

**Planning Board Minutes
Memorial Town Hall
June 1, 2022**

Members Present: Chair Stephanie Slys, Jimmy Tarr, Bob Wagner, David Bell

Attendees: Chris Chamberlain, Jared Glanzberger, John Pease, James Smiarowski, Eileen Miller, Kim Baker, John Smiarowski, Ron Smiarowski, Devon Elliot, Ben Hylton, Greg Omasta, Darlene Omasta, Shelly Szawlowski, Eileen Miller, Lorrie Motyka, James Motyka, Rajeev Srinath, Bernie Smiarowski, Isaac Fleisher, Jared Glanzberger, Elizabeth Berringer, Robert Wykoff, Elizabeth Berringer, Petronella Neffs, Petrus Van Geel

Chair opens meeting at 6:00 PM

Chair recognizes and welcomes new Board member, David Bell. He was elected and sworn in this past month.

Public Forum

Petrus van Geel of Cronin Hill Rd. could not attend this meeting in person. He has submitted a letter ahead of time that he wishes to be read at Public Forum. Chair Slys reads portions of the letter. **Please see attachment for complete letter**

No other public comment.

Chair points out that David Bell will be voting on the hearing tonight, despite not being on the Board last meeting. Under Massachusetts General Law, a member would be able to vote on a hearing if they have missed no more than 1 single session. He must sign a memo that will be included as part of the record.

Continued Public Hearing

Chair reopens public hearing. Public Hearing is continued from May 4th, 2022.

Chair Slys explains that they continued the hearing to give time for the applicant to gather information on points that were raised by the Board and public on May 4th. Specially, the applicant was asked to give more details on water flow and usage along with possible plan of tiling that was discussed with the owners of Go Farms. The abutter to the North of the proposed project. The Board the applicant to address security concerns using statistics in the state and the Pioneer Valley regarding marijuana establishments and crime. The Board was also waiting on feedback from the Police Chief on security concerns. The Board had reached out to Town Counsel on questions Michael Bartlett brought up last meeting. These questions were regarding language in the Towns Bylaws on requirements of marijuana establishments. 7B.5 section K.

Chris Chamberlain presents a detail account on the water usage for the proposed site. The water usage would be drip irrigation with a moisture monitoring system to monitor the soil moisture. Chris Chamberlain explains that the combination of the with drip irrigation and proposed plastic mulch, surface runoff will be non-existent. Water will be dripped at root level and controlled by the monitoring system. The water supply would be private well with 3 well point on site. This would produce 60 gallon per minute. Based on number from the other grow facility in Town, River Valley Growers, and a facility in Whatley. A peak day estimate in drought condition during the summer is max at 18,000 gallons. The State threshold for regulation and monitoring 100,000 a day for a 90-day period. There proposed site would be way under that threshold. As for a stormwater management plan, they deem no change of runoff from the site. After discussions between the applicant and abutters at Go Farms, titling is now off the table. But the applicant

plans on continued discussions with the abutters on maintain ditches and the water flow. The Board asks if anyone from Go Farms is present. No one is. Further discussion on water runoff and ditches on abutting sites. No other questions from the Board.

Chair moves on to addressing security concerns

Chair Slys reads letter from Police Chief. **Please see attachment for complete letter**

Isaac Fleisher, legal counsel for the applicant, has detailed that he researched regarding crime statics related to marijuana establishments. The Board requested findings that especially were tied to western Mass/Pioneer Valley establishments; however, it was difficult for him to come up with data on any crime. Mr. Fleisher found 4 reports of criminal activities, all break ins at retail locations in the State. He did not find any crimes reported on grow facilities in the State and there were no findings of crimes in the Pioneer Valley. Small discussion on these findings and potential impact, if any, on the community.

Chair moves to addressing questions on 7B.5 section K of the Town Bylaws. Chair explains that Michael Bartlett at the previous meeting brought up interpretation over a section in the Town's Bylaw. The Board reached out to the Town Attorney for their feedback. Chair Slys reads his response.

