained the virtues of water bars. Chris asked whether they could install the water bars under their reinforcement plan. Lloyd reiterated that the board needed to see a plan.

Lloyd moved that the board find the owners in violation of town bylaws for having a grade of more than 25 percent in spots. Hussain suggested that this should be taken up at the following week's ZBA/Selectboard meeting in order to be fair, noting the possibility of making such findings had never been alluded to in the current agenda. Lloyd withdrew his motion, and Tinky agreed to put discussion of alleged violations of the town bylaws on the agenda for the following week.

The ZBA meeting evolved into a Selectboard meeting at 8:38 p.m.

3. **The Selectboard discussed the problems with the bridge on Route 8A at Savoy Road**, which had been deemed to have critical deficiency by the state Department of Transportation. Will explained that one lane of the bridge would have to be closed until the state could repair it ... which might take up to five years. Will said that in the meantime the town would need a lot of signals and signs, as well as a stoplight or blinking light.

He reported that he had met with FRCOG's traffic engineer, Laurie Scarborough, who had looked at the bridge with him. He noted that the site was just north of Fullerville and that sight lines were difficult leading to it. Signs would be needed in both directions. On Laurie's advice, he had asked the DOT for a blinking electric pole-mounted light; one that could tap into the power line as opposed to having a noisy generator next to houses for years. He said that the DOT didn't think the bridge needed a weight limit (beyond what it already had); he was not so sure. Meanwhile, he asked Gary, were there any other bridges that might have similar issues. Hussain said he would recommend a hard look at the bridge on East Road.

Scott asked about the possibility of receiving a temporary bridge overlay from the state. Will said that such overlays were rare. Scott countered that he believed that there were a couple of overlays at the DCR yard at King Corner. Will said that the bridge was possible 40 feet long, perhaps too long for the DCR overlays. Scott observed that a temporary overlay was being installed on Route 8A near Tedd White's house; why could one not be here, he asked. Gary said he would look at the DCR overlays.

Hussain emphasized the importance of telling the DOT that the bridge was not a minor issue in this small town. He and Scott agreed that the area in question had a lot of traffic, much of it consisting of trucks.

Scott asked whether Route 8A had not been designated a federal highway in the aftermath of Tropical Storm Irene in 2011 and whether it might not still be one. Tinky was asked to check on this issue with Virginia.

Scott complained that someone at the DOT should have said something about the bridge problem before it became critical, noting that this issue hadn't sprung up overnight but had likely materialized over a period of years.

Hussain suggested that the town should reach out to its state legislators and try to get some political pressure to get the ball rolling. Tinky was instructed to ask them to come to an upcoming Selectboard meeting at 6:30 in order to be shown the bridge.

Hussain added that the one-lane bridge would be a problem even for the town trucks in bad weather and for emergency vehicles as well. Scott announced that this bridge issue topped the Dugway in terms of a road crisis for the town.

**In other business, Will brought up the one-ton truck**, which had just gone into the repair shop with a broken transmission-control system. Unfortunately, the module needed was back ordered and might take months to show up. Will asked about the next step forward. Should the town rent, borrow, or purchase a truck – or perhaps just use another machine? Hussain noted that the loader also seemed to be having some age issues; as time passed, its trade-in value was diminishing. Gary acknowledged this was true, but, in terms of priorities at the moment, said that he needed the broken truck more than the loader. For the moment, he said, he was using his own truck. Hussain reminded him to keep track of his mileage on that vehicle since he would get a tax deduction.

Lloyd said it would make more sense to pay Gary for the mileage. No action was taken on the issue of mileage compensation at this time, but the Board instructed Gary to keep track of it.

**Gary shared a piece of good news, noting that Brandon Reynolds of the road crew was due to take the test for his hoisting license on August 7.**

**Tinky relayed the thanks of the JAM Fund bike-ride organizers for the town's help.** She said they had been very grateful for the fire department's assistance in the one accident that had taken place during the ride. Hussain reported that Lloyd had helped emergency services tremendously by using his extensive biking experience to estimate when the bike ride would arrive in Hawley. The Fire Department and Adams Ambulance had planned a training drill for the day and were therefore nearby and able to respond quickly when the incident happened, he explained.

There being no other business, the meeting was adjourned at 9:09 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

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Williams Cosby

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Hussain Hamdan

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Robert MacLean