

Town of Hawley, Massachusetts
Minutes of a
Selectboard / Board of Health / Zoning Board of Appeals Meeting
in Person & via Zoom
October 21, 2025

Present: Will Cosby, Hussain Hamdan, and Robert MacLean – Selectboard
Tinky Weisblat, Gal Friday; Virginia Gabert, Treasurer and Financial Administrator
Gary Mitchell and Chris Tirone – Highway Crew
Allison Gage, Greg Cox, Lloyd Crawford
and via Zoom Nancy Clark and Kimberly Orzechowski

The meeting was called to order at 7 p.m. The board signed warrants and approved minutes from a previous meeting. Then:

1. **Will asked Nancy Clark of Charter Communications about the figure he had seen for wiring four towns** (Hawley, Florida, Monroe, and Savoy), \$4,904.841. He noted that it didn't look like enough money for all four towns. Nancy asked him to send her what he had, and he agreed to do so. She observed that MBI was particularly interested in wiring small, underserved towns like Hawley. Hussain concurred that the number seemed very small, saying that 10 years earlier the cost for wiring Hawley alone had been projected at \$1.5 million.

Will asked Nancy for a status report. She spoke of a monthly call on October 16 with MBI, pole owners, and other cable companies. She noted that MBI was aware of the delay from the pole owners and said she had observed a change in MBI's tone, a greater sense of urgency. The pole owners needed to provide specific updates, she argued, and added that she hoped to have more information after the next meeting in mid-November.

Hussain argued that MBI had no actual power over the utilities that owned the poles, adding that the levers of power were with other state agencies. He noted that it would be helpful to figure out who was in charge of what, to look for leverage.

Nancy recommended getting in touch with the town's state senator and representative. She added that she knew that this issue was complicated, with a number of different groups involved.

Hussain brought up "another dimension." He reminded the group that any new poles would have to be permitted by the town. He added that towns legally had a space on each pole for municipal use. Perhaps this could give the town some leverage. Will agreed that this point was worth investigating.

Hussain stressed the importance of telling the legislators that the problem with broadband had been plaguing Hawley for 16 years.

Nancy asked whether the town had invited pole owners to a meeting. Hussain said this had been tried to some extent but was worth trying again. He also suggested that perhaps the town should not issue any more pole permits to utilities who delaying the make-ready process until there was improvement. Will opposed this notion fearing it could have an impact on residential construction.

Nancy said she hoped to have more information the following month. The board thanked her. On the same subject, Tinky read a note from Michael Baldino of MBI stating that three out of the nine groups of poles were in the make-ready process. Will asked Tinky to request more information from Baldino.

2. **Allison Gage from the state Department of Energy Resources joined the group** to discuss the new legislation on clean-energy siting and permitting. She explained that she was just getting to work; her division of the department had recently been set up. She noted that the new climate bill created two paths for establishing energy siting. Projects under 25 megawatts were permitted through the towns while larger projects went through the state. For battery storage, the division came at 100 megawatts.

Will and Greg both explained that although Hawley was unlikely to have too many projects come to town presently, Plainfield, Charlemont, and Ashfield all had three-phase electrical systems and were right next door. This could be an issue in Hawley down the road. Will expressed concern about how the new legislation might affect the town.

Allison agreed that the process was complicated. For the locally permitted projects there was a pre-filing process in which site suitability was evaluated along with the environmental impact. Lloyd asked whether the town would have any input in terms of that impact. Allison replied that there was a review and appeal process.

Will asked that Allison try to inform towns directly about comment periods and legislation instead of relying on advocacy groups. Allison admitted that it had been a struggle to get information out to towns but promised to do better.

Allison explained that the comment period was over for the regulations but that another comment period would be established for the forthcoming guidelines. Public information sessions about the latter would come in November.

Discussion then focused on the timeline for approval of projects, which was a year after the completion of the application. Allison said the law left not leeway on that timeline. The year had to include any needed work by the Planning Board and the Conservation Commission. Greg asked about natural-heritage review over which the Town had no control over and which could often take longer; Allison seemed to believe that also had to be done within the year. Allison explained that if no decision were made within the year, "constructive approval" would be established; that is, the project would get the green light.

Will protested that particularly for small towns like Hawley the year timeline could constitute an emergency situation; the town would have to get help, and that help would cost money. Allison said her division was hoping to set up some form of technical assistance. Lloyd suggested that having circuit riders like those at the DEP might help, but that department would have different priorities from the town. H suggested that it would be better if the Town could hire a third party at the applicant's expense. Allison asked whether the town had adopted 53G for third-party review. Lloyd said that the Conservation Commission had, but not the town. Allison said she would do further research.

She added that technical assistance might be able to be offered through another organization and funded by the state (as was the work on Green Communities).

Will asked how conditions set by town entities on approval might be enforced; Allison said this was unclear. Tinky asked whether the town could just deny an application if it couldn't assemble all the needed information within a year. Allison said that decision could be appealed.

Lloyd echoed Will's earlier comment that the whole thing amounted to an unfunded mandate. Greg said that the Fire Department could work on small-scale (residential) battery storage by keeping the batteries separate from other structures. Larger scale storage would be difficult. And again, the one-year timeline seemed hard to meet.