The other piece the Board wanted to look at is how marijuana establishments potentially affect property values. Jared Glanzberger is present, virtually. He has come up with some research on property values in Hatfield and in Whatley. He specifically looked at closing sales of properties that are abutting the 2 Cannabis grow farms in the area. He looked at median listing prices since the development of these two grow sites, which has been roughly 12 months. Mr. Glanzberger found that closing transactions from the past 12 months are above the median listing price of the properties in these areas. He acknowledges other factors to the rising of the closing transactions, but he believes this shows that property value has not depressed in the time since the growing farms have begun operation. Small discussion on the current rising property and home values.

The Board turns its attention to fencing and visibility. Small discussion on vegetative screening. Bob Wagner would like to see vegetative screening on the east side of the property. David Bell references some visibility concerns at the grow site of River Valley Growers. He has spoken with Bernie Smiarowski, and he has addressed the concerns. Board inquiries about violation enforcement and how the applicant would respond. Small discussion on local enforcement. The Planning Board does not have policing power. The local enforcement agent handles violations. Chris Chamberlain emphasizes that the Board can implement conditions to the Special Permit that help establish policing guidelines. Further discussion on addressing violations.

Chair and The Board allow for public comments that are in reference to items that have been discussed today.

Ben Hylton of 121 N. Hatfield Rd has some concerns with the estimated water usage numbers that Berkshire Design came up with and the possibility of fertilizer runoff. Small discussion on water consumption of marijuana plants. It is verified that the monitoring system and drip irrigation causes a much lower water usage. The drip irrigation targets the root directly and is more efficient than the standard overhead irrigation. Chris Chamberlain explains that the CCC requires all marijuana grow use organic fertilization.

Elizabeth Berringer of Cronin Hill Rd. raises concerns of Town water potentially being used. Applicant verifies that they will not be using Town water for their operation. Mrs. Berringer also would like the Board to take in consideration the odor concerns of the neighbors. She believes this will affect the quality of life of residents who are downwind from the smell. Small discussion on odor of the plant vs odor of other crops.

Devon Elliott of 121 N. Hatfield Rd has prepared a written statement. She would also like the Board to take in considering the odor concerns of the residents when making a vote on this project. She believes the odor will have negative impact on the residents in the neighborhood and their quality of life.

Greg Omasta of 123 N. Hatfield Rd. reiterates the water usage concerns and odor mitigation concerns. He also wants the Board to consider the residents' concerns over these issues.

Petronella Neffs of Cronin Hill Rd. Would like to know why the Board did not read the complete letter of her husband, Petrus Van Geel. Chair Slysyz explains that the entire Board read the complete letter prior to the meeting and that the complete letter will be included in the minutes when the tare reviewed and approved. Chair Slysyz and the Board express their appreciation of the letter but state that the purpose of the letter was for the Board to review and consider when they make their vote. The Board also acknowledges that a lot of the content in the letter was also stated by Mr. Van Geel at the previous meeting during the public comment section of the public hearing.

Robert Wykoff of 4 N. Hatfield Rd. was not satisfied with researched done by the applicant regarding property values and crime statics. Mr. Wykoff would like statistics of areas that have had marijuana establishments over a longer period, instead of looking at the statistics in Hatfield and Whatley. He also has concern that there is no limitation on the number of grow facilities. Small discussion on potential Zoning Bylaws changes and upcoming Mater Plan Committee. Board understands that these are important issues that can be addressed with the Master Plan. Bob Wagner emphasizes that they are only voting on this current proposal and nothing more. The proposal is for 3.5-acre property,

Petrus Van Geel is present for the meeting virtually. He is concerned that his letter was not read in its entirety. Mr. Van Geel believes this potential project is in violation of various Bylaws. His letter details those violations and is concerned why this was fully read to the public. He believes that the Bylaws protect the rural characteristics of the Town and the property values. This project would violate both. Chair reiterates the purpose of the letter as public comment is address the Board and take into consideration. Which she states The Board has done. Further discussion on revisiting the Bylaws.

The Board has no further questions for the applicant.

Bob Wagner makes a motion to close the public hearing. Jimmy Tarr seconds. Motion Passes.

Public hearing is closed.

Board deliberates. David Bell acknowledges the concerns from the residents, but he believes that the applicant has done a good job of a detailed proposal. The other Board members agree. Discussion on having a conditional trial period. Board determines that violations or concerns that happen with this project will influence permitting future establishments.

