

Hardwick Development Review Board  
Conditional Use Review Request  
Skyview Naturals Company, d.b.a. Sunsoil  
273 Kate Brook Road, Hardwick  
Application #2024-020  
May 8, 2024

To consider a Conditional Use Review request by Skyview Naturals Company (d/b/a Sunsoil) for a change of use of existing Agriculturally Exempt structures to Agricultural and Forest Processing structures in the Rural Residential zoning district. Change of Use would occur at 273 Kate Brook Road in Hardwick, VT.

The application requires a review under the following sections of the Hardwick Unified Development Bylaws: Table 2.6 Rural Residential District; 3.11 Performance Standards; Section 3.13 Parking and Loading Requirements; Section 4.11 Agricultural and Forest Processing; Section 5.2 Conditional Use Review; and Section 5.2 G4 Rural Residential District Standards.

**Warnings** were posted on Thursday, April 18, 2024 at the Hardwick Memorial Building, at the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: Bill and Kelly Putvain; Sundog Ag Ventures LLC; Russell and Cheryl McAllister; Rosemary Gillen; Old Rail Mill Properties, LLC; ; Julie and James Maples; Louis Dornbierer III; Jeremy and Richard Flanders; and Helen Gates 2009 Revocable Trust; on Tuesday, April 23, 2024. It was also published in The News & Citizen on Thursday, April 18, 2024.

**Development Review Board members present:** Kate Brooke; John Mandeville, Chair; Ruth Gaillard; and Kole.

**Development Review Board members absent:** Helm Nottermann

**Others present:** Kristen Leahy, Zoning Administrator (acting clerk); Jacob Goldstein (by Zoom)

**During the course of the hearing and prior to the hearing the following exhibits were submitted:**  
**None**

**Summary of Discussion**

Chair John Mandeville began the hearing at 7:00 pm. He noted that the hearing was quasi-judicial, explained the hearing procedure, asked board members for any disclosures of conflict of interest, and swore in all those who wished to speak at the hearing.

Mr. Mandeville invited the applicant to present his proposal. Jacob Goldstein testified that the Skyview Naturals (d/b/a Sunsoil) began farming hemp in Hardwick in 2016. They expanded their crop in 2017 to include the adjoining fields. Each of the existing structures on the property was built with the appropriate Agriculturally Exempt notifications to the Town. For the past few years, however, the company has only farmed outside of Hardwick.

Skyview Naturals had planned for growth but between weather incidents and a pandemic, the company has additional inventory in place. There is less need for extensive crop lands and the adjoining property continues to flood.

Sunsoil produces CBD oil on-site in Hardwick. It is made by infusing coconut oil or coconut-derived MCT oil with their hemp. They fill and package two-piece vegan CBD oil capsules on-site.

None of the current structures on the site will be changing. The only change is loss of the agricultural production on site. The current facility is more aligned with an Agricultural & Forest Processing facility because the hemp farming element is no longer occurring in Hardwick.

Jacob Goldstein testified that there are no plans to convert their operation to a Cannabis facility.

The hearing ended at 7:20 pm. Kole made the motion to enter into deliberative session after the following hearing and Kate Brooke seconded. All members were in favor.

### **Findings of Fact:**

Based on the application and testimony, the Development Review Board makes the following findings:

**2.6 Rural Residential** – Agricultural and Forest Processing is listed as a Conditional Use in this district. The applicant is seeking to retain the same footprint of the previously Agriculturally Exempted structures. **The Agricultural and Forest Processing structures meet the setbacks of the district – the setback from Kate Brook Road is over 60 feet and the setbacks from the side and rear are over 50 feet.**

**3.11 Performance Standards** – review was made of the performance standards by the DRB.

- 1) Regularly occurring noise – **The design of the proposed change does not include the use of a generator. This potentially regularly occurring noise will not be incorporated into this operation as there is an on-site power connection in place.**
- 2) Releases of heat, cold, moisture, mist, fog – **None at this point.**
- 4) Glare, lumen, light or reflection – **There are existing motion sensing security lights. No additional lighting is planned. Mr. Goldstein will communicate with his electrician to examine the possibility of reducing the amount of light in use.**
- 8) Smoke, dust, noxious gases, or other forms of air pollution – **The infusion process is now using less heat which produces lower amounts of noticeable odor.**

**3.13 Parking & Loading Requirements** – the property is located in the Rural Residential district which requires “off-street loading space shall be provided for commercial, industrial or institutional uses...” Table 3.1 lists Agricultural and Forest Processing as Other – parking spaces are “as determined under site plan or conditional use review”. **No additional employees will be hired due to this change of use. No parking design was deemed to be necessary.**

**4.11 Agricultural and Forest Processing** – the following provisions must be met: (1) The processing facility shall be of a size and scale appropriate for the neighborhood in which it is proposed, (2) Where a processing facility uses or generates hazardous materials, the applicant shall demonstrate compliance with applicable state or federal regulations, (3) Wholesale sales of processed products are allowed as a part of any approval. Retail sales may be allowed as a part of conditional use approval. Sales of products in addition to those processed on the site will be limited to those clearly incidental, secondary and ancillary to those processed products or as declared and approved as a part of the conditional use permit. **Applicable provisions are met as the facility is already in existence; hemp is not considered to be a hazardous material; and retail is not part of the location.**

### **5.2 Conditional Use Review**

#### **E) General Review Standards**

The proposed conditional use will/ will not result in an undue adverse effect on any of the following:

1. **The capacity of existing or planned community facilities and services.** The proposed change of use will not affect either capacity.



