

**ACT 250 NOTICE**  
**APPLICATION #8B0623-1 AND PREHEARING CONFERENCE**  
**10 V.S.A. §§ 6001 - 6111**

On October 26, 2020, Jeffrey O. Nyweide, PO Box 1426, Manchester Center, VT 05255 and BMA Architects/Kirk Moore, Principal, PO Box 1114, Manchester, VT 05254 filed application 8B0623-1 for a project described as the development of a 46-bed, four-season, experiential and educational eco-retreat, wedding and cultural event venue, and corporate conference center. The project is located at 507 Benson Road (aka Boorn Brook Farm), in Manchester, VT.

Pursuant to Act 250 Rules 16 and 20, the Commission is convening a Prehearing Conference ("PHC") in this matter. A PHC, in summary, has narrow goals and is designed to identify the parties and the issues prior to convening a hearing (to occur at a later date) to evaluate the merits of the case. This project will be evaluated by the District #8 Environmental Commission ("Commission") in accordance with the implicated criteria of the 10 environmental criteria of 10 V.S.A., § 6086(a). At the PHC, the Commission intends to pursue limited questioning, and will be inviting prospective parties, if they desire, to submit relevant filings or rebuttals; that invitation will appear in the Prehearing Conference Report and Order ("PHCRO").

The PHC will be followed by the issuance of the PHCRO which will prescribe the preliminary party status rulings, any informational filing requirements, and the scheduling of the site visit and/or hearing. Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

A copy of the application and plans for this project are available for review online at the Natural Resources Board database (<https://anrweb.vt.gov/anr/vtanr/Act250.aspx>) by entering project number "8B0623-1".

**NOTE TO PROSPECTIVE PARTIES:** Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request "on or before the first prehearing conference." Accordingly, all prospective parties are obligated to participate, via phone or video, in the PHC scheduled below, or to file in advance a written party status petition to the Commission at the address below. Failure to timely appear on the PHC call or video conference call, or to timely file a written request by date of the PHC, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission. Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are strongly encouraged to supply an electronic means of communication, such as email, for receiving service of notices on the proceedings.

A prehearing conference is hereby scheduled to convene:

**Date:** November 18, 2020

**Time:** 9:00 AM

**Conference:** Due to the coronavirus (COVID-19), this PHC will necessarily be conducted **remotely** via **Microsoft Teams conferencing software** (both call-in and video options are available; see instructional information and **dial-in number below**). There will be no site visit prior to the PHC.

If you are unable to participate using the Microsoft Teams platform or are unable to notify the District Coordinator/Act 250 office ahead of time that you intend to participate, you may still call in to the conference using only the dial-in information, provided below.

The following persons or organizations may participate in the PHC and hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others:** May participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing without being accorded party status.

If you plan on participating in the PHC on behalf of a group or organization, please submit the following to [NRB.Act250Rutland@vermont.gov](mailto:NRB.Act250Rutland@vermont.gov):

1. A written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B));
2. Documentation that prior to the date of the PHC, you were duly authorized to speak for the organization; and
3. Documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

If you would like further information regarding participation in this PHC, please contact the District Coordinator/Act 250 office (below) before the date of the PHC, and preferably by **4:30 PM on November 12, 2020**. If you have a disability for which you need accommodation in order to participate in this process, please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are: Rick Kobik (Acting Chair and Convening Officer), Michael McDonough, and Don Miller.

If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the District Coordinator/Act 250 office as soon as possible, and by no later than the date of the PHC.

### **Steps for Participating in the Prehearing Conference Remotely**

1. The platform we will be using is Microsoft Teams.
1. Download the Microsoft Teams free application, which is available for Windows and Mac desktop devices and iOS and Android mobile devices. Create an account once downloaded.
  - **Download here:** <https://products.office.com/en-us/microsoft-teams/download-app>
  - **Microsoft Teams Training Resources:** <https://support.office.com/en-us/article/join-a-teams-meeting-078e9868-f1aa-4414-8bb9-ee88e9236ee4>

2. Each individual that plans to participate should email the Natural Resources Board/Act 250 office before the date of the PHC, and preferably by **4:30 PM on November 12, 2020**, indicating that you plan to participate. You will then receive a Microsoft Teams calendar invitation with both a direct link for participating in the conference via video, or you may use the call-in information provided below.
3. If any person plans to introduce any new exhibits into the record or reference any documents during the PHC, please submit any such items to the District Coordinator/Act 250 office **and** the Certificate of Service no later than **4:30 PM on November 12, 2020**, so that all parties may have the opportunity to review prior to the PHC.
4. If you are unable to participate using the Microsoft Teams video platform or are unable to notify the District Coordinator/Act 250 office ahead of time that you intend to participate, you may still call in to the conference with the following information:
  - **Join by Phone - Dial:** +1 802-828-7667
  - **Enter Conference ID:** 478 228 165#
5. If you experience any technical difficulties or need assistance troubleshooting with Microsoft Teams, the District Coordinator/Act 250 office will be available by phone or email beginning at **8:45 AM on November 18, 2020** to assist you: [Sabrina.urich@vermont.gov](mailto:Sabrina.urich@vermont.gov) / 802-786-5920 or [kim.lutchko@vermont.gov](mailto:kim.lutchko@vermont.gov) / 802-786-5099.