Chair is open to a motion. Bob Wagner makes a motion to approve the project as it is proposed; in addition to a condition that vegetive screening be put along the easterly fence line of the property. Jimmy Tarr seconds. Motion passes.

Board discussion

Mike Paszek joins virtually.

The Board discussed the violation on 12 Elm St regarding the Jeremy Cotton's tree business. Zoning enforcement officer is responding to complaints about the business operation on a Sunday, which violates their Special Permit.

Abutters to Thayer's property on King Street have sent a letter to the Town detailing that Mr. Thayer have not cleaned up the property as he said he would. This is an issue also being addressed by the enforcement officer.

Further discussion on enforcement of violations.

Board discussion on upcoming Mater Plan Committee. Chair Slysyz verifies that the Board has been granted funding for a part time planner. Discussion on the timeline of hiring a part time planner.

Small discussion on membership. Chair Slysyz would be interested in staying on as Chair for another year. Board agrees. Discussion on CPA and PVPC representatives.

Vote to re-organize

Bob Wagner makes a motion to keep Stephanie Slys as Chair, Jimmy Tarr as Alt. Chair, David Bell as CPA rep. and Mike Paszek as PVPC rep. Mike Paszek seconds. Motion passes.

Approval of meeting minutes.

Jimmy Tarr makes a motion to approve the minutes from April 28th, 2022. Bob Wagner seconds, Motion passes.

Next Scheduled meeting is August 3, 2022

Jimmy Tarr makes a motion to close the meeting. Mike Paszek seconds. Motion passes.

Meeting adjourned at 8:39 PM

Erik (Petrus) van Geel
Cronin Hill Rd.

My apologies in advance for the very lengthy comments and objections you will hear in both public forum and as part of this application, but because of the nature and location of this application it is truly impossible to both be brief and to make a clear distinction between the existing cultivation site on Main Street and the proposed site on North Hatfield Rd/Straits Rd because both sites are/or will essentially be operated by the same core group of people and because there's so much to lose and nothing to gain.

Public Forum:

I would like to ask the Planning Board to initiate the process of drafting new Town Bylaws and/or remove the existing Bylaws regarding outdoor cultivation as to completely prohibit the outdoor cultivation of marijuana including the cultivation of it in greenhouses, hoop houses and the like while at the same time drafting new Bylaws to only allow indoor cultivation. By doing so it will ensure that the Town of Hatfield maintains its rural character, aesthetic appeal, natural, environmental, and historical features and none of its residents would have to worry about a pot farm ruining their neighborhood.

Pittsfield, MA voted to ban outdoor cultivation in February 2021 so there should be no reason the Town of Hatfield wouldn't be able to do the same.

It is also a fact that indoor grow facilities do not require a perimeter fence, have 100% control over odor mitigation and blend in with their industrially and/or commercially zoned surroundings.

If the Planning Board is not willing or unable to entertain this suggestion I would alternatively ask the Planning Board to amend ByLaw 7B.5.E. to read: ".....(i) in the Rural Residential (RR), Outlying Residential (OR), Town Center (TC) or Business (B) districts within 6 thousand feet (6000') of any pre-existing residential use" instead of the current 500 feet and ".....(ii) in the Agricultural (AG) district within three thousand feet (3000') of such a use." instead of the current 300 feet.

I also need to point out that the original North Hatfield Rd application was purposely changed to now represent only a fraction of the original plan including the removal of a solar array but it simply cannot be ignored that the intention of the applicant is to expand the site over time. I must commend the applicant on this move because we're all very well aware that if this current application goes through there truly is no reason for the Planning Board, neighbors or other Town residents to object or deny any future expansion because it would be a waste everyone's time to even try and argue against it.

Well played by the applicant.

I hereby would at the same time offer my help and input to the Planning Board in discussing, drafting and amending current and future ByLaws pertaining to the cultivation of marijuana.

Public forum or part of my arguments opposing this application.

It's impossible to look at the Straits Rd. application without taking a look at the existing operation on Main Street as this will give us a glimpse into what we can expect on Straits Rd.

The current operation on Main Street is already in clear and gross violation of Massachusetts General Law, numerous 935 CMR 500 regulations including but not limited to parts of sections 105, 110 and 120 and many Town of Hatfield ByLaws.

