

**TOWN OF DEERFIELD**  
**ZONING BOARD OF APPEALS**

**September 1, 2005**

**MINUTES**

**I. Hearing convened at 7:00 p.m., Main Meeting Room, Municipal Offices, 8 Conway Street, So. Deerfield, MA**

Present: F. Olszewski (Chair), R. Calisewski, R. Sadoski, S. Barrett, W. McGoldrick  
Absent: G. Friary, R. Bohonowicz

Also Present: Audience members included Dan Risatti, Daniel Smiarowski, Frank Chase, Herb Marsh, Frank Karas

**II. Chair Olszewski opened the hearing on the application of Rice Oil for a special permit, variance or whatever relief is required to have a temporary fruit and vegetable stand on the grounds of Deerfield Neighbors at 1 Greenfield Road, South Deerfield, MA**

The petitioner(s) were invited to speak first. Don Risatti, Merchandise Manager for Rice Oil and Daniel Smiarowski, farmer stepped forward to present the case. Mr. Olszewski asked where the stand would be located. The board was shown a photo of where the stand is to be located. The photos are included in the ZBA file. The location was clarified. "What are the hours of operation?" was the next question for the petitioner. Mr. Smiarowski responded, "basically 10:00 am to 6:00 pm". Mr. Smiarowski was asked how he was associated to Rice Oil and he stated that he is not associated to Rice Oil. Mr. Smiarowski approached Rice Oil about having a stand at that location. Mr. McGoldrick asked what the dimensions of the farm stand would be. It was stated that the wagon itself is roughly 7.5' by 16'. When it is spread out, it'll have another 8' foot extension. In addition, space for mums is also needed. The space needed by the mums will be roughly three pallets wide by 5 pallets long on either side of the wagon. The petitioner was asked what he would be selling other than pumpkins. He stated that he would be selling potatoes, ornamental corn, onions, etc. The Board asked, "When do you plan on opening if you get approval?" Mr. Smiarowski would like to open up this weekend.

Mr. Barrett asked about the parking lot situation - in the way of extra traffic - since there are already safety issues in that parking lot. Mr. Smiarowski feels that the majority of the customers would be customers already in the parking lot for Rice Oil business. Mr. Barrett pointed out that the farm stand will be visible from the road and therefore could draw in more traffic into that parking lot.

Mr. McGoldrick asked if they were going to advertise. Again, they feel that the farm stand customers would be those who have come to buy gas at the pumps and notice the farm stand wagon.

Mr. Calisewski asked if Rice Oil has done a traffic study on this property since Subway and Dunkin Donuts were added to that location and now this prospective farm stand. The issue of tractor-trailers being in that parking was raised since the presence of tractor-trailers makes it difficult to get in or out of the parking lot as it is.

Adding the farm stand in the location where tractor-trailers have previously been parking makes the problem worse. It is requested by Mr. Calisewski that a traffic study be done.

No one stepped forward to speak in favor of this application.

Frank Ciesluk, Deerfield resident, stepped forward to state his concerns with the traffic situation at that location including the tractor-trailers that have been present in the lot. His concerns were very similar to those of Mr. Calisewski.

Mr. Herb Marsh of Mill Village Road stepped forward next to state his concerns about this proposed farm stand. He is also concerned with the traffic situation and the ability to get in and out of the parking lot. His second concern is the safety of the food being sold. "How often do we see food sold where gasoline is being sold? Is there a health safety issue here?" He is bringing these questions before the Board to consider.

Mr. Frank Karas of Hillside Road stated his concerns. He wanted to know how many businesses are allowed to be operated out of that one location. He pointed out that they already have Dunkin Donuts, Subway, a convenience store and gas. It was stated that there are no limits since they are all retail.

Hearing closed to the public for further discussion in order to render a decision. Mr. Calisewski requests (at the very minimum) that Rice Oil do a traffic study. The number of parking spaces should also be looked at.

At this time, the petitioner decided to withdraw his application without prejudice.

Hearing adjourned.

### **III. Other Business**

Steve Barrett brought up the point that the ZBA never signed off on the liquor licenses of Magic Wings or Rice Oil, Inc. It was requested that something be drawn up so that the Board can sign off as the licensing authority for the liquor licenses for both businesses. It was decided to refer this issue to Atty Edward Pepyne.

Steve Barrett made a motion adjourn meeting. Motion seconded by Bill McGoldrick. Motion approved 5-0. Meeting adjourned.

Respectfully submitted,

Patricia Kroll  
Clerk to the Zoning Board of Appeals