

**Town of Hatfield  
Planning Board Minutes  
Remote Via Microsoft Teams  
December 2, 2020**

Members Present: Chair Stephanie Slys, Alt Chair Bob Wagner, Paul Dostal, Jimmy Tarr, Michael Paszek

Admin: Gerard Bueno

Attendees: Bernie Smiarowski, Chris Chamberlain, Jared Garfield, Jared Glasnberger, Matt Ciaschini, Zach Ciaschini, Eric van Geel, John Blowers, Andrew Bohne, Jeff Dawson, Jeff Squire, Greg Omasta, Chris Omasta, Ed Etheridge

Chair opens meeting at 6:04pm

Chair opens public forum:  
No remarks from the public.

Changes to Special Permit for River Valley Growers.

Chair Slys introduces Bernie Smiarowski and explains that this project was granted a special permit by the board back in August after a public hearing. The project, River Valley Growers is looking to make some changes to that original application.

Mr. Smiarowski says that River Valley Growers is looking to grow marijuana outside of a greenhouse along with inside of a greenhouse. Bylaw 3.11 is for growing open air and they are currently approved for bylaw 3.12, greenhouse cultivation. Mr. Smiarowski says this would help move along the licensing process with the State and look to take advantage of open land on that parcel. He would also like to make an administration change. Change the name from himself to River Valley Growers Inc.

Chair asks if this is just an administrative change or a plan change.

Chris Chamberlain of Berkshire Design Group details the proposed changes. There are three significant changes to the site plan. The approved plan shows 100,000 SF of greenhouse space broken into 2 phases. 60,000 SF and then 40,000 SF. The site would have access from Pilvinis Rd through gravel driveway, entering the center of the site. The change would rearrange the parking space, that would free up some real estate. Mr. Chamberlain states that they believe the proposed changes would be an improvement to the site for efficiency purposes. The rearranged parking spaces would free up 20,000 SF of additional space. For potential outdoor grow. If approved, they would use this space of 20,000 SF as outdoor grow along with the spaces where the greenhouses will eventually be built. Due to licensing and permits the construction of these greenhouses might take some time, so in the interim, the proposed change to outdoor grow would allow them to start cultivating as soon as possible.

Chair points out that this is obviously more than just an admin change. Because outdoor grow was not on the original site plan and application, this would have to be resubmitted for another site plan for review. Mike Paszek says that this request goes beyond the scope of what they had approved.

Bob Wagner agrees with Mike Paszek and the Chair. He believes that it is a reasonable proposal, but it is a totally different place under our table of use. There needs to be a public hearing so that the abutters are aware of these changes and if someone has some opposition to outdoor grow that can be heard from. This might make us adjust our conditions based on their feedback. The name change is something that can be addressed now.

Mr. Smiarowski asks about the timeframe. Small discussion on state laws and the public hearing time frame.

Jared Garfield asks if they could apply as an outdoor grow cultivator with the 3.2 section of the bylaw, which is growing in a greenhouse but not using supplemental horticultural lighting. Meaning River Valley Inc could get their application into the State based on the approved plan, as an outdoor cultivator, as defined by the State. The State's definition isn't about indoor or outdoor, it is if supplement horticultural lighting is being used or not. Mr. Garfield inquires from the board if this would be something they could go forward with.

Chair agrees that they can take the approved plan to the State, as Marijuana cultivation in a greenhouse. River Valley Inc is approved to grow in a greenhouse without the use of supplemental horticultural lighting. This would satisfy the State's definition of an outdoor grow.

Small discussion of the next public hearing.

River Valley Inc and the board agree that the next meeting in January would be a good date for their public hearing.

Mr. Smiarowski officially asks to change the project name to River Valley Growers Inc. Jimmy Tarr makes a motion to change the name. Mike Paszek seconds. Motion passes.

Board asks the clarify the address for admin purposes. Mr. Smiarowski says he will get that to Gerard, the admin assistant tomorrow.

Itiel Cohen, potential marijuana manufacturing business as 23 West St.

Chair Slys presents the next item concerning Itiel Cohen and 23 West St.

Itiel and no one from this potential project is at the meeting. Chair closes the discussion.

Continued discussion with Full Tilt, 164 West St

Chair Slys reintroduces Full Tilt to the board. Zach and Matt Ciaschini are both in the meeting. Chair asks admin assistant, Gerard to present his findings since the previous meeting. Admin assistant has found that West Track was a business that was located at 164 West St. presumably after Penske Trucking left the site. In 2008, the Board of selectmen advised the planning board to cease operations to West Tracks vehicle sales operations. In 2008, 164 West St was zoned light Industrial and vehicle sales were not allowed in the table of use.

Bob Wagner clarifies that when Penske came to the location in 1995, the site was zoned industrial. In 2002, it was changed to light industrial and the Penske business was grandfathered in.