Mass. General Laws c.94G § 12 (General marijuana establishment operation):

"No marijuana establishment **shall allow cultivation**, processing, manufacture, sale or display of marijuana or marijuana products **to be visible from a public place** without the use of binoculars, aircraft or other optical aids."

Explanation: Per their own Main Street business plan submitted to the CCC "The entire cultivation property will be protected by 8 foot chain link fencing with privacy screening to obscure the operation from public ways."

The screening is for all practical purposes non-existent. It is see-through and 1 side doesn't even have any type of screening at all.

Town ByLaws:

7B.5.K. "Marijuana plants, products and paraphernalia shall not be visible from outside the building in which the establishment is located. No outside storage is permitted."

Explanation: Our Town Bylaw is even more restrictive than Mass. General Laws c.94G § 12 and yet they willingly and purposely choose to violate this Bylaw by using see-through screening and not installing a screen on the East side of the establishment.

7B.5.M. "No odor may be noxious or cause a nuisance or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions."

Explanation: Both the applicant and a proponent of the Straits Rd. project did admit during the previous meeting/public hearing that the odor of the marijuana plants being cultivated in an outdoor grow setting cannot be mitigated in any way and that the odor is and will be noticeable in the area at times which is in violation of this Bylaw. The proponent clearly stated that at times he does smell the marijuana cultivation near the Main Street site.

I also would like to remind everyone that in the opening statement made by the applicant we were told they are the current owners of property at 140A North Hatfield Rd and later when asked to confirm this ownership the applicant again tried to deceive The Planning Board and the residents by answering "yes" when in fact they do or did not own the land at that time. While innocent on the surface it is hard to ignore and to wonder why the applicant had to lie about this.

Additionally, per their own business plan they state "The operational team has extensive experience and knowledge cultivating crops in the difficult Massachusetts environment," and "River Valley Growers has assembled a robust operational team to ensure success in the cultivation endeavor. Employing years of expertise in cultivating cannabis with career cultivators and agricultural specialists will help lead the operational team to success" and

"River Valley Growers will implement robust seed-to-sale tracking systems to maintain compliance with CCC regulations, including software to record the plant at all stages of growth and production, and sales records." and "Cannabis requires a significant amount of irrigation as the plant matures." But when asked about the anticipated number of plants, expected water usage at the Straits Rd site they were seemingly unable to answer these questions even though they have already completed a growing season that requires detailed inventory tracking which also leads me to the following topic.

Despite having already completed a growing season in 2021, River Valley Growers have indicated to the Town of Hatfield that they do not expect to start selling any of their product until at least August of this year. If the cannabis market is truly such a lucrative business as they have projected in their financial outlook, it really makes no sense as to why nothing has been sold to date. Obviously this may have its reasons but something that needs an explanation as this directly affects the Community Host Agreement. Keep in mind that the Community Host Agreement was signed and therefor legally executed on September 8, 2020.

This means that the River Valley Growers will already be 2 years into the 5 year term of the Community Host Agreement by the time they start selling product. They effectively managed in a completely legal way to reduce the anticipated 5 years of impact fees to about 3 years and that is if they are going to be selling any of their product in August of this year. I must again commend the applicant on legally outmaneuvering The Town of Hatfield while at the same time increasing their own bottom line.

The Town should expect a similar legal maneuvering resulting in reduced collection of these impact fees for the Straits Rd. project.

Continuing on the topic of Community Host Agreements it must absolutely be noted that Community Host Agreements are in real danger of being severely modified or even eliminated and there's nothing the Town of Hatfield can do about it! I have highlighted 2 very important items in 2 proposed bills that must not be ignored!

The Massachusetts Municipal Association (MMA) is concerned about 2 companion bills affecting host community agreements in the cannabis industry (H. 4440 and S. 2660). If passed, these bills would

- Grant the Cannabis Control Commission expanded authority to approve contracts between host communities and local marijuana establishments.
- **Apply this new authority over host community agreements retroactively to Dec. 15, 2016**
- **Prohibit community impact fees as a share of total sales**
- Prohibit community impact fees after five years of a community agreement with a marijuana establishment

I cannot emphasize enough; whoever thinks these Community Host Agreements are going to enrich the Town of Hatfield is simply ignoring reality.

