

A MESSAGE FROM THE SELECTMEN AND BOARD OF HEALTH ON BUILDING, ZONING, AND HEALTH CODES

September 2025

Dear Fellow Residents and Taxpayers:

The Hawley Select Board and Board of Health are sending this letter to everyone in town. We have become concerned over the past few years as a number of new structures have been erected in Hawley (as well as existing structures apparently modified) without any permits. Some of these appear to be in use as dwellings.

We acknowledge that there are some limited exceptions—for example, small tool sheds or certain kinds of temporary structures—that do not require a building permit. Nevertheless, most permanent construction projects, including structures intended for human habitation, do require permits and must comply with state and local building, electrical, plumbing, sanitary, and septic codes, as well as local zoning, driveway, and private well regulations. These regulations are not just for your own health and safety. They are for the benefit of everyone in Hawley. For example, disposing of human waste without a proper septic system could potentially contaminate the drinking water used by your neighbors with dangerous diseases. An improperly designed driveway could endanger others using the same road or even damage the road if drainage is not taken into account. Neglecting to obtain required permits also leaves our Assessors in the dark, resulting in a higher tax rate as the taxes are shouldered by the rest of our residents who follow the law and are transparent about what is on their property. Finally, land owners who do not have permits, legal water and septic systems, or a valid certificate of occupancy are undermining the value of their own real estate. Their actions (or lack thereof) have an impact on their ability to sell or borrow against their property.

We hope that the above reasons are enough to encourage most people to follow state and local building, zoning, and health codes. If needed, the Town has significant enforcement powers to take action against property owners who do not comply with these regulations. Depending on the nature and severity of the violation, our options could range from requiring that appropriate permits be obtained after the fact to fines to action compelling the landowner to remove or remediate the violation, which could cost more than it would have to accomplish the project legally. Hawley's leadership does not think of itself as iron fisted. We have no desire to go after anyone in town. Again, we would prefer, and certainly hope we have made the case for, voluntary compliance. We want to be very clear, however. We can and will take enforcement measures when we become aware of violations that create risks to the health and safety of the inhabitants of a property (especially where children are involved), its neighbors, or the public—or when we learn that projects are being concealed for the purpose of property-tax evasion.

Information on permitting and some of the regulations above is available on the Hawley website (www.townofhawley.com), on the state website (<https://www.mass.gov/regulations/105-CMR-41000-minimum-standards-of-fitness-for-human-habitation-state-sanitary-code-chapter-ii>), at the Town Office (8 Pudding Hollow Road, email: info@townofhawley.com, phone 413-339-5518), and from the Franklin Regional Council of Governments (<https://frcog.org/> or by phone at 413-774-3167). We are happy to work with anyone planning a construction project to help obtain information needed to move forward in a safe and lawful manner.

Very truly yours,
The Hawley Board of Selectmen and Board of Health
Will Cosby, Hussain Hamdan, Bob MacLean

Please join us for GOOD NEIGHBOR DAY at the Town Office on Sunday, September 28, at 12:30 p.m.