



PRE-HEARING CONFERENCE REPORT & ORDER

State of Vermont
Natural Resources Board
District 2 Environmental Commission
100 Mineral St., Ste. 305
Springfield, VT 05156
<https://nrb.vermont.gov/>

CASE NO: 2W1334

Sportsmen, Inc.
2081 Creamery Road
Guilford, VT 05301

LAW/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 – 6111 (Act 250)

I. Introduction

On March 4, 2021, a complete application, 2W1334, was filed by Sportsmen, Inc. for a project described as the previous construction of improvements, including a clubhouse expansion and berm addition on Creamery Road in Guilford.

The Commission convened a prehearing conference for Application 2W1334 on April 15, 2021, for the purpose of identifying contested facts and legal issues, discussing party status, and determining a hearing schedule. Pursuant to Executive Order 01-20 and associated Addenda and Directives issued by Governor Scott based upon the coronavirus (COVID-19) emergency, this prehearing conference was conducted remotely via Microsoft Teams video conferencing software. The prehearing conference was conducted pursuant to Act 250 Rule 16, with Chair, Tom Fitzgerald presiding.

II. Party Status

1. The following persons are entitled to party status pursuant to 10 V.S.A. §6085(c)(1) and participated in the pre-hearing conference:
 - A. The Applicants
 - B. The Vermont Agency of Natural Resources
 - C. The Windham Regional Commission
2. The following person was present at the prehearing conference and requested party status. Herein, the Commission makes the following preliminary determinations concerning party status:

D. Kathleen Cooke (“Kathy”) represented by Stephen Reynes, Esq.: Granted preliminary party status under Criterion 8 (noise).

Pursuant to 10 V.S.A. §6085(c)(6), the Commission will re-examine its party status decision prior to the close of the hearing and will state its final party status decision either in the decision issued on the case or in a separate memorandum.

III. Order

1. The Applicant and parties have agreed to a process that will allow for a hearing to be held via Microsoft Teams video conferencing software. The Commission outlined this process in detail at the prehearing conference, without objection from any party. The video conferenced merits hearing is scheduled for **May 27, 2021 at 9am**. The Commission intends to narrow the scope of the hearing to Criteria 1(B), 1(E), 2 & 3, 8 (aesthetics, noise, and historic resources) unless that scope is expanded by the Commission at the hearing.
2. The Commission is not requiring the supplemental information requested by Attorney Reynes in his April 9, 2021 filing (Exhibit 055) to be submitted before the hearing. However, the Commission may ask questions related to the filing and may require the information after the hearing.

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

- a. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, and affected state agencies are entitled to party status.
- b. Kathy Cooke and Steve Reynes, Esq.

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>

To receive a Microsoft Teams invitation to the merits hearing videoconference via email, please email the District Coordinator (stephanie.gile@vermont.gov) by no later than May 25, at 4:30 PM. If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667
- **Enter Conference ID:** 98659650#

3. **A site visit will be held two weeks before the hearing on May 13, 2021 at 9am at the project site, which Sportsmen, Inc. shooting club at 2081 Creamery Road in Guilford.**

The Applicant shall be prepared to demonstrate typical operations that produce the maximum noise levels as applied for in the application at the site visit.

All site visit participants shall be required to observe the following [protocol](#) prior to, and during the site visit:

- A. Prior to the site visit, all potential attendees must confirm in writing, which may be via email (stephanie.gile@vermont.gov), that they will abide by this protocol.
 - B. If any portion of the site visit will be conducted inside, building capacity shall be restricted to 50 percent fire safety occupancy or 1 person per 100 square feet, whichever ensures 6 feet social distancing.
 - C. No one may attend the site visit who has displayed [any of the symptoms of COVID-19 recognized by the Vermont Department of Health](#). No earlier than 24 hours prior to the site visit, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no-contact thermometer.
 - D. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.
 - E. No one may attend the site visit if they must travel from any location outside Vermont unless they have tested negative for COVID-19 within 3 days of traveling or returning to Vermont. This requirement does not apply to individuals who have been fully vaccinated against COVID-19 and it has been 14 days since they received their final vaccine dose.
 - F. Everyone attending the site visit must observe strict social distancing of six feet.
 - G. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.
 - H. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.
 - I. No more than three people shall occupy any single vehicle traveling to or from the site visit.
 - J. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.
4. The Applicant requested a preliminary indication of whether the Commission would require the Applicant to meet noise levels that are 55 dBA Lmax at residences and outdoor areas of frequent human use and 70 dBA Lmax at property lines. The Commission

recognizes that these sound levels may not be able to be met and encourages the Applicant to submit a proposal to reach the lowest noise levels feasible.


5. If the applicants or parties intend to present supplemental documentary evidence at the hearing, the applicants and parties shall provide those documents to the Commission by no later than **May 24 at 4:30 PM**. Those documents shall then be uploaded to the Act 250 database, so that all parties may review them in advance of the hearing, and refer to them online during the hearing, as necessary.

For each submission, the Commission requests that the above documentation be provided to all parties listed on the attached certificate of service and that one (1) digital version of the documentation be submitted to the District Commission Office. The Commission requests that the Commission's digital version be supplied as an email to the District inbox (NRB.Act250Springfield@vermont.gov) or, if larger than 3 MB in size, uploaded to the NRB ftp site (<http://nrb.vermont.gov/documents/application-guide-act-250>). Any upload to the NRB ftp site should be followed up with an email to the District inbox and to the District Coordinator informing that the files have been uploaded.

This Prehearing Conference Report and Order is issued pursuant to Rule 16(C) and is binding on all parties unless a written objection is filed by **May 19, 2021 at 4:30 PM**.

Questions regarding this Prehearing Conference Report and Order can be directed to Stephanie Gile, District Coordinator, at (802) 289-0597 or stephanie.gile@vermont.gov.

Dated this 30th day of April, 2021.

By 
Thomas J. Fitzgerald, Chair
District 2 Commission

Other Commissioners participating in this decision: Abbie Corse and Julia H. Schmitz

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A). Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

E-Notification CERTIFICATE OF SERVICE # 2W1334

We hereby certify that we, the undersigned, sent a copy of the foregoing Prehearing Conference Report & Order on Friday, April 30, 2021 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.Act250Springfield@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.**

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FOR INFORMATION ONLY

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