Case in point: Treeworks has already approached to the Town of Hatfield to either amend or totally cancel the Community Host Agreement, clearly inspired by developments regarding these agreements in neighboring towns and cities and on a State level. It would be naive to think that the applicant of Straits Rd (and River Valley Growers for that matter) wouldn't want to attempt to do the same and that is to get out of the agreement early and not pay the Town of Hatfield a dime. They're businesses, not charities.

And finally on the topic of Community Host Agreements; as we all have read in the Master Budget Presentation and something that was also questioned during this past Annual Town

Meeting, the anticipated revenue from these Community Host Agreements for FY 2021, 2022 and 2023 is zero dollars for each of these years.

I need to touch on policing and enforcement regarding odor which unfortunately is a bit dry legal talk.

In The Code of Massachusetts Regulations 310 CMR 7.00 - Air Pollution Control, Section 7.09 - Dust, Odor, Construction, and Demolition it states "(7) 310CMR 7.09(1) through 7.09(4) and 7.09(6) are subject to the enforcement provisions specified in 310 CMR 7.52."

Title 310 CMR 7.52 states "Any police department, fire department, or board of health official, acting within his or her jurisdictional area is hereby authorized by the Department to enforce, as provided for in M.G.L. c. 111, § 142B, any regulation in which specific reference to 310 CMR 7.52 is cited."

While I can't comment on the operating hours of our Police Department for safety & security reasons I must point out that neither the Fire Department, other than for emergencies, nor the Board of Health Department is staffed or contactable 24/7/365 to address odor complaints. As we're all aware, the stench of marijuana tends to be most noticeable early morning, late afternoon into the early evening and throughout the overnight hours, coincidentally when most people are home and enjoying the outdoors or trying to sleep with the windows open. The majority of the time odor will be present it will be outside of the Fire Department and Board of Health normal operating hours. It is pointless to investigate an odor complaint several hours or even days after a complaint is called in.

These shortcomings need to be addressed in our Town ByLaws before this project can move forward because our small town does not have the resources available to deal with odor complaints 24/7/365 and these shortcomings also apply to the policing & enforcing that are now the sole responsibility of the Building Commissioner.

Lastly on the subject of policing & enforcing; The Main street site was inspected by the CCC June 28, 2021, the CCC concluded the site "to be in full compliance with the requirements listed in 935 CMR 500.105 through 935 CMR 500.160 as applicable." and "No evidence was discovered during the inspection(s) that indicated the Marijuana Establishment was not in compliance with all applicable state laws and local bylaws or ordinances."

I hate to have to point this out but the CCC clearly choose to completely ignore the so blatantly obvious violations regarding the screening at the site. You can draw your own conclusions as to why but it proves to me that the CCC is only interested in meeting their own financial needs and not policing & enforcing their own regulations or Mass General Law.

North Hatfield Rd / Straits Rd. Pot farm comments:

This proposed project has and will create so many issues and will also be in violation of many of our Town ByLaws and recommendations of the Hatfield Design Guidelines that the Planning Board's only acceptable and 100% legally protected decision must be to deny this application.

The Planning Board cannot legally approve this application because of several conflicts in our Town ByLaws. In other words, the Town of Hatfield would open itself up to litigation brought on by its own tax paying Town residents!

The reason is that the Town of Hatfield does allow outdoor cultivation, including the cultivation outside of greenhouses but at the same time ByLaw 7.B.5.L. states that: "No odor may be noxious or cause a nuisance or impair public comfort and convenience. Marijuana establishments shall incorporate odor control technology and provisions."

The conflicting or contradicting part is that it is impossible for outdoor cultivation to incorporate odor control technology and provisions and even the applicants admitted to this during the previous hearing.

It is simply impossible for the applicant to legally cultivate marijuana outside of greenhouses. Furthermore; 5.4.4.C.1. refers to a section (5.3.4) that does not clearly exist in our current Town ByLaws (Dated May 11, 2021) so it is legally impossible for the applicant to comply with this non-existing ByLaw.

This needs to be fixed before moving forward.

This leaves the Planning Board with no other choice than to propose an amendment to our Town ByLaws eliminating this contradiction and error, that can then be voted on at the next annual Town meeting in 2023 and at a minimum table this application until after that meeting and not accept any new applications in the meantime.

