

Town of Danville Development Review Board
Permit 2022-06, Conditional Use Hearing, Decision

Applicants: Samuel Bromberg.

Site: TH018-002.001, 2160 Walden Hill Rd, Danville VT 05828.

Zoning District: LDR

Project Description: Applicant seeks Conditional Use approval to convert 600 sq ft space in existing garage to a licensed (Tier-2 Manufacturer) Cannabis processing facility.

Applicant also seeks approval for Cannabis cultivation. Location and details to be determined by State licensing approval. Applicant has not furnished any details about cultivation.

The distribution of the manufactured product has not been specified. The applicant has not stated that he seeks a Retailer or a Wholesaler license from the Cannabis Control Board. These options are not part of this permit.

Warnings: 01 March 2022

Hearing Date: 16 March 2022. Hearing to be held in person at town hall.

Development Review Board Members Present: Brian Henderson(Chair), Terry Hoffer, Bob Magro (participated remotely by phone), Larry Rossi.

Development Review Board Members Absent: Theresa Pelletier,

Public Present: Sam Bromberg, Linda Garbien, Casey Leithead, Dennis Marquise (Zoning Administrator), Craig Morris, Bill Nicholas, Ron Sicard, Sara Stinson, Lynne Wykes, Tom Ziobrowski

Interested Parties Present: None Indicated,

Correspondence from Interested Parties: None

Disclosure of Conflict of Interest: None by board.

Disclosure of *Ex Parté* Communication: None by board.

Applicable Bylaws:

This application requires a review by the DRB under the following section of the Danville Bylaws:

Sec 502, page 29, District Objectives and Land Use Controls

Sec 516, page 48, Low Density Residential.

Preliminary Findings of Fact:

Sec 502: District Objectives and Land Use Controls

502.3 Conditional uses are those uses that may be allowed by the Development Review Board as provided for in 24 V.S.A. § 4414 after public notice and hearing. In order for the permit to be granted the DRB must find that the proposed use is in conformance with the specific standards for the district in which it is located, and it shall not adversely affect:

a) The capacity of existing or planned community facilities,

- b) *The character of the area affected as defined by the purpose of the zoning district within which the project is located, and specifically stated policies and standards of the plan,*
- c) *Traffic on roads and highways in the vicinity,*
- d) *Bylaws and ordinances then in effect,*
- e) *The utilization of renewable energy resources.*

502.4 *As a condition of approval, the Development Review Board may attach such additional reasonable conditions and safeguards as it deems necessary for approval to implement the purposes of the Vermont Planning and Development Act (24 V.S.A Chapter 117) and these zoning regulations.*

Sec 516.2, Low Density Residential

Light Industry is permitted as a Conditional Use in this district.

Note that per 7 V.S.A. § 869, Cannabis cultivators will not be regulated as farming, and Cannabis will not be considered an agricultural product or crop. While *Agricultural Use* is a Permitted Use in this district, cultivation therefore would have to be considered as part of *Light Industry*.

Summary of Discussion:

The applicant explained the cultivation aspect as permitted by the Cannabis Control Board, which allows up to 1000 square feet indoor and up to 150 plants outdoor, with no area restriction. Sam Bromberg noted that he will start with outdoor cultivation with a fall harvest, as indoor cultivation is not cost effective.

The processing will include site-grown cannabis along with product grown by others. This will extend the processing season beyond the fall harvest. On average, he states that he can process about 10 pounds per hour. The products will include edible “gummies”, smoking material such as pre-rolled cigarettes, tincture products, and possibly dry tumbled product. There should be no odors or fumes released, no hazardous waste generated, and all organic waste will be composted on site. There will be two initial employees, with two additional employees added per demand. Truck traffic will be marginal. All products will be tracked per VT regulations and will be delivered to wholesalers.

Decision and Conditions:

Terry Hoffer motioned to accept the permit. Larry Rossi seconded the motion. With Bob Magro participating by phone, the four members met the quorum, and voted 4-0 to approve the permit with the following conditions:

1. The applicant will provide verification from the Vermont DEC that this expansion is permissible on the existing Wastewater Permit for this site.
2. Any expansion or change in operation will require an additional hearing before the Development Review Board.
3. All operations will be in compliance with the Vermont Cannabis Control Board.

A permit will be issued by the Zoning Administrator 30 days after this decision.

Signed:

Brian F Henderson

Brian Henderson, Chair, Danville Development Review Board

Date of Hearing: 16 March 2022

Date of Decision: 17March 2022

Final Appeal Date: 16 April 2022

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.