**PHC Agenda:**

- **8:45:** Participants dial-in to the conference by phone or sign-in via Microsoft Teams 'Join Meeting' link for video option.
- **9:00:** Conference called to order by Convening Officer Rick Kobik.
- Introductions and confirmation of all persons in attendance.
- Brief overview of application by Applicant.
- Preliminary Party Status & Friends of the Commission.
- Summary and clarification of issues in controversy by Convening Officer.
- Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
- Discuss schedule and process for future proceedings (site visit and hearing).
- Conference adjourns.

Dated at Rutland, Vermont this 27<sup>th</sup> day of October 2020.

By:   
Kim Lutchko, District Coordinator  
440 Asa Bloomer State Office Building  
88 Merchants Row, 4<sup>th</sup> Floor  
Rutland, VT 05701-5903  
802-786-5099 / [Kim.lutchko@vermont.gov](mailto:Kim.lutchko@vermont.gov)  
[NRB.Act250Rutland@vermont.gov](mailto:NRB.Act250Rutland@vermont.gov)

**E-Notification CERTIFICATE OF SERVICE #8B0623-1**

I hereby certify that I, the undersigned, sent a copy of the foregoing Notice of Application and Prehearing Conference on October 27, 2020, by U.S. Mail, postage prepaid, to the individuals without email addresses, and by electronic mail to the following with email addresses. All email replies should be sent to [NRB.Act250Rutland@vermont.gov](mailto:NRB.Act250Rutland@vermont.gov). **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the NRB District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify the District Office of any email address changes.**

Jeffrey O. Nyweide  
PO Box 1426  
Manchester Center, VT 05255  
[jonyweide@aol.com](mailto:jonyweide@aol.com)

BMA Architects/Kirk Moore, Principal  
PO Box 1114  
Manchester, VT 05254  
[kmoore@bma-architects.com](mailto:kmoore@bma-architects.com)

Ivan Beattie, Selectmen  
Town of Manchester Selectmen  
[beattie.i@manchester-vt.gov](mailto:beattie.i@manchester-vt.gov)  
or c/o Town Clerk  
[a.sheldon@manchester-vt.gov](mailto:a.sheldon@manchester-vt.gov)

Greg Boshart, Planning Commission Chair  
Town of Manchester  
[greg@maplevalleyvt.com](mailto:greg@maplevalleyvt.com)  
or c/o Town Clerk  
[a.sheldon@manchester-vt.gov](mailto:a.sheldon@manchester-vt.gov)

Tom Deck, Planning Commission  
Manchester Village  
[office@villageofmanchester.com](mailto:office@villageofmanchester.com)

Donald Brodie, Development Review Board  
Manchester Village  
[office@villageofmanchester.com](mailto:office@villageofmanchester.com)

Brian Knight, President Board of Trustees  
Manchester Village  
[bkcbi@aol.com](mailto:bkcbi@aol.com)

Bennington County Regional Commission  
Jim Sullivan, Executive Director  
111 South Street, Suite 203  
Bennington, VT 05201  
[jsullivan@bcrcvt.org](mailto:jsullivan@bcrcvt.org)

Agency of Natural Resources  
Office of Planning & Policy  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

District 8 Environmental Commission  
Rick Kobick, Don Miller, and Michael McDonough  
440 Asa Bloomer State Office Bldg.  
88 Merchants Row, 4<sup>th</sup> Floor  
Rutland, VT 05701-5903  
[NRB.Act250Rutland@vermont.gov](mailto:NRB.Act250Rutland@vermont.gov)

**FOR INFORMATION ONLY**

VT Department of Libraries  
Linda Bullard  
[linda.bullard@vermont.gov](mailto:linda.bullard@vermont.gov)

Rutland Herald  
PO Box 668  
Rutland, VT 05702  
[classifieds@rutlandherald.com](mailto:classifieds@rutlandherald.com)  
[rick.root@rutlandherald.com](mailto:rick.root@rutlandherald.com)

Anita Sheldon  
Manchester Town Clerk  
40 Jeff Williams Way  
Manchester Center, VT 05255  
[a.sheldon@manchester-vt.gov](mailto:a.sheldon@manchester-vt.gov)