The North Hatfield Rd/ Straits Rd project also completely ignores the recommendations and objectives in the Hatfield Design Guidelines:

Hatfield Design Guidelines:

- Strive to seek a balance maintaining the small town atmosphere and qualities that have historically characterized Hatfield
- These design guidelines will ensure that new development enhances the rural qualities valued by the townspeople
- Facilitating integrated physical design,
- Promoting a high level of design quality
- Commercial site design should respond to the natural and physical characteristics of the site and surrounding environment

Explanation: The application fails to make any reference to these guidelines resulting in completely ignoring a plethora of these recommendations and this site most certainly is unable to "enhance the rural qualities valued by the townspeople."

It's worth noting the location is located on top of a medium yield aquifer, abuts several protected open space lands and is a mere few hundred feet away from a conservation area.

On top of all that there's plenty of other legal reasons alone why the Planning Board must deny this application and I'll explain why but I must first remind everyone again that marijuana cultivation is not agriculture and is not included under "the right to farm protections under Article 97"

Now on to our Town ByLaws.

Town ByLaws:

1.3 PURPOSE

"The purpose of this zoning By-Law is to promote and regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns and to protect the health, safety and general welfare of Hatfield's present and future inhabitants."

Explanation: It is impossible to deny the negative impact the stench of marijuana plants will have on the general welfare of nearby residents. It stinks and it will infuriate neighbors and passerby. It does affect people's health in a variety of ways. Mental health is a form of health the Town of Hatfield zoning ByLaws vows to protect! This cannot be ignored.

5.3.7.A.3. "The requested use is not detrimental to the public convenience or welfare."

Explanation: Yes it will be detrimental to our welfare with welfare being defined as "the health, happiness, and fortunes of a person or group."

5.3.7.A.6. "The requested use will not impair the integrity or character of the district or adjoining zones, not be detrimental to the health, safety or welfare."

Explanation: This project will severely alter the district and adjoining zones because of the 8 feet tall perimeter security fence and noxious odors.

5.3.7.A.11 "The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses of screening or vegetated buffer zones."

Explanation: This truly needs no further explanation but I'll explain anyway because the 8 feet tall perimeter security fence is the visually degrading element.

5.4.4 C.4. "A detailed Traffic Impact Statement is required in each case where a proposed new building, use or project will contain more than 10,000 square feet"

Explanation: No details were provided, even though our ByLaws specifically asks for at least 4 specific items to be addressed (5.4.4 C.4.a, 5.4.4 C.4.b, 5.4.4 C.4.c and 5.4.4 C.4.d)

5.4.4.C.6 "A plan for the control of erosion, dust and silt, both during and after construction, temporary and permanent erosion control, and protection of water bodies is required."

Explanation: None of this was addressed in the application.

5.4.7 A. 4.a. "is integrated into the existing landscape and protects abutting properties"

Explanation: an 8 feet tall perimeter security fence simply does not integrate into what is now a large open and scenic area with grand vistas.

The Planning Board must, at a minimum, contract with an impartial 3rd party graphics design studio, paid for by the applicant as per our ByLaws, to generate artistic renderings, showing this proposed project from numerous angles from numerous locations. It would be unacceptable and a dereliction of duty to the neighbors and Town residents to not provide these renderings. Even if the applicant will provide artistic renderings, the Planning Board must still get their own independently generated renderings as it would be too easy for the applicant to distort and make an 8 feet tall fence appear just a bit less tall. I'm not at all suggesting they would but that's where I have to refer back to the land ownership question and answer.

5.4.7 A. 4.c. "minimizes obstruction of scenic views from publicly accessible locations"

Explanation: Yet another Town ByLaw to avoid having 8 feet tall perimeter security fences going up around town in the middle of an open field.

5.4.7 A. 4. g. "screens objectionable features from neighboring properties and roadways."

Explanation: The screen is the objectionable feature and I'm sure the applicant may offer to throw some bushes or arborvitaes at it but I would like to refer to a quote I heard at this year's Annual Town Meeting: "Do a little bit of landscaping to make something that you don't want there in the first place maybe look a little bit more attractive" because that is exactly how the neighbors and Town residents may end up feeling if this application gets approved. We don't want an ugly pot farm surrounded by an 8 feet tall chain link fence stinking up the neighborhood from May through October. Over the years the registered and tax paying voters of Hatfield spoke directly & clearly by means of voting on these very Town ByLaws I'm referencing right now and I would like to point out that even though Hatfield voters approved the cultivation of marijuana a few years ago, that certainly should not get misinterpreted as a blanket approval as to the location of these facilities.