Bob Wagner states that the original special permit for Penske was in 1995 and that they were grandfathered in after the zone change in 2002 because the business was considered a pre-existing non-conforming use. Bob Wagner explains that if a use is changed or of it sits vacant for 2 years or more, the owner loses the non-conforming status. At that point, any subject use or business must comply with the current zoning bylaws/ordinances. Bob Wagner asks admin assistant if there were any other permits found. Admin assistant explains he could not find any other permits or any other sign of recent activity at this location. Bob Wagner verifies that if this is the case, the pre-existing non-conforming use status for Full tilts proposed business has disappeared.

Chair agrees with Bob Wagner. What Full Tilt is looking to do at this property is not allowed in the town's table of use for that zone. It does not appear that there has been a continued business use for 2 years at this location. The board can't grant 164 West St as a preexisting non-conforming use.

Matt Ciaschini of Full Tilt explains that they are in a tough spot. They want to know if there is anything, they could do to be a part of this town at this location. They are already paying rent and have invested a lot in this property. Permits have already been issued and they have installed a spray booth. They did this mainly through the town's building inspector. They are not familiar with the ins and outs of rebuilding a business from scratch, so they know they made mistakes. They are reaching out to the board for any answers that can give to help them move forward.

Small discussion on Gander RV and its business.

Bob Wagner apologizes that permits were issued.

Small discussion on current property and property owners.

Paul Dostal brings up a possibility of a variance change with the ZBA.

Mike Paszek confirms that this is a possibility and that he will be in contact with the chair in the morning.

Paul Dostal thinks this is the best option for them because they have to either change the zoning laws or the property owner needs to request a zone change.

Small discussion on s possible ZBA hearing.

Jimmy Tarr believes the board would want this to work for Full Tilt but is must be within the framework of the town's bylaws.

Chair agrees and apologizes for their situation but reiterates that the board's hand our tied and they must follow the process in a legal manor.

Matt appreciates the boards apologies and states they are not looking for special treatments and understands that they made mistakes in their process. But they want to do everything they can do going forward do they be a part of the town of Hatfield.

Small discussion on timeframe.

Chair verifies that the earliest the board could pursue this change would be May town meeting, but a variance change through the ZBA can help move the process along.

Board inquires if they have a lawyer.

Matt verifies that they do and that he will be in contact with him in the morning.

Eric van Geel says that he would like to see this business in town and asks the board to clarify to the public that there are no other options for these guys.

Board reiterates that these are the only options for Full Tilt to follow and it is not the job of the board to enforce the bylaws but to uphold the bylaws and ordinances of the town.

Informal discussion on 117 West St Stormwater project

Chair Slys reintroduces the project to the board. John Blowers of Scape Builders and Place alliance came before the board about a year to two years prior, and the board at the time recommended that they go through Conservation Commission before they submit anything with the planning board. They have gone through Con Com and now are looking to submit a site plan review to the board. John Blowers of Scapes Builders, the owner of the property, wanted to come before the board before they submit anything to make sure they have all their ducks in a row. Mr. Blowers asks site plan engineer Andrew Bohne to explain their proposed plan.

Mr. Bohne explains that as designed today it is proposed for a professional office building and auxiliary structure at 117 West St. Site location is currently zoned light industrial. There is a single-family residence on the site and the project would remove the house. The proposed project would be to build the office building with parking spaces, Primary focus of these offices would be for other businesses for rent. Class A rental spaces. Project would be built in 2 phases. Phase 1 offices and parking area would be built first and phase two would be workshop and auxiliary area in the back.

Engineer Jeff Dawson pulls up site plan maps onto the screen.

Mr. Bohne states that the property is a 5.8-acre parcel and that it is relatively flat. It starts to slope as you go towards the western edge of the property. The eastern edge being West St or 5/10. The development would predominantly occur on the eastern edge of the parcel along 5/10. It is the intent to make this the new home of their business (Scapes Builders). The plan to bring their vehicles and equipment to this property. They went before the Conservation Commission and they approved their plans with conditions. Last time they met with Planning board they were told they should be file for

Special Permit with site plan approval once they get approved by Con Com. They want to make sure nothing has changed so they can move forward with the application

Bob Wagner confirms that this would in fact be a Special permit with a site plan review since it is in a light industrial zone. He asks them what table of use they were looking to apply for.

Mr. Bohne verifies that they are looking to apply under 5.27, construction industry and suppliers. This is because of the proposed auxiliary and workshop area.

Chair asks the board if they have any questions or concerns, they want to present to Scares Builders before they begin the process of filing their application.

Small discussion on conditions set by Con Com

Board asks Scares Builders to supply the board with those conditions so that they can review before the hearing. They said they would be able to get that information to the Admin assistant.