John OKeefe, Town Manager  
Manchester  
[j.okeefe@manchester-vt.gov](mailto:j.okeefe@manchester-vt.gov)

Janet Hurley, Zoning Administrator  
Town of Manchester  
[j.hurley@manchester-vt.gov](mailto:j.hurley@manchester-vt.gov)

Julia Arvin  
Manchester Village Clerk  
[office@villageofmanchester.com](mailto:office@villageofmanchester.com)

Eric Scott, Zoning Administrator  
Manchester Village  
[zoning@villageofmanchester.com](mailto:zoning@villageofmanchester.com)

Public Utilities Commission  
Barry Murphy  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov)  
[PSD.VTDPS@vermont.gov](mailto:PSD.VTDPS@vermont.gov)

VT Department of Public Safety  
Division of Fire Safety  
56 Howe Street, Building A, Suite 200  
Rutland, VT 05701  
[gerald.garrow@vermont.gov](mailto:gerald.garrow@vermont.gov)  
[chris.tuzzo@vermont.gov](mailto:chris.tuzzo@vermont.gov)

Vermont AOT, Utilities and Permits  
Barre City Place  
219 North Main Street  
Barre, VT 05641  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)  
[Craig.keller@vermont.gov](mailto:Craig.keller@vermont.gov)

Agency of Agriculture, Food & Markets  
Ari Rockland-Miller  
116 State St., Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)  
[Ari.rockland-miller@vermont.gov](mailto:Ari.rockland-miller@vermont.gov)

Division for Historic Preservation  
National Life Building, 6<sup>th</sup> Floor  
Drawer 20, Montpelier, VT 05620-0501  
[Accd.projectreview@vermont.gov](mailto:Accd.projectreview@vermont.gov)

VT Dept. of Forests, Parks & Recreation  
Nate McKeen, District Forestry Manager  
100 Mineral Street, Suite 304  
Springfield, VT 05156-3168  
[nate.mckeen@vermont.gov](mailto:nate.mckeen@vermont.gov)

Dave Swift, Regional Engineer  
Elias Erwin, Assistant Regional Engineer  
VT Dept. of Environmental Conservation  
[dave.swift@vermont.gov](mailto:dave.swift@vermont.gov)  
[elias.erwin@vermont.gov](mailto:elias.erwin@vermont.gov)

Chris Tomberg, Stormwater Program  
VT Dept. of Environmental Conservation  
[chris.tomberg@vermont.gov](mailto:chris.tomberg@vermont.gov)

Rebecca Chalmers, Wetland Ecologist  
VT Dept. of Environmental Conservation  
[rebecca.chalmers@vermont.gov](mailto:rebecca.chalmers@vermont.gov)

Shannon Pytlik, River Scientist  
VT Dept. of Environmental Conservation  
[Shannon.pytlik@vermont.gov](mailto:Shannon.pytlik@vermont.gov)

Josh Carvajal, River Management  
VT Dept. of Environmental Conservation  
[joshua.carvajal@vermont.gov](mailto:joshua.carvajal@vermont.gov)

John Broker-Campbell, Floodplain Manager  
VT Dept. of Environmental Conservation  
[John.broker-campbell@vermont.gov](mailto:John.broker-campbell@vermont.gov)

Laura Dlugolecki, Lakes and Ponds  
VT Dept. of Environmental Conservation  
[laura.dlugolecki@vermont.gov](mailto:laura.dlugolecki@vermont.gov)

Angie Allen, Watershed Coordinator  
VT Dept. of Environmental Conservation  
[Angie.allen@vermont.gov](mailto:Angie.allen@vermont.gov)

Joel Flewelling, F&W Specialist  
VT Fish & Wildlife Department  
[Joel.flewelling@vermont.gov](mailto:Joel.flewelling@vermont.gov)

Shawn Good, Fisheries Biologist  
VT Fish & Wildlife Department  
[shawn.good@vermont.gov](mailto:shawn.good@vermont.gov)

James "Buzz" Surwilo, Solid Waste  
VT Dept. of Environmental Conservation  
[James.surwilo@vermont.gov](mailto:James.surwilo@vermont.gov)

Nathan Kie, UIC Program  
VT Dept. of Environmental Conservation  
[Nathan.kie@vermont.gov](mailto:Nathan.kie@vermont.gov)

**ADJOINING LANDOWNERS**

Mary Herba  
400 E. Franklin Street  
Fayetteville, NY 13066

John Benson  
81 Benson Road  
Manchester Center, VT 05255

Jon & Carolyne Lundberg  
1016 East Manchester Road  
Manchester Center, VT 05255

National Forest Service-U.S.A.  
231 Main Street  
Rutland, VT 05701

By:   
Sabrina Urich  
NRB Technician  
[sabrina.urich@vermont.gov](mailto:sabrina.urich@vermont.gov)