5.4.7 A. 5. "The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town of Hatfield."
Explanation: Our ByLaws are starting to sound like a broken record but clearly a lot of thought, time and effort went into our ByLaws to ensure that projects like these don't stand a chance of ruining the rural character of the neighborhood, property values, aesthetics and the general welfare of the present and future inhabitants of Hatfield.

5.4.7. A. 7 The site plan shows adequate measures to prevent pollution of surface or groundwater to minimize erosion and sedimentation, minimize changes in groundwater levels,
Explanation: At the public hearing there was not a single mention of this during their presentation even though this cultivation site is located on top of a medium yield aquifer. Only after being questioned were some vague answers given. This is unacceptable as this clearly is required to be included in the application as per our ByLaw 5.3.3 A. A.9

5.7.2 "Buildings or uses, other than those specified above, shall have no fewer than one (1) space for each one thousand (1,000) square feet of gross floor area."
Explanation: Per this ByLaw the applicant is legally required to provide 100 parking spots unless waived by the Planning Board. I'm well aware this is unreasonable and most certainly should be waived but I merely want to point out it behooves the Planning Board to proceed with extreme care handling this application as there are other ByLaws the applicant is unable to comply with if this application gets approved as is. There simply are way too many unaddressed open items.

In closing I will address the obvious question of why I personally and "we" as both neighbors and other registered and tax paying voters of Hatfield oppose this project at this location. The simple answer is the location violates a large number of our Town ByLaws. This location truly only complies with a few of our many Zoning ByLaws; it is allowed in the Rural Residential zoning and it meets the 500 feet setback and that's about it. There is also a very simple reason why I personally did not oppose the current cultivation site at Main Street and very few, if any publicly opposed that application and that's because most of us can all agree that the Main Street location is a more fitting location than is currently proposed. At the same time this should remove any doubt to both the applicant and the Planning Board that this opposition is personal, nor is it an attempt to block the applicant's ability to prosper in this industry. I sincerely hope they'll be able to find another, more suitable location.

I cannot stress enough that the Planning Board must first and foremost protect the historic and rural character of the neighborhood, free of visually degrading elements and odors, while also protecting the aesthetic appeal and safeguarding the health, welfare and property values of its residents! If any of this cannot be guaranteed beyond any reasonable doubt by means of artistic renderings, reliable and comparable studies and reports the Planning Board cannot have any other option than to deny this application. It really is that simple.

Thank you.

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Below are just some links for reference to The Planning Board.

[Pittsfield council bans future commercial-scale outdoor cannabis cultivation](#)

Odor complaints rear their head at Webster cannabis grow facility

Marijuana odor complaint raises stink in Holyoke

MMA urges legislators to protect local authority over host community agreements

MMA asks House members to avoid provisions in cannabis bill that would interfere with local contract authority

Cape Ann pot shop sues city of Gloucester over fees charged in host community agreement



HATFIELD POLICE DEPARTMENT

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Phone (413) 247-0323 Fax (413) 247-9261



Michael Dekoschak
Chief of Police

May 27, 2022

To: Town of Hatfield
Planning Board

From: Chief Michael Dekoschak

Re: Crime Statistics as it pertains to Marijuana Facilities in Hatfield

Dear Board;

This letter is in reference to the continuing operations and proposed operations of Marijuana facilities in the Town of Hatfield. As of this date, the Hatfield Police Department has seen NO calls for service related to these facilities. The Hatfield Police Department has not noted any adverse conditions stemming from those licensed to operate any such facility such as increases in suspicious activity, traffic, thefts or crime in general.

Though I cannot specifically speak to Marijuana Facilities in Massachusetts bringing increases in crime to their host communities, I have not heard of any major issues from other departments.

Respectfully Submitted'

A handwritten signature in black ink, appearing to read 'Michael Dekoschak'.

Chief Michael Dekoschak