2. **Character of the area affected.** The change of use matches the purpose of the Rural Residential district and the character of the surrounding area.
3. **Traffic on roads and highways in the vicinity.** The circulation and traffic patterns on Kate Brook Road will not be impacted by the change of use. No increase in traffic will be created by the proposal.
4. **Bylaws in effect.** N/A
5. **The utilization of renewable energy resources.** This proposal will not affect sustainable use of renewable energy resources.

**F) Specific Review Standards shall include:**

1. **Siting & Dimensional Standards.** All conditional uses shall meet minimum applicable dimensional and density standards as specified for the district in which the use is located (Article 2), the particular use (Article 4), and for the protection of surface waters (Section 3.12). **All standards are met by the proposal.**
2. **Performance Standards.** All conditional uses shall meet performance standards as specified in Section 3.11. **The performance standards were reviewed. See Condition #2.**
3. **Access & Circulation Standards.** All conditional uses shall meet applicable access management standards as specified in Section 6.6. **The standards will be met by the proposed change of use.**
4. **Landscaping & Screening Standards.** The Board may require landscaping, fencing, screening or site grading as necessary to maintain the character of the area, or to screen unsightly or incompatible uses from town highways, other public rights-of-way, or adjoining properties. **Additional landscaping was not indicated as necessary.**
5. **Stormwater Management & Erosion Control Standards.** All conditional uses shall incorporate accepted stormwater management and erosion control practices as appropriate for the setting, scale and intensity of the existing and planned development. **State approved wastewater and potable water systems are in place on the site. Additional plans were not indicated as necessary.**

**5.2 G4 Rural Residential and Compact Residential District Standards.**

A) Development shall be designed to minimize loss of agricultural land and natural habitat, impact on water quality, and diminishment of the scenic and rural qualities of the site as experienced both on-site and from other vantage points in the town. **The proposed change of use will utilize existing structures.**

B) Access roads, driveways and utility corridors shall be shared to the extent feasible; and, where sites include linear features such as existing roads, tree lines, stone walls, and/or fence lines, shall follow these features to the extent feasible in order to minimize the loss of productive agricultural and forest land, and to avoid physical and visual impacts. **The proposed change of use will not impact productive agricultural and forest land.**

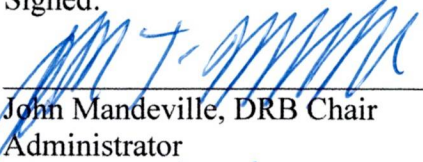
**Decision and Conditions**

Based upon these findings, the Development Review Board voted 4-0 to approve the Skyview Naturals Company conditional use application as presented and amended with the following conditions:

**Conditions:**

- 1. Any and all necessary state and federal permits must be in place before development can commence.
- 2. The Applicant will adhere to the Performance Standards as detailed in the Hardwick Unified Development Bylaws, Section 3.11 (Attached).
- 3. No new external lighting will be permitted.

Signed:

  
 \_\_\_\_\_, Chair  
 John Mandeville, DRB Chair  
 Administrator

  
 \_\_\_\_\_, acting clerk  
 Kristen Leahy, Zoning

Date 5/14/24

Date 5/14/24

**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.

## Hardwick Unified Development Standards

### Section 3.11 Performance Standards

(A) The following performance standards must be met and maintained for all Conditional Uses and Home Occupation uses in all districts, except for agriculture and forestry, as measured at the property line. In determining ongoing compliance, the burden of proof shall fall on the applicant, property owner, and/or all successors and assigns; in the case of appeals to the Zoning Administrator alleging a violation of one or more of the following standards, the burden of proof shall rest with the appellant. No Conditional Uses or Home Occupation uses, under normal conditions, shall cause, create or result in:

(1) **regularly occurring noise**, which:

represents a significant increase in noise levels in the vicinity of the use so as to be incompatible with the surrounding area; or

in excess of 65 decibels, or 70 decibels within the Industrial District.

(2) **releases of heat, cold, moisture, mist, fog** or condensation which are detrimental to neighboring properties and uses, or the public health, safety, and welfare;

(3) **any electromagnetic disturbances or electronic transmissions or signals** which will repeatedly and substantially interfere with the reception of radio, television, or other electronic signals, or which are otherwise detrimental to public health, safety and welfare (except from telecommunications facilities which are specifically licensed and regulated through the Federal Communications Commission);

(4) **glare, lumen, light or reflection** which constitutes a nuisance to other property owners or tenants, which impairs the vision of motor vehicle operators, or which is otherwise detrimental to public health safety and welfare;

(5) **liquid or solid waste or refuse** in excess of available capacities for proper disposal which cannot be disposed of by available existing methods without undue burden to municipal or public disposal facilities; which pollute surface or ground waters; or which is otherwise detrimental to public health, safety and welfare;

(6) **undue fire, safety, explosive, radioactive emission or other hazard** which endangers the public, public facilities, or neighboring properties; or which results in a significantly increased burden on municipal facilities and services.

(7) **clearly apparent vibration** which, when transmitted through the ground, is discernable at property lines without the aid of instruments; or

(8) **smoke, dust, noxious gases, or other forms of air pollution** which constitute a nuisance or threat to neighboring landowners, businesses or residents; which endanger or adversely affect public health, safety or welfare; which cause damage to property or vegetation; or which are offensive and uncharacteristic of the affected area;