Allison suggested adopting NFPA 855 in full; this was a standard for energy storage systems. Hussain noted that the NFPA (the National Fire Protection Association) was an advisory group. Its rules were not necessarily binding, although he and Greg pointed out that parts of the NEPA code existed in the residential building code. However, commercial and residential storage rules could differ.

Allison said she was looking into setbacks for battery storage. She suggested that the town adopt bylaws. She noted that four guidelines, two model bylaws, and some regulations were available from her agency at present; more guidelines were coming.

Hussain asked whether, if the town were to adopt the model bylaws, it could be overruled for abiding by the bylaws. Allison said that this was unlikely. She said she hoped the bylaws would be available in full in January. Lloyd reiterated that the town would need help.

Hussain asked whether the one-year period could be extended for cause, such as the natural-heritage review. Allison said she thought it could not but promised to check. Hussain said that the conflicting jurisdictions being faced could be a problem. Allison sympathized and said she would send whatever information she could.

Allison noted that the model bylaws had not yet been approved by the Attorney General's Office. Greg, Hussain, and Will observed that such a review would be essential before the Town even considered adopting the bylaws.

Greg noted that in the past many towns had adopted a bylaw put forward by the Mass. Audubon Society, only to see it subsequently overturned by the Attorney General. Allison thanked the group for its patience and departed.

3. **In road and grant news,** Will reported that the work on Ashfield Road was largely complete. He said he hadn't heard from residents but thought the contractor had done a good job.

Will added that some opportunities were available to talk about MVP projects again. Lloyd stressed that these projects should be all set to go. Lloyd asked Gary about the culvert near the fire station that needed work.

Will said that in mid-November planting would begin behind the Highway Garage. Lloyd expressed frustration about road work he had read about in the newspaper that had cost almost \$8 million to replace a bridge in Charlemont that led to only one house. Bob noted that sometimes these projects depended on road classification – that is, the funding stream could only be used for a certain type of road and not others, as had happened with the \$1.3 million bridge on Savoy Road some years earlier

Hussain brought up the issue of King Corner, expressing frustration that the DER wanted a span that amounted to a bridge to replace a culvert. He suggested consulting with the town's legislators. If the DER wanted a bridge, he noted, the State should pay for it as the DOT handled spans over 20 feet. Lloyd added that the whole issue of town-owned state highways was difficult. Tinky was asked to invite Paul Mark and Natalie Blais to attend a meeting to discuss this.

4. **The group moved on to disposal of town properties.** Virginia reported that she had two small parcels to start with. Will asked whether there was anything near the Lawless residence. Virginia said there was a 40-acre landlocked parcel in that area. She added that two parcels that had apparently been improperly taken by the town in the 1950s might not be worth the time it would take to deal with them.

In addition, she said, there were three parcels on Hunt Road that had formerly had a right of way to the road and might still have one. Will asked whether they were grandfathered in as building lots with the right of way. Virginia said she thought so. Hussain observed that the town really should avoid taking a position in its advertising on whether parcels could be developed.

Virginia said that the town was technically supposed to recover only lost tax revenue, not make a profit on sales. Excess equity was required to be returned to the former landowners. Given the dates of some of the tax takings (the 40-acre lot dated to 1966) this might not be relevant.

Will asked Virginia for a timeline of sales. She said she would have to work on that. She saw the current discussion as an update, she explained. She briefly filled the group in on the Bob Stone property on West Hawley Road, where the land court was down to trying to inform one remaining heir who was homeless and therefore hard to contact.

Virginia informed the group that she was talking to the personnel committee about getting an assistant or dividing her job; she couldn't do all the work it entailed, and

more tasks were frequently being added. Will agreed that her other work seemed to be more important than the disposal of town-owned land.

Hussain noted that the land court could pursue "service by publication" for the Stone property, and wondered why it had not done so already, as the tax-title attorney had indicated she was pursuing this option some time ago. He also opined that neighbors of the Stetson Road properties might want to purchase those. Virginia asked whether the group preferred selling by auction or sealed bid; Hussain said the latter was less costly.

Discussion followed about minimum bids for properties. Virginia suggested \$4500 for each of the Hunt Road properties. For Stetson Road, she suggested perhaps \$17,000 to \$20,000. These figures were based on what was owed to the town and/or the assessed value of the properties. In answer to a question from Lloyd, Hussain said that there would be additional expenses such as advertising and drafting deeds. Based on this discussion, Virginia suggested \$20,000 for the Stetson Road properties and offered to do research on the 40-acre lot. Hussain said he would be happy to assist Virginia. Perhaps this topic could be revisited at the next meeting.

Meanwhile, Will said he would ask the Finance Committee to look for funds to hire help for Virginia.

In other business, Tinky asked whether the Communications Committee should be helping with the broadband roll out. If not, she suggested disbanding that committee since it hadn't met lately. Will wondered whether the committee had been formed solely for the four-town group. Tinky said she believed not; that group had a separate oversight committee. Hussain pointed out that the Communications Committee had previously dealt with the website. Tinky said she took care of the website. Virginia reminded Tinky that she should have backup for the website. Meanwhile, Hussain suggested a more active committee could handle things like this as well as developing best practices for IT, data backups, and cybersecurity.

There being no other business, the meeting was adjourned at 9:01 p.m.

Respectfully submitted, Tinky Weisblat, Gal Friday

Williams Cosby

Hussain Hamdan

Robert MacLean