Further discussion on their plan.

Their proposed building would be a Hatfield barn style, and they want to showcase the type of work that Scares Builders does. The project is purposely designed to be a low impact. They want to be regarded as good stewards of the land. Front parking lot would be for the renters and the back-parking lot would be for scape Scares Builders. In the plan they are proposing a mounted septic system that they hope will be able to connect to the sewer extension currently being worked on.

Bob Wagner asks if their plan would present good curbside appeal.

The proposal would have 15 FT of native vegetation between 5/10 and the parking lot. There would be visual barriers in place with the parking lot and building set back on the property.

Discussion on their vehicles and equipment and the traffic in their parking lots/

Much like a landscaping company their vehicles and equipment would be at the parcel overnight and taken out during the day. Very low traffic in the parking lots.

Small discussion on a possible hearing date.

Place Alliance and Scares Builders will work on filing their application for Special permit with site plan review.

Jimmy Tarr and Mike Paszek need to leave the meeting at this time. Planning Board still has enough members at the meeting to fulfill a quorum.

Article proposal for 137 N Hatfield re-zoning

Chair Slys introduces Greg and Chris Omasta. This discussion is based on a proposal submitted by Berkshire Design. They were looking to re zone a strip of parcels including parcel 137 No Hatfield Rd. Greg Omasta verifies that they are still interested in purchasing that property and looking for a zone change to that parcel.

Board is deciding if they want pursue re-zoning of that one parcel or the entire strip. Board would like to know if there is a reason why they had asked for the entire strip to be re zoned instead of that one parcel, and if it would make a difference with their plans.

Greg Omasta states that by not allowing the front 200 FT to be light industrial like the back, it locks the parcel in and with a ditch behind it makes the parcel limited or unusable in certain aspects.

Ed Etheredge, lawyer for Omasta, agrees with Greg Omasta. He states that it is not spot zoning but if you don't expand the current zone, the parcel gets locked with limited use.

Bob Wagner would like clarification that the original Berkshire Design proposal of the whole strip being re-zoned is not important to the Omasta's plans of purchase. They only care about re-zoning that particular parcel.

Mr. Etheredge and Greg Omasta confirms this. They are only looing to re-zone 137 N. Hatfield Rd to light industrial.

Bob Wagner reiterates from last meeting, that more than half of the lot in the parcel is zoned light industrial, while the rest of the strip and adjoining parcels are zoned rural residential.

Because this creates a landlock parcel, Bob Wagner would be OK addressing a possible zone change Board agrees. Chair lays out the process of the zone change starting with contacting Berkshire Design for them to change their proposal. They need to propose the re-zoning of 137 parcel and not the entire strip. Then this article as to be part of the Annual Town meeting for a zone change. There would be a vote to change that parcel.

Chair and board want to make it clear that this vote would just be on the zone change. There would still need to be another application process to allow a certain business at this parcel. They first need to have a hearing on the proposed zone change with the board before the Annual town meeting then they would vote on the change at the May town meeting. Chair states that they can have a placeholder set in January for a proposed article.

Greg and Chris Omasta understand this process and time frame. Mr. Etherage tells the board he will make sure Jeff Squire of Berkshire Design will be presenting an updated proposal.

#### Board Discussion/updates

Chair opens discussion and updates

Bob Wagner has been in contact with Mark Gellote in reference to Thayer's potential project/site plan. Admin assistant verifies that someone from the Thayers have been in contact with Lydia and in the process of submitting an application.

Small discussion on Thayer's potential plan

Bob Wagner gives an update on the continued discussion of micro slaughterhouses definitions. Pioneer Valley Planning Commission uncovered a zoning bylaw for a micro slaughterhouse in Plymouth CT. Bob Wagner presented it to the Ag Commission and they were impressed by it. It has good details on requirements and setbacks. It had limits of animals. Not by the number of animals but a limit on the LBS. They have 36,000 LBS of animals a day. Seems like a lot of animals. He is in contact with upstate NY Planning Board and is waiting to hear back. Bob Wagner found more support of a micro slaughterhouse in town. There is a need for it in this area. Would not recommend Hatfield Beef as a prime location for this operation.

Chair brings up prior discussion of the Open Space development bylaw. Grant money has just come through and there will be a small waiting process before we continue those discussions, as we try to be a model for this area when it comes to this bylaw. Chair will be updating the board of this process and progress.

Board discussion of the minutes.

Bob Wagner makes a motion to approve the minutes. Paul Dostal seconds. Motion passes.

#### Next meeting

Chair confirms next meeting for 1.6.21

Small discussion on potential items for the agenda for the next meeting

Bob Wagner makes a motion to adjourn. Paul Dostal seconds. Motion passes

Meeting adjourns at 7:53 pm

Submitted by,

Gerard Bueno  
Admin Assistant